ACTS

OF THE

First Annual Session

OF THE

Two Hundred and Twentieth Legislature

OF THE

STATE OF NEW JERSEY

2022

New Jersey State Library

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

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Two Hundred and Twentieth Legislature

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[1]Resigned 11/30/22
[2]Sworn in 12/19/22
[3]Resigned 8/31/22
[4]Sworn in 9/29/22

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KEVIN J ROONEY

[1]Deceased, 7/23/22
[2]Sworn in 9/15/22

LAWS

ACTS
ENACTED BY THE

First Annual Session
OF THE

Two Hundred and Twentieth Legislature

CHAPTER 1

AN ACT concerning the budget message to be transmitted by the Governor to the Legislature for the fiscal year ending June 30, 2023

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

1 Notwithstanding the provisions of any other law to the contrary, the Governor shall transmit the budget message for the fiscal year ending June 30, 2023 to the Legislature on or before March 8, 2022

2 This act shall take effect immediately

Approved February 15, 2022

CHAPTER 2

AN ACT concerning special education due process hearings and supplementing chapter 46 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 46-1 3 Due process hearing request, filing deadline

1 a Notwithstanding the provisions of the "Individuals with Disabilities Education Act," 20 U S C s 1400 et seq , chapter 46 of Title 18A of the New Jersey Statutes, regulations promulgated thereto, and any other law, rule, or regulation to the contrary, a request for a due process hearing made by a parent, guardian, or local educational agency regarding the identification, evaluation, educational placement, or the provision of a free and appropriate public education of a child with a disability during a COVID-19 school closure

or a period of virtual, remote, hybrid, or in-person instruction accruing between March 18, 2020 and September 1, 2021 may be filed at any time prior to September 1, 2023

b A local educational agency shall, not later than December 31, 2022, or earlier if requested by a parent or guardian, hold an Individualized Education Program (IEP) team meeting to discuss the need for compensatory education and services for every student with a disability who had an IEP at any time between March 18, 2020 and September 1, 2021 Notification of the IEP meeting shall indicate that a purpose of the meeting is to discuss the need for compensatory education and services for the period from March 18, 2020 to September 1, 2021 Following the meeting, written notice shall be provided to a parent or guardian in accordance with N J A C 6A 14-1 1 et seq and shall indicate all determinations made by the IEP team with respect to the need for and, if applicable, the provision of, compensatory education and services All compensatory education and services deemed appropriate by the IEP team, including their frequency, duration, location, and agreed upon time period for delivery, shall be documented in an IEP in accordance with the provisions of N J A C 6A 14-1 1 et seq and provided as indicated therein A parent or guardian may file for a due process hearing at any time, up to and including September 1, 2023, to challenge the determinations of the IEP team if the parent or guardian disagrees with the determinations

c If a local educational agency has held an IEP team meeting prior to the effective date of this act and discussed the need for compensatory education and services for a student with a disability who had an IEP at any time between March 18, 2020 and September 1, 2021, and documented the IEP team's determinations pursuant to subsection b of this section, the local educational agency shall not be required to hold an additional IEP meeting for purposes of this section unless agreed to by a parent or guardian and the local educational agency A parent or guardian may file for a due process hearing at any time, up to and including September 1, 2023, to challenge the determinations of the IEP team

d If a parent or guardian filed for mediation or a due process hearing with respect to the need for compensatory education and services for a student with a disability who had an IEP at any time between March 18, 2020 and September 1, 2021, and the matter was resolved as a result of the mediation or a settlement agreement executed by the parties or a judicial or administrative order, then the parent or guardian shall be barred from filing the same claims for the same time period addressed in the prior filing

e The provisions of this section shall not apply to any student subject to the provisions of P L 2021, c 109 (C 18A 46-6 3), and all claims for compensatory or additional services for the time period from March 18, 2020 through September 1, 2021 for students subject to the provisions of P L 2021, c 109 (C 18A 46-6 3) shall be addressed pursuant to the provisions of P L 2021, c 109 (C 18A 46-6 3)

2 This act shall take effect immediately and shall be retroactive to March 18, 2020

Approved March 3, 2022

CHAPTER 3

AN ACT prohibiting government dealings with businesses associated with Belarus or Russia, supplementing Title 52 of the New Jersey Statutes

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

C 52 32-60 1 List identifying entities that engage in prohibited activities in Russia, Belarus developed, maintained

1 a A person that is identified on a list created pursuant to subsection b of this section as a person that has been determined to engage in prohibited activities in Russia or Belarus shall be ineligible to and shall not

(1) enter into or renew a contract with a State agency for the provision of goods or services or the purchase of bonds or other obligations,

(2) file or renew a Public Works Contractor Registration with the Department of Labor and Workforce Development,

(3) be approved for or continue to receive an economic development subsidy from the Economic Development Authority in but not of the Department of the Treasury, be awarded a municipal property tax abatement, or make or enter into a payment in lieu of property tax agreement,

(4) apply for or receive a tax clearance certificate from the Director of the Division of Taxation in the Department of the Treasury,

(5) be certified by the Department of Community Affairs as an urban renewal entity for purposes of the "Long Term Tax Exemption Law," P L 1991, c 431 (C 40A 20-1 et seq), and

(6) be designated as a redeveloper by a public agency for the purpose of planning, replanning, construction, or undertaking of any project or redevelopment work in accordance with the "Local Redevelopment and Housing Law," P L 1992, c 79 (C 40A 12A-1 et seq)

b Immediately upon the effective date of this section, the Department of the Treasury shall, using credible information available to the public, begin developing a list of persons it determines engage in prohibited activities in Russia or Belarus The department is authorized to consult an independent research firm that specializes in global security risk for portfolio determinations, as selected by the State Treasurer, to develop the list The department shall update the list on a rolling basis Beginning after the 91st day next following the date of enactment of this section, the department shall be required to update the list at least every six months Before including a person or entity on the initial list or an updated list, the department shall

(1) provide notice of its intent to include the person on the list The notice shall inform the person that inclusion on the list would make the person ineligible to engage in any of the enumerated activities specified by subsection a of this section, and

(2) provide a person with an opportunity to comment in writing that the person is not engaged in prohibited activities in Russia or Belarus If the person demonstrates to the department that the person is not engaged in prohibited activities in Russia or Belarus, the person or entity shall not be included on the list

c A State agency or local unit, as applicable, shall require a person seeking to engage in any of the enumerated activities specified by subsection a of this section to certify, before the contract is awarded, renewed, amended, or extended, or before applying for certification as an urban renewal entity or designation as a redeveloper that the person is not identified on a list created pursuant to this section as a person engaging in prohibited activities in Russia or Belarus The certification required shall be executed on behalf of the applicable person by an authorized officer or representative of the person If a person is unable to make the certification required because the person or one of the person's parents, subsidiaries, or affiliates has engaged in prohibited activity in Russia or Belarus, the person shall provide to the State agency or local unit of government concerned, prior to the deadline for delivery of such certification, a detailed and precise description of such activities, such description to be provided under penalty of perjury The certifications provided under this section and disclosures provided under this section shall be disclosed to the public

d (1) If the department determines, using credible information available to the public and after providing notice and an opportunity to comment in writing for the person to demonstrate that it is not engaged in prohibited activities in Russia or Belarus, that the person or entity has submitted a false certification pursuant to this section, and the person fails to demonstrate to the department that the person has ceased its engagement in the prohibited activities in Russia or Belarus within 90 days after the determination of a false certification, the following shall apply

(a) pursuant to an action under paragraph (2) of this subsection, a civil penalty in an amount that is equal to the greater of $1,000,000 or twice the amount of the bid or application listed in subsection a of this section for which the false certification was made

(b) termination of an existing contract, registration, economic development subsidy, tax abatement, payment in lieu of property tax agreement, certification, or designation as deemed appropriate by the issuing agency or the application process for any of the foregoing

(c) ineligibility to engage in any of the enumerated activities specified by subsection a of this section for a period of three years from the date of the determination that the person submitted the false certification, provided that the person has ceased its engagement in the prohibited activities in Russia or Belarus

(2) The department shall report to the Attorney General the name of the person that the State agency determines has submitted a false certification under this section, together with its information as to the false certification, and the Attorney General shall determine whether to bring a civil action against the person to collect the penalty described in this subsection Only one civil action against the person to collect the penalty described in this subsection may be brought for a false certification on a bid or application listed in subsection a of this section A civil action to collect such penalty shall commence within three years from the date the certification is made

e For purposes of this section

"Economic development subsidy" means the provision of an amount of funds to a recipient with a value of greater than $25,000 for the purpose of stimulating economic development in New Jersey, including, but not limited to, any investment, bond, grant, loan, loan guarantee, matching fund, tax credit, or other tax expenditure

"Engaged in prohibited activities in Russia or Belarus" means (1) companies in which the Government of Russia or Belarus has any direct equity share, (2) having any business operations commencing after the effective

date of this act that involve contracts with or the provision of goods or services to the Government of Russia or Belarus, (3) being headquartered in Russia or having its principal place of business in Russia or Belarus, or (4) supporting, assisting or facilitating the Government of Russia or Belarus in their campaigns to invade the sovereign country of Ukraine, either through in-kind support or for profit

"Person or entity" means any of the following

(1) A natural person, corporation, company, limited partnership, limited liability partnership, limited liability company, business association, sole proprietorship, joint venture, partnership, society, trust, or any other nongovernmental entity, organization, or group,

(2) Any governmental entity or instrumentality of a government, including a multilateral development institution, as defined in Section 1701(c)(3) of the International Financial Institutions Act, 22 U S C 262r(c)(3), or

(3) Any parent, successor, subunit, direct or indirect subsidiary, or any entity under common ownership or control with, any entity described in paragraph (1) or (2)

"Russia" and "Belarus" mean, respectively, the governments of Russia and Belarus, and include the territories of those nations and any other territory or marine area that are recognized by the United States as part of either country

"State agency" means any of the principal departments in the Executive Branch of the 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 that is authorized by law to award public contracts "State agency" shall also include a public research university that is not a State college subject to the provisions of the "State College Contracts Law," P L 1986, c 43 (C 18A 64-52 et seq)

C 40A 11-2 2 Local contracting unit, compliance, report of false certification

2 a A local contracting unit as defined in and subject to the provisions of the "Local Public Contracts Law," P L 1971, c 198 (C 40A 11-1 et seq), shall implement and comply with the provisions of P L 2022, c 3 (C 52 32-60 1 et al), except that the contracting unit shall rely on the list developed by the Department of the Treasury pursuant to subsection b of section 1 of P L 2022, c 3 (C 52 32-60 1)

b If the local contracting unit determines that a person has submitted a false certification concerning its engagement in prohibited activities in Russia or Belarus pursuant to section 1 of P L 2022, c 3 (C 52 32-60 1), the local contracting unit shall report to the New Jersey Attorney General the name of that person or entity, and the Attorney General shall determine whether to bring a civil action against the person to collect the penalty prescribed in subsection c of section 1 of P L 2022, c 3 (C 52 32-60 1)

c The local contracting unit may also report to the municipal attorney or county counsel, as appropriate, the name of that person, together with its information as to the false certification, and the municipal attorney or county counsel, as appropriate, may determine to bring such civil action against the person to collect such penalty

C 18A 18A-49 5 Board of education, compliance, report of false certification

3 a A board of education as defined in and subject to the provisions of the "Public School Contracts Law," P L 1977, c 114 (N J S 18A 18A-1 et seq), shall implement and comply with the provisions of P L 2022, c 3 (C 52 32-60 1 et al), except that the board shall rely on the list developed by the Department of the Treasury pursuant to subsection b of section 1 of P L 2022, c 3 (C 52 32-60 1)

b If the board determines that a person or entity has submitted a false certification concerning its engagement in prohibited activities in Russia or Belarus pursuant to section 1 of P L 2022, c 3 (C 52 32-60 1), the board shall report to the New Jersey Attorney General the name of that person, and the Attorney General shall determine whether to bring a civil action against the person to collect the penalty prescribed in subsection c of section 1 of P L 2022, c 3 (C 52 32-60 1)

c The board may also report to the board's attorney the name of that person, together with its information as to the false certification, and the board's attorney may determine to bring such civil action against the person to collect such penalty

C 18A 64-85 1 State college, compliance, report of false certification

4 a A State college as defined in and subject to the provisions of the "State College Contracts Law," P L 1986, c 43 (C 18A 64-52 et seq), shall implement and comply with the provisions of P L 2022, c 3 (C 52 32-60 1 et al), except that the State college shall rely on the list developed by the Department of the Treasury pursuant to subsection b of section 1 of P L 2022, c 3 (C 52 32-60 1)

b If the State college determines that a person has submitted a false certification concerning its engagement in prohibited activities in Russia or Belarus pursuant to section 1 of P L 2022, c 3 (C 52 32-60 1), the State college shall report to the New Jersey Attorney General the name of that person, and the Attorney General shall determine whether to bring a civil action against the person to collect the penalty prescribed in subsection c of section 1 of P L 2022, c 3 (C 52 32-60 1)

c The State college may also report to the State college attorney the name of that person, together with its information as to the false certification, and the State college attorney may determine to bring such civil action against the person to collect such penalty

C 18A 64A-25 44 County college compliance, report of false certification

5 a A county college as defined in and subject to the provisions of the "County College Contracts Law," P L 1982, c 189 (C 18A 64A-25 1 et seq), shall implement and comply with the provisions of P L 2022, c 3 (C 52 32-60 1 et al), except that the county college shall rely on the list developed by the Department of the Treasury pursuant to subsection b of section 1 of P L 2022, c 3 (C 52 32-60 1)

b If the county college determines that a person has submitted a false certification concerning its engagement in prohibited activities in Russia or Belarus pursuant to section 1 of P L 2022, c 3 (C 52 32-60 1), the county college shall report to the New Jersey Attorney General the name of that person, and the Attorney General shall determine whether to bring a civil action against the person or entity to collect the penalty prescribed in subsection c of section 1 of P L 2022, c 3 (C 52 32-60 1)

c The county college may also report to the county college attorney the name of that person, together with its information as to the false certification, and the county college attorney may determine to bring such civil action against the person to collect such penalty

C 52 18A-89 16 Assets of pension, any annuity fund under the Division of Investment, Department of Treasury, prohibited from investment in listed entity with certain ties to Russia, Belarus

6 a Notwithstanding any provision of law to the contrary, except section 11 of P L 1950 c 270 (C 52 18A-89), as amended, no assets of any pension or annuity fund under the jurisdiction of the Division of Investment in the Department of the Treasury, or its successor, shall be invested directly in a company included in the Department of the Treasury's list created pursuant to subsection b of section 1 of P L 2022, c 3 (C 52 32-60 1) for engaging in prohibited activities in Russia or Belarus

b The State Investment Council and the Director of the Division of Investment shall take appropriate action to sell, redeem, divest, or withdraw any investment held in violation of subsection a of this section Any appropriate action to sell, redeem, divest, or withdraw any investment shall be completed not later than one year following the date that such investment is identified as being in violation of subsection a of this section, provided that if such sale, redemption, divestment, or withdrawal within such one-year period would be premature or otherwise imprudent and inconsistent with the requirements of section 11 of P L 1950 c 270 (C 52 18A-89), as amended, such sale, redemption, divestment, or withdrawal shall be completed as soon thereafter as such requirements are met

c Within 90 days after the effective date of P L 2022, c 3 (C 52 32-60 1 et al), the Director of the Division of Investment shall file with the Legislature, pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1), a report of all investments held as of the effective date that are in violation of subsection a of this section

d State Investment Council members, jointly and individually, and State officers and employees involved therewith, shall be indemnified and held harmless by the State of New Jersey from all claims, demands, suits, actions, damages, judgments, costs, charges, and expenses, including court costs and attorney's fees, and against all liability, losses, and damages of any nature whatsoever that these State Investment Council members, and State officers and employees, shall or may at any time sustain by reason of any decision to restrict, reduce, or eliminate investments pursuant to this act

C 52 32-60 2 Prohibiting certain State entities from engaging in certain economic activities with Russia, Belarus

7 A State agency, local contracting unit, board of education, State college, or county college shall not bank with, have or hold stock, debt, or other equity investments of, or maintain insurance coverage through a policy issued by a financial institution that is included in the Department of the Treasury's list created pursuant to subsection b of section 1 of P L 2022, c 3 (C 52 32-60 1) for engaging in prohibited activities in Russia or Belarus

C 52 32-60 3 Rules, regulations

8 Notwithstanding the provisions of the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), to the contrary, the State Treasurer may adopt immediately upon filing with the Office of Administrative Law such rules and regulations as the State Treasurer determines to be necessary to effectuate the purposes of P L 2022, c 3 (C 52 32-60 1 et al), which rules and regulation shall be effective for a period not exceeding 360 days

following the effective date of P L 2022, c 3 (C 52 32-60 1 et al) and may thereafter be amended, adopted, or readopted by the State Treasurer in accordance with the requirements of P L 1968, c 410 (C 52 14B-1 et seq)

C 52 32-60 4 Severability

9 The provisions of sections 1 through 8 of P L 2022, c 3 (C 52 32-60 1, C 40A 11-2 2, C 18A 18A-49 5, C 18A 64-85 1, C 18A 64A-25 44, C 52 18A-89 16, C 52 32-60 2, and C 52 32-60 3) shall not apply in circumstances when their application would violate federal law or regulation or be inconsistent with the terms and conditions of federal funding

10 This act shall take effect immediately and shall expire upon the revocation of federal sanctions contained in Executive Order 14024

Approved March 9, 2022

CHAPTER 4

AN ACT concerning extended utility service protections for certain customers and amending P L 2021, c 317 (C 40A 5A-28 et al)

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

1 Section 1 of P L 2021, c 317 is amended to read as follows

1 As used in sections 1 and 2 of P L 2021, c 317

"Local authority" means an authority, as defined in section 3 of P L 1983, c 313 (C 40A 5A-3), or a water district established pursuant to R S 40 62-96 et seq , that provides electric, sewer, or water service

"Municipal utility" means a municipal public utility, as defined in N J S 40A 1-1, or a joint meeting or regional service agency as defined in section 3 of P L 2007, c 63 (C 40A 65-3), that provides electric, sewer, or water service

"Public utility" means a public utility, as defined pursuant to R S 48 2-13, that provides electric, gas, sewer, or water service

"Residential customer" means a residential customer of record of a local authority, municipal utility, or a public utility or any residential tenant of a residence where the owner or any agent or other representative of the owner

of the residence is a non-residential customer of record of a local authority, municipal utility, or public utility

"Submitted an application" means a residential customer has created an application via the online portal or telephone hotline operated by the Department of Community Affairs, or has submitted a paper application to the Department of Community Affairs or through a home energy assistance grantee agency A residential customer who has submitted an application shall include those residential customers who have yet to provide, mail, or upload documents that are required in order for the application for the utility assistance program to be deemed complete

"Utility emergency" means any condition constituting a potential danger to life, health, or property that requires a local authority, municipal utility, or public utility to discontinue or interrupt the provision of electric, gas, sewer, or water service

2 Section 2 of P L 2021, c 317 is amended to read as follows

2 a The provisions of Executive Order No 246 of 2021 concerning a grace period for residential customers of certain utilities, including paragraphs two through four, nine through 14, 16 through 18, and 21, shall remain in effect for any local authority, municipal utility, and public utility that provides, sewer, or water service, and any municipal utility or rural electric cooperative that provides electric service, through March 15, 2022 Any residential customer sewer, or water service discontinuance, and any discontinuance of electric service to a residential customer of a municipal utility or rural electric cooperative occurring between the end of the grace period established pursuant to Executive Order No 246 of 2021 and the effective date of P L 2021, c 317 (C 40A 5A-28 et al) shall be nullified and service shall be restored immediately Notwithstanding any other provisions of law, a local authority or municipal utility shall not place, sell, or enforce a lien on real property for the unpaid balance of any electric or water charges, or for the unpaid balance of any sewer charges not sold at tax sale as of January 1, 2022 or otherwise accrued to a lien that was struck off to a municipality or sold prior to January 1, 2022, until after the expiration of the extended grace period pursuant to this section The extended grace period provided for in this section shall expire on March 15, 2022

b Notwithstanding any other provisions of law, prior to discontinuing service to a residential customer, or placing, selling, or enforcing a lien on real property owned by a residential customer for the unpaid balance of any water charges accrued between the declaration of a public health emergency

in Executive Order No 103 of 2020 and March 15, 2022, a local authority, municipal utility, or public utility shall offer the residential customer a utility service bill payment plan for the unpaid balance of any water charges accrued prior to March 15, 2022 The utility service bill payment plan shall have a minimum 12-month duration unless the residential customer requests a shorter payback period, and shall not require payment of a down payment, deposit, reconnection costs, interest, or penalties The local authority, municipal utility, or public utility may offer residential customers a combined payment and payment forgiveness plan with a duration of less than 12 months that involves forgiveness of at least 50 percent of the outstanding principal upon the consent of the residential customer Except as otherwise provided in subsection k of this section, if a residential customer does not agree to a utility service bill payment plan pursuant to this subsection within 30 days of being offered the plan by the local authority, municipal utility, or public utility, the local authority, municipal utility, or public utility may take appropriate enforcement action after March 15, 2022, including discontinuing service or placing, selling, or enforcing a lien, to the extent otherwise permitted by law

c Notwithstanding any other provisions of law, prior to discontinuing service to a residential customer, or placing, selling, or enforcing a lien on real property owned by a residential customer, for the unpaid balance of any electric charges accrued between the declaration of a public health emergency in Executive Order No 103 of 2020 and March 15, 2022, a municipal electric utility or rural electric cooperative shall offer the residential customer a utility service bill payment plan for the unpaid balance of any electric charges accrued prior to March 15, 2022 The utility service bill payment plan shall have a minimum 12-month duration unless the residential customer requests a shorter payback period, and shall not require payment of a down payment, deposit, reconnection costs, interest, or penalties The municipal electric utility or rural electric cooperative may offer residential customers a combined payment and payment forgiveness plan with a duration of less than 12 months that involves forgiveness of at least 50 percent of the outstanding principal upon the consent of the residential customer Except as otherwise provided in subsection k of this section, if a residential customer does not agree to a utility service bill payment plan pursuant to this subsection within 30 days of being offered the plan by the municipal electric utility or rural electric cooperative, the municipal electric utility or rural electric cooperative may take appropriate enforcement action after March 15, 2022, including discontinuing service or placing, selling, or enforcing a lien, to the extent otherwise permitted by law

d Notwithstanding any other provisions of law, prior to discontinuing service to a residential customer for the unpaid balance of any electric or gas charges accrued between the declaration of a public health emergency in Executive Order No 103 of 2020 and the expiration date of Executive Order No 246 of 2021, or in the case of a customer participating in the Winter Termination Program set forth in N J A C 14 3-3A 5, any electric or gas charges accrued between the declaration of a public health emergency in Executive Order No 103 of 2020 and March 15, 2022, a public utility shall offer the residential customer a utility service bill payment plan for the unpaid balance of any electric or gas charges accrued prior to the expiration date of Executive Order No 246 of 2021 or, in the case of a customer participating in the Winter Termination Program set forth in N J A C 14 3-3A 5, any electric or gas charges accrued prior to March 15, 2022 The utility service bill payment plan shall have a minimum 12-month duration unless the residential customer requests a shorter payback period, and shall not require payment of a down payment, deposit, reconnection costs, interest, or penalties The public utility may offer residential customers a combined payment and payment forgiveness plan with a duration of less than 12 months that involves forgiveness of at least 50 percent of the outstanding principal upon the consent of the residential customer Except as otherwise provided in subsection k of this section, if a residential customer does not agree to a utility service bill payment plan pursuant to this subsection within 30 days of being offered the plan by the public utility, the public utility may take appropriate enforcement action after the expiration of Executive Order 246 of 2021 or for customers participating in the Winter Termination Program set forth in N J A C 14 3-3A 5 after March 15, 2022, including discontinuing service, to the extent otherwise permitted by law

e Notwithstanding any other provisions of law, prior to discontinuing service to a residential customer, or placing, selling, or enforcing a lien on real property owned by a residential customer, for the unpaid balance of any sewer charges accrued between the declaration of a public health emergency in Executive Order No 103 of 2020 and March 15, 2022 that had not been sold at tax sale as of January 1, 2022 or otherwise accrued to a lien that was struck off to a municipality or sold prior to January 1, 2022, a local authority, municipal utility, or public utility shall offer a residential customer a utility service bill payment plan for the unpaid balance of any sewer charges accrued prior to March 15, 2022 The utility service bill payment plan shall have a minimum 12-month duration unless the residential customer requests a shorter payback period, and shall not require a down payment, deposit, reconnection costs, interest, or penalties The local authority, municipal utility,

or public utility may offer residential customers a combined payment and payment forgiveness plan with a duration of less than 12 months that involves forgiveness of at least 50 percent of the outstanding principal upon the consent of the residential customer Except as otherwise provided in subsection k of this section, if a residential sewer customer does not agree to a utility service bill payment plan within 30 days of being offered a plan by the local authority, municipal utility, or public utility, the local authority, municipal utility, or public utility may take appropriate enforcement action after March 15, 2022, to the extent otherwise permitted by law

f Utility service bill payment plans offered by municipal utilities and local authorities pursuant to subsections b , c , and e of this section shall be subject to the provisions of R S 54 5-19 pertaining to installment agreements, except as otherwise provided in this section, and that a residential customer shall be offered a utility service bill payment plan for the payment of water, sewer, or electric charges that became delinquent notwithstanding whether a parcel of property is already subject to an installment payment plan pursuant to law

g No local authority, municipal utility, or public utility shall collect any interest, fee, or charge from residential customers for late or otherwise untimely payments of water charges that accrued between the declaration of a public health emergency in Executive Order No 103 of 2020 and March 15, 2022 A local authority, municipal utility, or public utility may charge and collect fees, interest, and penalties for delinquent water charges that accrued prior to the declaration of a public health emergency in Executive Order No 103 of 2020 and after March 15, 2022, as permitted by law

h No municipal electric utility or rural electric cooperative shall collect any interest, fee, or charge from residential customers for late or otherwise untimely payments of electric charges that accrued between the declaration of a public health emergency in Executive Order No 103 of 2020 and March 15, 2022 A local authority, municipal utility, or public utility may charge and collect fees, interest, and penalties for delinquent electric charges that accrued prior to the declaration of a public health emergency in Executive Order No 103 of 2020 and after March 15, 2022, as permitted by law

i No public utility shall collect any interest, fee, or charge from residential customers for late or otherwise untimely payments of electric or gas charges that accrued between the declaration of a public health emergency in Executive Order No 103 of 2020 and the expiration date of Executive Order No 246 of 2021, or in the case of a customer participating in the Winter Termination Program set forth in N J A C 14 3-3A 5, that accrued between the declaration of a public health emergency in Executive Order No 103 of

2020 and March 15, 2022 A public utility may charge and collect fees, interest, and penalties for delinquent electric or gas charges that accrued prior to the declaration of a public health emergency in Executive Order No 103 of 2020 and after the expiration date of Executive Order No 246 of 2021 or March 15, 2022, as applicable, as permitted by law

j No local authority, municipal utility, or public utility shall collect any interest, fee, or charge for late or otherwise untimely payments of sewer charges that accrued between January 1, 2022 and March 15, 2022, or that accrued between the declaration of a public health emergency in Executive Order No 103 of 2020 and December 31, 2021 and had not been sold at tax sale as of January 1, 2022 or otherwise accrued to a lien that was struck off to a municipality or sold prior to January 1, 2022 A local authority, municipal utility, or public utility may charge and collect fees, interest and penalties for delinquent sewer charges that accrued prior to the declaration of a public health emergency in Executive Order No 103 of 2020 and after March 15, 2022, as permitted by law

k (1) For a residential customer who, prior to June 15, 2022, has submitted an application to a State agency for utility assistance from the "Universal Service Fund," established pursuant to section 12 of P L 1999, c 23 (C 48 3-60), the "Low Income Home Energy Assistance Program," established pursuant to 42 U S C s 8621 et seq , the "Low Income Household Water Assistance Program," established pursuant to the Consolidated Appropriations Act of 2021, Pub L 116-260, or any other utility assistance program administered by the State, but the residential customer has not received an application determination from the appropriate State agency, any local authority, municipal utility, public utility, or rural electric cooperative within the residential customer's service territory shall continue to provide electric, gas, sewer, or water service to the residential customer for 60 days after the customer has submitted an application If the customer completes the application, the local authority, municipal utility, public utility, or rural electric cooperative shall continue to provide electric, gas, sewer, or water service to the residential customer until such time as the application is approved or rejected by the appropriate State agency Any discontinuance occurring to a residential customer described in this paragraph between the end of the extended grace period established pursuant to the effective date of P L 2021, c 317 (C 40A 5A-28 et al) and before the effective date of P L 2021, c 4 shall be nullified and service shall be restored immediately

(2) Notwithstanding any other provisions of law, when a residential customer has, prior to June 15, 2022, submitted an application to a State agency

for utility assistance pursuant to paragraph (1) of this subsection, a local authority or municipal utility shall not place, sell, or enforce a lien on real property owned by a residential customer for the unpaid balance of any electric or water charges, or for the unpaid balance of any sewer charges not sold at tax sale, or otherwise accrued to a lien that was struck off to a municipality, or sold prior to January 1, 2022, until 60 days after the customer has submitted an application, or, if the application is completed, until such time as the application is approved or rejected by the appropriate State agency If a residential customer has appealed a State agency's denial of a utility assistance program application, a municipality or local authority shall delay placing, selling, or enforcing a lien for the unpaid balance of water, sewer, or electric charges pending conclusion of administrative review by the State agency

(3) Upon the termination of the protection from discontinuation of service afforded to a residential customer pursuant paragraph (1) of this subsection, the local authority, municipal utility, public utility, or rural electric cooperative shall offer the residential customer a utility service bill payment plan that conforms to the requirements of subsections b , c , d , or e of this section, as applicable, except that such payment plan shall also include the unpaid balance of any electric, gas, sewer, or water charges accrued between March 15, 2022 and the termination of the protection from discontinuation of service afforded pursuant to paragraph (1) of this subsection If the residential customer does not agree to a utility service bill payment plan within 30 days of being offered a plan pursuant to this paragraph, the local authority, municipal utility, public utility, or rural electric cooperative may take appropriate enforcement action, including discontinuing service or placing, selling, or enforcing a lien, to the extent otherwise permitted by law

(4) Within two weeks of the effective date of P L 2021, c 4, and on a biweekly basis thereafter, the Department of Community Affairs, Department of Human Services, Board of Public Utilities, or any other State agency that administers a utility assistance program, shall provide written notice to each local authority, municipal utility, public utility, and rural electric cooperative that provides electric, gas, sewer, or water service within the residential customer's service territory, which notice shall indicate

(a) the name, address, and utility account number of each residential customer that has submitted an application or completed an application to a utility assistance program pursuant to paragraph (1) of this subsection, and

(b) the protections set forth in paragraphs (1) and (2) of this subsection, which prohibit the discontinuance of any utility service to that residential customer and the placing, selling, or enforcing of a lien on real property

owned by a residential customer until the State agency determines the residential customer's application

(5) Within 90 days of receiving a completed application for utility assistance from a residential customer, the Department of Community Affairs, Department of Human Services, Board of Public Utilities, or any other State agency that administers a utility assistance program shall provide approval or rejection of the application to the residential customer via regular mail and, if applicable, the online portal in which the residential customer applied for the utility assistance program

(a) Upon receipt of a completed application, the Department of Community Affairs shall consider whether the residential customer is eligible for any utility assistance programs administered by the department when making an application determination If the residential customer is eligible for participation in the Payment Assistance for Gas and Electric program, the Department of Community Affairs shall refer the application to the Affordable Housing Alliance, which administers the program, for review and determination

(b) The notice provided to the residential customer pursuant to this paragraph shall include information concerning the availability of the utility bill service payment plans established pursuant to paragraph (3) of this subsection

(6) Within seven business days of approving or rejecting a residential customer's application for a utility assistance program, the State agency that administers the utility assistance program shall provide a notice of determination to each local authority, municipal utility, public utility, and rural electric cooperative that provides electric, gas, sewer, or water service within the residential customer's service territory In addition to any other information that the State agency may deem appropriate, the written notice shall indicate

(a) the name, address, and utility account number of the residential customer who applied for the utility assistance program,

(b) the decision made on the application and the amount of assistance that will be provided to the residential customer, and

(c) the termination of the protections set forth in paragraphs (1) and (2) of this subsection

(7) A local authority, municipal utility, public utility, or rural electric cooperative shall not be deemed to violate the provisions of this subsection if

(a) the State agency failed to provide notice to the local authority, municipal utility, public utility, or rural electric cooperative pursuant to para-

graph (4) of this subsection and the customer has not notified the local authority, municipal utility, public utility, or rural electric cooperative of the submitted application, or

(b) the local authority, municipal utility, public utility, or rural electric cooperative determines, in good faith, that a utility emergency requires the discontinuance or interruption of electric, gas, sewer, or water service

(8) Residential customers of a municipal utility or local authority providing water or electric service shall have the interest on unpaid delinquent water or electric charges calculated as follows, with such calculations also to be used when calculating a tax sale lien redemption

(a) unpaid charges delinquent prior to March 9, 2020 shall have interest calculated from either the due date or last date of payment to March 9, 2020, and from March 16, 2022 until the date of payment No interest shall be calculated from March 9, 2020 through March 15, 2022, and

(b) unpaid charges delinquent from March 9, 2020 through March 15, 2022 shall have interest calculated from March 16, 2022 to the date of payment

(9) Residential customers of a municipal utility or local authority providing sewer service shall have the interest on unpaid sewer charges delinquent as of March 15, 2022 calculated from March 16, 2022 to the date of payment

(10) Redemptions of sewer liens that prior to January 1, 2022 were sold, accrued to a lien as a subsequent payment, or struck off to a municipality shall have interest calculated from the date of tax sale or the date of the subsequent payment to December 31, 2021, and from March 16, 2022 to the date of redemption No interest shall be calculated from January 1, 2022 to March 15, 2022

(11) Interest, late fees and penalties may be waived for residential customers of municipal utilities or local authorities providing water, sewer, or electric service to the extent necessary for compliance with utility assistance program requirements

C 48 2-29 56a Utility assistance programs, updating public information

3 a Upon the effective date of P L 2022, c 4(C 48 2-29 56a et al), the Department of Community Affairs, Department of Human Services, Board of Public Utilities, and any other State agency that administers a utility assistance program shall update all public information, including written materials, advertisements, and websites, regarding the availability of the Winter Termination Program set forth in N J A C 14 3-3A 5, utility assistance from the "Universal Service Fund," established pursuant to section 12 of P L 1999,

c 23 (C 48 3-60), the "Low Income Home Energy Assistance Program," established pursuant to 42 U S C s 8621 et seq , the "Low Income Household Water Assistance Program," established pursuant to the Consolidated Appropriations Act of 2021, Pub L 116-260, or any other utility assistance program administered by the State

The public information shall prominently include a statement of the consumer protections residential customers shall receive if the customer has submitted an application for a utility assistance program or completed an application for a utility assistance program

b Each local authority, municipal utility, public utility, or rural electric cooperative shall provide the information in subsection a of this subsection in any communication to a residential customer in connection with an overdue utility bill

4 This act shall take effect immediately and shall be retroactive to March 15, 2022

Approved March 25, 2022

CHAPTER 5

AN ACT concerning compensation for election workers and amending R S 19 45-6 and P L 2001, c 245 and making an appropriation

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

1 R S 19 45-6 is amended to read as follows

Members of district boards, compensation

19 45-6 The compensation of each member of the district boards for all services performed by them under the provisions of this Title shall be as follows

In all counties, for all services rendered including the counting of the votes, and in counties wherein voting machines are used, the tabulation of the votes registered on the voting machines, and the delivery of the returns, registry binders, ballot boxes and keys for the voting machines to the proper election officials, $300 each time the primary election, the general election or any special election is held under this Title, provided, however, that

a (1) The member of the board charged with the duty of obtaining and signing for the signature copy registers shall receive an additional $12 50 per election, such remuneration being limited to only one board member per election, or $6 25 to each of two board members if they share such responsibility for the signature copy registers, and (2) the member of the board charged with the duty of returning the signature copy registers shall receive an additional $12 50 per election, such remuneration being limited to only one board member per election, or $6 25 to each of two board members if they share such responsibility for the signature copy registers,

b In the case of any member of the board who is required under R S 19 50-1 to attend in a given year a training program for district board members, but who fails to attend such a training program in that year, that compensation shall be commensurate with the State minimum wage for each of those elections,

c In counties wherein voting machines are used no compensation shall be paid for any services rendered at any special election held at the same time as any primary or general election Such compensation shall be in lieu of all other fees and payments, and

d Compensation for district board members serving at a school election held at a time other than the time of the general election shall be paid by the board of education of the school district conducting the election at an hourly rate commensurate with the State minimum wage, except that the board of education may compensate such district board members at a prorated hourly rate consistent with the daily rate up to a maximum of $21 43 The provisions of subsections a , b , and c of this section shall also apply to district board members serving at a school election held at a time other than at the time of the general election, except that in the case of subsection b , the compensation shall be at an hourly rate commensurate with the State minimum wage

In addition to the $300 compensation provided pursuant to this section to each member of a district board for each time the primary election, the general election, or any special election is held under this Title, a county may provide, at its discretion, additional compensation to the members of all district boards in such county in an amount determined by the county, and the additional compensation shall be an expense of the county

Compensation due each member shall be paid within 30 days but not within 20 days after each election, provided, however, that no compensation shall be paid to any member of any such district board who may have been removed from office or application for the removal of whom is pending under the provisions of R S 19 6-4

In addition to the provisions of this section, in the case of any member of the board who is required under R S 19 50-1 to attend in a given year a training program for district board members, a county may provide, at its discretion, compensation to such a member who attends the training program in an amount determined by the county, and the compensation shall be an expense of the county

2 Section 6 of P L 2001, c 245 (C 19 45-6 2) is amended to read as follows

C 19 45-6 2 Reimbursement to count from State for certain costs

6 In accordance with the provisions of Art VIII, Sec II, par 5 of the Constitution, upon application for reimbursement by a county governing body to the Secretary of State and approval of the application by the Director of the Division of Budget and Accounting, a county shall be reimbursed by the State for

a compensation to each member of the district board of elections who shall have served at the general election, the primary election, and any nonpartisan municipal, special, or recall election, and who shall have qualified for and been paid $300 for such service in accordance with R S 19 45-6, the sum of $225, and

b any additional costs incurred by the county as a result of the provisions of this act, P L 2001, c 245

3 There is appropriated from the State General Fund to the Department of State the sum of $7,000,000 to be distributed among the counties subject to the requirements of section 6 of P L 2001, c 245 (C 19 45-6 2), as amended by section 2 of this act, P L 2021, c 5 (C 19 45-6 2), as reimbursement for the costs of implementing the provisions of this act

4 This act shall take effect immediately

Approved March 25, 2022

CHAPTER 6

AN ACT concerning certain single-use and reusable carryout bags, amending P L 2020, c 117, and making an appropriation

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

1 Section 3 of P L 2020, c 117 (C 13 1E-99 128) is amended to read as follows

C 13 1E-99 128 Dispensing of single-use plastic carryout bags prohibited

3 a Beginning 18 months after the effective date of P L 2020, c 117 (C 13 1E-99 126 et al)

(1) no store or food service business shall provide or sell a single-use plastic carryout bag to a customer, and

(2) no grocery store shall provide or sell a single-use paper carryout bag to a customer

b A municipality or county shall not adopt any rule, regulation, code, or ordinance concerning the regulation or prohibition of single-use plastic carryout bags or single-use paper carryout bags after the effective date of P L 2020, c 117 (C 13 1E-99 126 et al)

c Beginning 18 months after the effective date of P L 2020, c 117 (C 13 1E-99 126 et al), this section shall supersede and preempt any municipal or county rule, regulation, code, or ordinance concerning the regulation or prohibition of single-use plastic carryout bags or single-use paper carryout bags that was enacted prior to the effective date of P L 2020, c 117 (C 13 1E-99 126 et al)

d Notwithstanding the provisions of subsection a of this section to the contrary, beginning 24 months after the effective date of P L 2020, c 117 (C 13 1E-99 126 et al), no food bank or food pantry shall provide a single-use plastic carryout bag to a customer

As used in this subsection

"Food bank" means the same as the term is defined in section 2 of P L 1982, c 178 (C 24 4A-2)

"Food pantry" means a nonprofit organization or government entity that distributes food to individuals in need of assistance, including, but not limited to, a soup kitchen, homeless shelter, or religious organization

2 Section 8 of P L 2020, c 117 (C 13 1E-99 133) is amended to read as follows

C 13 1E-99 133 Program to assist businesses with compliance

8 No later than six months after the effective date of P L 2020, c 117 (C 13 1E-99 126 et al)

a the Department of State, in consultation with the Department of Environmental Protection, shall establish a program to assist businesses in complying with the provisions of P L 2020, c 117 (C 13 1E-99 126 et al), including, but not limited to, developing and publishing on its Internet website guidance on compliance with the act, and establishing an online clearinghouse of vendors who provide environmentally sound alternatives to single-use plastic carryout bags, single-use paper carryout bags, polystyrene foam food service products, and single-use plastic straws, and

b the organization under contract with the Department of Environmental Protection pursuant to section 6 of P L 2002, c 128 (C 13 1E-218) shall, in cooperation with local governments and the business community, develop and implement a Statewide public information and education program concerning the provisions of P L 2020, c 117 (C 13 1E-99 126 et al) The program shall include, but need not be limited to, educational programs, public service announcements, and the distribution of free reusable carryout bags throughout the State The program established pursuant to this subsection shall include the distribution of 500,000 free reusable carryout bags proportionally distributed to the State's food banks, as defined pursuant to section 2 of P L 1982, c 178 (C 24 4A-2), based on the population served by each food bank

3 There is appropriated from the General Fund to the Department of Environmental Protection the sum of $600,000 to fund the distribution of free reusable carryout bags to food banks pursuant to subsection b of section 8 of P L 2020, c 117 (C 13 1E-99 133)

4 This act shall take effect immediately

Approved March 25, 2022

CHAPTER 7

AN ACT concerning certain deadlines for primary elections and amending various parts of the statutory law and supplementing chapter 23 of Title 19 of the Revised Statutes

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

1 R S 19 13-10 is amended to read as follows

Objection to petition

19 13-10 Every petition of nomination in apparent conformity with the provisions of this Title shall be deemed to be valid, unless objection thereto be duly made in writing and filed with the officer with whom the original petition was filed not later than 4 00 p m of the fourth day after the last day for filing of petitions If such objection is made, notice thereof signed by such officer shall forthwith be mailed to the candidate who may be affected thereby, addressed to the candidate at the candidate's place of residence as given in the petition of nomination

2 R S 19 23-12 is amended to read as follows

Committee on vacancies

19 23-12 The signers to petitions for "Choice for President," delegates and alternates to national conventions, for Governor, United States Senator, member of the House of Representatives, State Senator, member of the General Assembly and any county office may name three persons in their petition as a committee on vacancies

This committee shall have power in case of death or resignation or otherwise of the person indorsed as a candidate in said petition to fill such vacancy by filing with the Secretary of State in the case of officers to be voted for by the voters of the entire State or a portion thereof involving more than one county thereof or any congressional district, and with the county clerk in the case of officers to be voted for by the voters of the entire county or any county election district, a certificate of nomination to fill the vacancy

Such certificate shall set forth the cause of the vacancy, the name of the person nominated and that the person is a member of the same political party as the candidate for whom the person is substituted, the office for which the person is nominated, the name of the person for whom the new nominee is to be substituted, the fact that the committee is authorized to fill vacancies and such further information as is required to be given in any original petition of nomination

The certificate so made shall be executed and sworn to by the members of such committee, and shall upon being filed at least 56 days before election have the same force and effect as the original petition of nomination for the primary election for the general election and there shall be annexed thereto the oath of allegiance prescribed in R S 41 1-1 duly taken and subscribed by the person so nominated before an officer authorized to take oaths in this State The name of the candidate submitted shall be immediately certified to the proper municipal clerks In addition, a person so nominated for the office

of Governor or the office of member of the Senate or General Assembly shall annex to the certificate a statement signed by the candidate that the candidate

a has not been convicted of any offense graded by Title 2C of the New Jersey Statutes as a crime of the first, second, third or fourth degree, or any offense in any other jurisdiction which, if committed in this State, would constitute such a crime, or

b has been so convicted, in which case, the candidate shall disclose on the statement the crime for which convicted, the date and place of the conviction and the penalties imposed for the conviction Such a candidate may, as an alternative, submit with the statement a copy of an official document that provides such information If the candidate has been convicted of more than one criminal offense, such information about each conviction shall be provided Records expunged pursuant to chapter 52 of Title 2C of the New Jersey Statutes shall not be subject to disclosure

3 R S 19 23-14 is amended to read as follows

Certification by municipal clerk

19 23-14 Petitions addressed to the Secretary of State, the county clerks, or the municipal clerks shall be filed with such officers, respectively, before 4 00 p m of the 64th day next preceding the day of the holding of the primary election for the general election

Not later than noon of the 54th day preceding the primary election for the general election, the municipal clerk shall certify to the county clerk the full and correct names and addresses of all candidates for nomination for public and party office and the name of the political party of which such persons are candidates together with their slogan and designation The county clerk shall transmit this information to the Election Law Enforcement Commission in the form and manner prescribed by the commission and shall notify the commission immediately upon the withdrawal of a petition of nomination

4 R S 19 23-20 is amended to read as follows

Amendment of defective petition, time specified

19 23-20 Such candidate shall be permitted to amend the petition either in form or in substance, but not to add signatures, so as to remedy the defect not later than 4 00 p m of the third day after the last day for the filing of petitions

5 R S 19 23-21 is amended to read as follows

Certification by Secretary of State

19 23-21 The Secretary of State shall certify the names of the persons indorsed in the petitions filed in the secretary's office to the clerks of counties concerned thereby not later than noon of the 54th day prior to the holding of the primary election, specifying in such certificate the political parties to which the persons so nominated in the petitions belong In the case of candidates for offices other than federal office; the Secretary of State shall also transmit this information to the Election Law Enforcement Commission in the form and manner prescribed by the commission and shall notify the commission immediately upon the withdrawal of a petition of nomination

6 R S 19 23-22 is amended to read as follows

Certification by county clerk

19 23-22 The county clerk shall certify all of the persons so certified to the clerk by the Secretary of State and in addition the names of all persons indorsed in petitions filed in the clerk's office to the clerk of each municipality concerned thereby in the clerk's respective county not later than the close of business of the 54th day prior to the time fixed by law for the holding of the primary election, specifying in such certificate the political party to which the person or persons so nominated belong The county clerk shall also transmit this information with respect to persons, other than candidates for federal office, indorsed in petitions filed in the clerk's office to the Election Law Enforcement Commission in the form and manner prescribed by the commission and shall notify the commission immediately upon the withdrawal of a petition of nomination filed in the clerk's office

7 R S 19 23-24 is amended to read as follows

Primary election ballots, position

19 23-24 The position which the candidates and bracketed groups of names of candidates for the primary for the general election shall have upon the ballots used for the primary election for the general election, in the case of candidates for nomination for members of the United States Senate, Governor, members of the House of Representatives, members of the State Senate, members of the General Assembly, choice for President, delegates and alternates-at-large to the national conventions of political parties, district delegates and alternates to conventions of political parties, candidates for party positions, and county offices or party positions which are to be voted for by the voters of the entire county or a portion thereof greater than a single municipality, including a congressional district which is wholly within a single

municipality, shall be determined by the county clerks in their respective counties, and, excepting in counties where R S 19 49-2 applies, the position on the ballot used for the primary election for the general election in the case of candidates for nomination for office or party position wherein the candidates for office or party position to be filled are to be voted for by the voters of a municipality only, or a subdivision thereof (excepting in the case of members of the House of Representatives) shall be determined by the municipal clerk in such municipalities, in the following manner The county clerk, or the county clerk's deputy, or the municipal clerk or the municipal clerk's deputy, as the case may be, shall at the clerk's office on the 54th day prior to the primary election for the general election at three o'clock in the afternoon draw from the box, as hereinafter described, each card separately without knowledge on the clerk's part as to which card the clerk is drawing Any legal voter of the county or municipality, as the case may be, shall have the privilege of witnessing such drawing The person making the drawing shall make public announcement at the drawing of each name, the order in which same is drawn, and the office for which the drawing is made When there is to be but one person nominated for the office, the names of the several candidates who have filed petitions for such office shall be written upon cards (one name on a card) of the same size, substance and thickness The cards shall be deposited in a box with an aperture in the cover of sufficient size to admit a man's hand The box shall be well shaken and turned over to thoroughly mix the cards, and the cards shall then be withdrawn one at a time The first name drawn shall have first place, the second name drawn, second place, and so on, the order of the withdrawal of the cards from the box determining the order of arrangement in which the names shall appear upon the primary election ballot Where there is more than one person to be nominated to an office where petitions have designated that certain candidates shall be bracketed, the position of such bracketed names on the ballot (each bracket to be treated as a single name), together with individuals who have filed petitions for nomination for such office, shall be determined as above described Where there is more than one person to be nominated for an office and there are more candidates who have filed petitions than there are persons to be nominated, the order of the printing of such names upon the primary election ballots shall be determined as above described

The county clerk in certifying to the municipal clerk the offices to be filled and the names of candidates to be printed upon the ballots used for the primary election for the general election, shall certify them in the order as drawn in accordance with the above described procedure, and the municipal clerk shall print the names upon the ballots as so certified and in addition

shall print the names of such candidates as have filed petitions with him in the order as determined as a result of the drawing as above described Candidates for the office of the county executive in counties that have adopted the county executive plan of the "Optional County Charter Law," P L 1972, c 154 (C 40 41A-1 et seq), shall precede the candidates for other county offices for which there are candidates on the ballot used for the primary election for the general election

C 19 23-20 1 Deadline for objection to nomination petition

8 Every petition of nomination in apparent conformity with the provisions of this Title shall be deemed to be valid, unless objection thereto be duly made in writing and filed with the officer with whom the original petition was filed not later than 4 00 p m of the fourth day after the last day for filing of petitions If such objection is made, notice thereof signed by such officer shall forthwith be mailed to the candidate who may be affected thereby, addressed to the candidate at the candidate's place of residence as given in the petition of nomination

C 19 23-20 2 Duties, responsibilities of officer with whom original petition was filed

9 The officer with whom the original petition was filed shall in the first instance pass upon the validity of such objection in a summary way unless an order shall be made in the matter by a court of competent jurisdiction and for this purpose such officer shall have power to subpoena witnesses and take testimony or depositions The officer shall file a determination in writing in the officer's office on or before the ninth day after the last day for the filing of petitions, which determination shall be open for public inspection

10 This act shall take effect immediately

Approved March 25, 2022

CHAPTER 8

A SUPPLEMENT to "An Act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 2022 and regulating the disbursement thereof," approved June 29, 2021 (P L 2021, c 133)

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

1 In addition to the amounts appropriated under P L 2021, c 133, the annual appropriations act for the fiscal year ending June 30, 2022, there is appropriated from the General Fund the following amount for the purposes specified

22 DEPARTMENT OF COMMUNITY AFFAIRS
40 Community Development and Environmental Management
41 Community Development Management
GRANTS-IN-AID

02-8020 Housing Services	$25,000,000
Total Grants-in-Aid Appropriation, Community Development Management	$25,000,000
Grants-in-Aid	
Special Purpose	
02 HMFA Capital Improvement Assistance Program	($25,000,000)

The amount hereinabove appropriated for HMFA Capital Improvement Assistance Program is appropriated to the New Jersey Housing and Mortgage Finance Agency ("HMFA") and shall be made available as loans, secured by mortgages, to finance rehabilitation and physical improvements at selected eligible affordable housing properties needing assistance due to the impacts of natural disasters and other emergent circumstances in accordance with guidelines to be promulgated by the Executive Director no less than 60 days from receipt of the funds, provided, however, that the HMFA may alter such guidelines at a later date The guidelines shall specify that initial priority is provided to HMFA financed properties that suffered damages from Hurricane Ida in 2021

2 This act shall take effect immediately

Approved March 28, 2022

CHAPTER 9

AN ACT concerning mandatory retirement age of police chiefs and fire department chiefs and supplementing P L 1944, c 255 (C 43 16A-1 et seq)

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

C 43 16A-5 3 Certain PFRS members may remain within system until specified deadline

1 a A member of the Police and Firemen's Retirement System, established pursuant to P L 1944, c 255 (C 43 16A-1 et seq), who

is serving as a police chief of a law enforcement agency or a chief of a fire department on the effective date of this act, P L 2022, c 9, and

will attain the age of 65 years during the period commencing on the effective date of this act and ending on the last day of the 24th calendar month following that effective date,

may remain a member of the system, notwithstanding the mandatory retirement provision of section 5 of P L 1944, c 255 (C 43 16A-5), until the end of the calendar year in which the member attains the age of 67 years if the appointing authority approves, in writing, the retention and continued service after the age of 65 years of the police or fire chief as the chief

b Within 30 days after the last day of the 24th calendar month following the effective date of this act, the Board of Trustees of the Police and Firemen's Retirement System shall submit a report to the Governor, and the Legislature pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1), on the effect of this section on the retirement system The report shall include the number of members who were retained and continued to serve as the police or fire chief, the length of that service after the age of 65 years, and the impact of that extended service on the retirement system

2 This act shall take effect immediately

Approved April 12, 2022

CHAPTER 10

AN ACT concerning eligibility for State student financial aid, amending P L 2001, c 41, and repealing N J S 18A 71B-6

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

1 Section 5 of P L 2001, c 41 (C 18A 71B-24 2) is amended to read as follows

C 18A 71B-24 2 Law Enforcement Officer Memorial Scholarships Program

5 a There is created the Law Enforcement Officer Memorial Scholarships Program These scholarships shall be awarded, pursuant to the provisions of this act, to the children of New Jersey law enforcement officers who were killed in the line of duty The New Jersey Higher Education Student Assistance Authority, in but not of the Department of State, and established pursuant to N J S 18A 71A-3, shall administer this program

b Law Enforcement Officer Memorial Scholarships shall be awarded annually within the limits of monies in the Law Enforcement Officer Memorial Fund, created pursuant to subsection c of section 2 of P L 2001, c 41 (C 39 3-27 123), for undergraduate study leading to a baccalaureate degree or associate degree at any public or private institution of higher education in New Jersey The amount of any such scholarship shall not exceed an amount equal to the portion of the recipient's cost of attendance at the institution that is not otherwise covered by any other scholarship, tuition aid grant, benefit or other assistance awarded to the recipient under the "Higher Education Student Assistance Authority Law," N J S 18A 71A-1 et seq

c The scholarships may be renewed annually for up to four years, except that each scholarship shall remain in effect only if the holder of the scholarship remains a full-time student in good standing at the institution and continues to meet the eligibility criteria and guidelines established under this act and regulations promulgated thereto Selection of recipients may take into account the actual dependency of the recipients, their needs and means, and the pecuniary loss occasioned by reason of the death of their parents

d (Deleted by amendment, P L 2022, c 10)

e For the purposes of this act, "law enforcement officer" means a New Jersey resident employed as a permanent full-time member of any federal, State, county or municipal law enforcement agency, department, or division of those governments who is statutorily empowered to act for the detection, investigation, arrest, conviction, detention, or rehabilitation of persons violating the criminal laws of this State or of the United States and statutorily required to successfully complete a training course approved by the Police Training Commission pursuant to P L 1961, c 56 (C 52 17B-66 et seq), or certified by the commission as being substantially equivalent to an approved course

Repealer

2 N J S 18A 71B-6 is repealed

3 This act shall take effect immediately

Approved April 12, 2022

CHAPTER 11

AN ACT concerning the lifetime disqualification from operating commercial motor vehicles and transportation network company vehicles for human trafficking convictions and amending P L 1990, c 103 and P L 2017, c 26

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

1 Section 12 of P L 1990, c 103 (C 39 3-10 20) is amended to read as follows

C 39 3-10 20 Suspension of commercial motor vehicle driving privilege

12 a In addition to the imposition of any other penalty provided by law, the chief administrator shall suspend for not less than one year nor more than three years the commercial motor vehicle driving privilege of a person convicted for a first violation of

(1) R S 39 4-50 if the motor vehicle was a commercial motor vehicle or section 5 of P L 1990, c 103 (C 39 3-10 13)

(2) R S 39 4-129 if the motor vehicle was a commercial motor vehicle operated by the person

(3) Using a commercial motor vehicle in the commission of any "crime" as defined in subsection a , c , or d of N J S 2C 1-4, except in circumstances where harsher penalties are provided by this section

(4) Refusal to submit to a chemical test under section 2 of P L 1966, c 142 (C 39 4-50 2) or section 16 of P L 1990, c 103 (C 39 3-10 24) if the motor vehicle was a commercial motor vehicle

(5) Paragraph (1) of subsection b of section 10 of P L 1990, c 103 (C 39 3-10 18)

(6) A violation, arising in connection with a fatal accident, of State or local law relating to motor vehicle traffic control, other than a parking violation, regardless of whether the motor vehicle operated by the person was a commercial motor vehicle or a non-commercial motor vehicle

b If a first violation of any of the violations specified in subsection a of this section takes place while transporting hazardous material or takes

place in a vehicle displaying a hazardous material placard, the chief administrator shall suspend the commercial motor vehicle driving privilege of the person for three years

c Subject to the provisions of subsection d of this section, the chief administrator shall revoke for life the commercial motor vehicle driving privilege of a person for a second or subsequent violation of any of the offenses specified in subsections a and j of this section or any combination of those offenses arising from two or more separate incidents

d The chief administrator may issue rules and regulations establishing guidelines, including conditions under which a revocation of commercial motor vehicle driving privilege for life under subsection c may be reduced to a period of not less than 10 years

e Notwithstanding any other provision of law to the contrary, the chief administrator shall revoke for life the commercial motor vehicle driving privilege of a person who uses a commercial motor vehicle or a non-commercial motor vehicle in the commission of a crime involving the manufacture, distribution, or dispensing of a controlled substance or controlled substance analog, or possession with intent to manufacture, distribute, or dispense a controlled substance or controlled substance analog

Notwithstanding any other provision of law to the contrary, the chief administrator shall revoke for life the commercial motor vehicle driving privilege of a person who is convicted of a crime involving an act or practice described in section 1 of P L 2005, c 77 (C 2C 13-8) or involving an act or practice of one or more of the severe forms of trafficking in persons as described in paragraph (11) of 22 U S C S 7102, the federal "Trafficking Victims Protection Act of 2000 "

A revocation under this subsection shall not be subject to reduction in accordance with subsection d of this section

f (1) The chief administrator shall suspend the commercial motor vehicle driving privilege of a person for a period of not less than 60 days if the person is convicted of a serious traffic violation, other than a violation arising in connection with a fatal accident as set forth in paragraph (6) of subsection a of this section, and that conviction constitutes the second serious traffic violation committed in a commercial motor vehicle or non-commercial motor vehicle in this or any other state arising from separate incidents occurring within a three-year period The chief administrator shall suspend the commercial motor vehicle driving privilege for 120 days if the conviction constitutes the third or subsequent serious traffic violation, other than a violation arising in connection with a fatal accident as set forth in paragraph (6) of subsection a of this section, committed in a commercial motor vehicle or

non-commercial motor vehicle in this or any other state arising from separate incidents occurring within a three-year period

(2) The chief administrator shall suspend the commercial motor vehicle driving privilege of a person for a period of not less than 60 days if the person is convicted of a violation of R S 39 4-128, section 68 of P L 1951, c 23 (C 39 4-127 1), or section 10 of P L 2005, c 147 (C 39 4-128 11) The chief administrator shall suspend the commercial motor vehicle driving privilege for not less than 120 days if the conviction constitutes the second violation of R S 39 4-128, section 68 of P L 1951, c 23 (C 39 4-127 1), section 10 of P L 2005, c 147 (C 39 4-128 11) or any combination of such violations in this or any other state arising from separate incidents occurring within a three-year period The chief administrator shall suspend the commercial motor vehicle driving privilege for not less than one year if the conviction constitutes the third or subsequent violation of R S 39 4-128, section 68 of P L 1951, c 23 (C 39 4-127 1), section 10 of P L 2005, c 147 (C 39 4-128 11) or any combination of such violations in this or any other state arising from separate incidents occurring within the past three years

(3) The chief administrator shall suspend the commercial motor vehicle driving privilege of a person for a period of not less than 180 days or more than one year if the person is convicted of violating a driver, commercial motor vehicle, or motor carrier operation out-of-service order while driving a commercial motor vehicle transporting nonhazardous materials The chief administrator shall suspend the commercial motor vehicle driving privilege of a person for a period of not less than two years or more than five years if the conviction constitutes the second conviction in a separate incident in this or any other state within a 10-year period of violating a driver, commercial motor vehicle, or motor carrier operation out-of-service order while driving a commercial motor vehicle transporting nonhazardous materials The chief administrator shall suspend the commercial motor vehicle driving privilege of a person for a period of not less than three years or more than five years if the conviction constitutes the third or subsequent conviction in a separate incident in this or any other state within a 10-year period of violating a driver, commercial motor vehicle, or motor carrier operation out-of-service order while driving a commercial motor vehicle transporting nonhazardous materials

(4) The chief administrator shall suspend the commercial motor vehicle driving privilege of a person for a period of not less than 180 days or more than two years if the person is convicted of violating a driver, commercial motor vehicle, or motor carrier operation out-of-service order while driving a commercial motor vehicle transporting hazardous materials required to be

placarded under Subpart F of 49 C F R s 172, or while operating a vehicle designed to transport 16 or more passengers, including the driver The chief administrator shall suspend the commercial motor vehicle driving privilege of a person for a period of not less than three years or more than five years if the conviction constitutes a second or subsequent conviction in a separate incident within a 10-year period in this or any other state of violating a driver, commercial motor vehicle, or motor carrier operation out-of-service order while driving a commercial motor vehicle transporting hazardous materials required to be placarded under Subpart F of 49 C F R s 172, or while operating a vehicle designed to transport 16 or more passengers, including the driver

g A court shall make a report to the chief administrator within three days in such form as the chief administrator may require concerning conviction for any violation or crime listed or described in P L 1990, c 103 (C 39 3-10 9 et seq) The chief administrator shall notify the Commercial Driver License Information System of the suspension, revocation, or cancellation In the case of non-residents, the chief administrator also shall notify the licensing authority of the state which issued the commercial driver license or the state where the person is domiciled The chief administrator shall provide these notices within 10 days after the suspension, revocation, cancellation, or disqualification

h The chief administrator shall in accordance with this section suspend a commercial motor vehicle driving privilege of a person holding, or required to hold, a commercial driver license issued by this State if the person is convicted in another state or foreign jurisdiction of an offense of a substantially similar nature to the offenses specified in subsection a , e , f , g , h , i or j of this section For purposes of this section, a violation such as driving while intoxicated, driving under the influence, or driving while ability is impaired shall be considered substantially similar offenses For purposes of this section, a violation committed in another state but substantially similar to those enumerated in subsection a , e , f , g , h , i or j of this section committed in this State shall be included

i Notwithstanding any other provision of law to the contrary, a conviction under this section, or section 5 or 16 of P L 1990, c 103 (C 39 3-10 13 or C 39 3-10 24), shall not merge with a conviction for a violation of R S 39 4-50 or section 2 of P L 1966, c 142 (C 39 4-50 2)

j In addition to any other penalty provided by law, the chief administrator shall suspend for one year the commercial motor vehicle driving privilege of a person for a first violation of

(1) R S 39 4-50 while operating a non-commercial motor vehicle,

(2) R S 39 4-129 while operating a non-commercial motor vehicle,

(3) Refusing to submit to a chemical test under section 2 of P L 1966, c 142 (C 39 4-50 2) while operating a non-commercial motor vehicle, or

(4) Using a non-commercial motor vehicle in the commission of any "crime" as defined in subsection a , c , or d of N J S 2C 1-4

k The chief administrator shall in accordance with this section suspend the commercial motor vehicle driving privilege of a person holding, or required to hold, a commercial driver license issued by this State if that person has been disqualified from operating a commercial motor vehicle by the Federal Motor Carrier Safety Administration pursuant to 49 C F R s 383 52 because that person's driving has been determined to constitute an imminent hazard

l The New Jersey Motor Vehicle Commission shall maintain records of accidents, convictions, and disqualification for persons holding, or required to hold, a commercial driver license in accordance with 49 C F R s 384 225 and the AAMVAnet, Inc 's "Commercial Driver License Information System State Procedures," as amended and supplemented

m Any driver who is found to be in violation of the provisions of paragraph (a) or (b) of 49 C F R s 392 5, relating to the use of alcohol, being under the influence of alcohol, having any measured alcohol concentration or detected presence of alcohol, or possessing alcohol, shall be placed out-of-service immediately for a period of 24 hours

2 Section 20 of P L 2017, c 26 (C 39 5H-20) is amended to read as follows

C 39 5H-20 Prohibition for applicant, driver to access digital network

20 An applicant or driver shall be prohibited from utilizing the transportation network company's digital network as a transportation network company driver or from providing a prearranged ride as a transportation network company driver if

a The applicant or driver has been convicted of one or more of the following crimes

(1) In New Jersey, any crime as follows aggravated assault, arson, burglary, escape, extortion, homicide, kidnapping, robbery, aggravated sexual assault, sexual assault, or endangering the welfare of a child pursuant to N J S 2C 24-4, whether or not armed with or having possession of any weapon enumerated in subsection r of N J S 2C 39-1, human trafficking pursuant to section 1 of P L 2005, c 77 (C 2C 13-8) or any crime involving an act or practice of one or more of the severe forms of trafficking in persons as

described in paragraph (11) of 22 U S C S 7102, the federal "Trafficking Victims Protection Act of 2000," a crime pursuant to the provisions of N J S 2C 39-3, N J S 2C 39-4, or N J S 2C 39-9, or other than a disorderly persons or petty disorderly persons offense for the unlawful use, possession or sale of a controlled dangerous substance as defined in N J S 2C 35-2

(2) In any other state, territory, commonwealth, or other jurisdiction of the United States, as a result of a conviction in a court of competent jurisdiction, a crime which in that other jurisdiction is comparable to one of the crimes enumerated in paragraph (1) of this subsection

If an applicant or driver who has been convicted of one of the crimes enumerated in paragraph (1) or (2) of this subsection produces a valid certificate of rehabilitation issued pursuant to section 2 of P L 2007, c 327 (C 2A 168A-8) or, if the criminal offense occurred outside the State, an equivalent certificate from the jurisdiction where the criminal offense occurred, the criminal offense shall not disqualify the applicant or driver from accessing the transportation network company's digital network as a transportation network company driver or from providing prearranged rides as a transportation network company driver, except that this provision shall not apply to an applicant or driver who has been convicted of human trafficking pursuant to section 1 of P L 2005, c 77 (C 2C 13-8), any crime involving an act or practice of one or more of the severe forms of trafficking in persons as described in paragraph (11) of 22 U S C S 7102, the federal "Trafficking Victims Protection Act of 2000," or a comparable crime in another jurisdiction A transportation network company, or a third party designated by the transportation network company, shall take reasonable measures to confirm the validity of the certificate, such as contacting the relevant court or government agency,

b The applicant's or driver's driving record check reveals more than three moving violations in the prior three-year period, or one of the following violations in the prior three-year period

(1) driving under the influence pursuant to R S 39 4-50,

(2) resisting arrest, eluding an officer pursuant to N J S 2C 29-2,

(3) reckless driving pursuant to R S 39 4-96,

(4) driving with a suspended or revoked license pursuant to R S 39 3-40, or

(5) a violation committed in any other state, territory, commonwealth, or other jurisdiction of the United States that is comparable to one of the violations enumerated in paragraph (1), (2), (3), or (4) of this subsection,

c The applicant or driver is a match in the United States Department of Justice's Dru Sjodin National Sex Offender Public Website,

d The applicant or driver is not a holder of a valid basic driver's license,

e The applicant or driver does not possess proof of valid vehicle registration for the driver's personal vehicle to be used to provide prearranged rides,

f The applicant or driver does not possess proof of valid automobile liability insurance for the personal vehicle, or

g The applicant or driver is under 21 years of age

3 This act shall take effect immediately

Approved May 9, 2022

CHAPTER 12

AN ACT concerning contribution limits by counties and municipalities to volunteer first aid, ambulance, and rescue squads and amending R S 40 5-2

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

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

Contributions to first aid, ambulance and rescue squads

40 5-2 Any county or municipality may make a voluntary contribution of not more than $125,000 annually to any duly incorporated first aid and emergency or volunteer ambulance or rescue squad association of the county, or of any municipality therein, rendering service generally throughout the county, or any of the municipalities thereof In addition, if any such associations experience extraordinary need, the county or municipality may contribute an additional amount of not more than $70,000 annually, provided, however, that the need for such additional funds is established by the association and is directly related to the performance of said association's duties Whenever the total annual county or municipal contribution to an association exceeds $70,000, the chief financial officer of the county or municipality shall receive an audit performed by a certified public accountant or a registered municipal accountant of each association's financial records for the current year which shall certify to the governing body of the county or municipality that such records are being maintained in accordance with sound accounting principles

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

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

2 This act shall take effect immediately

Approved May 9, 2022

CHAPTER 13

AN ACT concerning motor vehicle ownership 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 3-30 1b Transfer of motor vehicle on death

1 a A motor vehicle may be titled in transfer on death ("TOD") form by including in the certificate of ownership a designation of a beneficiary or beneficiaries to whom the motor vehicle shall be transferred on the death of the owner, or the last to die of two or more owners with right of survivorship The transfer shall be subject to the rights of all lien holders, whether created before, simultaneously with, or after the creation of the TOD interest A trust may be the beneficiary of a TOD certificate of ownership

b A motor vehicle is titled in TOD form by designating in the certificate of ownership the name of the sole owner, or the names of the owners who own the motor vehicle as tenants in common, tenants by the entirety or joint tenants with right of survivorship, followed in substance by the words "transfer on death to (name of beneficiary or beneficiaries) " The abbreviation "TOD" may be used instead of the words "transfer on death to "

c The transfer on death beneficiary or beneficiaries shall have no interest in the motor vehicle until the death of the owner or the last to die of all multiple owners with right of survivorship A beneficiary designation may

be changed at any time by the owner or all then surviving multiple owners with right of survivorship, without the consent of the beneficiary or beneficiaries, by filing an application for a subsequent certificate of ownership

d Ownership of a motor vehicle titled in TOD form for which an application for a subsequent certificate of ownership has not been filed shall vest in the designated beneficiary or beneficiaries on the death of the owner or the last to die of all multiple owners with right of survivorship, subject to the rights of all lien holders If no beneficiary survives the death of the owner or the last to die of all multiple owners with right of survivorship, then such interest in the motor vehicle belongs to the estate of the deceased owner or the last to die of all multiple owners with right of survivorship

e A certificate of ownership in TOD form shall not be considered a testamentary disposition

f A will shall not revoke or supersede a TOD beneficiary designation, regardless of when the will was made

C 39 3-30 1c Publishing of appropriate information, forms by New Jersey Motor Vehicle Commission

2 The New Jersey Motor Vehicle Commission shall publish appropriate information and forms to allow an owner, or multiple owners, of a motor vehicle to add, change, or remove a transfer on death beneficiary or multiple transfer on death beneficiaries to a certificate of ownership pursuant to section 1 of P L 2022, c 13 (C 39 3-30 1b) The information and forms shall be available in all commission agency locations and online on the commission's Internet website

3 The New Jersey Motor Vehicle Commission shall 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

4 This act shall take effect one year after enactment

Approved May 9, 2022

CHAPTER 14

AN ACT concerning environmental infrastructure projects and amending P L 1985, c 334 and P L 1997, c 224

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

1 Section 20 of P L 1985, c 334 (C 58 11B-20) is amended to read as follows

C 58 11B-20 "Clean water project priority list "

20 a (1) The Commissioner of Environmental Protection shall for each fiscal year develop a priority system for wastewater treatment systems and shall establish the ranking criteria and funding policies for the clean water projects to be financed by the New Jersey Environmental Infrastructure Financing Program The commissioner shall set forth an Interim Clean Water Financing Program Project Priority List, hereinafter referred to as the "clean water project priority list," for funding by the trust for each fiscal year and shall include the aggregate amount of funds of the trust to be authorized for these purposes The clean water project priority list may include any stormwater management or combined sewer overflow abatement project identified in the stormwater management and combined sewer overflow abatement project priority list adopted by the commissioner pursuant to section 28 of P L 1989, c 181

The clean water project priority list, which shall include for each wastewater treatment system the date each project is scheduled to be certified as ready for funding, shall be in conformance with applicable provisions of the "Federal Water Pollution Control Act Amendments of 1972," Pub L 92-500 (33 U S C s 1251 et al), and any amendatory or supplementary acts thereto, and State law, or in the case of a wastewater treatment system project for the reduction of lead in a publicly owned facility, conformance with requirements established by the Department of Environmental Protection for those projects or, in the case of a wastewater treatment system project financed through another source of funds, conformance with the requirements established by the department and the other source of funds for that project The clean water project priority list shall include a description of each project and its purpose, impact, cost, and construction schedule, and an explanation of the manner in which priorities were established The department shall, to the extent consistent with federal law, assign additional priority points to project applicants with an established program to employ at the project facility, or at related offices or facilities, persons who reside in the municipality in which the project is located, the service area of the project, or in surrounding municipalities that meet the criteria for State aid pursuant to P L 1978, c 14 (C 52 27D-178 et seq) The priority system and clean water project priority

list for the ensuing fiscal year shall be submitted to the Secretary of the Senate and the Clerk of the General Assembly on or before January 15 of each year The Secretary and the Clerk shall cause the date of submission to be entered upon the Senate Journal and the Minutes of the General Assembly, respectively Incremental revisions or supplements to the clean water project priority list may be submitted to the Legislature as provided in subsection d of section 9 of P L 1985, c 334 (C 58 11B-9)

(2) The commissioner shall set forth a clean water project eligibility list for long-term funding by the trust and shall include the aggregate amount of funds to be authorized for these purposes The clean water project eligibility list shall consist of clean water project priority list projects certified by the department that have commenced construction and demonstrated a high likelihood of construction completion on or before the end of the ensuing fiscal year On or before May 15 of each year, the trust shall submit the clean water project eligibility list for the ensuing fiscal year, including any revision thereof or supplement thereto, to be introduced in each House in the form of legislative appropriations bills, which shall be referred to the Senate Environment and Energy Committee and the Assembly Environment and Solid Waste Committee, or their successors, for their respective consideration On or before October 15 of each year the trust may submit an additional clean water project eligibility list, to be introduced in each House in the form of legislative appropriations bills, which shall be referred to the Senate Environment and Energy Committee and the Assembly Environment and Solid Waste Committee, or their successors, for their respective consideration

b The Senate Environment and Energy Committee and the Assembly Environment and Solid Waste Committee shall, either individually or jointly, consider the legislation containing the clean water project eligibility list, and shall report the legislation, together with any modifications, out of committee for consideration by each House of the Legislature On or before July 1 of each year, the Legislature shall approve an appropriations act containing the clean water project eligibility list, including any amendatory or supplementary provisions thereto, which act shall include the authorization of an aggregate amount of funds of the trust to be expended for long-term loans and guarantees for the specific projects, including the individual amounts therefor, on the list

c The trust shall not expend any money for a long-term loan or guarantee during a fiscal year for any wastewater treatment system project unless the expenditure is authorized pursuant to an appropriations act as provided in the provisions of this section, or as otherwise set forth in an appropriations act

d The trust shall submit to the Secretary of the Senate and the Clerk of the General Assembly on or before January 15 of each year a report which shall identify the wastewater treatment system projects financed during the prior fiscal year, including a project description, the amount of the loan provided for each project, and the duration of each loan

2 Section 24 of P L 1997, c 224 (C 58 11B-20 1) is amended to read as follows

C 58 11B-20 1 "Drinking water project priority list "

24 a (1) The Commissioner of Environmental Protection shall for each fiscal year develop a priority system for water supply projects and shall establish the ranking criteria and funding policies for the water supply projects to be financed by the New Jersey Environmental Infrastructure Financing Program The commissioner shall set forth an Interim Drinking Water Financing Program Project Priority List, hereinafter referred to as the "drinking water project priority list," for funding by the trust for each fiscal year and shall include the aggregate amount of funds of the trust to be authorized for these purposes The commissioner may include a water supply project on the drinking water project priority list if it is eligible for funding under the "Water Supply Bond Act of 1981," P L 1981, c 261, as amended, meets the eligibility requirements for funding pursuant to the federal "Safe Drinking Water Act Amendments of 1996," Pub L 104-182, or, in the case of a water supply project for the reduction of lead in a publicly owned facility, the project meets the eligibility requirements established by the Department of Environmental Protection for those projects or, in the case of a water supply project financed through another source of funds, conformance with the requirements established by the department and the other source of funds for that project The drinking water project priority list shall include a description of each project and an explanation of the manner in which priorities were established The department shall, to the extent consistent with federal law, assign additional priority points to project applicants with an established program to employ at the project facility, or at related offices or facilities, persons who reside in the municipality in which the project is located, the service area of the project, or in surrounding municipalities that meet the criteria for State aid pursuant to P L 1978, c 14 (C 52 27D-178 et seq) The priority system and drinking water project priority list for the ensuing fiscal year shall be submitted to the Secretary of the Senate and the Clerk of the General Assembly on or before January 15 of each year The Secretary and the Clerk shall cause the date of submission to be entered upon the Senate Journal and

the Minutes of the General Assembly, respectively Incremental revisions or supplements to the drinking water project priority list may be submitted to the Legislature as provided in subsection d of section 9 of P L 1985, c 334 (C 58 11B-9)

(2) The commissioner shall set forth a drinking water project eligibility list for long-term funding by the trust and shall include the aggregate amount of funds to be authorized for these purposes The drinking water project eligibility list shall consist of drinking water project priority list projects certified by the department that have commenced construction and demonstrated a high likelihood of construction completion on or before the end of the ensuing fiscal year On or before May 15 of each year, the trust shall submit the drinking water project eligibility list for the ensuing fiscal year, including any revision thereof or supplement thereto, to be introduced in each House in the form of legislative appropriations bills, which shall be referred to the Senate Environment and Energy Committee and the Assembly Environment and Solid Waste Committee, or their successors, for their respective consideration On or before October 15 of each year the trust may submit an additional drinking water project eligibility list, to be introduced in each House in the form of legislative appropriations bills, which shall be referred to the Senate Environment and Energy Committee and the Assembly Environment and Solid Waste Committee, or their successors, for their respective consideration

b The Senate Environment and Energy Committee and the Assembly Environment and Solid Waste Committee shall, either individually or jointly, consider the legislation containing the drinking water project eligibility list, and shall report the legislation, together with any modifications, out of committee for consideration by each House of the Legislature On or before July 1 of each year, the Legislature shall approve an appropriations act containing the drinking water project eligibility list, including any amendatory or supplementary provisions thereto, which act shall include the authorization of an aggregate amount of funds of the trust to be expended for long-term loans and guarantees for the specific water supply projects, including the individual amounts therefor, on the list

c The trust shall not expend any money for a long-term loan or guarantee during a fiscal year for any water supply project unless the expenditure is authorized pursuant to an appropriations act as provided in the provisions of this section, or as otherwise set forth in an appropriations act

d The trust shall submit to the Secretary of the Senate and the Clerk of the General Assembly on or before January 15 of each year a report which shall identify the water supply projects financed during the prior fiscal year,

including a project description, the amount of the loan provided for each project, and the duration of each loan

3 This act shall take effect immediately

Approved May 9, 2022

CHAPTER 15

AN ACT concerning the deadline for the filing of an acceptance of nomination by a successful primary election write-in nominee and amending R S 19 23-16 and R S 19 13-22

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

1 R S 19 23-16 is amended to read as follows

Person nominated by petition, filing of certificate

19 23-16 Any person nominated at the primary by having the person's name written or pasted upon the primary ballot shall file a certificate stating that the person is qualified for the office for which the person has been nominated, that the person is a resident of and a legal voter in the jurisdiction of the office for which the nomination is made and that the person consents to stand as a candidate at the ensuing general election to which shall be annexed the oath of allegiance prescribed in section 41 1-1 of the Revised Statutes duly taken and subscribed by the person so nominated before an officer authorized to take oaths in this State

In addition, a person so nominated for the office of Governor or the office of member of the Senate or General Assembly shall annex to the certificate a statement signed by the candidate that the person

a has not been convicted of any offense graded by Title 2C of the New Jersey Statutes as a crime of the first, second, third or fourth degree, or any offense in any other jurisdiction which, if committed in this State, would constitute such a crime, or

b has been so convicted, in which case, the candidate shall disclose on the statement the crime for which convicted, the date and place of the conviction and the penalties imposed for the conviction Such a candidate may, as an alternative, submit with the statement a copy of an official document that provides such information If the candidate has been convicted of more

than one criminal offense, such information about each conviction shall be provided Records expunged pursuant to chapter 52 of Title 2C of the New Jersey Statutes shall not be subject to disclosure

Written acceptance of such nomination shall be filed by each candidate so nominated on or before the seventh day following the date of the certification of the results of the primary with the county clerk in the case of county and municipal offices and with the Secretary of State for all other offices

Each county clerk shall post on the county's website the official results of the primary election within 24 hours after the certification of the election results

2 R S 19 13-22 is amended to read as follows

Secretary of State, statement to county clerks of nominations, vacancies

19 13-22 a The Secretary of State, not later than 99 days, and with respect to candidates for President and Vice President of the United States not later than 88 days, before any election whereat any candidates nominated in any direct petition or primary certificate of nomination or State convention certificate filed with the Secretary of State are to be voted for, shall make and certify, under the Secretary's hand and seal of office, and forward to the clerks of the several counties of the State, and post on the Secretary's website, a statement of all such candidates for whom the voters within such county may be by law entitled to vote at such election This statement shall contain the names and residences of all candidates, the offices for which they are respectively nominated, and the names of the parties by which or the political appellation under which they are respectively nominated Candidates nominated directly by petition, without distinctive political appellation, shall be certified as independent candidates Similar statements shall be made, certified and forwarded, when vacancies are filled subsequently, according to law

b The Secretary of State shall certify and forward the statement required by subsection a of this section no later than the fourth Friday in June following a primary election for the candidates for the office of Governor for whom the voters may be by law entitled to vote at the next subsequent general election The statement shall include the information required by subsection a of this section Candidates nominated directly by petition for the office of Governor, without distinctive political appellation, shall be certified as independent candidates at the same time as candidates nominated for the office of Governor at a primary election are certified by the Secretary of

State Similar statements shall be made, certified and forwarded, when vacancies are filled subsequently, according to law

3 This act shall take effect immediately

Approved June 1, 2022

CHAPTER 16

AN ACT concerning pedicabs, amending R S 39 1-1, 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 4-31 6 Pedicab operation, conditions

1 a A pedicab operator shall be permitted to operate a pedicab under the following conditions

(1) operation of a pedicab is authorized by ordinance adopted by the governing body of the municipality in which the pedicab operates,

(2) the pedicab operator shall be at least 21 years of age and shall possess a valid driver's license issued by New Jersey or another state,

(3) the pedicab shall be equipped with seatbelts for all passengers, seat backs, brakes, reflectors, a headlight, and grab rails,

(4) the owner of the pedicab shall maintain a general liability insurance policy in a minimum amount of $500,000 of coverage per accident,

(5) the pedicab operator shall not operate the pedicab on any highway with a posted speed limit in excess of 30 miles per hour, except to cross the highway at an intersection,

(6) the pedicab operator shall operate a pedicab as close as practicable to the right-hand curb or edge of the roadway, except when necessary to overtake another vehicle, to avoid a stationary object, or when preparing to make a left turn, and

(7) the pedicab owner, pedicab operator, and pedicab meet any other requirements as may be required by ordinance adopted by the governing body of the municipality in which the pedicab operates, except that a municipality shall not restrict a pedicab operator from permitting the consumption of alcoholic beverages in accordance with subsection b of this subsection

b A pedicab operator authorized to operate a pedicab in accordance with subsection a of this section may permit the consumption of alcoholic beverages by passengers of the pedicab under the following conditions

(1) the operator of the pedicab does not consume alcoholic beverages while operating the pedicab,

(2) each passenger of the pedicab is at least 21 years of age,

(3) alcoholic beverages are limited to single-serving sealed containers of beer, wine, hard cider, mead, other malt beverages, other fermented beverages, such as hard seltzer and hard tea, and prepared mixed beverages made with spirits,

(4) the owner or operator of the pedicab does not sell or offer for sale to passengers food, alcoholic beverages, or any other liquid refreshments, and

(5) the pedicab is equipped with as many waste receptacles as necessary to permit each passenger to reach a waste receptacle while seated

2 R S 39 1-1 is amended to read as follows

Words and phrases defined

39 1-1 As used in this subtitle, unless other meaning is clearly apparent from the language or context, or unless inconsistent with the manifest intention of the Legislature

"Alley" means a public highway wherein the roadway does not exceed 12 feet in width

"Authorized emergency vehicles" means vehicles of the fire department, police vehicles and such ambulances and other vehicles as are approved by the chief administrator when operated in response to an emergency call

"Autocycle" means a three-wheeled motorcycle designed to be controlled with a steering wheel and pedals in which the operator and passenger may ride in a completely or partially enclosed seating area that is equipped with a roll cage or roll hoops, safety seat belts for each occupant, and anti-lock brakes

"Automobile" includes all motor vehicles except motorcycles

"Berm" means that portion of the highway exclusive of roadway and shoulder, bordering the shoulder but not to be used for vehicular travel

"Business district" means that portion of a highway and the territory contiguous thereto, where within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, office buildings, railroad stations, and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the roadway

"Car pool" means two or more persons commuting on a daily basis to and from work by means of a vehicle with a seating capacity of nine passengers or less

"Chief Administrator" or "Administrator" means the Chief Administrator of the New Jersey Motor Vehicle Commission

"Commercial motor vehicle" includes every type of motor-driven vehicle used for commercial purposes on the highways, such as the transportation of goods, wares and merchandise, excepting such vehicles as are run only upon rails or tracks and vehicles of the passenger car type used for touring purposes or the carrying of farm products and milk, as the case may be

"Commission" means the New Jersey Motor Vehicle Commission established by section 4 of P L 2003, c 13 (C 39 2A-4)

"Commissioner" means the Commissioner of Transportation of this State

"Commuter van" means a motor vehicle having a seating capacity of not less than seven nor more than 15 adult passengers, in which seven or more persons commute on a daily basis to and from work and which vehicle may also be operated by the driver or other designated persons for their personal use

"Crosswalk" means that part of a highway at an intersection, either marked or unmarked existing at each approach of every roadway intersection, included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the shoulder, or, if none, from the edges of the roadway, also, any portion of a highway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other marking on the surface

"Curb extension" or "bulbout" means a horizontal extension of the sidewalk into the street which results in a narrower roadway section

"Dealer" includes every person actively engaged in the business of buying, selling or exchanging motor vehicles or motorcycles and who has an established place of business

"Deputy Chief Administrator" means the deputy chief administrator of the commission

"Driver" means the rider or driver of a horse, bicycle or motorcycle or the driver or operator of a motor vehicle, unless otherwise specified

"Explosives" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities or packing that an ignition by fire, friction, by concussion, by percussion, or by detonator of any part of the compound or

mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb

"Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry

"Flammable liquid" means any liquid having a flash point below 200 degrees Fahrenheit, and a vapor pressure not exceeding 40 pounds

"Gross weight" means the combined weight of a vehicle and a load thereon

"High occupancy vehicle" or "HOV" means a vehicle which is used to transport two or more persons and shall include public transportation, car pool, van pool, and other vehicles as determined by regulation of the Department of Transportation

"Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel

"Horse" includes mules and all other domestic animals used as draught animals or beasts of burden

"Inside lane" means the lane nearest the center line of the roadway

"Intersection" means the area embraced within the prolongation of the lateral curb lines or, if none, the lateral boundary lines of two or more highways which join one another at an angle, whether or not one such highway crosses another

"Laned roadway" means a roadway which is divided into two or more clearly marked lanes for vehicular traffic

"Leased limousine" means any limousine subject to regulation in the State which

a Is offered for rental or lease, without a driver, to be operated by a limousine service as the lessee, for the purpose of carrying passengers for hire, and

b Is leased or rented for a period of one year or more following registration

"Leased motor vehicle" means any motor vehicle subject to registration in this State which

a Is offered for rental or lease, without a driver, to be operated by the lessee, his agent or servant, for purposes other than the transportation of passengers for hire, and

b Is leased or rented for a period of one year or more following registration

"Limited-access highway" means every highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway, and includes any highway designated as a "freeway" or "parkway" by authority of law

"Local authorities" means every county, municipal and other local board or body having authority to adopt local police regulations under the Constitution and laws of this State, including every county governing body with relation to county roads

"Low-speed electric bicycle" means a two or three-wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts, that meets the requirements of one of the following classifications "class 1 low-speed electric bicycle" which means a low-speed electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour, or "class 2 low-speed electric bicycle" which means a low-speed electric bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour

"Low-speed electric scooter" means a scooter with a floorboard that can be stood upon by the operator, with handlebars, and an electric motor that is capable of propelling the device with or without human propulsion at a maximum speed of less than 19 miles per hour

"Low-speed vehicle" means a four-wheeled low-speed vehicle, as defined in 49 C F R s 571 3(b), whose attainable speed is more than 20 miles per hour but not more than 25 miles per hour on a paved level surface and which is not powered by gasoline or diesel fuel and complies with federal safety standards as set forth in 49 C F R s 571 500

"Magistrate" means any municipal court and the Superior Court, and any officer having the powers of a committing magistrate and the chief administrator

"Manufacturer" means a person engaged in the business of manufacturing or assembling motor vehicles, who will, under normal business conditions during the year, manufacture or assemble at least 10 new motor vehicles

"Metal tire" means every tire the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material

"Mid-block crosswalk" means a crosswalk located away from an intersection, distinctly indicated by lines or markings on the surface

"Motorized bicycle" means a pedal bicycle having a helper motor characterized in that either the maximum piston displacement is less than 50 cc

or said motor is rated at no more than 1 5 brake horsepower or is powered by an electric drive motor and said bicycle is capable of a maximum speed of no more than 25 miles per hour on a flat surface or a pedal bicycle having an electric motor that is capable of propelling the bicycle in excess of 20 miles per hour with a maximum motor-powered speed of no more than 28 miles per hour on a flat surface This term shall not include a low-speed electric bicycle or low-speed electric scooter as defined in this section

"Motorcycle" includes motorcycles, autocycles, motor bikes, bicycles with motor attached and all motor-operated vehicles of the bicycle or tricycle type, except motorized bicycles, low-speed electric bicycles, and low-speed electric scooters as defined in this section, whether the motive power be a part thereof or attached thereto and having a saddle or seat with driver sitting astride or upon it or a platform on which the driver stands

"Motor-drawn vehicle" includes trailers, semitrailers, or any other type of vehicle drawn by a motor-driven vehicle

"Motor vehicle" includes all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks, low-speed electric bicycles, low-speed electric scooters, and motorized bicycles

"Motorized scooter" means a miniature motor vehicle and includes, but is not limited to, pocket bikes, super pocket bikes, scooters, mini-scooters, sport scooters, mini choppers, mini motorcycles, motorized skateboards and other vehicles with motors not manufactured in compliance with Federal Motor Vehicle Safety Standards and which have no permanent Federal Safety Certification stickers affixed to the vehicle by the original manufacturer This term shall not include electric personal assistive mobility devices, motorized bicycles, low-speed vehicles, low-speed electric bicycles, or low-speed electric scooters, or motorized wheelchairs, mobility scooters or similar mobility assisting devices used by persons with physical disabilities, or persons whose ambulatory mobility has been impaired by age or illness

"Motorized skateboard" means a skateboard that is propelled otherwise than by muscular power

"Motorized wheelchair" means any motor-driven wheelchair utilized to increase the independent mobility, in the activities of daily living, of an individual who has limited or no ambulation abilities, and includes mobility scooters manufactured specifically for such purposes and designed primarily for indoor use

"Noncommercial truck" means every motor vehicle designed primarily for transportation of property, and which is not a "commercial vehicle "

"Official traffic control devices" means all signs, signals, markings, and devices not inconsistent with this subtitle placed or erected by authority of a

public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic

"Omnibus" includes all motor vehicles used for the transportation of passengers for hire, except commuter vans and vehicles used in ridesharing arrangements and school buses, if the same are not otherwise used in the transportation of passengers for hire

"Operator" means a person who is in actual physical control of a vehicle or street car

"Outside lane" means the lane nearest the curb or outer edge of the roadway

"Owner" means a person who holds the legal title of a vehicle, or if a vehicle 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 a vehicle is entitled to possession, then the conditional vendee, lessee or mortgagor shall be deemed the owner for the purpose of this subtitle

"Parking" means the standing or waiting on a street, road or highway of a vehicle not actually engaged in receiving or discharging passengers or merchandise, unless in obedience to traffic regulations or traffic signs or signals

"Passenger automobile" means all automobiles used and designed for the transportation of passengers, other than omnibuses and school buses

"Pedestrian" means a person afoot

"Pedicab" means a wheeled device that (1) contains three or more wheels, (2) is designed to transport passengers and be propelled by muscular power using pedals, (3) is designed to accommodate no more than 15 passengers in addition to the driver, (4) is operated for hire, and (5) if equipped with a motor, is equipped with an electric motor that meets the classifications of a class 1 or class 2 low-speed electric bicycle A pedicab shall not be considered a motor vehicle or a motorcycle

"Person" includes natural persons, firms, copartnerships, associations, and corporations

"Pneumatic tire" means every tire in which compressed air is designed to support the load

"Pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads, such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections

"Private road or driveway" means every road or driveway not open to the use of the public for purposes of vehicular travel

"Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except street cars

"REAL ID basic driver's license" means a basic driver's license issued by the commission that complies with the provisions of the "REAL ID Act of 2005," Pub L 109-13, any acts amendatory or supplementary thereto, and any federal regulations adopted thereunder

"REAL ID identification card" means an identification card issued by the commission that complies with the provisions of the "REAL ID Act of 2005," Pub L 109-13, any acts amendatory or supplementary thereto, and any federal regulations adopted thereunder

"REAL ID license" means any license to operate a motor vehicle issued by the commission that complies with the provisions of the "REAL ID Act of 2005," Pub L 109-13, any acts amendatory or supplementary thereto, and any federal regulations adopted thereunder

"REAL ID motorcycle license" means a motorcycle license issued by the commission that complies with the provisions of the "REAL ID Act of 2005," Pub L 109-13, any acts amendatory or supplementary thereto, and any federal regulations adopted thereunder

"REAL ID probationary license" means a probationary license issued by the commission that complies with the provisions of the "REAL ID Act of 2005," P L 109-13, any acts amendatory or supplementary thereto, and any federal regulations adopted thereunder

"Recreation vehicle" means a self-propelled or towed vehicle equipped to serve as temporary living quarters for recreational, camping or travel purposes and used solely as a family or personal conveyance

"Residence district" means that portion of a highway and the territory contiguous thereto, not comprising a business district, where within any 600 feet along such highway there are buildings in use for business or residential purposes which occupy 300 feet or more of frontage on at least one side of the highway

"Ridesharing" means the transportation of persons in a motor vehicle, with a maximum carrying capacity of not more than 15 passengers, including the driver, where such transportation is incidental to the purpose of the driver The term shall include such ridesharing arrangements known as car pools and van pools

"Right-of-way" means the privilege of the immediate use of the highway

"Road tractor" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder In the event a highway includes two or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately, but not to all such roadways, collectively

"Safety zone" means the area or space officially set aside within a highway for the exclusive use of pedestrians, which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone

"School bus" means every motor vehicle operated by, or under contract with, a public or governmental agency, or religious or other charitable organization or corporation, or privately operated for the transportation of children to or from school for secular or religious education, which complies with the regulations of the New Jersey Motor Vehicle Commission affecting school buses, including "School Vehicle Type I" and "School Vehicle Type II" as defined below

"School Vehicle Type I" means any vehicle designed to transport 16 or more passengers, including the driver, used to transport enrolled children, and adults only when serving as chaperones, to or from a school, school connected activity, day camp, summer day camp, summer residence camp, nursery school, child care center, preschool center or other similar places of education Such vehicle shall comply with the regulations of the New Jersey Motor Vehicle Commission and either the Department of Education or the Department of Human Services, whichever is the appropriate supervising agency

"School Vehicle Type II" means any vehicle designed to transport less than 16 passengers, including the driver, used to transport enrolled children, and adults only when serving as chaperones, to or from a school, school connected activity, day camp, summer day camp, summer residence camp, nursery school, child care center, preschool center or other similar places of education Such vehicle shall comply with the regulations of the New Jersey Motor Vehicle Commission and either the Department of Education or the Department of Human Services, whichever is the appropriate supervising agency

"School zone" means that portion of a highway which is either contiguous to territory occupied by a school building or is where school crossings are established in the vicinity of a school, upon which are maintained appropriate "school signs" in accordance with specifications adopted by the chief administrator and in accordance with law

"School crossing" means that portion of a highway where school children are required to cross the highway in the vicinity of a school

"Semitrailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle

"Shipper" means any person who shall deliver, or cause to be delivered, any commodity, produce or article for transportation as the contents or load of a commercial motor vehicle In the case of a sealed ocean container, "shipper" shall not be construed to include any person whose activities with respect to the shipment are limited to the solicitation or negotiation of the sale, resale, or exchange of the commodity, produce or article within that container

"Shoulder" means that portion of the highway, exclusive of and bordering the roadway, designed for emergency use but not ordinarily to be used for vehicular travel

"Sidewalk" means that portion of a highway intended for the use of pedestrians, between the curb line or the lateral line of a shoulder, or if none, the lateral line of the roadway and the adjacent right-of-way line

"Sign " See "Official traffic control devices "

"Slow-moving vehicle" means a vehicle run at a speed less than the maximum speed then and there permissible

"Solid tire" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load

"Standard" means, when used to describe any license to operate a motor vehicle or any identification card issued by the commission under the provisions of this Title, that the issuance of the license or identification card does not require proof of lawful presence in the United States

"Street" means the same as highway

"Street car" means a car other than a railroad train, for transporting persons or property and operated upon rails principally within a municipality

"Stop," when required, means complete cessation from movement

"Stopping or standing," when prohibited, means any cessation of movement of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal

"Suburban business or residential district" means that portion of highway and the territory contiguous thereto, where within any 1,320 feet along that highway there is land in use for business or residential purposes and that land occupies more than 660 feet of frontage on one side or collectively more than 660 feet of frontage on both sides of that roadway

"Through highway" means every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this chapter

"Trackless trolley" means every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails

"Traffic" means pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly, or together, while using any highway for purposes of travel

"Traffic control signal" means a device, whether manually, electrically, mechanically, or otherwise controlled, by which traffic is alternately directed to stop and to proceed

"Trailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle

"Truck" means every motor vehicle designed, used, or maintained primarily for the transportation of property

"Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn

"Van pooling" means seven or more persons commuting on a daily basis to and from work by means of a vehicle with a seating arrangement designed to carry seven to 15 adult passengers

"Vehicle" means every device in, upon or by which a person or property is or may be transported upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks or low-speed electric bicycles, low-speed electric scooters, or motorized bicycles

3 This act shall take effect on the first day of fourth month next following the date of enactment

Approved June 4, 2022

CHAPTER 17

AN ACT concerning the use of steel slag as an aggregate and supplementing P L 1987, c 102 (C 13 1E-99 11 et seq)

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

C 13 1E-99 28b Steel slag use, aggregate, definitions

1 a Notwithstanding the provisions of any law, or rule or regulation adopted pursuant thereto, to the contrary, beginning 90 days after the effective date of this section, a person, including a licensed site remediation professional, may use steel slag as an aggregate in any commercial or industrial development, or at a commercial or industrial site at which remediation is being overseen by a licensed site remediation professional, provided that the steel slag meets all applicable engineering or geotechnical standards and specifications, that such use is for a purpose enumerated in subsection b of this section, and that the use does not cause the exceedance of any

(1) drinking water quality standard established by the Department of Environmental Protection or the United States Environmental Protection Agency, or

(2) groundwater quality standard established by the Department of Environmental Protection

The use of steel slag as provided for in subsection b of this section is not subject to regulation as alternative fill

b Steel slag may be used pursuant to subsection a of this section only for the following purposes

(1) as an aggregate in making cement, concrete, or bituminous mixes such as pavement surfaces, wearing and binder courses, bases, surface treatments, seal coats, slurry coats, and cold patch,

(2) as an anti-skid material or snow and ice control aggregate,

(3) for stabilized shoulders and banks provided that, where slag is to be used for bank and erosion control adjacent to surface waters or other environmentally sensitive areas, an ecological evaluation, approved by the Department of Environmental Protection, is first performed,

(4) as engineered aggregate base or sub-base courses up to eight inches thick under permanent structures, pavements, and sidewalks, except that thicknesses greater than eight inches and up to 24 inches may be used under non-residential permanent structures only if the greater thickness is supported by an engineering justification developed by a licensed professional engineer familiar with the material justifying why a thickness greater than eight inches is needed,

(5) as railroad ballast,

(6) as a replacement for limestone for the neutralization of mine drainage and industrial discharge, provided that uses in, or adjacent to, water abide by all other applicable laws, rules, and regulations,

(7) as soil amendment to adjust pH and reduce the leachability of contaminants in the soil A use pursuant to this paragraph shall be evaluated and approved individually by either a licensed site remediation professional or the Department of Environmental Protection prior to its implementation,

(8) in controlled industrial uses such as granular fills up to eight inches required for unpaved parking and storage areas, pipe and tank backfill, berm construction, and other industrial and construction activity,

(9) as a replacement for natural aggregate at steel mills,

(10) as alternate cover material for roads to working surfaces at solid waste landfills,

(11) as roofing granules, and

(12) as cover material up to eight inches for the installation of solar collectors

c The Department of Environmental Protection may adopt, pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), rules and regulations concerning the use of steel slag as an aggregate as necessary in order to ensure the protection of the public health, safety, and the environment

d As used in this section

"Aggregate" means a material formed from fragments or particles

"Alternative fill" means material to be used in a remedial action, as defined pursuant to regulations promulgated by the Department of Environmental Protection

"Contaminant" means the same as that term is defined in section 23 of P L 1993, c 139 (C 58 10B-1)

"Hazardous waste" means the same as that term is defined in section 3 of P L 1981, c 279 (C 13 1E-51)

"Licensed site remediation professional" means the same as that term is defined in section 23 of P L 1993, c 139 (C 58 10B-1)

"Remedial action" means the same as that term is defined in section 23 of P L 1993, c 139 (C 58 10B-1)

"Remediation" means the same as that term is defined in section 23 of P L 1993, c 139 (C 58 10B-1)

"Steel slag" means the nonmetallic coproduct that results from the production of steel in an electric arc furnace, and that is

(1) not a hazardous waste, as determined by the department,

(2) poured from the furnace in a molten state, cooled, and processed to remove free metallic compounds, and

(3) sold and distributed in the stream of commerce as an aggregate and managed as an item of value in a controlled manner, and is not discarded

2 This act shall take effect immediately

Approved June 24, 2022

CHAPTER 18

AN ACT concerning the "New Jersey Debt Defeasance and Prevention Fund" and making appropriations

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

1 There shall be credited $5,150,000,000 from the General Fund to the "New Jersey Debt Defeasance and Prevention Fund," established pursuant to section 1 of P L 2021, c 125 (C 52 9H-2 2)

2 a There is appropriated from the "New Jersey Debt Defeasance and Prevention Fund" $1,900,000,000 to the New Jersey Schools Development Authority for the purpose of funding school facilities projects, emergent needs, and capital maintenance in school districts for which State debt is already authorized by law, or for which funding would have been derived from future State bond issuances, thereby constituting debt avoidance, subject to the approval of the Director of the Division of Budget and Accounting Of the amount appropriated pursuant to this section, $1,550,000,000 is appropriated for school facilities projects, emergent needs, and capital maintenance in SDA districts and $350,000,000 is appropriated for school facilities projects, emergent needs, and capital maintenance in all other districts

b The State Treasurer shall enter into a grant agreement with the New Jersey Schools Development Authority which shall set forth the terms and conditions for the provision of the grant, including the schedule for disbursement of the grant Notwithstanding any other law or regulation to the contrary, the monies appropriated pursuant to this section shall be invested by the State Treasurer pending the disbursement of such monies in such obligations, securities and other investments as shall be determined by the State Treasurer

3 There is appropriated from the "New Jersey Debt Defeasance and Prevention Fund" $230,000,000 to the Department of Transportation, which shall be allocated, expended, and administered by the Department of Transportation in the following amounts for the following projects, subject to the approval of the Director of the Division of Budget and Accounting

a $135,000,000 for the design and construction of the multiple projects supported by the Lincoln Tunnel Access Program,

b $50,000,000 for the reconstruction of I-295 Direct Connect Wall 22, and

c $45,000,000 for the engineering design of capital projects identified by the Commissioner of Transportation that are the subject of the multi-project solicitation pilot initiated by the Department of Transportation and the Federal Highway Administration

4 There is appropriated from the "New Jersey Debt Defeasance and Prevention Fund" $814,000,000 to the New Jersey Transit Corporation, which shall be allocated, expended, and administered by the New Jersey Transit Corporation in the following amounts for the following projects, subject to the approval of the Director of the Division of Budget and Accounting

a $191,000,000 for improvements to platforms, roof replacement, lighting upgrades, and other interior and exterior improvements at Newark Penn Station,

b $176,000,000 for infrastructure and access improvements at the Hoboken Ferry Terminal Building and Hoboken Bus Terminal,

c $250,000,000 for the redevelopment of the Walter Rand Transportation Center,

d $48,000,000 for improvements at the Bloomfield Station,

e $33,000,000 for improvements at the Brick Church Station,

f $49,000,000 for extending and replacing existing platforms, rehabilitating and replacing the elevators and escalators, installing new lighting and windows, upgrading HVAC systems, and other internal and external improvements at the New Brunswick Station,

g $27,000,000 for platform replacement, repairs to access stairs, and other internal and external improvements at the Roselle Park Station, and

h $40,000,000 for construction of a Maintenance-of-Way facility in Clifton, New Jersey

5 a Notwithstanding the provisions of section 3 of P.L. 2021, c. 125, there is appropriated from the "New Jersey Debt Defeasance and Prevention Fund" such amounts remaining therein after the appropriations required pursuant to sections 2 through 4 of this act, as determined by the State Treasurer,

including any amounts previously deposited therein, for the purpose of retiring and defeasing debts of the State of New Jersey, and the costs thereof, in such manner and at such times as the State Treasurer shall direct If money is used for debt retirement or defeasance, the State Treasurer shall submit to the Joint Budget Oversight Committee a report describing the manner in which debt retirement and defeasance has been accomplished, including a description of the amounts to be saved and an attestation that describes the manner in which the retired debt benefits the State

b Notwithstanding the provisions of section 4 of P L 2021, c 125, there is appropriated from the "New Jersey Debt Defeasance and Prevention Fund" such amounts remaining therein after the appropriations required pursuant to sections 2 through 4 of this act, as determined by the State Treasurer, including any amounts previously deposited therein, for the purpose of funding capital construction projects for which State debt is already authorized by law, or for which funding would have been derived from future State bond issuances, thereby constituting debt avoidance, subject to the approval of the Director of the Division of Budget and Accounting The State Treasurer shall submit a list of proposed capital projects to the Joint Budget Oversight Committee for approval The Joint Budget Oversight Committee shall meet not less frequently than quarterly, with the first quarter of the fiscal year beginning on July 1 and ending on September 30, to consider lists of proposed capital projects submitted by the State Treasurer The Joint Budget Oversight Committee shall meet during the third month of the first quarter of the fiscal year In the event that the Joint Budget Oversight Committee fails to meet during a given quarter, any recommendation submitted to the Joint Budget Oversight Committee more than 45 days prior to the last day of the quarter shall be deemed approved

6 This act shall take effect immediately

Approved June 30, 2022

CHAPTER 19

A SUPPLEMENT to the annual appropriations act for the fiscal year ending June 30, 2022, P L 2021, c 133

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

In addition to the amounts appropriated under P L 2021, c 133, the annual appropriations act for the fiscal year ending June 30, 2022, there is appropriated from the Property Tax Relief Fund the following amount for the purpose specified

34 DEPARTMENT OF EDUCATION
30 Educational, Cultural, and Intellectual Development
31 Direct Educational Services and Assistance
5120 Division of School Finance and Regulatory Services
STATE AID

03-5120 Miscellaneous Grants-in-Aid		$1,135,749
(From Property Tax Relief Fund	*$1,135,749)*	
Total State Aid Appropriation, Direct Educational Services and Assistance		$1,135,749
(From Property Tax Relief Fund	*$1,135,749)*	

State Aid

03 Stabilization Aid (PTRF) ($1,135,749)

Of the amount hereinabove appropriated for Stabilization Aid, $1,135,749 is appropriated for the purpose of providing State military impact aid to eligible school districts that received a payment of federal Impact Aid under section 7002 or section 7003 of the federal Elementary and Secondary Education Act of 1965 (20 U S C s 7002 or 20 U S C s 7003) in the 2019-2020 school year according to the district's Annual Comprehensive Financial Report for that school year and are either (1) a limited-purpose regional school district located in a county of the fifth class, which county has a population density of over 1,300 people per square mile according to the most recent federal decennial census data for 2020, and had current resident enrollment of between 1,300 and 1,350 students during the enrollment count taken on October 15, 2020, or (2) a school district located in a county of the second class, which county has a population of over 500,000 and a population density of under 1,200 according to the most recent federal decennial census data for 2020, and had current resident enrollment of between 2,100 and 2,265 students during the enrollment count taken on October 15, 2020 Notwithstanding the provisions of P L 2021, c 283 (C 18A 7F-71) or of any other law, rule, or regulation to the contrary, the amount of aid provided to an eligible district under this provision shall be calculated as follows MIA = (PPLTL – PPIA) x REFCMS, where PPLTL is the per pupil general fund tax levy, which is derived by dividing the district's 2019-2020 school year general fund tax levy by student enrollment expressed in terms of average daily attendance as reported by the National Association of Federally Impacted Schools for federal fiscal year 2019, without the inclusion of military enrollment expressed in terms of average daily attendance as reported by the National Association of Federally Impacted Schools for federal fiscal year 2019, PPIA is the per pupil federal impact aid amount, which is the result of dividing the amount of an eligible school district's

federal impact aid payment as noted in the district's Annual Comprehensive Financial Report for the 2019-2020 school year by its military enrollment expressed in terms of average daily attendance as reported by the National Association of Federally Impacted Schools for federal fiscal year 2019, and REFCMS is an eligible school district's military enrollment expressed in terms of average daily attendance as reported by the National Association of Federally Impacted Schools for federal fiscal year 2019 A school district shall not receive military impact aid pursuant to this provision if the difference between PPTL and PPIA is negative

2 This act shall take effect immediately

Approved June 30, 2022

CHAPTER 20

AN ACT to Amend and Supplement "An Act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 2022 and regulating the disbursement thereof," approved June 29, 2021

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

1 In addition to the amounts appropriated under P L 2021, c 133, there are appropriated and de-appropriated the following sums for the purposes specified

26 DEPARTMENT OF CORRECTIONS
10 Public Safety and Criminal Justice
16 Detention and Rehabilitation
7025 System-Wide Program Support
GRANTS-IN-AID

13-7025 Institutional Program Support	$11,000,000
Total Grants-in-Aid Appropriation, Detention and Rehabilitation	$11,000,000
Grants-in-Aid	
13 Purchase of Service for Inmates Incarcerated In County Penal Facilities	($11,000,000)

42 DEPARTMENT OF ENVIRONMENT PROTECTION
40 Community Development and Environmental Management
42 Natural Resource Management
CAPITAL CONSTRUCTION

29-4875 Environmental Management and Preservation – Constitutional Dedication	$22,000
Total Capital Construction Appropriation, Natural Resource Management	$22,000
Capital Projects	
29 Preserve New Jersey Blue Acres Fund – Constitutional Dedication	($22,000)

43 Science and Technical Programs
DIRECT STATE SERVICES

29-4850 Environmental Management and Preservation – Constitutional Dedication	$8,918,000
Total Direct State Services Appropriation, Science and Technical Programs	$8,918,000
Direct State Services	
29 Water Resources Monitoring and Planning – Constitutional Dedication	($8,918,000)

44 Site Remediation and Waste Management
CAPITAL CONSTRUCTION

29-4815 Environmental Management and Preservation – Constitutional Dedication	$30,321,000
Total Capital Construction Appropriation, Site Remediation and Waste Management	$30,321,000
Capital Projects	
29 Hazardous Substance Discharge Remediation – Constitutional Dedication	($8,918,000)
29 Private Underground Storage Tank Remediation – Constitutional Dedication	(8,918,000)
29 Hazardous Substance Discharge Remediation Loans & Grants – Constitutional Dedication	(12,485,000)

54 DEPARTMENT OF HUMAN SERVICES
20 Physical and Mental Health
23 Behavioral Health Services
7700 Division of Mental Health and Addiction Services
DIRECT STATE SERVICES

09-7700 Addiction Services	$7,500,000
Total Direct State Services Appropriation, Behavioral Health Services	$7,500,000

Direct State Services	
09 Alcohol Treatment Fund Program	($7,500,000)
STATE AID	
08-7700 Community Services (PTRF)	$7,069,000
Total Direct State Services Appropriation, Behavioral Health Services	$7,069,000
State Aid	
09 Support of Patients in County Psychiatric Hospitals (PTRF)	($7,069,000)

94 INTERDEPARTMENTAL ACCOUNTS
70 Government Direction, Management, and Control
74 General Government Services
DIRECT STATE SERVICES

01-9400 Property Rentals	$7,000,000
Total Direct State Services Appropriation, General Government Services	$7,000,000
Direct State Services	
01 Existing and Anticipated Leases	($7,000,000)

2 The language provisions in section 1 of P L 2021, c 133, the annual appropriations act for Fiscal Year 2022, are amended to read as follows

22 DEPARTMENT OF COMMUNITY AFFAIRS
40 Community Development and Environmental Management
41 Community Development Management
GRANTS-IN-AID

The amount appropriated for Affordable Housing Programs shall be allocated for the following purposes (1) an amount not to exceed $5,000,000, subject to the approval of the Director of the Division of Budget and Accounting, is appropriated to the Department of Community Affairs to support activities to increase the production of affordable housing by streamlining the permitting and construction review processes at the State and municipal levels, including but not limited to technology upgrades to departmental systems and grants to local units for training and technology upgrades to enhance the efficiency of their permitting and review processes, (2) an amount not to exceed $20,000,000, subject to the approval of the Director of the Division of Budget and Accounting, is appropriated to the New Jersey Housing and Mortgage Finance Agency (HMFA) for a Down Payment and Closing Cost Assistance Program to assist in stabilizing neighborhoods through owner-occupancy and providing home ownership opportunities to households that would otherwise remain tenants, (3) an amount not to exceed

$10,000,000, subject to the approval of the Director of the Division of Budget and Accounting, is appropriated to the HMFA for a Risk Share Pilot Program to enhance the competitiveness of HMFA multifamily mortgage products by providing financial assistance for insurance premiums associated with affordable housing development, and (4) an amount not to exceed $22,000,000, subject to the approval of the Director of the Division of Budget and Accounting, is appropriated to the HMFA to support the operations of a Multifamily Gap Financing Pool that provides necessary gap financing to make possible the construction of additional multifamily projects, a portion not to exceed $10,000,000 of which may be used to address the urgent need for affordable workforce housing by providing subsidies for units accessible to families earning between 80% and 120% of Area Median Income, subject to the approval of the Director of the Division of Budget and Accounting

The amount hereinabove appropriated for HMFA Capital Improvement Assistance Program is appropriated to the New Jersey Housing and Mortgage Finance Agency ("HMFA") and shall be made available as loans, secured by mortgages, to finance (1) costs associated with rehabilitation and physical improvements at selected eligible affordable housing properties needing assistance due to the impacts of natural disasters and other emergent circumstances, or (2) debt, liabilities or other obligations owed to a local unit (as such term is defined in Section 1 of P L 1960, c 169 (C 40A 1-1)), or a county improvement authority created pursuant to P L 1960, c 183 (C 40 37A-46) and which are guaranteed by a local unit, and which existed prior to the natural disaster or other emergent circumstances Loans made available pursuant to this provision shall be provided in accordance with guidelines to be promulgated by the Executive Director no less than 60 days from receipt of the funds, provided, however, that the HMFA may alter such guidelines at a later date The guidelines shall specify that initial priority is provided to HMFA-financed properties that suffered damages from Hurricane Ida in 2021

70 Government Direction, Management, and Control
75 State Subsidies and Financial Aid

STATE AID

Of the amount hereinabove appropriated for Transitional Aid to Localities, amounts may be allocated by the Director of the Division of Local Government Services to any State agency or department, county or county improvement authority to pay for services provided to or on behalf of a participating municipal government unit pursuant to a memorandum of understanding between that State agency or department, county or county improvement authority, as applicable, and the Division of Local Government Services, subject to the approval of the Director of the Division of Budget and Accounting

54 DEPARTMENT OF HUMAN SERVICES
20 Physical and Mental Health
23 Mental Health and Addiction Services
7700 Division of Mental Health and Addiction Services
DIRECT STATE SERVICES

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated to the Direct State Services Alcohol Treatment Fund Program may be transferred to the Dedicated Alcohol Treatment Programs Fund account to supplement any anticipated shortfall from the Motor Vehicle Surcharges Revenue Fund, subject to the approval of the Director of the Division of Budget and Accounting

3 This act shall take effect immediately

Approved June 30, 2022

CHAPTER 21

AN ACT establishing an annual ten-day exemption period under the sales and use tax for certain retail sales of school supplies and sport or recreational equipment and supplementing P L 1966, c 30 (C 54 32B-1 et seq)

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

C 54 32B-8 21a School supplies, products exempt, "Sales and Use Tax Act", definitions

1 a Receipts from retail sales of the following products are exempt from the tax imposed under the "Sales and Use Tax Act," P L 1966, c 30 (C 54 32B-1 et seq) if the products are sold to an individual purchaser for non-business use during the exemption period

(1) computers with a sales price of less than $3,000 per item,

(2) school computer supplies with a sales price of less than $1,000 per item,

(3) school supplies,

(4) school art supplies,

(5) school instructional materials, and

(6) sport or recreational equipment

b As used in this section

"Annual exclusion period" means the period of time between 12 01 a m on the ninth day preceding the first Monday in September of each year and 11 59 p m on the first Monday in September of each year,

"Computers" means electronic devices that accept information in digital or similar form and manipulate it for a result based on a sequence of instructions,

"Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities,

"School art supplies" means items commonly used by a student in a course of study for artwork, and shall include clay and glazes, paints, including acrylic, tempera, and oil, paintbrushes used for artwork, sketch and drawing pads, and watercolors,

"School computer supplies" means items commonly used by a student in a course of study in which a computer is used, and shall include computer storage media, diskettes, and compact disks, handheld electronic schedulers, except devices that are cellular phones, personal digital assistants, except devices that are cellular phones, computer printers, and printer supplies for computers, printer paper, and printer ink,

"School instructional materials" means written materials commonly used by a student in a course of study as a reference and to learn the subject being taught, and shall include reference books, reference maps and globes, textbooks, and workbooks,

"School supplies" means items commonly used by a student in a course of study, and shall include binders, book bags, calculators, cellophane tape, blackboard chalk, compasses, composition books, crayons, erasers, folders, including expandable folders, pocket folders, plastic folders, and manila folders, glue, paste, and paste sticks, highlighters, index cards, index card boxes, legal pads, lunch boxes, markers, notebooks, paper, including loose leaf ruled notebook paper, copy paper, graph paper, tracing paper, manila paper, colored paper, poster board, and construction paper, pencil boxes and other school supply boxes, pencil sharpeners, pencils, pens, protractors, rulers, scissors, and writing tablets, and

"Sport or recreational equipment" means items designed for human use and worn in conjunction with an athletic or recreational activity that are not suitable for general use, and shall include, but not be limited to ballet and tap shoes, cleated or spiked athletic shoes, gloves, including baseball gloves, bowling gloves, boxing gloves, hockey gloves, and golf gloves, goggles, hand and elbow guards, life preservers and vests, mouth guards, roller and ice skates, shin guards, shoulder pads, ski boots, waders, and wetsuits and fins

C 54 32B-8 21b Regulations, adoption

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 Taxation in the Department of the Treasury may adopt immediately upon filing with the Office of Administrative Law, such regulations as the director deems necessary to implement the provisions of section 1 of P L 2022 c 21 (C 54 32B-8 21a) and to maintain compliance with the Streamlined Sales and Use Tax Agreement, which regulations shall be effective for a period not to exceed 180 days from the date of the filing The regulations may therefore be amended, adopted, or readopted by the director as the director deems necessary in accordance with P L 1968, c 410

3 This act shall take effect immediately and shall apply to retail sales made during annual exemption periods occurring at least 30 days following enactment

Approved June 30, 2022

CHAPTER 22

AN ACT concerning fees for driver's licenses and non-driver identifications

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

1 a Notwithstanding the provisions of any law to the contrary, including, but not limited to, R S 39 3-10, section 4 of P L 2001, c 391 (C 39 3-10f4), section 22 of P L 1990, c 103 (C 39 3-10 30), and sections 4 and 6 of P L 1980, c 47 (C 39 3-29 5 and C 39 3-29 7), during the period beginning October 1, 2022 and ending September 30, 2023, the Chief Administrator of the New Jersey Motor Vehicle Commission shall waive the payment of fees for

(1) the renewal of a non-driver identification card pursuant to section 4 of P L 1980, c 47 (C 39 3-29 5),

(2) the renewal of a commercial driver license pursuant to P L 1999, c 103 (C 39 3-10 9 et al),

(3) the renewal of a motorcycle license or endorsement pursuant to R S 39 3-10,

(4) the renewal of a basic driver's license pursuant to R S 39 3-10, and

(5) the digitized photographs required for the issuance and renewal of each license or non-driver identification card

b During the period beginning October 1, 2022 and ending September 30, 2023

(1) the required fee shall be $11 to upgrade a standard basic driver's license or standard non-driver identification card to a REAL ID basic driver's license or REAL ID non-driver identification card,

(2) the required fee for the initial issuance of a REAL ID basic driver's license shall be the amount set forth in subsection m of R S 39 3-10 and the amount set forth in section 4 of P L 2001, c 391 (C 39 3-10f4) for a digitized photograph, except as these amounts may be adjusted pursuant to section 16 of P L 2007, c 335 (C 39 2A-36 1), and

(3) the required fee for the initial issuance of a REAL ID non-driver identification card shall be the amounts set forth in section 6 of P L 1980, c 47 (C 39 3-29 7) for the REAL ID non-driver identification card and the digitized photograph, except as these amounts may be adjusted pursuant to section 16 of P L 2007, c 335 (C 39 2A-36 1)

2 This act shall take effect on October 1, 2022 and shall expire on September 30, 2023, except the Chief Administrator of the New Jersey Motor Vehicle Commission may take such anticipatory administrative action in advance as shall be necessary for the implementation of this act

Approved June 30, 2022

CHAPTER 23

AN ACT concerning fees for issuing marriage and civil union licenses and makes an appropriation

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

1 Notwithstanding the provisions of R S 37 1-12, section 1 of P L 1981, c 382 (C 37 1-12 1), or any other law to the contrary, for the period beginning July 1, 2022 and ending June 30, 2023, a licensing officer shall not charge or collect a fee for issuing a marriage or civil union license from a marriage license or civil union license applicant

2 The State shall reimburse a municipality for the fees authorized by R S 37 1-12 which have been suspended by the provisions of section 1 of

this act To assist in the reimbursements authorized by this section, the Office of Vital Statistics and Registry in the Department of Health shall provide to the Division of Local Government Services in the Department of Community Affairs marriage certificates submitted to the office by municipalities

3 There is appropriated from the General Fund to the Department of the Treasury an amount not to exceed $2,000,000, subject to the approval of the Director of the Division of Budget and Accounting, for the purpose of reimbursing municipalities pursuant to section 2 of this act

4 This act shall take effect on July 1, 2022 and shall expire on June 30, 2023

Approved June 30, 2022

CHAPTER 24

AN ACT allowing a child tax credit under the gross income tax, 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 4-17 1 Child tax credit, income limit

1 a A resident taxpayer with New Jersey taxable income of $80,000 or less shall be allowed a credit against the tax otherwise due pursuant to the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq for each child who has not attained the age of six years as of the close of the taxable year and for which the taxpayer is allowed a deduction under N J S 54A 3-1

The credit shall be in the following amounts

If the taxable income is	The credit is
$30,000 or under	$500
over $30,000 but not over $40,000	$400
over $40,000 but not over $50,000	$300
over $50,000 but not over $60,000	$200
over $60,000 but not over $80,000	$100

The income limit set forth in this section shall apply to taxpayers of any filing status

b A taxpayer shall be allowed the credit pursuant to this section whether the taxpayer uses a Social Security number or an Individual Taxpayer Identification Number on their tax forms

c If the amount of the credit allowed pursuant to this section exceeds the amount of tax otherwise due pursuant to the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq , after all other credits and deductions, the amount of excess shall be treated as a refundable overpayment

d To qualify for the credit allowed pursuant to this section, a taxpayer shall file a joint return if the taxpayer is married, except for a taxpayer who files as a head of household or surviving spouse for federal income tax purposes for the taxable year

e In the case of a part-year resident, 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 taxpayer's residency in the taxable year bears to 12 in that period For this purpose, 15 days or more shall constitute a month

f Any tax credit pursuant to this section shall not be taken into account as income 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

g The Division of Taxation shall issue data as part of the annual tax expenditure report, as required by section 1 of P L 2009, c 189 (C 52 27B-20a) to include the number of taxpayers claiming the New Jersey Child Tax Credit, as well as claimants' income, the number of children benefitting, and the average credit amount per child and per claimant

2 This act shall take effect immediately and shall apply to taxable years beginning on and after January 1, 2023

Approved June 30, 2022

CHAPTER 25

AN ACT establishing infant and toddler child care grant programs, supplementing Title 30 of the New Jersey Statutes, and making an appropriation

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

C 30 5B-36 Short title

1 This act shall be known and may be cited as the "Thriving By Three Act."

C 30 5B-37 Incentivize capacity increase for infant, toddler care

2 The purpose of this act shall be to incentivize the expansion of capacity for infants and toddlers, provide technical assistance to child care providers for the expansion of child care spaces for infants and toddlers, address shortages in infant and toddler care capacity that is available for working families, and support the developmental needs of young children.

C 30 5B-38 Grants, requirements, eligibility

3 a. The New Jersey Economic Development Authority shall award one-time grants, on either a competitive or rolling application basis, to licensed child care providers, registered family day care providers, and Head Start programs that meet the requirements of subsection b. of this section. Providers and programs that meet the requirements of subsection b. of this section shall be eligible for a one-time grant that may be used to renovate, improve, expand, or reconstruct existing facilities in a manner that will have the predominant effect of increasing the number of infant and toddler child care slots or classrooms, as appropriate. The authority may provide technical assistance to assist providers in meeting the requirements of the grant program.

b. To be eligible for consideration for a grant award under this section, a licensed child care provider, registered family day care provider, or Head Start program shall:

(1) submit an application to the authority, in a form and manner as shall be prescribed by the authority and in accordance with criteria established by the authority in consultation with the Commissioner of Human Services, which application shall outline the purposes for which a grant award would be used;

(2) comply with the current child care licensing standards for infant and toddler child care, including, but not limited to, class size, child-to-staff ratios, and health and safety standards; and

(3) participate or apply to participate in the State's child care quality rating and improvement system, Grow NJ Kids.

c. In awarding grants under this section, the authority shall give preference to providers and programs that:

(1) are located in communities identified as child care deserts with few or no options for high-quality child care for infants and toddlers;

(2) are located in communities with high percentages of low-income families, and

(3) can align their infant and toddler child care programs with high-quality preschool programs, support collaborations for shared services, and build upon existing early childhood education services

C 30 5B-39 Department of Human Services, Economic Development Agency, awarding of grants

4 a The Commissioner of Human Services shall award grants, on a competitive basis pursuant to criteria established by the Commissioner of Human Services, to licensed child care providers, registered family day care providers, and Head Start programs that meet the requirements of subsection b of this section Providers and programs that meet the requirements of subsection b of this section shall be eligible for a one-time initial grant that may be used to purchase equipment, recruit, train, or compensate staff for new infant and toddler slots or classrooms, and for other initiatives to support the expansion of infant and toddler child care capacity The Department of Human Services may provide technical assistance to assist providers in meeting the requirements of the grant program

b To be eligible for consideration for a grant award under this section, a licensed child care provider, registered family day care provider or Head Start program shall submit an application to the Department of Human Services, in a form and manner as shall be prescribed by the Commissioner of Human Services and in accordance with criteria established by the Commissioner of Human Services, which application shall outline the purposes for which a grant award would be used Eligible providers shall include, but shall not be limited to, providers that receive a grant from the Economic Development Authority pursuant to section 2 of this act To be eligible for consideration for a grant award under this section, an applicant shall additionally

(1) comply with the current child care licensing standards for infant and toddler child care, including, but not limited to, class size, child-to-staff ratios, and health and safety standards,

(2) demonstrate that the grant funding will be used to support the expansion of infant and toddler child care capacity, and

(3) participate or apply to participate in the State's child care quality rating and improvement system, Grow NJ Kids

c The commissioner shall establish selection criteria for the awarding of grant funds under the program One-time initial grants shall be awarded,

in an amount to be determined by the commissioner, based upon review of the applications and subject to the availability of funds

d The department shall calculate the initial grant award for an eligible recipient based on the number of new infant or toddler child care slots that will be supported through the grant program created pursuant to this section Initial grants awarded pursuant to this section shall be in an amount that is not less than $3,000 per new infant or toddler child care slot that will be supported through the grant program

e (1) Subject to appropriation and the availability of funds, grant recipients not already participating in Grow NJ Kids at the time the grant recipient applied to the department for a grant award under this section, which recipients apply to participate in Grow NJ Kids as a condition of program eligibility, shall be eligible to apply for and receive up to two additional grant awards to allow for time for the recipient to join and become rated under Grow NJ Kids A recipient shall not be eligible for an additional grant award under this subsection if the recipient has received a Grow NJ Kids rating

(2) A grant recipient shall apply for additional grant awards pursuant to paragraph (1) of this subsection in a form and manner as shall be prescribed by the commissioner The application for an additional grant award shall outline the purposes for which the grant would be used Additional grant awards may be used for the same purposes as are authorized for grants awarded pursuant to subsection a of this section

(3) The department shall calculate an additional grant award for an eligible recipient based on the number of new infant or toddler child care slots that are supported using the recipient's initial grant award Additional grants awarded pursuant to this subsection shall be in an amount that is not less than $1,200 per infant or toddler child care slot that will be supported through the grant program

(4) A first additional grant awarded pursuant to this subsection shall be paid on the first day of the 12th month next following the date the initial grant award is paid A second additional grant awarded pursuant to this subsection shall be paid on the first day of the 24th month next following the date the initial grant award is paid

f In awarding grants under this section, the commissioner shall give preference to providers and programs that

(1) are located in communities identified as child care deserts with few or no options for high-quality child care for infants and toddlers,

(2) are located in communities with high percentages of low-income families, and

(3) can align their infant and toddler child care programs with high-quality preschool programs, support collaborations for shared services, and build upon existing early childhood education services

C 30 5B-40 Publicizing grant programs, encouraging application, assistance

5 The Economic Development Authority and the Department of Human Services shall each publicize the existence of, and encourage licensed child care providers, registered family day care providers, and Head Start programs to apply to participate in, the grant programs established under this act, and shall provide technical assistance to the grant awardees to meet the requirements of the grant program

C 30 5B-41 Report submitted to grant-awarding agency

6 Within one year after receiving a grant award under this act, a licensed child care provider, registered family day care provider, or Head Start program shall submit a report to the agency that awarded the grant to the licensed child care provider, registered family day care provider, or Head Start program containing information on the provider's or program's use of the grant funds The report shall include, to the extent relevant, information any new infant and toddler child care capacity, including new slots, created using grant funds, any staff recruitment initiatives supported using grant funds, increases or improvements in the provision of child care services as a result of the grant, and any notable changes in child care enrollment and attendance rates or other measures the provider or program observed since receiving the grant

C 30 5B-42 Report submitted to Governor, Legislature

7 The Commissioner of Human Services and the Economic Development Authority shall each submit a report to the Governor, and to the Legislature pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1), no later than two years after the establishment of the grant programs established pursuant to this act The report shall include, but need not be limited to, information on the number of grant applicants, the number and amounts of grants awarded, the purposes for which grant funds were used, the number of additional infant and toddler child care spaces created using grant funds, information provided by licensed child care providers, registered family day care providers, and Head Start programs under section 6 of this act, and any recommendations concerning the continuation or expansion of the grant programs

8 The Economic Development Authority and the Commissioner of Human Services, in consultation with the Department of Education and the Bureau of Licensing in the Department of Children and Families, pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), may each adopt such rules and regulations as may be necessary to implement the provisions of this act

9 There is appropriated the following sums to effectuate the provisions of this act

a $8,000,000 from the General Fund to the Economic Development Authority to effectuate the provisions of section 3 of this act, of which a reasonable amount not to exceed five percent may be used by the authority for organizational, administrative and other work and services, including salaries, equipment, services, and materials necessary to administer the activities authorized by this act, and

b $20,000,000 from the General Fund to the Department of Human Services to effectuate the provisions of section 4 of this act, of which a reasonable amount not to exceed five percent may be used by the department for organizational, administrative and other work and services, including salaries, equipment, services, and materials necessary to administer the activities authorized by this act

10 This act shall take effect immediately

Approved June 30, 2022

CHAPTER 26

AN ACT concerning applications for the Supplemental Nutrition Assistance Program, amending the title and body of P L 2021, c 243, supplementing Title 44 of the Revised Statutes, and making an appropriation

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

1 The title of P L 2021, c 243 is amended to read as follows

AN ACT concerning participation in the New Jersey Supplemental Nutrition Assistance Program and supplementing Title 44 of the Revised Statutes

2 Section 1 of P L 2021, c 243 (C 44 10-81 3) is amended to read as follows

C 44 10-81 3 Streamlining SNAP application for senior citizens

1 a The Commissioner of Human Services, to the maximum extent permissible under federal law, shall review and streamline the SNAP application process, as provided in this section The goal of the streamlining process shall be to maximize the enrollment of eligible SNAP participants in New Jersey by increasing the accessibility of the SNAP application

b In streamlining the SNAP application process, as required by this section, the commissioner shall, at a minimum, update the online application system to ensure the system employs current technology and is user friendly, with features that include, but are not limited to, easy account creation, easy user access, and easy tracking of an applicant's application status

c The Department of Human Services, working in consultation and cooperation with appropriate advocacy organizations, shall engage in comprehensive outreach efforts to ensure that New Jersey residents are made aware of their ability to apply for and obtain SNAP benefits through a streamlined and expedited process At a minimum, the department shall provide outreach at all health care facilities, social service agencies that serve seniors in the State, and other organizations focused on food assistance, and shall use all available media, including print, radio, television, and the Internet, to inform residents of the availability of the streamlined SNAP application process established pursuant to this section

d The Commissioner of Human Services shall apply to the Food and Nutrition Service within the United States Department of Agriculture for any necessary waivers or approvals to implement the provisions of this section

e As used in this section

"Commissioner" means the Commissioner of Human Services

"Department" means the Department of Human Services

"SNAP" means the New Jersey Supplemental Nutrition Assistance Program, established pursuant to the federal "Food and Nutrition Act of 2008," Pub L 110-246 (7 U S C s 2011 et seq)

C 44 10-81 5 SNAP application call center established

3 a The Department of Human Services shall establish a call center where department employees, or persons under contract with the department are available in real-time to assist individuals in

(1) navigating the SNAP application process,

(2) checking on the status of an application, and

(3) troubleshooting any issues with the application

b The commissioner shall apply to the Food and Nutrition Service within the United States Department of Agriculture for any necessary waivers or approvals to implement the provisions of this section

c As used in this section

"Commissioner" means the Commissioner of Human Services

"Department" means the Department of Human Services

"SNAP" means the New Jersey Supplemental Nutrition Assistance Program, established pursuant to the federal "Food and Nutrition Act of 2008," Pub L 110-246 (7 U S C s 2011 et seq)

4 Section 2 of P L 2021, c 243 (C 44 10-81 4) is amended to read as follows

C 44 10-81 4 Rules, regulations

2 The Commissioner of Human Services may adopt rules and regulations, pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), as may be necessary to implement the provisions of this act and P L 2022, c 26 (C 44 10-81 5 et al)

5 There is appropriated from the General Fund to the Department of Human Services the sum of $750,000 for the purpose of implementing the provisions of P L 2022, c 26 (C 44 10-81 5)

6 This act shall take effect immediately

Approved June 30, 2022

CHAPTER 27

AN ACT concerning the New Jersey Supplemental Nutrition Assistance Program, amending P L 2013, c 45 and P L 2016, c 11, 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 10-97 1 New Jersey SNAP ETP participation not required to receive SNAP benefits, information provided to recipients

1 a The NJ SNAP ETP shall be a voluntary program, and the Division of Family Development in the Department of Human Services or a county welfare agency shall not require participation in a NJ SNAP ETP activity or in a New Jersey Supplemental Nutrition Assistance Program Employment and Training Provider 50/50 Match Project, as established under P L 2013, c 45 (C 44 10-95 et seq), in order to be deemed eligible for SNAP benefits

b The division and each county welfare agency shall ensure that all recipients of SNAP benefits are provided information regarding, and the opportunity to participate in, employment and training opportunities consistent with federal SNAP ETP reimbursement requirements

c Nothing in this section shall be construed to limit the authority of the division or a county welfare agency to impose penalties for noncompliance with federal SNAP work requirements

d The division shall submit, in a timely manner, any necessary revisions to the State Employment and Training Plan to the Food and Nutrition Service in the United States Department of Agriculture, as required pursuant to federal regulations, in order to effectuate the provisions of this section

e As used in this section

"NJ SNAP ETP" means the New Jersey Supplemental Nutrition Assistance Program Employment and Training Program that assists SNAP recipients with acquiring the skills, training, work, or experience necessary to obtain regular employment, as established under the New Jersey Supplemental Nutrition Assistance Program and as described in the most recent State Employment and Training Plan submitted to the Food and Nutrition Service in the United States Department of Agriculture

"New Jersey Supplemental Nutrition Assistance Program Employment and Training Provider 50/50 Match Project" means the project established pursuant to P L 2013, c 45 (C 44 10-95 et seq)

"Supplemental Nutrition Assistance Program" or "SNAP" means the program established pursuant to the federal "Food and Nutrition Act of 2008," Pub L 110-246 (7 U S C s 2011 et seq)

"SNAP ETP" means the federal Supplemental Nutrition Assistance Program Employment and Training Program administered by the Food and Nutrition Service in the United States Department of Agriculture and established pursuant to the federal "Food and Nutrition Act of 2008," Pub L 110-246 (7 U S C s 2011 et seq) and any regulations adopted pursuant thereto

2 Section 2 of P L 2013, c 45 (C 44 10-96) is amended to read as follows

C 44 10-96 Definitions relative to the "New Jersey SNAP Employment and Training Provider 50/50 Match Project Act "

2 As used in P L 2013, c 45 (C 44 10-95 et seq)

"Commissioner" means the Commissioner of Human Services

"Department" means the Department of Human Services

"Eligible participant" means a SNAP recipient who qualifies for participation in NJ SNAP ETP

"New Jersey Supplemental Nutrition Assistance Program Employment and Training Provider 50/50 Match Project" or "project" means the project established pursuant to P L 2013, c 45 (C 44 10-95 et seq)

"NJ SNAP ETP" means the New Jersey Supplemental Nutrition Assistance Program Employment and Training Program that assists SNAP recipients with acquiring the skills, training, work, or experience necessary to obtain regular employment, as established under the New Jersey Supplemental Nutrition Assistance Program and as described in the most recent State Employment and Training Plan submitted to the Food and Nutrition Service in the United States Department of Agriculture

"Non-federal resources" means any of the following resources, provided that the resources are not from a federal source or used as a match for other federal funding purposes

(1) cash donations from private firms, charitable foundations, or non-profit organizations received by partnering providers,

(2) local tax levy funds received by partnering providers,

(3) certain eligible in-kind contributions received by partnering providers that are public entities, including property or services which support the provider's NJ SNAP ETP activities and which are contributed by non-federal public entities without charge to the partnering provider, or

(4) any other non-federal resources that are currently allowed by the federal government

"Partnering provider" means a qualifying agency selected to participate in the project

"Project participant" means an eligible participant who elects to participate in the project established pursuant to P L 2013, c 45 (C 44 10-95 et seq)

"Qualifying agency" means a local government, non-profit entity, institution of higher education, foundation, or other eligible community-based organization that qualifies for allowable federal SNAP ETP reimbursements pursuant to the federal "Food and Nutrition Act of 2008," Pub L 110-246 (7

U S C s 2011 et seq) by providing allowable services that help SNAP recipients acquire the skills, training, work, or experience necessary to obtain regular employment A qualifying agency may also include a consortium of organizations

"Service area" means the geographic area of the State in which a partnering provider provides NJ SNAP ETP services under the project established pursuant to P L 2013, c 45 (C 44 10-95 et seq)

"SNAP" means the New Jersey Supplemental Nutrition Assistance Program, established pursuant to the federal "Food and Nutrition Act of 2008," Pub L 110-246 (7 U S C s 2011 et seq)

"SNAP ETP" means the federal Supplemental Nutrition Assistance Program Employment and Training Program administered by the Food and Nutrition Service in the United States Department of Agriculture and established pursuant to the federal "Food and Nutrition Act of 2008," Pub L 110-246 (7 U S C s 2011 et seq) and any regulations adopted pursuant thereto

"Work First New Jersey TANF benefits" means Temporary Assistance for Needy Families benefits provided under the Work First New Jersey program established pursuant to P L 1997, c 38 (C 44 10-55 et seq) in accordance with the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub L 104-193 (42 U S C s 601 et seq)

3 Section 5 of P L 2013, c 45 (C 44 10-99) is amended to read as follows

C 44 10-99 Collaboration between partnering providers and county welfare agencies

5 a A county welfare agency shall collaborate with all partnering providers whose service areas include the county to inform all eligible participants, upon determination of their eligibility for SNAP benefits, of all project activities operating within the county, permit all eligible participants to participate in any project activities available within the county, and assist eligible participants with contacting partnering providers operating project activities A county welfare agency may advise an eligible participant as to the applicability and appropriateness of specific activities to the eligible participant's case, but the county welfare agency shall not assign an eligible participant to project activities without the eligible participant's consent

b A partnering provider shall collaborate with all county welfare agencies within the provider's service area to inform all eligible participants, upon determination of their eligibility for SNAP benefits, of the availability of project services, and assist the county welfare agencies with identifying

those eligible participants for whom participation in the partnering provider's NJ SNAP ETP activities would be most applicable and appropriate

c A partnering provider shall serve all eligible participants residing within the provider's service area who elect to participate in the provider's project activities Except as provided in this section, a partnering provider shall not deny or terminate the participation of any project participant

d Eligible participants who are required to register for work and are required to fulfill SNAP work requirements may elect to participate in a partnering provider's project activities

e Eligible participants who are required to register for work and are required to fulfill SNAP work requirements who elect to participate in project activities but who subsequently do not cooperate with, or participate in, those activities shall not be subject to penalties for noncompliance with SNAP work requirements during their participation in the project Partnering providers shall terminate the project participation of any such non-cooperating or non-participating eligible participants and refer the non-cooperating or non-participating participants to the applicable county welfare agency The applicable county welfare agency may assign, at a participant's request, the non-cooperating or non-participating participant to another NJ SNAP ETP component outside of the project, as available

f Nothing in P L 2013, c 45 (C 44 10-95 et seq) shall be construed to limit the authority of the county welfare agencies or the department to impose penalties for noncompliance with SNAP work requirements on eligible participants who are required to register for work and are required to fulfill SNAP work requirements

g A partnering provider may deny or terminate the participation of any project participant who is not appropriately matched to the partnering provider's project activities upon obtaining approval from the applicable county welfare agency

4 Section 6 of P L 2013, c 45 (C 44 10-100) is amended to read as follows

C 44 10-100 Programmatic functions required by partnering provider

6 a Each partnering provider shall be required to perform the following programmatic functions and to maintain sufficient capacity to perform these functions effectively

(1) assist project participants with obtaining and retaining employment,

(2) provide project participants with appropriate NJ SNAP ETP services and participant reimbursements that fulfill the purposes of NJ SNAP ETP

and that qualify for federal SNAP ETP reimbursements These services and participant reimbursements may include, but are not limited to job search and placement services, job readiness assistance, education or training that improves basic skills and general employability, specific job skills training or vocational education, work experience that improves the employability of project participants, subsidized employment, workfare, self-employment training, services related to the federal Workforce Investment Act of 1998, Pub L 105-220 (29 U S C s 2801 et seq), job retention services, or reimbursements for project participant expenses, including dependent care costs, transportation expenses, books or training manuals, fees, uniforms, equipment and tools required for employment, or personal safety items required for program participation,

(3) assess and place project participants into appropriate NJ SNAP ETP services, as defined in paragraph (2) of this subsection,

(4) provide project participants with support services, including case management, early intervention, career counseling, and referrals to additional programs and services,

(5) verify whether potential project participants are receiving SNAP benefits and make referrals, as appropriate, to assist potential project participants with applying for SNAP benefits,

(6) collaborate with county welfare agencies to develop processes and materials that inform eligible participants regarding project activities within each county, in accordance with each partnering provider's service area, facilitate eligible participants' communications with partnering providers regarding participation in project activities, and assist eligible participants with rendering decisions regarding their participation in project activities,

(7) assist project participants with continuing to meet administrative requirements, work requirements, employment and training requirements, and other requirements for maintaining SNAP eligibility,

(8) coordinate with the department and county welfare agencies on a monthly basis to verify that project participants are receiving SNAP benefits and are not receiving Work First New Jersey TANF benefits,

(9) coordinate with the county welfare agencies and the department to distinguish eligible participants who are required to register for work and are required to fulfill SNAP work requirements from eligible participants who are exempt from the work registration and work requirements associated with receiving SNAP benefits,

(10) provide uninterrupted NJ SNAP ETP services and participant reimbursements to eligible participants through changes in the participants'

SNAP work registration and work requirement status, subject to the provisions for terminating project participation pursuant to section 5 of P L 2013, c 45 (C 44 10-99),

(11) maintain program records and report to the department and the Department of Labor and Workforce Development the following monthly information for each claimed NJ SNAP ETP participant program, participant name, participant Social Security number, services and reimbursements received, and weekly hours,

(12) prepare and submit to the department invoice and certification letters each quarter for the total non-federal resources and program expenditures qualifying for federal SNAP ETP reimbursements for the quarter,

(13) monitor project participants and subcontractors and provide detailed reports of participants, activities, and outcomes to the Department of Labor and Workforce Development on a regular basis,

(14) devote sufficient staff time and expertise to fulfill NJ SNAP ETP administrative and reporting requirements,

(15) collaborate with the department and the Department of Labor and Workforce Development to ensure that federal SNAP ETP reimbursements received under the program are expended in accordance with all applicable federal laws and regulations, and

(16) report to the department and the Department of Labor and Workforce Development and county welfare agencies on a monthly basis the identities of any eligible participants who are required to register for work and are required to fulfill SNAP work requirements and who are not cooperating with, or participating in, assigned services or work

b Each partnering provider shall be required to perform the following financial functions and to maintain sufficient capacity to perform the functions effectively

(1) maintain cash flow necessary to manage the delay from program outlays to SNAP ETP reimbursements,

(2) manage federal grants, track expenditures, and ensure that non-federal resources and program expenditures qualify for federal SNAP ETP reimbursements,

(3) perform cost allocation using multiple funds,

(4) track staff time devoted to NJ SNAP ETP activities under this project, and

(5) maintain records for State audits

c Partnering providers may establish agreements with subcontracting organizations to support their NJ SNAP ETP activities under this project

d The department shall consider educational activities serving eligible participants at community colleges as qualifying for federal SNAP ETP reimbursements to the greatest extent allowable under federal laws and regulations In accordance with section 273 5 of title 7, Code of Federal Regulations, individuals enrolled at least half-time in an institution of higher education who are assigned to, or placed in, an NJ SNAP ETP educational activity and who meet all SNAP eligibility requirements shall be determined eligible for SNAP benefits and shall be eligible for participation in the project

5 Section 7 of P L 2013, c 45 (C 44 10-101) is amended to read as follows

C 44 10-101 County welfare agencies, departments to assist partnering providers

7 a The county welfare agencies, under the oversight of the department, shall assist partnering providers by

(1) collaborating with partnering providers, the department, and the Department of Labor and Workforce Development to conduct outreach to potential project participants and to refer potential project participants to the partnering providers,

(2) collaborating with partnering providers to develop processes and materials that inform eligible participants regarding the availability of project activities within each county, in accordance with each partnering provider's service area, the option for eligible participants to participate in project activities, the applicability and appropriateness of specific activities to the eligible participant's case, and the means by which eligible participants may contact partnering providers regarding project participation,

(3) determining potential project participants' SNAP eligibility and providing the results of eligibility determinations to partnering providers,

(4) developing and implementing a process to verify that potential project participants are receiving SNAP benefits and not receiving Work First New Jersey TANF benefits and ensuring that this verification process adheres to all applicable federal laws and regulations restricting the unauthorized disclosure of information concerning applicants for, and recipients of, SNAP or TANF benefits,

(5) determining each potential project participant's status regarding SNAP work registration and employment and training requirements, in coordination with partnering providers,

(6) confirming each project participant's SNAP eligibility on a monthly basis, and

(7) collaborating with partnering providers to develop criteria and procedures for terminating the participation of eligible participants in a partnering provider's project activities including, but not limited to eligible participants who are not appropriately matched to a partnering provider's project activities, and any eligible participants who are required to register for work and are required to fulfill SNAP work requirements and who are not cooperating with, or participating in, assigned services or work

b The department shall, in consultation with the county welfare agencies and the Department of Labor and Workforce Development

(1) assist partnering providers with understanding the administrative requirements, work requirements, employment and training requirements, and other requirements for project participants to maintain SNAP eligibility,

(2) assist partnering providers with understanding the requirements for non-federal resources and program expenditures to generate federal SNAP ETP reimbursements,

(3) submit requests for federal SNAP ETP reimbursements and fulfill all reporting and other SNAP ETP administrative responsibilities required by the Food and Nutrition Service in the United States Department of Agriculture,

(4) distribute federal SNAP ETP reimbursements received by the State under this project to the partnering providers whose non-federal resources and program expenditures generated the federal reimbursements, in accordance with the provisions of section 8 of P L 2013, c 45 (C 44 10-102),

(5) collect data concerning partnering providers and project participants, activities, and outcomes, and

(6) audit partnering providers on a routine basis to ensure fiscal and program integrity

6 Section 8 of P L 2013, c 45 (C 44 10-102) is amended to read as follows

C 44 10-102 Submission of revised State Employment and Training Plan

8 a The department shall submit a revised State Employment and Training Plan to the Food and Nutrition Service in the United States Department of Agriculture, in accordance with section 273 7 (c) of title 7, Code of Federal Regulations, in order to expand NJ SNAP ETP to include project partnerships with qualifying agencies The revised State Employment and Training Plan shall define the services to be provided under NJ SNAP ETP, including, but not limited to, the project services provided pursuant to P L 2013, c 45

(C 44 10-95 et seq) and shall ensure that under no circumstances shall a recipient of SNAP benefits be disqualified from SNAP participation solely due to nonparticipation in a SNAP ETP activity The department shall submit the revised State Employment and Training Plan to the Food and Nutrition Service as soon as practicable but no later than the first day of the seventh month next following the effective date of P L 2022, c 27 (C 44 10-97 1 et al)

b The commissioner shall take such additional steps as may be necessary to secure approval from the Food and Nutrition Service in the United States Department of Agriculture for this project and to ensure that the State and partnering providers are in compliance with all applicable provisions of federal and State laws and regulations

c The department may reserve up to five percent of the federal SNAP ETP reimbursements generated as a direct result of the activities of the partnering providers and received by the State pursuant to P L 2013, c 45 (C 44 10-95 et seq) for operating expenses and staff directly related to the administration, oversight, and evaluation of this project The remaining federal SNAP ETP reimbursements generated as a direct result of the activities of the partnering providers and received by the State pursuant to P L 2013, c 45 (C 44 10-95 et seq) shall be distributed to the partnering providers whose expenditures generated the federal SNAP ETP reimbursements on a pro-rata basis and in accordance with the performance-based system for distributing federal SNAP ETP reimbursements established pursuant to section 4 of P L 2013, c 45 (C 44 10-98) Within the request for proposals issued pursuant to P L 2013, c 45 (C 44 10-95 et seq), the department shall describe the performance-based system for distributing federal SNAP ETP reimbursements and indicate the net percentage of federal SNAP ETP reimbursements that shall be distributed to partnering providers

d The department shall apply for any additional federal funds which may be available to implement the provisions of P L 2013, c 45 (C 44 10-95 et seq), including, but not limited to, any unobligated, unexpended federal SNAP ETP funds originally allocated to other state agencies and available for reallocation pursuant to section 273 7 (d) of title 7, Code of Federal Regulations

e The Commissioner of Labor and Workforce Development may solicit, receive, and accept grants, funds, or anything of value from any public or private entity and receive and accept contributions of money, property, labor, or any other thing of value from any legitimate source to support the project, provided that the commissioner does not have reason to believe that the entity may have a vested interest in the decisions of the commissioner or the department concerning the selection of specific partnering providers

7 This act shall take effect immediately

Approved June 30, 2022

CHAPTER 28

AN ACT concerning the Supplemental Nutrition Assistance Program outreach plan, 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 10-81 6 Maintain, conduct new outreach programs, "SNAP Navigator Program" established

1 a The department shall, consistent with federal requirements, maintain a SNAP outreach plan targeted at increasing potential beneficiaries' access to

(1) information regarding the availability of SNAP, the criteria for eligibility for SNAP benefits, and the various methods to apply for SNAP benefits, and

(2) the technological means to apply for SNAP benefits

b The department shall, subject to available funds, conduct additional outreach programs, which may include

(1) establishing a SNAP Navigator Program, the purpose of which shall be to recruit, train, and support SNAP application navigators via a process and method determined by the commissioner,

(2) making available training to the appropriate staff at community-based organizations regarding the necessary steps to complete and submit a SNAP application, through all available methods, including online and by telephone Staff trained pursuant to this paragraph shall assist clients with the SNAP application process,

(3) partnering with community-based organizations to increase client access to computers and the online SNAP application,

(4) providing SNAP information and resources to beneficiaries of public assistance programs who are served by the department and county welfare agencies, and who are likely to be eligible for, but are not currently receiving, SNAP benefits, and

(5) conducting a public awareness campaign using available media, including television, radio, print, and social media, to inform the public of the availability of SNAP

c As used in this section

"Commissioner" means Commissioner of Human Services

"Department" means the Department of Human Services

"Public assistance program" means any program administered through the Department of Human Services, a county welfare agency, or a collaboration between the two which is authorized to provide assistance and services to needy persons, including, but not limited to the New Jersey Supplemental Nutrition Assistance Program, established pursuant to the federal "Food and Nutrition Act of 2008," Pub L 110-246 (7 U S C s 2011 et seq), the Work First New Jersey program established pursuant to P L 1997, c 38 (C 44 10-55 et seq), and the Medicaid program established pursuant to P L 1968, c 413 (C 30 4D-1 et seq)

"SNAP" means the New Jersey Supplemental Nutrition Assistance Program, established pursuant to the federal "Food and Nutrition Act of 2008," Pub L 110-246 (7 U S C s 2011 et seq)

2 The Commissioner of Human Services may promulgate rules and regulations to effectuate the provisions of this act, which rules and regulations shall be effective immediately upon filing with the Office of Administrative Law for a period not to exceed 18 months, and may, thereafter, be amended, adopted, or readopted in accordance with the provisions of the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq)

3 This act shall take effect immediately

Approved June 30, 2022

CHAPTER 29

AN ACT concerning waiver requests for certain eligibility requirements under the Supplemental Nutrition Assistance Program, and amending P L 2016, c 11

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

1 Section 1 of P L 2016, c 11 (C 44 10-105) is amended to read as follows

C 44 10-105 Review of available data by commissioner

1 a The Commissioner of Human Services shall submit to the Food and Nutrition Service within the United States Department of Agriculture a request for a waiver, as authorized by 7 C F R 273 24(f), of the time limit on benefits for able-bodied adults without dependents who participate in the Supplemental Nutrition Assistance Program The commissioner shall seek either a Statewide waiver for time limits on benefits for this population, or a waiver for select geographic areas of the State

b At least once annually after the submission of the waiver pursuant to subsection a of this section, the commissioner shall conduct a review of available data on labor and employment in the State produced by the Department of Labor and Workforce Development and the federal Bureau of Labor Statistics in order to determine whether to submit a subsequent request for a waiver of the benefit time limit for able-bodied adults without dependents participating in the Supplemental Nutrition Assistance Program The review shall consider each criterion of eligibility for a waiver as well as the availability of opportunities that will fulfill the work requirement described in 7 C F R 273 24(a) Based on the annual review conducted pursuant to this subsection, the commissioner shall submit a request for a waiver for the maximum number of areas which are eligible for a waiver The waiver request shall be for all geographic areas which represent the largest number of individuals eligible for a waiver of the able-bodied adults without dependents time limits on the receipt of SNAP benefits This support shall serve to fulfill the requirements described in 7 U S C s 2015(o)(4)(A)

2 This act shall take effect on the first day of the second month next following enactment, except the Commissioner of Human Services may take any anticipatory administrative action as shall be necessary for the implementation of this act

Approved June 30, 2022

CHAPTER 30

AN ACT concerning county boards of social services, supplementing Title 44 of the Revised Statutes, amending P L 2021, c 93, and making an appropriation

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

C 44 10-81 7 Definitions

1 As used in this act

"Commissioner" means Commissioner of Human Services

"Department" means Department of Human Services

"SNAP" means the New Jersey Supplemental Nutrition Assistance Program, established pursuant to the federal "Food and Nutrition Act of 2008," Pub L 110-246 (7 U S C s 2011 et seq)

C 44 10-81 8 Training program established, assist in SNAP enrollment

2 a The Department of Human Services, to the maximum extent permissible under federal law, shall establish a training program for county boards of social services that assist individuals with SNAP enrollment and recertification processes The purpose of the training shall be to educate employees, including supervisory and managerial employees and designated county training staff, on current federal laws, regulations, and standards concerning SNAP, and standard best practices to comply with federal SNAP requirements, with the goal of ensuring employees of county boards of social services are at all times in compliance with federal laws, regulations, standards, and best practices as they pertain to SNAP The department shall review the training program and curriculum each year and may modify the training program from time to time, as need may require, to incorporate any changes to the federal laws, regulations, and standards concerning SNAP

b Participation in the training program established pursuant to this section shall be mandatory for all employees of a county board of social services who assist individuals with SNAP enrollment and recertification processes, as well as for all supervisory or management employees of the county board of social services who interview, process, or review SNAP cases and designated training staff of the county board of social services Each county board of social services shall be responsible for ensuring that

(1) all required employees complete the training program at least twice in each calendar year,

(2) all newly hired employees of the county board of social services who will assist individuals with SNAP enrollment and recertification processes, who will interview, process, or review SNAP cases in a managerial or supervisory role, or who will serve as designated training staff for the county board of social services complete the training within one month of hire, and

(3) all employees who assist individuals with SNAP enrollment and recertification processes, who interview, process, or review SNAP cases in a managerial or supervisory role, or who serve as designated training staff members, complete the training as a condition of any professional promotion within the county board of social services

C 44 10-81 9 Case tracking data published on Internet website

3 The Department of Human Services shall publish county-level case tracking data for SNAP on its Internet website that includes, but is not limited to application approval rates, reasons for application denial, average application approval times, and the average time between when a case closes and when it is subsequently reopened

4 Section 1 of P L 2021, c 93 (C 44 10-81 2) is amended to read as follows

C 44 10-81 2 SNAP application process technologically upgraded

1 a Consistent with federal law, the Commissioner of Human Services shall permit applicants for SNAP to apply by phone, electronic device, or kiosk, as well as for employees of county welfare agencies and county boards of social services to conduct SNAP interviews by telephone, electronic device, or kiosk The commissioner shall establish requirements to ensure the security and privacy of applications submitted, and interviews conducted, by telephone or using an electronic device or kiosk pursuant to this section

b The commissioner shall

(1) consult with county welfare agencies and county boards of social services to create an electronic record information processing system to process applications submitted for SNAP using telephones, electronic devices, and kiosks and for interviews conducted using telephones, electronic devices, and kiosks pursuant to subsection a of this section, and ensure such systems are in compliance with federal standards, and

(2) apply and receive approval for such waivers as may be necessary to implement the provisions of this section

c County welfare agencies and county boards of social services shall designate an employee of the agency or board as the agency's or board's county social service liaison County social service liaisons shall be responsible for consulting with institutions of higher education and the higher education community to assist with any technical assistance questions from SNAP applicants and from the county welfare agency or county board of social services arising from the use of telephones, electronic devices, and kiosks in connection with SNAP applications and SNAP interviews

d As used in this section

"Electronic device" means a desktop or laptop computer, mobile phone, tablet, or any other Internet-connected device that is capable of electronically receiving and transmitting the information necessary to process an application for benefits under the Supplemental Nutrition Assistance Program

"SNAP" means the New Jersey Supplemental Nutrition Assistance Program, established pursuant to the federal "Food and Nutrition Act of 2008," Pub L 110-246 (7 U S C s 2011 et seq)

C 44 10-81 10 Waiver, approval application, rules, regulations

5 a The Commissioner of Human Services shall apply to the Food and Nutrition Service within the United States Department of Agriculture for any necessary waivers or approvals to implement the provisions of this act

b The commissioner may adopt rules and regulations as may be necessary to effectuate the provisions of this act, which rules and regulations shall be effective immediately upon filing with the Office of Administrative Law for a period not to exceed 18 months, and may, thereafter, be amended, adopted, or readopted in accordance with the provisions of the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq)

c The commissioner shall annually request funding in an amount as shall be necessary and appropriate to support additional funding for county call centers to address technical assistance questions from SNAP applicants, county welfare agencies, and county boards of social services arising from the use of telephones, electronic devices, and kiosks in connection with SNAP applications and SNAP interviews pursuant to section 2 of P L 2022, c 30 (C 44 10-81 8)

6 There is appropriated from the General Fund to the Department of Human Services the sum of $250,000 for the purposes of effectuating the provisions of this act

7 This act shall take effect immediately

Approved June 30, 2022

CHAPTER 31

AN ACT appropriating funds to support the use of electronic benefits transfer cards in the Senior Farmers' Market Nutrition Program

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

1 There is appropriated from the General Fund to the Department of Human Services the sum of $813,000 The Department of Human Services shall use the funds received pursuant to this section to implement the use of electronic benefits transfer cards by persons participating in the Senior Farmers' Market Nutrition Program

2 This act shall take effect immediately

Approved June 30, 2022

CHAPTER 32

AN ACT concerning minimum monthly benefits under the Supplemental Nutrition Assistance Program, supplementing Title 44 of the Revised Statutes, and making an appropriation

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

C 44 10-111 "State SNAP Minimum Benefit Program" established, definitions

1 a There is established in the *Division of Family Development in the* Department of Human Services the State SNAP Minimum Benefit Program Under the program, the division shall distribute to each eligible household a monthly State SNAP benefit equal to the difference between the household's federal SNAP monthly benefit and $50 The State SNAP benefit shall be provided to an eligible household in addition to the federal SNAP benefit

b The program shall be subject to the same State rules and procedures for implementing the federal SNAP to the greatest extent possible, including, but not limited to, distributing the State SNAP benefit using the program's Electronic Benefit Transfer system and requiring that benefits be used solely for the purchase of food as defined in 7 U S C s 2012

c The Commissioner of Human Services shall apply to the Food and Nutrition Service within the United States Department of Agriculture for any necessary waivers or approvals to implement the provisions of this section

d As used in this section

"Eligible household" means a household that is certified to receive a federal SNAP benefit of at least one dollar per month, but less than $50 per month

"SNAP" means the New Jersey Supplemental Nutrition Assistance Program, established pursuant to the federal "Food and Nutrition Act of 2008," Pub L 110-246 (7 U S C s 2011 et seq)

2 The Commissioner 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), as may be necessary to implement the provisions of this act

3 There is appropriated from the General Fund to the Division of Family Development in the Department of Human Services $18,000,000 to effectuate the provisions of this act

4 This act shall take effect on the first day of the sixth month next following the date of enactment, but the Commissioner of Human Services may take such anticipatory administrative action in advance thereof as may be necessary for the implementation of this act

Approved June 30, 2022

CHAPTER 33

AN ACT concerning health insurance coverage and amending various parts of the statutory law

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

1 Section 1 of P L 1999, c 106 (C 17 48-6v) is amended to read as follows

C 17 48-6v Hospital service corporation to provide coverage for mental health conditions, substance use disorders, collaborative care model

1 a (1) Every individual and group hospital service corporation contract that provides hospital or medical expense benefits and is delivered, issued, executed or renewed in this State pursuant to P L 1938, c 366 (C 17 48-1 et seq), or approved for issuance or renewal in this State by the Commissioner

of Banking and Insurance, on or after the effective date of this act shall provide coverage for mental health conditions and substance use disorders under the same terms and conditions as provided for any other sickness under the contract and shall meet the requirements of the federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, 42 U S C s 18031(j), and any amendments to, and federal guidance or regulations issued under that act, including 45 C F R Parts 146 and 147 and 45 C F R s 156 115(a)(3)

Coverage provided pursuant to this section shall include benefits delivered through the psychiatric Collaborative Care Model

(2) As used in this section

"Mental health condition" means a condition defined to be consistent with generally recognized independent standards of current medical practice referenced in the current version of the Diagnostic and Statistical Manual of Mental Disorders

"Psychiatric Collaborative Care Model" means the evidence-based, integrated behavioral health service delivery method wherein a primary care provider and a care manager collaborate with a psychiatric consultant to provide care to a patient "Psychiatric Collaborative Care Model" shall include those benefits that are billed using the following list of Current Procedural Terminology (CPT) codes, which list shall be updated by the Commissioner of Banking and Insurance whenever the codes are altered or supplemented

(a) 99492 – Initial psychiatric collaborative care management,

(b) 99493 – Subsequent psychiatric collaborative care management, and

(c) 99494 – Initial or subsequent psychiatric collaborative care management, additional time

"Same terms and conditions" means that the hospital service corporation cannot apply more restrictive non-quantitative limitations, such as utilization review and other criteria or more quantitative limitations such as copayments, deductibles, aggregate or annual limits or benefit limits to mental health condition and substance use disorder benefits than those applied to substantially all other medical or surgical benefits

"Substance use disorder" means a disorder defined to be consistent with generally recognized independent standards of current medical practice referenced in the most current version of the Diagnostic and Statistical Manual of Mental Disorders

b (Deleted by amendment, P L 2019, c 58)

c The provisions of this section shall apply to all contracts in which the hospital service corporation has reserved the right to change the premium

d Nothing in this section shall reduce the requirement for a hospital service corporation to provide benefits pursuant to section 1 of P L 2017, c 28 (C 17 48-6nn)

2 Section 2 of P L 1999, c 106 (C 17 48A-7u) is amended to read as follows

C 17 48A-7u Medical service corporation to provide coverage for mental health conditions, substance use disorders, collaborative care model

2 a (1) Every individual and group medical service corporation contract that provides hospital or medical expense benefits that is delivered, issued, executed or renewed in this State pursuant to P L 1940, c 74 (C 17 48A-1 et seq), or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act shall provide coverage for mental health conditions and substance use disorders under the same terms and conditions as provided for any other sickness under the contract and shall meet the requirements of the federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, 42 U S C s 18031(j), and any amendments to, and federal guidance or regulations issued under that act, including 45 s C F R Parts 146 and 147 and 45 C F R s 156 115(a)(3)

Coverage provided pursuant to this section shall include benefits delivered through the psychiatric Collaborative Care Model

(2) As used in this section

"Mental health condition" means a condition defined to be consistent with generally recognized independent standards of current medical practice referenced in the current version of the Diagnostic and Statistical Manual of Mental Disorders

"Psychiatric Collaborative Care Model" means the evidence-based, integrated behavioral health service delivery method wherein a primary care provider and a care manager collaborate with a psychiatric consultant to provide care to a patient "Psychiatric Collaborative Care Model" shall include those benefits that are billed using the following list of Current Procedural Terminology (CPT) codes, which list shall be updated by the Commissioner of Banking and Insurance whenever the codes are altered or supplemented

(a) 99492 – Initial psychiatric collaborative care management,

(b) 99493 – Subsequent psychiatric collaborative care management, and

(c) 99494 – Initial or subsequent psychiatric collaborative care management, additional time

"Same terms and conditions" means that the medical service corporation cannot apply more restrictive non-quantitative limitations, such as utilization review and other criteria or more quantitative limitations such as copayments, deductibles, aggregate or annual limits or benefit limits to mental health condition and substance use disorder benefits than those applied to substantially all other medical or surgical benefits

"Substance use disorder" means a disorder defined to be consistent with generally recognized independent standards of current medical practice referenced in the most current version of the Diagnostic and Statistical Manual of Mental Disorders

b (Deleted by amendment, P L 2019, c 58)

c The provisions of this section shall apply to all contracts in which the medical service corporation has reserved the right to change the premium

d Nothing in this section shall reduce the requirement for a medical service corporation to provide benefits pursuant to section 2 of P L 2017, c 28 (C 17 48A-7kk)

3 Section 3 of P L 1999, c 106 (C 17 48E-35 20) is amended to read as follows

C 17 48E-35 20 Health service corporation to provide coverage for mental health conditions, substance use disorders, collaborative care model

3 a (1) Every individual and group health service corporation contract that provides hospital or medical expense benefits and is delivered, issued, executed or renewed in this State pursuant to P L 1985, c 236 (C 17 48E-1 et seq), or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act shall provide coverage for mental health conditions and substance use disorders under the same terms and conditions as provided for any other sickness under the contract and shall meet the requirements of the federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, 42 U S C s 18031(j), and any amendments to, and federal guidance or regulations issued under that act, including 45 C F R Parts 146 and 147 and 45 C F R s 156 115(a)(3)

Coverage provided pursuant to this section shall include benefits delivered through the psychiatric Collaborative Care Model

(2) As used in this section

"Mental health condition" means a condition defined to be consistent with generally recognized independent standards of current medical practice

referenced in the current version of the Diagnostic and Statistical Manual of Mental Disorders

"Psychiatric Collaborative Care Model" means the evidence-based, integrated behavioral health service delivery method wherein a primary care provider and a care manager collaborate with a psychiatric consultant to provide care to a patient "Psychiatric Collaborative Care Model" shall include those benefits that are billed using the following list of Current Procedural Terminology (CPT) codes, which list shall be updated by the Commissioner of Banking and Insurance whenever the codes are altered or supplemented

(a) 99492 – Initial psychiatric collaborative care management,

(b) 99493 – Subsequent psychiatric collaborative care management, and

(c) 99494 – Initial or subsequent psychiatric collaborative care management, additional time

"Same terms and conditions" means that the health service corporation cannot apply more restrictive non-quantitative limitations, such as utilization review and other criteria or more quantitative limitations such as copayments, deductibles, aggregate or annual limits or benefit limits to mental health condition and substance use disorder benefits than those applied to substantially all other medical or surgical benefits

"Substance use disorder" means a disorder defined to be consistent with generally recognized independent standards of current medical practice referenced in the most current version of the Diagnostic and Statistical Manual of Mental Disorders

b (Deleted by amendment, P L 2019, c 58)

c The provisions of this section shall apply to all contracts in which the health service corporation has reserved the right to change the premium

d Nothing in this section shall reduce the requirement for a health service corporation to provide benefits pursuant to section 3 of P L 2017, c 28 (C 17 48E-35 38)

4 Section 4 of P L 1999, c 106 (C 17B 26-2 1s) is amended to read as follows

C 17B 26-2 1s Individual health insurers to provide coverage for mental health conditions, substance use disorders, collaborative care model

4 a (1) Every individual health insurance policy that provides hospital or medical expense benefits and is delivered, issued, executed or renewed in this State pursuant to chapter 26 of Title 17B of the New Jersey Statutes, or approved for issuance or renewal in this State by the Commissioner of Bank-

ing and Insurance, on or after the effective date of this act shall provide coverage for mental health conditions and substance use disorders under the same terms and conditions as provided for any other sickness under the contract and shall meet the requirements of the federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, 42 U S C s 18031(j), and any amendments to, and federal guidance or regulations issued under that act, including 45 C F R Parts 146 and 147 and 45 C F R s 156 115(a)(3)

Coverage provided pursuant to this section shall include benefits delivered through the psychiatric Collaborative Care Model

(2) As used in this section

"Mental health condition" means a condition defined to be consistent with generally recognized independent standards of current medical practice referenced in the current version of the Diagnostic and Statistical Manual of Mental Disorders

"Psychiatric Collaborative Care Model" means the evidence-based, integrated behavioral health service delivery method wherein a primary care provider and a care manager collaborate with a psychiatric consultant to provide care to a patient "Psychiatric Collaborative Care Model" shall include those benefits that are billed using the following list of Current Procedural Terminology (CPT) codes, which list shall be updated by the Commissioner of Banking and Insurance whenever the codes are altered or supplemented

(a) 99492 – Initial psychiatric collaborative care management,

(b) 99493 – Subsequent psychiatric collaborative care management, and

(c) 99494 – Initial or subsequent psychiatric collaborative care management, additional time

"Same terms and conditions" means that the insurer cannot apply more restrictive non-quantitative limitations, such as utilization review and other criteria or more quantitative limitations such as copayments, deductibles, aggregate or annual limits or benefit limits to mental health condition and substance use disorder benefits than those applied to substantially all other medical or surgical benefits

"Substance use disorder" means a disorder defined to be consistent with generally recognized independent standards of current medical practice referenced in the most current version of the Diagnostic and Statistical Manual of Mental Disorders

b (Deleted by amendment, P L 2019, c 58)

c The provisions of this section shall apply to all policies in which the insurer has reserved the right to change the premium

d Nothing in this section shall reduce the requirement for an insurer to provide benefits pursuant to section 4 of P L 2017, c 28 (C 17B 26-2 1hh)

5 Section 5 of P L 1999, c 106 (C 17B 27-46 1v) is amended to read as follows

C 17B 27-46 1v Group health insurers to provide coverage for mental health conditions, substance use disorders, collaborative care model

5 a (1) Every group health insurance policy that provides hospital or medical expense benefits and is delivered, issued, executed or renewed in this State pursuant to chapter 27 of Title 17B of the New Jersey Statutes, or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act shall provide benefits for mental health conditions and substance use disorders under the same terms and conditions as provided for any other sickness under the policy and shall meet the requirements of the federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, 42 U S C s 18031(j), and any amendments to, and federal guidance or regulations issued under that act, including 45 C F R Parts 146 and 147 and 45 C F R s 156 115(a)(3)

Coverage provided pursuant to this section shall include benefits delivered through the psychiatric Collaborative Care Model

(2) As used in this section

"Mental health condition" means a condition defined to be consistent with generally recognized independent standards of current medical practice referenced in the current version of the Diagnostic and Statistical Manual of Mental Disorders

"Psychiatric Collaborative Care Model" means the evidence-based, integrated behavioral health service delivery method wherein a primary care provider and a care manager collaborate with a psychiatric consultant to provide care to a patient "Psychiatric Collaborative Care Model" shall include those benefits that are billed using the following list of Current Procedural Terminology (CPT) codes, which list shall be updated by the Commissioner of Banking and Insurance whenever the codes are altered or supplemented

(a) 99492 – Initial psychiatric collaborative care management,

(b) 99493 – Subsequent psychiatric collaborative care management, and

(c) 99494 – Initial or subsequent psychiatric collaborative care management, additional time

"Same terms and conditions" means that the insurer cannot apply more restrictive non-quantitative limitations, such as utilization review and other

criteria or more quantitative limitations such as copayments, deductibles, aggregate or annual limits or benefit limits to mental health condition and substance use disorder benefits than those applied to substantially all other medical or surgical benefits

"Substance use disorder" means a disorder defined to be consistent with generally recognized independent standards of current medical practice referenced in the most current version of the Diagnostic and Statistical Manual of Mental Disorders

b (Deleted by amendment, P L 2019, c 59)

c The provisions of this section shall apply to all policies in which the insurer has reserved the right to change the premium

d Nothing in this section shall reduce the requirement for an insurer to provide benefits pursuant to section 5 of P L 2017, c 28 (C 17B 27-46 1nn)

6 Section 6 of P L 1999, c 106 (C 17B 27A-7 5) is amended to read as follows

C 17B 27A-7 5 Individual health benefits plan to provide coverage for mental health conditions, substance use disorders, collaborative care model

6 a (1) Every individual health benefits plan that provides hospital or medical expense benefits and is delivered, issued, executed or renewed in this State pursuant to P L 1992, c 161 (C 17B 27A-2 et seq) or approved for issuance or renewal in this State on or after the effective date of this act shall provide benefits for mental health conditions and substance use disorders under the same terms and conditions as provided for any other sickness under the health benefits plan and shall meet the requirements of the federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, 42 U S C s 18031(j), and any amendments to, and federal guidance or regulations issued under that act, including 45 C F R Parts 146 and 147 and 45 C F R s 156 115(a)(3)

Coverage provided pursuant to this section shall include benefits delivered through the psychiatric Collaborative Care Model

(2) As used in this section

"Mental health condition" means a condition defined to be consistent with generally recognized independent standards of current medical practice referenced in the current version of the Diagnostic and Statistical Manual of Mental Disorders

"Psychiatric Collaborative Care Model" means the evidence-based, integrated behavioral health service delivery method wherein a primary care

provider and a care manager collaborate with a psychiatric consultant to provide care to a patient "Psychiatric Collaborative Care Model" shall include those benefits that are billed using the following list of Current Procedural Terminology (CPT) codes, which list shall be updated by the Commissioner of Banking and Insurance whenever the codes are altered or supplemented

(a) 99492 – Initial psychiatric collaborative care management,

(b) 99493 – Subsequent psychiatric collaborative care management, and

(c) 99494 – Initial or subsequent psychiatric collaborative care management, additional time

"Same terms and conditions" means that the plan cannot apply more restrictive non-quantitative limitations, such as utilization review and other criteria or more quantitative limitations such as copayments, deductibles, aggregate or annual limits or benefit limits to mental health condition and substance use disorder benefits than those applied to substantially all other medical or surgical benefits

"Substance use disorder" means a disorder defined to be consistent with generally recognized independent standards of current medical practice referenced in the most current version of the Diagnostic and Statistical Manual of Mental Disorders

b (Deleted by amendment, P L 2019, c 58)

c The provisions of this section shall apply to all health benefits plans in which the carrier has reserved the right to change the premium

d Nothing in this section shall reduce the requirement for a plan to provide benefits pursuant to section 6 of P L 2017, c 28 (C 17B 27A-7 21)

7 Section 7 of P L 1999, c 106 (C 17B 27A-19 7) is amended to read as follows

C 17B 27A-19 7 Small employer health benefits plan to provide coverage for mental health conditions, substance use disorders, collaborative care model

7 a (1) Every small employer health benefits plan that provides hospital or medical expense benefits and is delivered, issued, executed or renewed in this State pursuant to P L 1992, c 162 (C 17B 27A-17 et seq) or approved for issuance or renewal in this State on or after the effective date of this act shall provide benefits for mental health conditions and substance use disorders under the same terms and conditions as provided for any other sickness under the health benefits plan and shall meet the requirements of the federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, 42 U S C s 18031(j), and any amendments to, and federal

guidance or regulations issued under that act, including 45 C F R Parts 146 and 147 and 45 C F R s 156 115(a)(3)

Coverage provided pursuant to this section shall include benefits delivered through the psychiatric Collaborative Care Model

(2) As used in this section

"Mental health condition" means a condition defined to be consistent with generally recognized independent standards of current medical practice referenced in the current version of the Diagnostic and Statistical Manual of Mental Disorders

"Psychiatric Collaborative Care Model" means the evidence-based, integrated behavioral health service delivery method wherein a primary care provider and a care manager collaborate with a psychiatric consultant to provide care to a patient "Psychiatric Collaborative Care Model" shall include those benefits that are billed using the following list of Current Procedural Terminology (CPT) codes, which list shall be updated by the Commissioner of Banking and Insurance whenever the codes are altered or supplemented

(a) 99492 – Initial psychiatric collaborative care management,

(b) 99493 – Subsequent psychiatric collaborative care management, and

(c) 99494 – Initial or subsequent psychiatric collaborative care management, additional time

"Same terms and conditions" means that the plan cannot apply more restrictive non-quantitative limitations, such as utilization review and other criteria or more quantitative limitations such as copayments, deductibles, aggregate or annual limits or benefit limits to mental health condition and substance use disorder benefits than those applied to substantially all other medical or surgical benefits

"Substance use disorder" means a disorder defined to be consistent with generally recognized independent standards of current medical practice referenced in the most current version of the Diagnostic and Statistical Manual of Mental Disorders

b (Deleted by amendment, P L 2019, c 58)

c The provisions of this section shall apply to all health benefits plans in which the carrier has reserved the right to change the premium

d Nothing in this section shall reduce the requirement for a plan to provide benefits pursuant to section 7 of P L 2017, c 28 (C 17B 27A-19 25)

8 Section 8 of P L 1999, c 106 (C 26 2J-4 20) is amended to read as follows

C 26 2J-4 20 HMO to provide coverage for mental health conditions, substance use disorders, collaborative care model

8 a (1) Every enrollee agreement delivered, issued, executed, or renewed in this State pursuant to P L 1973, c 337 (C 26 2J-1 et seq) or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act shall provide health care services for mental health conditions and substance use disorders under the same terms and conditions as provided for any other sickness under the agreement and shall meet the requirements of the federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, 42 U S C s 18031(j), and any amendments to, and federal guidance or regulations issued under that act, including 45 C F R Parts 146 and 147 and 45 C F R s 156 115(a)(3)

Coverage provided pursuant to this section shall include benefits delivered through the psychiatric Collaborative Care Model

(2) As used in this section

"Mental health condition" means a condition defined to be consistent with generally recognized independent standards of current medical practice referenced in the current version of the Diagnostic and Statistical Manual of Mental Disorders

"Psychiatric Collaborative Care Model" means the evidence-based, integrated behavioral health service delivery method wherein a primary care provider and a care manager collaborate with a psychiatric consultant to provide care to a patient "Psychiatric Collaborative Care Model" shall include those benefits that are billed using the following list of Current Procedural Terminology (CPT) codes, which list shall be updated by the Commissioner of Banking and Insurance whenever the codes are altered or supplemented

(a) 99492 – Initial psychiatric collaborative care management,

(b) 99493 – Subsequent psychiatric collaborative care management, and

(c) 99494 – Initial or subsequent psychiatric collaborative care management, additional time

"Same terms and conditions" means that the health maintenance organization cannot apply more restrictive non-quantitative limitations, such as utilization review and other criteria or more quantitative limitations such as copayments, deductibles, aggregate or annual limits or health care services limits to mental health condition and substance use disorder services than those applied to substantially all other medical or surgical health care services

"Substance use disorder" means a disorder defined to be consistent with generally recognized independent standards of current medical practice referenced in the most current version of the Diagnostic and Statistical Manual of Mental Disorders

b (Deleted by amendment, P L 2019, c 58)

c The provisions of this section shall apply to enrollee agreements in which the health maintenance organization has reserved the right to change the premium

d Nothing in this section shall reduce the requirement for a health maintenance organization to provide benefits pursuant to section 8 of P L 2017, c 28 (C 26 2J-4 39)

9 Section 1 of P L 1999, c 441 (C 52 14-17 29d) is amended to read as follows

C 52 14-17 29d Definitions

1 As used in this act

"Carrier" means an insurance company, health service corporation, hospital service corporation, medical service corporation or health maintenance organization authorized to issue health benefits plans in this State

"Mental health condition" means a condition defined to be consistent with generally recognized independent standards of current medical practice referenced in the current version of the Diagnostic and Statistical Manual of Mental Disorders

"Psychiatric Collaborative Care Model" means the evidence-based, integrated behavioral health service delivery method wherein a primary care provider and a care manager collaborate with a psychiatric consultant to provide care to a patient "Psychiatric Collaborative Care Model" shall include those benefits that are billed using the following list of Current Procedural Terminology (CPT) codes, which list shall be updated by the Commissioner of Banking and Insurance whenever the codes are altered or supplemented

(a) 99492 – Initial psychiatric collaborative care management,

(b) 99493 – Subsequent psychiatric collaborative care management, and

(c) 99494 – Initial or subsequent psychiatric collaborative care management, additional time

"Same terms and conditions" means that a carrier cannot apply more restrictive non-quantitative limitations, such as utilization review and other criteria or more quantitative limitations such as copayments, deductibles, ag-

gregate or annual limits or benefit limits to mental health condition and substance use disorder benefits than those applied to substantially all other medical or surgical benefits

"Substance use disorder" means a disorder defined to be consistent with generally recognized independent standards of current medical practice referenced in the most current version of the Diagnostic and Statistical Manual of Mental Disorders

10 Section 2 of P L 1999, c 441 (C 52 14-17 29e) is amended to read as follows

C 52 14-17 29e SHBC to provide benefits for mental health conditions, substance use disorders, collaborative care model

2 a The State Health Benefits Commission shall ensure that every contract purchased by the commission on or after the effective date of this act that provides hospital or medical expense benefits shall provide coverage for mental health conditions and substance use disorders under the same terms and conditions as provided for any other sickness under the contract and shall meet the requirements of the federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, 42 U S C s 18031(j), and any amendments to, and federal guidance or regulations issued under that act, including 45 C F R Parts 146 and 147 and 45 C F R s 156 115(a)(3)

Coverage provided pursuant to this section shall include benefits delivered through the psychiatric Collaborative Care Model

b The commission shall provide notice to employees regarding the coverage required by this section in accordance with this subsection and regulations promulgated by the Commissioner of Health pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq) The notice shall be in writing and prominently positioned in any literature or correspondence and shall be transmitted at the earliest of (1) the next mailing to the employee, (2) the yearly informational packet sent to the employee, or (3) July 1, 2000 The commission shall also ensure that the carrier under contract with the commission, upon receipt of information that a covered person is receiving treatment for a mental health condition or substance use disorder, shall promptly notify that person of the coverage required by this section

c Nothing in this section shall reduce the requirement for a carrier to provide benefits pursuant to section 9 of P L 2017, c 28 (C 52 14-17 29u)

11 This act shall take effect on the 60th day after enactment and shall apply to all contracts and policies delivered, issued, executed, or renewed on or after that date

Approved June 30, 2022

CHAPTER 34

AN ACT establishing the Behavioral Healthcare Provider Loan Redemption Program within the Higher Education Student Assistance Authority, supplementing chapter 71C of Title 18A of the New Jersey Statutes, and making an appropriation

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

C 18A 71C-87 Definitions

1 As used in this act

"Approved site" means a community provider of behavioral and mental health services identified by the Higher Education Student Assistance Authority, in consultation with the Department of Health, for inclusion in the program Approved sites may include, but need not be limited to, providers operated by a nonprofit, institution of higher education, school district, county, the Department of Children and Families, the Department of Human Services, and the Department of Health

"Authority" means the Higher Education Student Assistance Authority

"Eligible behavioral healthcare providers" means psychiatrists, psychologists, licensed clinical social workers, psychiatric nurse mental health clinical specialists, board certified behavior analysts, licensed clinical alcohol and drug counselors, and any other professionals identified by the executive director of the authority for inclusion in the program

"Eligible qualifying loan expenses" means the cumulative outstanding balance of student loans covering the cost of attendance at an undergraduate or graduate institution of higher education at the time an applicant is selected for the program Interest paid or due on qualifying loans that an applicant has taken out for use in paying the costs of undergraduate or graduate education shall be considered eligible for reimbursement under the program The authority may establish a limit on the total amount of qualifying loans which may be redeemed for participants under the program, provided that the total

redemption of qualifying loans does not exceed $150,000, or the maximum amount authorized by the federal government, whichever is greater, either in State funds or the sum of federal, State, and other non-federal matching funds, pursuant to section 338I of the Public Health Service Act (42 U S C s 254q-1), whichever is applicable

"Executive director" means the executive director of the Higher Education Student Assistance Authority

"Program" means the Behavioral Healthcare Provider Loan Redemption Program established pursuant to this act

"Program participant" means a behavioral healthcare provider who contracts with the authority to engage in the clinical practice of mental or behavioral healthcare at an approved site in exchange for the redemption of eligible qualifying loan expenses provided under the program

"Qualifying loan" means a government or commercial loan for the actual costs paid for tuition and reasonable education and living expenses relating to the obtaining of a degree for use in a mental or behavioral healthcare profession

"Total and permanent disability" means a physical or mental disability that is expected to continue indefinitely or result in death and renders a participant in the program unable to perform that person's service obligation, as determined by the executive director or his designee

C 18A 71C-88 "Behavioral Healthcare Provider Loan Redemption Program" established

2 There is established a Behavioral Healthcare Provider Loan Redemption Program within the Higher Education Student Assistance Authority The program shall provide for the redemption of a portion of the eligible qualifying loan expenses of program participants for each period of service at an approved site

C 18A 71C-89 Program eligibility

3 a To be eligible to participate in the program, an applicant shall

(1) be a resident of the State,

(2) be employed, or plan to be employed, as an eligible behavioral healthcare provider at an approved site, and

(3) submit an application in accordance with such procedures and requirements as are established by the executive director

b The executive director, or the executive director's designee, shall select the program participants from among those applicants who meet the eligibility criteria, subject to available funds

c A program participant shall enter into a written contract with the authority to participate in the program The contract shall specify the duration of the applicant's required service and the total amount of eligible student loan expenses to be redeemed by the State in return for service

d The redemption of loans under the program shall not exceed $50,000 of principal and interest of eligible student loan expenses following the completion of two full years of service satisfactorily completed by the program participant A program participant who completes four full years of service satisfactorily shall be eligible to receive a second redemption amount of $50,000 at the completion of the fourth year A program participant who completes six full years of service satisfactorily shall be eligible to receive a third and final redemption amount of $50,000 at the completion of the sixth year The total loan redemption amount for a program participant, for six years of service, shall not exceed $150,000

e The period of service shall commence on or after the date of enactment of this act

C 18A 71C-90 Redemption contract, service obligation, nullification, circumstances, certain

4 a A program participant who has entered into a redemption contract with the authority may nullify that contract by submitting written notification to the authority and assuming full responsibility for repayment of the full amount of the participant's loan or that portion of the loan that has not been redeemed by the State in return for partial fulfillment of the contract

b In the case of a program participant's death or total or permanent disability, the authority shall nullify the service obligation of the participant, thereby terminating the participant's service obligation, or where continued enforcement of the contract may result in extreme hardship, the authority may nullify or suspend the participant's service obligation

c In no event shall service at an approved site for less than the full period of service pursuant to subsection d of section 3 of this act entitle the program participant to any benefits under the program

C 18A 71C-91 Simultaneous tuition, loan redemption participation, certain, prohibited

5 A student who is participating in any other State tuition or loan redemption program, or in the federally administered National Health Service Corps Loan Repayment Program, section 338B of the Public Health Service Act (42 U S C s 254 l-1), shall not be eligible to participate simultaneously in the Behavioral Healthcare Provider Loan Redemption Program

C 18A 71C-92 Incentive grants

6 The executive director of the authority shall annually award incentive grants, within the limits of available State appropriations, to program participants who work primarily with children and adolescents An incentive grant shall not exceed $5,000 A program participant may be eligible to receive multiple incentive grants during their participation in the program

7 The authority shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq) necessary to implement the provisions of this act

8 There is appropriated from the General Fund to the Higher Education Student Assistance Authority the sum of $5,000,000 to effectuate the provisions of this act, of which sum no more than eight percent may be dedicated to the administrative costs of the program

9 This act shall take effect immediately

Approved June 30, 2022

CHAPTER 35

AN ACT concerning behavioral health crises and supplementing Title 26 of the Revised Statutes and P L 1997, c 192 (C 26 2S-1 et seq)

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

C 26 2MM-5 Findings, declarations

1 The Legislature finds and declares that

a The current health care system in New Jersey does not always fully address the specific needs of people with behavioral health issues, including mental health conditions and substance use disorders

b Frequently, people with behavioral health issues are compelled to access care through primary care providers or hospital emergency departments, neither of which are typically equipped to handle the specialized care needed by people with behavioral health issues Often, people are discharged from these treatment settings without receiving the care or referrals to services needed to treat the individual's particular behavioral health condition

c Similarly, law enforcement are frequently called upon to respond to acute behavioral health crises In many cases, the responding law enforcement officers do not possess the specialized training needed to respond to an acute behavioral health crisis, and so are not equipped to adequately assess the situation, de-escalate and resolve the immediate crisis, and access appropriate behavioral health care services

d Historically, the lack of a comprehensive behavioral health crisis response system has placed marginalized communities, including those experiencing mental health crises, at disproportionate risk of poor outcomes

e When a behavioral health condition is not appropriately treated by a qualified behavioral health specialist, the condition may worsen over time In some cases, such as with an individual who has a substance use disorder, the longer the person goes without appropriate treatment, the greater the risk the person will experience a fatal overdose, contract a bloodborne virus and other communicable diseases, or experience other adverse health consequences resulting from the person's continuing substance use In cases involving a person experiencing suicide ideation, the longer the person goes without treatment, the greater the risk the person will engage in self-harm

f Additionally, untreated behavioral health conditions can significantly detract from the quality of life of the person with the behavioral health condition and the person's family and friends, who frequently feel helpless watching a loved one struggle with the burdens of an untreated mental health condition or substance use disorder

g Steps have been taken at both the State and federal level to better meet the needs of people with behavioral health conditions At the federal level, the "National Suicide Hotline Designation Act of 2020," Pub L 116-172, and rules adopted by the Federal Communication Commission's on July 16, 2020 take steps to improve access to crisis resources through a dedicated hotline, similar to 9-1-1, specific to behavioral health crises At the State level, New Jersey has taken steps to improve access to behavioral health care by streamlining the process for dual licensure for primary and behavioral health care providers, issuing licenses for additional treatment beds, promoting measures to improve access to substance use disorder treatment and support services, and working to expand ready access to behavioral health treatment providers for all New Jerseyans

h It is now necessary for New Jersey to take the steps required to implement the new national behavioral health crisis hotline in this State

i It is the intent of the Legislature to support the operations of the national behavioral health crisis hotline in the State, and foster improved be-

havioral health treatment resources, through the establishment of a comprehensive Statewide mobile behavioral health crisis response system, the goals of which will be improving access to, and the quality of, behavioral health crisis services through, among other measures, a "no wrong door" model of access, reducing the stigma associated with suicide, mental health conditions, and substance use disorders, improving equity in diagnosing and treating mental health conditions and substance use disorders, promoting equity in services for all individuals, regardless of cultural background, race, age, ethnicity, gender, socioeconomic status, or sexual orientation, promoting full access to behavioral health care services across rural, urban, and tribal communities, and ensuring a culturally and linguistically competent response to behavioral health crises

C 26 2MM-6 Public solicitation, procurement process, contract services, crisis hotline centers

2 a No later than six months after the effective date of this act, the Commissioner of Human Services shall conduct a public solicitation and procurement process to contract for the services of one or more crisis hotline centers to provide crisis intervention services and crisis care coordination to individuals accessing the 9-8-8 suicide prevention and behavioral health crisis hotline In contracting for the services of crisis hotline centers pursuant to this subsection, the commissioner shall ensure that the selected centers will provide a comprehensive, Statewide network of access 24 hours per day, seven days per week

b The commissioner shall not contract with a crisis hotline center pursuant to subsection a of this section unless the center meets the standards of the National Suicide Prevention Lifeline and participates in, or has the demonstrated ability to obtain an agreement with, the National Suicide Prevention Hotline network

c A contracted crisis hotline center shall be responsible for receiving 9-8-8 calls and providing crisis intervention services to 9-8-8 callers, including, as appropriate

(1) requesting the dispatch of mobile crisis teams,

(2) coordinating crisis care responses and interventions,

(3) referring callers to crisis stabilization services, and

(4) providing, or facilitating and coordinating, the provision of appropriate follow-up services

d To the extent possible, and when it would not interfere with responding to an emergency, a contracted crisis hotline center shall attempt to ascertain whether a 9-8-8 caller has children If the caller has children and the

center deems it appropriate, the center shall make a referral to services offered by the Department of Children and Families such as the Children's System of Care or any other referral agency, as appropriate

e A contracted crisis hotline center shall comply with all standards, operational and equipment requirements, training and qualification requirements for crisis hotline center staff, requirements concerning geolocation capacity, best practices, and other standards and requirements as are established under the "National Suicide Hotline Designation Act of 2020," Pub L 116-172, as are established under rules and regulations adopted by the Federal Communications Commission, as applicable, and by any other federal authority having jurisdiction, and as are established under rules and regulations promulgated by the Commissioner of Human Services

f The commissioner shall collaborate with other State executive branch departments, offices, and agencies to ensure full communication, information sharing, and coordination among crisis and emergency response systems throughout the State for the purpose of ensuring real-time crisis care coordination including, but not limited to, the deployment of linked, flexible services specific to each crisis response Executive branch departments, offices, and agencies shall issue any waivers as shall be necessary to implement the provisions of this subsection

g (1) The commissioner shall collaborate with appropriate behavioral health care providers in the State, including, but not limited to, mental health and substance use disorder treatment providers, local community mental health centers, community-based and hospital emergency departments, and inpatient psychiatric settings, to ensure the coordination of service linkages with contracted hotline centers and mobile crisis response teams and the provision of crisis stabilization services and follow-up services, as appropriate, following the crisis response for a 9-8-8 caller

(2) The commissioner shall establish agreements and information sharing procedures, as appropriate, with behavioral health care providers as shall be necessary to implement the provisions of this subsection Such information sharing procedures shall include, but not be limited to, the sharing of information concerning the availability of services provided by a behavioral health care provider

h The commissioner shall develop an informational campaign to promote awareness of the nature and availability of the 9-8-8 hotline to respond to behavioral health crises The commissioner shall consult with the National Suicide Prevention Lifeline and the Veterans Crisis Line networks to foster consistency in public messaging concerning 9-8-8 services

C 26 2MM-7 Statewide mobile behavioral health crisis response team, established

3 a The Commissioner of Human Services shall establish a comprehensive Statewide mobile behavioral health crisis response system, which shall, at a minimum

(1) be capable of providing behavioral health crisis response services throughout the State 24 hours per day, seven days per week,

(2) respond to behavioral health crisis dispatch requests made by crisis hotline centers that have contracted with the Department of Human Services pursuant to subsection a of section 2 of this act and other dispatch centers using mobile crisis response teams and other appropriate resources and services,

(3) provide behavioral health crisis stabilization services, including, but not limited to, referrals to appropriate behavioral health services providers for additional care following resolution of the immediate behavioral health crisis, and

(4) provide follow-up services for people who contact a crisis response center to ensure continuity of care and provide additional referrals or other services as may be appropriate to the person's ongoing treatment needs

b In establishing the Statewide mobile behavioral health crisis response system pursuant to this section, the commissioner shall hold at least two public hearings, at least one of which shall be conducted virtually via videoconferencing

c The Commissioner 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), establishing

(1) qualification, training, and experience requirements for crisis hotline center and mobile crisis response team staff,

(2) composition requirements for mobile crisis response teams, which, at a minimum, shall include at least one licensed or certified behavioral health care professional and at least one certified peer, and

(3) the scope of practice, operational protocols, and vehicle and equipment requirements for mobile crisis response teams, which requirements may provide for the establishment of crisis response teams capable of providing specialized responses to behavioral health crises involving particular types of mental health conditions

d Mobile crisis response teams shall be community-based and may incorporate the use of emergency medical technicians and other health care providers, to the extent a medical response is needed, law enforcement personnel, to the extent that the crisis cannot be resolved without the presence

of law enforcement, provided that, whenever possible, the mobile crisis response team shall seek to engage the services of law enforcement personnel who have completed training in behavioral health crisis response, and other professionals as may be necessary and appropriate to provide a comprehensive response to a behavioral health crisis

e Notwithstanding the requirement that mobile crisis response teams be community based, nothing in this section shall be construed to prohibit the provision of crisis intervention services via telephone, video chat, or other appropriate communications media, if the use of these media are necessary to provide access to a needed service in response to a particular behavioral health crisis, and the provision of services using telephone, video chat, or other media is consistent with the needs of the person experiencing the behavioral health crisis

C 26 2MM-8 Report to Department of Human Services, Governor, Legislature

4 a Each crisis hotline center that has contracted with the Department of Human Services pursuant to subsection a of section 2 of this act shall submit a monthly report to the Department of Human Services identifying, for the preceding month the number of 9-8-8 calls received, the number of calls made directly to the 9-8-8 number and the number of calls that were transferred or referred from a 9-1-1 call center, the number of mobile crisis response teams dispatched, the number of referrals made to services and the types of services for which referrals were made, the number and type of follow-up services provided or facilitated and coordinated by the crisis hotline center, the number of calls that did not result in a referral, follow-up service, or dispatch of a mobile crisis response team, to the extent possible, information regarding the nature of the calls that did not result in a referral, follow-up service, or dispatch of a mobile crisis response team, and any other information as shall be required by the Commissioner of Human Services

b Each mobile crisis response team shall submit a monthly report to the Department of Human Services identifying, for the preceding month the number of dispatch calls the team received, the number of dispatch calls the team responded to, the number of dispatch calls that included a response by emergency medical services providers, law enforcement, or both, the proportion of total services that were provided in person, via telephone, via video call, and via other means, the number of mobile crisis responses that resulted in referrals for services and the types of services that were referred, the number of responses that did not result in a referral or follow-up service, to the extent possible, information regarding the nature of the mobile crisis responses that did and did not result in a referral or follow-up service, and any

other information as shall be required by the Commissioner of Human Services

c The Commissioner of Human Services shall designate the form and manner by which the reports required under subsections a and b of this section shall be submitted

d Commencing 24 months after the effective date of this act, and annually thereafter, the Commissioner of Human Services shall prepare and submit to the Governor and, pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1), to the Legislature, a report concerning the Statewide behavioral health crisis system of care, including, for the preceding year the total number of calls received by crisis hotline centers that have contracted with the Department of Human Services pursuant to subsection a of section 2 of this act, including the number of direct 9-8-8 calls and the number of calls referred from a 9-1-1 call center, the total number of mobile crisis response teams dispatched, the number of crisis interventions that involved emergency medical services, law enforcement, or both, the proportion of total mobile crisis response services that were provided in person, via telephone, via video call, and via other means, the number of referrals made to services, including the number of referrals made to each type of service, the nature of behavioral health crisis stabilization services provided and an analysis of the effects of providing behavioral health crisis stabilization services in lieu of a response by law enforcement or services provided through a hospital emergency department or other medical care provider, the nature of follow-up services provided and an analysis of the effects of providing follow-up services, program operating costs of the Statewide behavioral health crisis system of care, the commissioner's assessment of the benefits and limitations of the Statewide behavioral health crisis system of care and the commissioner's recommendations for legislative or administrative action to support and improve the Statewide behavioral health crisis system of care, and any other information the commissioner deems necessary and appropriate

C 26 2MM-9 Implementation of 9-8-8 suicide prevention, behavioral health crisis hotline, study conducted, report to Governor, Legislature

5 a The Commissioner of Human Services, in consultation with the State Treasurer, the Director of the Division of Taxation in the Department of the Treasury, the Assistant Commissioner for the Division of Mental Health and Addiction Services in the Department of Human Services, and the Attorney General, shall conduct a study concerning the implementation of the 9-8-8 suicide prevention and behavioral health crisis hotline and shall prepare a report

(1) detailing the resources necessary to make the 9-8-8 suicide prevention and behavioral health crisis hotline available, operational, and effective Statewide, including an evaluation of available and new revenue sources to support the implementation, staffing, and ongoing activities of 9-8-8 services that are reasonably attributed to implementing the provisions of section 2 of this act, and

(2) assessing if the implementation of a fee, as permitted pursuant to the "National Suicide Hotline Designation Act of 2020," Pub L 116-172, is necessary to support the 9-8-8 suicide prevention and behavioral health crisis hotline and, if the fee is determined to be necessary, making recommendations on the amount of the fee, the manner in which the fee will be collected, and the establishment of a special account to serve as a repository for monies dedicated to the implementation of the hotline system

b In conducting the study and preparing the report required pursuant to subsection a of this section, the Commissioner of Human Services shall solicit public comments and may hold public hearings at such times and places as the commissioner deems appropriate The Commissioner of Human Services shall submit the report required under this section to the Governor and, pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1), to the Legislature, no later than April 1, 2023

C 26 2MM-10 Commissioner of Human services, obligations

6 The Commissioner of Human Services shall

a implement the provisions of this act in a manner that is consistent with timeframes required by the "National Suicide Hotline Designation Act of 2020," Pub L 166-172, and the Federal Communication Commission's rules adopted on July 16, 2020, and

b seek out and apply for all sources of federal funding as may be available to support the Statewide behavioral health crisis system of care, including, but not limited to, applying for such State plan amendments or waivers as may be necessary to secure federal financial participation for State Medicaid expenditures under the federal Medicaid program

C 26 2MM-11 Rules, regulations

7 Each executive branch department, office, and agency having authority over a crisis and emergency response system shall, in consultation with the Commissioner of Human Services, promulgate rules and regulations, pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), as shall be necessary to implement the provisions of this act, including as are necessary to ensure full communication, information

sharing, and coordination among crisis and emergency response systems throughout the State for the purpose of ensuring real-time crisis care coordination as provided in subsection f of section 2 of this act

C 26 2S-40 Carrier to ensure provision of comprehensive behavioral health crisis intervention services coverage

8 A carrier that offers a health benefits plan in this State shall ensure that the plan provides comprehensive coverage for behavioral health crisis intervention services provided pursuant to section 3 of P L 2022, c 35 (C 26 2MM7) under the same terms and conditions as provided for any other sickness under the plan and shall meet the requirements of the federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, 42 U S C s 18031(j), and any amendments to, and federal guidance or regulations issued under that act, including 45 C F R Parts 146 and 147 and 45 C F R s 156 115(a)(3)

9 This act shall take effect immediately

Approved June 30, 2022

CHAPTER 36

AN ACT concerning the ARRIVE Together Crisis Response Pilot Program and making an appropriation

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

1 a As used in this section

"Pilot county" means a county in which a municipality has been selected by the Attorney General to participate in the pilot program expansion established pursuant to subsection c of this section

"Pilot municipality" means a municipality selected by the Attorney General to participate in the pilot program expansion established by subsection c this section

"Pilot program expansion" means the expansion of the Alternative Response to Reduce Instances of Violence and Escalation (ARRIVE) Together Pilot Program established by subsection c of this section

b The Attorney General shall establish a pilot program to be known as the Alternative Response to Reduce Instances of Violence and Escalation (ARRIVE) Together Pilot Program The program shall be designed to provide accessible crisis intervention, mental health screening, or other support to individuals experiencing mental health crises who have contacted or are engaging with law enforcement

Following the establishment of the program, the Attorney General shall effectuate a pilot program expansion as provided in subsection c of this section

c Within the limits of available funds provided pursuant to section 2 of P L 2022, c 36, the Attorney General shall select for participation in the pilot program expansion two municipalities in each of the northern, central, and southern regions of the State, the selection of which shall not exclude participation by other counties or municipalities in the pilot program

d The county prosecutor's office in each pilot county shall designate a crisis response support coordinator who shall be responsible for coordinating with the Attorney General to develop procedures consistent with the guidelines established pursuant to subsection f of this section

e Consistent with the guidelines developed pursuant to subsection f of this section, one or more mental health service providers shall be contracted to provide services as needed to the State Police or the police department or force, as appropriate, in the pilot municipality when responding to a call that involves a person who is experiencing a mental health or substance use crisis The provider shall provide services as needed for up to 24 hours a day, seven days a week

f The Attorney General shall establish guidelines for the implementation of the pilot program expansion

g To the extent applicable and consistent with the guidelines established pursuant to subsection f of this section, the governing body of a pilot municipality or pilot county shall provide documentation or information to the Attorney General

h The Attorney General shall cause to be transmitted a report evaluating the implementation and operation of the pilot program expansion to the Governor and, pursuant to the provisions of section 2 of P L 1991, c 164 (C 52 14-19 1), to the Legislature within 90 days after the completion of the pilot program expansion The report shall recommend whether the pilot program expansion should be continued, modified, or made permanent

2 There is appropriated from the General Fund to the Department of Law and Public Safety the sum of $2,000,000 to effectuate the provisions of section 1 of P L 2022, c 36 The Attorney General and any other department,

as appropriate, may seek assistance from the federal government, private foundations, and any other source to fund the Pilot Program expansion established pursuant to section 1 of P L 2022, c 36

3 This act shall take effect on the first day of the eleventh month next following the date of enactment and shall expire upon the filing of the report required pursuant to subsection h of section 1 of P L 2022, c 36 The Attorney General may take any anticipatory administrative action in advance of the effective date as shall be necessary for the implementation of this act

Approved June 30, 2022

CHAPTER 37

AN ACT concerning entities under contract with the Department of Transportation and making an appropriation

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

1 Findings and declarations

The Legislature finds and declares that

a The COVID-19 pandemic has wreaked havoc on supply chains across the globe Supply shortages have stemmed from a series of supply chain disruptions hitting industries around the world, from port congestion in Asia and the United States to labor shortages at factories

b In the construction sector, construction materials are in short supply and have seen price spikes, driving up project costs and affecting companies from contractors to insurers In 2021, the construction industry saw steel prices rising 200 percent and lumber prices rising 288 percent at different points during the year

c Many small business enterprises (SBEs) have been strongly impacted by the escalation of the cost of the acquisition of materials to the point that some have been threatened with their survival as business enterprises

d It is in the public interest of the State of New Jersey that public works projects be administered efficiently and at a reasonable and equitable cost

e The unforeseen emergency of the unanticipated escalation in construction material prices has imposed substantial inequity upon the SBEs, which have been awarded contracts or are subcontractors on contracts after

public bidding, and the inequities have threatened the ability of those contractors and subcontractors to fulfill their obligations under the contracts

f In these unique and unprecedented circumstances, it is in the public interest for the Department of Transportation to establish and administer a grant program, funded from the federal "Coronavirus State Fiscal Recovery Fund" established pursuant to the federal "American Rescue Plan Act", Pub L 117-2, to promptly and reasonably assist SBE contractors and subcontractors in meeting their obligations resulting from increases in the cost of acquisition of materials regarding eligible contracts awarded by the department

g Given the time-sensitive nature of the circumstances presented here, the Legislature acknowledges that the department does not have time to promulgate rules regarding the establishment and administration of a grant program In order to expedite the making of such grants, the department shall establish streamlined procedures for the application process and post such forms, conditions, and requirements on the department's website as soon as reasonably possible

h In order to be considered eligible for a grant, a contractor or subcontractor shall be registered with the State of New Jersey as an SBE

i The department shall award grants to qualified SBE contractors and subcontractors under the grant program on a first come, first served basis

j This act does not create a right for subcontractors to submit direct claims to the department and preserves the department's immunity from subcontractors' direct claims under the New Jersey Contractual Liability Act, N J S 59 13-1 et seq

k This act is not intended to impact the contractual relationships and provisions contained within eligible contracts or other department contracts

l This act is not intended to allow for so-called equitable adjustments or for the recovery of force majeure claims regarding eligible contracts or other department contracts and preserves the department's rights under eligible contracts or other department contracts and immunities under the law, including the New Jersey Contractual Liability Act, N J S 59 13-1 et seq

m The grant of funds by the department under this act shall not create entitlement for a contractor or subcontractor for additional compensation, including time or money or both from the department under an eligible contract or other department contracts

2 Definitions

For the purposes of this act

"Commissioner" means the Commissioner of Transportation

"Department" means the Department of Transportation

"Eligible contract" means a construction contract awarded by the department based upon bids submitted prior to April 1, 2020

"Eligible materials" means materials purchased or invoiced in connection with an eligible contract after March 1, 2020 that have realized an increase in the cost of acquisition of such materials in excess of five percent between March 1, 2020 and the time of purchase or invoice

"SBE" means a contractor or subcontractor which is registered with the State of New Jersey as a small business enterprise

3 Eligibility for a Grant

a A contractor or subcontractor shall demonstrate to the satisfaction of the department that it holds an eligible contract

b The contractor or subcontractor shall provide documentation sufficient for the department to determine, based upon the available documentation, including but not limited to, an appropriate nationally recognized economic index published by the United States Department of Labor, that there has been an increase in excess of five percent in the cost of acquisition of materials for a contractor or subcontractor purchasing eligible materials for an eligible contract

c The contractor or subcontractor as applicable shall demonstrate that it is an SBE

d A contractor or subcontractor shall not be eligible for a grant if the department determines that there is unacceptable or excessive material under an eligible contract

e An application by a contractor or subcontractor under the grant program shall preclude the contractor or subcontractor from otherwise submitting claims to the department regarding or related to the same materials under an eligible contract

4 Grant Program

a The department shall establish a grant program to issue grants to eligible contractors and subcontractors

b The department shall establish streamlined procedures for the application process and post such forms, conditions, and requirements on the department's website as soon as reasonably possible The application period shall remain open for 90 days If funds appropriated under this act remain, following the initial application period and eligibility determinations, the department may open the application period for an additional 30 days

c The grant program shall provide that grant awards shall be made in the order in which applications are received and approved

d If a contractor or subcontractor is determined to be eligible pursuant to this act, the department may provide a grant to the contractor or subcontractor for the cost difference paid by the contractor or subcontractor for eligible materials in an amount equal to the increase in the cost of acquisition of those eligible materials

e The commissioner may impose any additional conditions or requirements for receipt of a grant as the commissioner deems appropriate

f The New Jersey Contractual Liability Act, N J S 59 13-1 et seq , shall apply to all applications submitted under this act

5 Appropriation

There is appropriated $10,000,000 to the Division of Disaster Recovery and Mitigation in the Department of Community Affairs from the federal "Coronavirus State Fiscal Recovery Fund" established pursuant to the federal "American Rescue Plan Act", Pub L 117-2, which shall be made available to and used by the Department of Transportation to effectuate the provisions of P L 2022, c 37, and of which a reasonable amount, not to exceed 2 5 percent, may be used by the department for organizational, administrative, and other work and services, including salaries, equipment, services, and materials necessary to administer the activities authorized by this act The Department of Transportation shall enter into a memorandum of understanding or grant agreement, as applicable, with the division to effectuate the purposes of this subsection, to establish appropriate administrative costs, and to ensure compliance with federal rules and guidance, including with respect to the "American Rescue Plan Act," Pub L 117-2

6 This act shall take effect immediately and shall expire upon the exhaustion of funds appropriated pursuant to section 5 of this act

Approved June 30, 2022

CHAPTER 38

AN ACT concerning the New Jersey Transportation Trust Fund Authority and the financing and construction of transportation infrastructure in the State and amending P L 1987, c 460

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

1 Section 8 of P L 1987, c 460 (C 27 1B-21 1) is amended to read as follows

C 27 1B-21 1 Annual funding maximums

8 a Commencing with the reports of the commissioner, which shall include the Transportation Master Plan, Statewide Capital Investment Strategy, Annual Transportation Capital Program, Transportation Trust Fund Authority Financial Plan, and Five-Year Capital Plan, as may be amended, required to be submitted pursuant to section 22 of P L 1984, c 73 (C 27 1B-22) on or before March 1, 2006 and on each succeeding March 1 thereafter through March 1, 2015, the annual amount so reported by the commissioner for proposed projects shall not exceed $1,600,000,000 exclusive of federal funds, and beginning with the reports due March 1, 2016, and on each succeeding March 1 thereafter through March 1, 2023, the amount so reported by the commissioner for proposed projects shall not exceed an aggregate $16,600,000,000 over that eight year period

b For the fiscal year beginning on July 1, 2006 and for each fiscal year thereafter through the fiscal year beginning on July 1, 2011, the total annual amount authorized to be appropriated from the revenues and other nonfederal funds of the New Jersey Transportation Trust Fund Authority for the projects listed in the appropriations act pursuant to section 21 of P L 1984, c 73 (C 27 1B-21) shall not exceed $1,600,000,000, all amounts exclusive of federal funds The total amount authorized to be appropriated from the revenues and other nonfederal funds of the New Jersey Transportation Trust Fund Authority for the projects listed in the appropriations act pursuant to section 21 of P L 1984, c 73 (C 27 1B-21) shall not exceed $1,247,000,000 for the fiscal year beginning on July 1, 2012, $1,224,000,000 for the fiscal year beginning on July 1, 2013, $1,225,000,000 for the fiscal year beginning on July 1, 2014, and $1,247,000,000 for the fiscal year beginning on July 1, 2015 The total amount authorized to be appropriated from the revenues and other nonfederal funds of the New Jersey Transportation Trust Fund Authority for the projects listed in the appropriations act pursuant to section 21 of P L 1984, c 73 (C 27 1B-21) shall not exceed an aggregate $16,600,000,000 in total for the fiscal year beginning on July 1, 2016 through the fiscal year beginning on July 1, 2023

c (Deleted by amendment, P L 1991, c 40)

d (Deleted by amendment, P L 1992, c 10)

e The State Auditor shall provide for a unified annual audit of expenditures from the "Special Transportation Fund," established by section 21 of P L 1984, c 73 (C 27 1B-21), in order to determine that these funds are expended for costs eligible for funding from the authority and in a manner consistent with appropriations made by the Legislature The findings of such

audits shall be transmitted to the presiding officer of each House of the Legislature, and to the Chair of the Senate Budget and Appropriations Committee, the Senate Transportation Committee, the Assembly Appropriations Committee, and the Assembly Transportation and Independent Authorities Committee or their successors

f The State Auditor shall review bond issuances of the authority and report to the Joint Budget Oversight Committee and to the members of the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or their successors, on the status of the bonds of the authority and projects financed from the proceeds of the bonds The report shall include the investment status of all unexpended bond proceeds and provide a description of any bond issues expected during a fiscal year, including type of issue, estimated amount of bonds to be issued and the expected month of sale

2 This act shall take effect immediately

Approved June 30, 2022

CHAPTER 39

AN ACT establishing the New Jersey Easy Enrollment Health Insurance Program, supplementing and amending P L 2019, c 141, and amending R S 54 50-9

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

C 17B 27A-59 1 Definitions

1 As used in this act

"Commissioner" means the Commissioner of Banking and Insurance

"Department" means the Department of Banking and Insurance

"Insurance affordability assistance" means

(1) the State Medicaid program established pursuant to P L 1968, c 413 (C 30 4D-1 et seq),

(2) the NJ FamilyCare Program established pursuant to P L 2005, c 156 (C 30 4J-8 et al),

(3) premium tax credits, or

(4) cost-sharing reductions

"Premium tax credits" means the tax credits described in section 36B of the Internal Revenue Code

"Program" means the New Jersey Easy Enrollment Health Insurance Program established pursuant to this act

"Individual" means an individual who is identified through a State income tax return under section 6 of this act as not having minimum essential coverage

C 17B 27A-59 2 "New Jersey Easy Enrollment Health Insurance Program" established

2 a The Department of Banking and Insurance shall establish and have the authority to operate the New Jersey Easy Enrollment Health Insurance Program The department shall integrate the program with the State-based exchange established pursuant to P L 2019, c 141 (C 17B 27A-57 et seq), and may enter into an agreement with a third party for operation of the program The purpose of the program shall be to

(1) establish a State-based reporting system to provide information about the health insurance status of State residents through the use of State income tax returns and approved eFile vendors to identify individuals without minimum essential coverage and determine whether the individual is interested in obtaining minimum essential coverage,

(2) determine or assess, as feasible, whether an individual who is interested in obtaining minimum essential coverage qualifies for insurance affordability assistance,

(3) proactively contact an individual who is interested in obtaining minimum essential coverage to assist in enrolling the individual in insurance affordability assistance and minimum essential coverage, and

(4) maximize enrollment of eligible individuals in insurance affordability assistance and minimum essential coverage to improve access to care and reduce insurance costs for all residents of the State

b The Commissioner of Banking and Insurance, in coordination with the Commissioner of Human Services, the Commissioner of Labor and Workforce Development, and the State Treasurer, shall develop and implement systems, policies, and practices that encourage, facilitate, and streamline determination of eligibility for insurance affordability assistance and enrollment in minimum essential coverage to achieve the purposes of the program

c To facilitate the most efficient implementation of the program, the Commissioner of Banking and Insurance, the Commissioner of Human Services, the Commissioner of Labor and Workforce Development, and the State Treasurer may enter into agreements, adopt regulations and guidelines,

establish accounts, conduct trainings, provide public information, educate tax preparers, and take any other steps as may be necessary to accomplish the purpose of the program

d Notwithstanding the provisions of subsection a of R S 54 50-8 to the contrary, the State Treasurer shall share with the Commissioner of Banking and Insurance the taxpayer information that is necessary for the purposes of this act and P L 2018, c 31 (C 54A 11-1 et seq)

e The Commissioners of Human Services and Banking and Insurance shall apply and secure any State plan amendments or necessary waivers from the federal Department of Health and Human Services in order to implement the provisions of this act

C 17B 27A-59 3 Assistance eligibility, Department of Banking and Insurance

3 a The Department of Banking and Insurance may assess or determine, as appropriate, eligibility for insurance affordability assistance as soon as possible after an individual files a State income tax return on which the individual indicates pursuant to paragraph (3) of subsection c of section 6 of this act, that the individual or another individual indicated on the tax return is seeking coverage

b (1) To the extent practicable, the department may verify an individual's eligibility for insurance affordability assistance with information on a State income tax return and other data from third-party data sources, including data described in section 1413 of the Affordable Care Act or available pursuant to section 6 of this act, without requesting additional information from the individual

(2) If additional documentation from an individual is required to establish eligibility for insurance affordability assistance, the department shall take steps to obtain such information while limiting the burden on the individual

c The Department of Banking and Insurance may make, or refer to the Department of Human Services to make, an assessment or determination, as appropriate, of eligibility for the State Medicaid program or the NJ FamilyCare Program The Department of Banking and Insurance may utilize and share with the Department of Human Services any information provided to the Department of Banking and Insurance in making assessments or determinations pursuant to this subsection

C 17B 27A-59 4 Special enrollment period, New Jersey individual health insurance market, established

4 a The Department of Banking and Insurance shall establish a special enrollment period for the New Jersey individual health insurance market to facilitate the objectives of the program

The enrollment period described in this section shall last for a period of time, to be determined by the Department of Banking and Insurance, that shall not be shorter than 30 days

b Information about the enrollment period described in subsection a of this section shall be communicated to the public and affected individuals through measures that may include language in the instructions for the State individual income tax return, if inclusion of the language is approved by the State Treasurer

c The Department of Banking and Insurance shall conduct outreach to individuals described in subsection b of this section, using methods that may include written notices and the provision of individualized assistance by insurance agents and brokers, navigators, tax preparers, and contractors and staff

Notwithstanding any other provision of this act, the Department of Banking and Insurance may compensate an entity for outreach described in this subsection in a manner that reflects, in whole or in part, the number of individuals enrolled under this section and section 3 of this act by that entity or any other reasonable manner

C 17B 27A-59 5 Data privacy, security safeguards

5 a The Department of Banking and Insurance shall develop data privacy and data security safeguards to govern the conveyance, storage, and utilization of data under the program

b The safeguards developed under subsection a of this section shall ensure that the conveyance, storage, and utilization of data under the program comply with applicable requirements of federal and State law

C 17B 27A-59 6 Tax return, individual not covered, minimum essential coverage

6 a If a State income tax return indicates that an individual is not covered under minimum essential coverage at the time the tax return is filed, consistent with the provisions of P L 2018, c 31 (C 54A 11-1 et seq), the tax return shall include the following information as to each such individual included in the tax return

(1) the age of each individual,

(2) election by the individual filing the tax return of one of the two checkoff boxes described in subsection c of this section for each individual included in the tax return,

(3) if the individual who files a tax return chooses the checkoff box described in paragraph (3) of subsection c of this section, any information de-

termined by the department as essential to determining eligibility for insurance affordability assistance for the individual filing the tax return or any individual included in the tax return, if the information

(a) is not available from a reliable third-party data source,

(b) is not otherwise required to be provided on the return, and

(c) does not pertain to citizenship or immigration status, and

(4) notification of the potential waiver of the State shared responsibility tax pursuant to subsection d of this section

b For an individual who files a tax return and chooses the checkoff box described in paragraph (3) of subsection c of this section, the return or separate form shall facilitate the collection of contact information, including a phone number, electronic mail address, and mailing address, from the individual who filed the tax return and provide an option to indicate the individual's preferred method for the department to contact the individual who filed the tax return to facilitate either determination of eligibility for insurance affordability assistance or enrollment in minimum essential coverage

c (1) In accordance with this section, the State Treasurer shall include with the income tax return form a separate form that is required only for individuals who file a tax return indicating that an individual included in the tax return is not covered under minimum essential coverage at the time the tax return is filed

(2) The separate form shall include two checkoff boxes as described in paragraphs (3) and (4) of this subsection for each individual included in the tax return and the information described in paragraphs (2) and (3) of subsection a and in subsection b of this section

(3) One checkoff box shall give an individual who files a tax return the choice to have the department

(a) based on information in the individual's tax return, determine eligibility for insurance affordability assistance for the individual filing the tax return and any other individual included in that tax return who does not have minimum essential coverage, and

(b) obtain additional data that may be relevant to determine eligibility for insurance affordability assistance for the individual filing the tax return and any other individual included in that tax return who does not have minimum essential coverage

(4) One checkoff box shall allow an individual who files a tax return the choice to not have the department make the determination described in paragraph (3) of this subsection for the individual filing the tax return and any other individual included in that tax return who does not have minimum essential coverage

(5) The State Treasurer, in consultation with the Department of Banking and Insurance, shall

(a) develop language for the checkoff boxes described in paragraphs (3) and (4) of this subsection,

(b) develop language for the instructions for the State income tax return that includes a description of the effects of choosing the checkoff boxes described in paragraphs (3) and (4) of this subsection, including the purposes for which the information disclosed under this section may be used, and

(c) ensure that the language developed under subparagraph (a) of this paragraph is as simple, clear, and easy to understand as possible

(6) If an individual who files a tax return makes the election described in paragraph (3) of this subsection, the State Treasurer shall convey to the department all eligibility-relevant information contained on the return for all individuals included in that tax return

d The State Treasurer shall waive the State shared responsibility tax imposed pursuant to section 3 of P L 2018, c 31 (C 54A 11-3) applicable to months of the year that the tax return is filed for any taxpayer who chooses the checkoff box described in paragraph (3) of subsection c of this section If the taxpayer fails to enroll in minimum essential coverage and maintain that coverage in each month following the enrollment period, the taxpayer shall be liable for any payments to which the taxpayer would have otherwise been subject

e The State Treasurer shall coordinate the requirements of this subsection with the requirements of the "New Jersey Health Insurance Market Preservation Act," P L 2018, c 31 (C 54A 11-1 et seq)

C 17B 27A-59 7 Consenting to information sharing, system established

7 a An individual that consents to share information through the system established pursuant to section 8 of this act shall be eligible for a special enrollment period pursuant to subsection b of this section The Department of Banking and Insurance shall determine, in accordance with sections 3 and 4 of this act, whether the individual is eligible for the State Medicaid program or the NJ FamilyCare Program, premium tax credits, or cost-sharing reductions

b (1) The Department of Banking and Insurance shall establish a special enrollment period for the New Jersey individual health insurance market

(2) The enrollment period described in this section shall last for a period of time, to be determined by the Department of Banking and Insurance, that shall not be shorter than 30 days

c The Department of Banking and Insurance shall conduct outreach to affected individuals, using methods that may include written notices and the provision of individualized assistance by insurance agents and brokers, navigators, tax preparers, and contractors and staff

C 17B 27A-59 8 Unemployment claim, indication of interest in obtaining minimum coverage, information sharing, consent

8 a The Department of Labor and Workforce Development shall implement a system through which an individual who has filed a claim for unemployment insurance benefits may, as part of the claim filing application, indicate that the individual is interested in obtaining minimum essential coverage and consent to the sharing of relevant information collected by the Department of Labor and Workforce Development with the Department of Banking and Insurance and the Department of Human Services to determine whether the individual qualifies for the State Medicaid program or the NJ FamilyCare Program, or any other insurance affordability assistance and to support minimum essential coverage outreach and enrollment efforts If an individual indicates that the individual is interested in obtaining minimum essential coverage and consents to share information pursuant to this subsection, then the Department of Labor and Workforce Development shall notify the Department of Banking and Insurance, which may assess or determine, as appropriate, eligibility for insurance affordability assistance or make, or refer to the Department of Human Services to make, an assessment or determination, as appropriate, of eligibility for the State Medicaid program or the NJ FamilyCare Program

b The Department of Labor and Workforce Development shall enter into an agreement with the Department of Banking and Insurance and the Department of Human Services, before the system described in subsection a of this section begins to operate, that enables the system to operate in compliance with all applicable State and federal requirements related to privacy, data security, and funding

c The consent request described in subsection a of this section shall be prominently placed on the claim filing application in clear and understandable language that is easy to read

d The Department of Labor and Workforce Development shall cooperate with the Department of Banking and Insurance and the Department of Human Services to claim the maximum amount of available federal funding for the establishment and operation of the system established pursuant to this section

e To facilitate the most efficient implementation of the system, the Commissioner of Banking and Insurance, the Commissioner of Human Services, and the Commissioner of Labor and Workforce Development may enter into agreements, adopt regulations and guidelines, establish accounts, conduct trainings, provide public information, educate tax preparers, and take any other steps as may be necessary to accomplish the purpose of the system

9 Section 2 of P L 2019, c 141 (C 17B 27A-58) is amended to read as follows

C 17B 27A-58 Authority to operate a State-based exchange, coordinate operations with other entities, advisory committee

2 a Notwithstanding any other law to the contrary, the Department of Banking and Insurance shall have the authority to operate a State-based exchange and coordinate the operations of the exchange with the operations of the New Jersey Individual Health Coverage Program and the New Jersey Small Employer Health Benefits Program, including reorganization of the boards, as the commissioner deems appropriate The department's authority to regulate the insurance market shall be separate and distinct from the department's duty to oversee exchange operations, to ensure the best interests of and protection for consumers of the State The commissioner may require that all plans in the individual and small employer markets be made available for comparison on the State-based exchange, but nothing in this section shall allow the commissioner to require all plans in the individual and small employer markets to be purchased exclusively on the State-based exchange The department shall coordinate the operations of the exchange with the operations of the State Medicaid program established pursuant to P L 1968, c 413 (C 30 4D-1 et seq) and the NJ FamilyCare Program established pursuant to P L 2005, c 156 (C 30 4J-8 et al) to determine eligibility for those programs as soon as practicable

b The Commissioner of Human Services, in consultation with the Commissioner of Banking and Insurance, shall submit a proposal for available federal financial participation funds to the Centers for Medicare & Medicaid Services of the U S Department of Health and Human Services pursuant to 42 C F R 433 112 for the Medicaid eligibility platform and the exchange to be integrated Notwithstanding the foregoing, the Department of Banking and Insurance may proceed to implement the provisions of this act, including the operation of the State-based exchange

c The Commissioner of Banking and Insurance shall have the authority to require that plans offered on the exchange conform with standardized plan designs that provide for standardized cost-sharing for covered health services

d The Commissioner of Banking and Insurance shall establish an advisory committee to provide advice to the commissioner concerning the operation of the exchange and the implementation of the New Jersey Easy Enrollment Health Insurance Program established pursuant to P L 2022, c 39 (C 17B 27A-59 1 et al) The advisory committee shall include at least nine members, as follows

(1) The Commissioner of Banking and Insurance, or a designee, who shall serve ex-officio,

(2) The Commissioner of Human Services, or a designee, who shall serve ex-officio,

(3) the Commissioner of Health, or a designee, who shall serve ex-officio, and

(4) six public members, who shall be residents of the State, appointed by the Commissioner of Banking and Insurance Each public member shall have demonstrated experience in one or more of the following areas health insurance consumer advocacy, individual health insurance coverage, small employer health insurance coverage, health benefits plan marketing, the provision of health care services, or academic or professional research relating to health insurance

10 R S 54 50-9 is amended to read as follows

Certain officers entitled to examine records

54 50-9 Nothing herein contained shall be construed to prevent

a The delivery to a taxpayer or the taxpayer's duly authorized representative of a copy of any report or any other paper filed by the taxpayer pursuant to the provisions of this subtitle or of any such State tax law,

b The publication of statistics so classified as to prevent the identification of a particular report and the items thereof,

c The director, in the director's discretion and subject to reasonable conditions imposed by the director, from disclosing the name and address of any licensee under any State tax law, unless expressly prohibited by such State tax law,

d The inspection by the Attorney General or other legal representative of this State of the reports or files relating to the claim of any taxpayer who shall bring an action to review or set aside any tax imposed under any State

tax law or against whom an action or proceeding has been instituted in accordance with the provisions thereof,

e The examination of said records and files by the Comptroller, State Auditor or State Commissioner of Finance, or by their respective duly authorized agents,

f The furnishing, at the discretion of the director, of any information contained in tax reports or returns or any audit thereof or the report of any investigation made with respect thereto, filed pursuant to the tax laws, to the taxing officials of any other state, the District of Columbia, the United States and the territories thereof, providing said jurisdictions grant like privileges to this State and providing such information is to be used for tax purposes only,

g The furnishing, at the discretion of the director, of any material information disclosed by the records or files to any law enforcing authority of this State who shall be charged with the investigation or prosecution of any violation of the criminal provisions of this subtitle or of any State tax law,

h The furnishing by the director to the State agency responsible for administering the Child Support Enforcement program pursuant to Title IV-D of the federal Social Security Act, Pub L 93-647 (42 U S C s 651 et seq), with the names, home addresses, social security numbers and sources of income and assets of all absent parents who are certified by that agency as being required to pay child support, upon request by the State agency and pursuant to procedures and in a form prescribed by the director,

i The furnishing by the director to the Board of Public Utilities any information contained in tax information statements, reports or returns or any audit thereof or a report of any investigation made with respect thereto, as may be necessary for the administration of P L 1991, c 184 (C 54 30A-18 6 et al) and P L 1997, c 162 (C 54 10A-5 25 et al),

j The furnishing by the director to the Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety any information contained in tax information statements, reports or returns or any audit thereof or a report of any investigation made with respect thereto, as may be relevant, in the discretion of the director, in any proceeding conducted for the issuance, suspension or revocation of any license authorized pursuant to Title 33 of the Revised Statutes,

k The inspection by the Attorney General or other legal representative of this State of the reports or files of any tobacco product manufacturer, as defined in section 2 of P L 1999, c 148 (C 52 4D-2), for any period in which that tobacco product manufacturer was not or is not in compliance with subsection a of section 3 of P L 1999, c 148 (C 52 4D-3), or of any licensed

distributor as defined in section 102 of P L 1948, c 65 (C 54 40A-2), for the purpose of facilitating the administration of the provisions of P L 1999, c 148 (C 52 4D-1 et seq),

l The furnishing, at the discretion of the director, of information as to whether a contractor or subcontractor holds a valid business registration as defined in section 1 of P L 2001, c 134 (C 52 32-44),

m The furnishing by the director to a State agency as defined in section 1 of P L 1995, c 158 (C 54 50-24) the names of licensees subject to suspension for non-payment of State tax indebtedness pursuant to P L 2004, c 58 (C 54 50-26 1 et al),

n The release to the United States Department of the Treasury, Bureau of Financial Management Service, or its successor of relevant taxpayer information for purposes of implementing a reciprocal collection and offset of indebtedness agreement entered into between the State of New Jersey and the federal government pursuant to section 1 of P L 2006, c 32 (C 54 49-12 7),

o The examination of said records and files by the Commissioner of Health and Senior Services, the Commissioner of Human Services, the Medicaid Inspector General, or their respective duly authorized agents, pursuant to section 5 of P L 2007, c 217 (C 26 2H-18 60e), section 3 of P L 1968, c 413 (C 30 4D-3), or section 5 of P L 2005, c 156 (C 30 4J-12),

p The furnishing at the discretion of the director of employer-provided wage and tax withholding information contained in tax reports or returns filed pursuant to N J S 54A 7-2, 54A 7-4 and 54A 7-7, to the designated municipal officer of a municipality authorized to impose an employer payroll tax pursuant to the provisions of Article 5 (Employer Payroll Tax) of the "Local Tax Authorization Act," P L 1970, c 326 (C 40 48C-14 et seq), for the limited purpose of verifying the payroll information reported by employers subject to the employer payroll tax,

q The furnishing by the director to the Commissioner of Labor and Workforce Development of any information, including, but not limited to, tax information statements, reports, audit files, returns, or reports of any investigation for the purpose of labor market research or assisting in investigations pursuant to any State wage, benefit or tax law as enumerated in section 1 of P L 2009, c 194 (C 34 1A-1 11), or pursuant to P L 1940, c 153 (C 34 2-21 1 et seq)

r The furnishing by the director to the New Jersey Economic Development Authority any information contained in tax information statements, reports or returns, or any audit thereof or a report of any investigation made

with respect thereto, as may be relevant to assist the authority in the implementation of programs through which grants, loans, tax credits, or other forms of financial assistance are provided The director shall provide to the New Jersey Economic Development Authority, upon request, such information

s The furnishing by the director to the Commissioner of Banking and Insurance of any information, including, but not limited to, tax information statements, reports, audit files, returns, or reports of any investigation for the purpose of assisting in investigations pursuant to any insurance fraud investigation as enumerated in P L 1983, c 320 (C 17 33A-1 et seq)

t The furnishing by the director to the Commissioner of Banking and Insurance or the Commissioner of Human Services of any information contained in tax reports or returns for the purpose of determining a taxpayer's eligibility for insurance affordability assistance, the State Medicaid program, or the NJ FamilyCare Program and to otherwise support minimum essential coverage outreach and enrollment efforts

11 This act shall take effect immediately

a (1) Except as provided in paragraph (2) of this subsection, sections 2 through 6 of this act shall apply to returns filed for taxable years beginning after December 31, 2022

(2) If the State Treasurer determines, after consultation with the Department of Banking and Insurance, that the implementation of sections 2 through 6 of this act is not administratively feasible for taxable years beginning after December 31, 2022, the Treasurer may delay implementation of sections 2 through 6 of this act to begin as soon as feasible thereafter

b (1) Except as provided in paragraph (2) of this subsection, sections 7 and 8 of this act shall apply to claims filed after the first day of the fifth month next following the date of enactment

(2) If the Department of Labor and Workforce Development determines, after consultation with the Department of Banking and Insurance, that the implementation of sections 7 and 8 of this act is not administratively feasible beginning after the first day of the fifth month next following the date of enactment, the Department of Labor and Workforce Development may delay implementation of sections 7 and 8 of this act to begin as soon as feasible thereafter

Approved June 30, 2022

CHAPTER 40

AN ACT concerning academic credit at institutions of higher education 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-42b Higher education student, academic credit earned for each poll worker shift, program guidelines developed

1 a The Secretary of Higher Education, in consultation with the Director of the Division of Elections in the Department of State, shall develop guidelines for a program to allow a student enrolled in an institution of higher education to earn academic credit for an undergraduate degree program for each full shift that the student serves as a poll worker during an election held in the State

b An institution of higher education may award and apply towards an undergraduate degree program academic credit to an enrolled student for each full shift of service that the student serves as a poll worker during an election held in the State An institution that determines to allow a student to receive academic credit for service as a poll worker, following an evaluation and determination by the institution that the credit is in alignment with the educational and programmatic mission of the institution, shall comply with the guidelines developed pursuant to subsection a of this section

c This section shall not be construed to prohibit the student from receiving pay commensurate with other poll workers not receiving academic credit Neither the program nor any participating institution of higher education shall require that the student forego such pay in order to receive academic credit

2 This act shall take effect immediately

Approved June 30, 2022

CHAPTER 41

AN ACT concerning the service life of vehicles used for the provision of pupil transportation services

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

1 a For a school bus used for pupil transportation purposes in the 2021-2022 school year that would otherwise be required to be retired in 2022 pursuant to section 1 of P L 1983, c 206 (C 39 3B-5 1) and section 2 of P L 1983, c 206 (C 39 3B-5 2), the Chief Administrator of the New Jersey Motor Vehicle Commission shall extend the retirement date of such school bus by one year upon request by the owner of the school bus

b The Chief Administrator of the New Jersey Motor Vehicle Commission, in consultation with the Commissioner of Education, may, upon request by the owner of the school bus, allow an additional year of service for any school bus used for pupil transportation purposes in the prior school year that would otherwise be required to be retired in 2023 or 2024 pursuant to section 1 of P L 1983, c 206 (C 39 3B-5 1) and section 2 of P L 1983, c 206 (C 39 3B-5 2), provided any inspections of the school bus determine that the school bus may safely be used for pupil transportation The chief administrator shall not grant a school bus more than one extension pursuant to this act

c In any year that school buses are allowed to be operated beyond the statutory service life provided in section 1 of P L 1983, c 206 (C 39 3B-5 1) and section 2 of P L 1983, c 206 (C 39 3B-5 2), the chief administrator shall provide a report to the Governor and, pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1), the Legislature that contains the following information

(1) the number of school buses in each school district in the State authorized to operate beyond the statutory service life provided by section 1 of P L 1983, c 206 (C 39 3B-5 1) and section 2 of P L 1983, c 206 (C 39 3B-5 2),

(2) the rationale for allowing school buses to be operated for an additional year of service pursuant to subsection b of this section, if applicable,

(3) any data or information that the chief administrator used to determine whether to allow school buses to be operated for an additional year of service pursuant to subsection b of this section, if applicable, and

(4) any other information the chief administrator determines is necessary or appropriate to relay to the Governor and the Legislature concerning pupil transportation and school bus safety in the State

2 This act shall take effect immediately

Approved June 30, 2022

CHAPTER 42

AN ACT concerning the imposition of the sales and use tax and amending P L 1983, c 303 and P L 2021, c 197

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

1 Section 20 of P L 1983, c 303 (C 52 27H-79) is amended to read as follows

C 52 27H-79 Certain tax exemptions

20 a (1) Except as provided in subsection b of section 11 of P L 2021, c 197 (C 52 27H-98), receipts from the first $100,000 of annual retail sales of tangible personal property (except motor vehicles and energy) and sales of services (except telecommunications services and utility services) to a qualified business for the exclusive use or consumption of such business within an enterprise zone are annually exempt from the taxes imposed under the "Sales and Use Tax Act," P L 1966, c 30 (C 54 32B-1 et seq), provided, however, a supermarket or grocery store that meets the criteria set forth in paragraph (2) of this subsection shall be eligible for such tax exemption, notwithstanding the limit imposed pursuant to this subsection

(2) The annual limitation imposed under paragraph (1) of this subsection shall not apply to any supermarket or grocery store that is

(a) located in a food desert community, or

(b) located in an enterprise zone and received an annual certification of eligibility from the department pursuant to paragraph (3) of this subsection

(3) A supermarket or grocery store that is located in an enterprise zone, but outside of a food desert community, may apply to the department for an annual certification of eligibility for the unlimited tax exemption provided under this section The certification shall remain in effect for the 12-month period immediately following the date of approval by the department To qualify for the annual certification, the supermarket or grocery store shall demonstrate to the department that during the 12-month period immediately preceding the date of application

(a) not less than 30 percent of the employees hired by the supermarket or grocery store were comprised of any combination of the following (i) persons who were unemployed for not less than three consecutive months immediately preceding the date of employment, or (ii) persons with a disability, or

(b) not less than 35 percent of the employees hired by the supermarket or grocery store are residents of a municipality in which the enterprise zone has been established, and the supermarket or grocery store actively participated with one or more One-Stop Career Centers in the recruitment of unemployed persons and persons with a disability, except that the One-Stop Career Centers shall provide written documentation to the department attesting to the actions of the supermarket or grocery store

(4) Within 30 days of the effective date of P L 2022, c 42, and annually thereafter, the department, in consultation with the Department of Labor and Workforce Development, shall provide written notice to each

(a) supermarket or grocery store located in an enterprise zone concerning the requirements of this section, which notice shall include contact information for each One-Stop Career Center located in the State, and

(b) One-Stop Career Center located in the State concerning the requirements of subparagraph (b) of paragraph (3) of this subsection

b (Deleted by amendment, P L 2011, c 28)

c As used in this section

"Department" means the Department of Community Affairs

"Disability" means the same as that term is defined in subsection q of section 5 of P L 1975, c 169 (C 10 5-5)

"Food desert community" means the same as the term is defined in section 37 of P L 2020, c 156 (C 34 1B-305)

"One-Stop Career Center" means the same as that term is defined in section 3 of P L 1992, c 43 (C 34 15D-3)

"Qualified business" includes a person who is certified as a qualified business by the authority and provided a UZ-5 certification by the authority A person who is certified as a qualified business may apply to the authority for a UZ-5 certification provided the person owns or leases and regularly operates a place of business located in an eligible block group, as defined in subsection a of section 12 of P L 2021, c 197 (C 52 27H-99) The Department of the Treasury shall provide to a qualified business a certificate evidencing its UZ-5 certification, which certificate shall indicate the location at which the sales tax exemption provided for in this section is available

"Supermarket or grocery store" means a retail outlet with at least 16,000 square feet, of which at least 80 percent is occupied by food and related products

d (Deleted by amendment, P L 2011, c 28)

e (Deleted by amendment, P L 2021, c 197)

New Jersey State Library

2 Section 8 of P L 2021, c 197 (C 52 27H-79 1) is amended to read as follows

C 52 27H-79 1 Exemption from taxation for certain receipts

8 a Receipts from the first $100,000 of annual retail sales of materials, supplies, and services for the exclusive use of erecting structures or buildings on, or improving, altering or repairing the real property of a qualified business, or a contractor hired by the qualified business to make such improvements, alterations, or repairs, are annually exempt from the taxes imposed under the "Sales and Use Tax Act," P L 1966, c 30 (C 54 32B-1 et seq), provided, however, receipts from retail sales of materials, supplies, and services for the exclusive use of erecting new structures or buildings on, or substantially improving, altering or repairing the real property of a qualified business shall be eligible for such tax exemption notwithstanding the limit imposed pursuant to this subsection

b As used in this section

"Qualified business" includes a person who is certified as a qualified business by the authority and provided a UZ-4 certification by the authority A person who is certified as a qualified business may apply to the authority for a UZ-4 certification provided that the person owns or leases and regularly operates a place of business located in an eligible block group, as defined in subsection a of section 12 of P L 2021, c 197 (C 52 27H-99) The Department of the Treasury shall provide to a qualified business a certificate evidencing its UZ-4 certification, which certificate shall indicate the location at which the sales tax exemption provided for in this section is available

"Substantially improving, altering, or repairing" means any reconstruction, rehabilitation, addition, or other improvement to a structure, of which the total cost equals to or exceeds 50 percent of the market value of the structure before the start of construction of the improvement The UEZ Authority may, from time to time, alter this definition through regulation to respond to changing market conditions

3 This act shall take effect immediately

Approved June 30, 2022

CHAPTER 43

AN ACT concerning pretrial detention and amending P L 2014, c 31

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

1 Section 5 of P L 2014, c 31 (C 2A 162-19) is amended to read as follows

C 2A 162-19 Pretrial detention for certain eligible defendants requested by prosecutor

5 a A prosecutor may file a motion with the court at any time, including any time before or after an eligible defendant's release pursuant to section 3 of P L 2014, c 31 (C 2A 162-17), seeking the pretrial detention of an eligible defendant for

(1) any crime of the first or second degree enumerated under subsection d of section 2 of P L 1997, c 117 (C 2C 43-7 2),

(2) any crime for which the eligible defendant would be subject to an ordinary or extended term of life imprisonment,

(3) any crime if the eligible defendant has been convicted of two or more offenses under paragraph (1) or (2) of this subsection,

(4) any crime enumerated under paragraph (2) of subsection b of section 2 of P L 1994, c 133 (C 2C 7-2) or crime involving human trafficking pursuant to section 1 of P L 2005, c 77 (C 2C 13-8) or P L 2013, c 51 (C 52 17B-237 et al) when the victim is a minor, or the crime of endangering the welfare of a child under N J S 2C 24-4,

(5) any crime enumerated under subsection c of N J S 2C 43-6,

(6) 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), or

(7) any other crime for which the prosecutor believes there is a serious risk that

(a) the eligible defendant will not appear in court as required,

(b) the eligible defendant will pose a danger to any other person or the community, or

(c) the eligible defendant will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure or intimidate, a prospective witness or juror

b When a motion for pretrial detention is filed pursuant to subsection a of this section, there shall be a rebuttable presumption that the eligible defendant shall be detained pending trial because no amount of monetary bail, non-monetary condition or combination of monetary bail and conditions would reasonably assure the eligible defendant's appearance in court when required, the protection of the safety of any other person or the community, and that the eligible defendant will not obstruct or attempt to obstruct the

criminal justice process, if the court finds probable cause that the eligible defendant

(1) committed murder pursuant to N J S 2C 11-3, or

(2) committed any crime for which the eligible defendant would be subject to an ordinary or extended term of life imprisonment

c A court shall hold a hearing to determine whether any amount of monetary bail or non-monetary conditions or combination of monetary bail and conditions, including those set forth under subsection b of section 3 of P L 2014, c 31 (C 2A 162-17) will reasonably assure the eligible defendant's appearance in court when required, the protection of the safety of any other person or the community, and that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process

d (1) Except as otherwise provided in this subsection, the pretrial detention hearing shall be held no later than the eligible defendant's first appearance unless the eligible defendant, or the prosecutor, seeks a continuance If a prosecutor files a motion for pretrial detention after the eligible defendant's first appearance has taken place or if no first appearance is required, the court shall schedule the pretrial detention hearing to take place within three working days of the date on which the prosecutor's motion was filed, unless the prosecutor or the eligible defendant seeks a continuance Except for good cause, a continuance on motion of the eligible defendant may not exceed five days, not including any intermediate Saturday, Sunday, or legal holiday Except for good cause, a continuance on motion of the prosecutor may not exceed three days, not including any intermediate Saturday, Sunday, or legal holiday

(2) Upon the filing of a motion by the prosecutor seeking the pretrial detention of the eligible defendant and during any continuance that may be granted by the court, the eligible defendant shall be detained in jail, unless the eligible defendant was previously released from custody before trial, in which case the court shall issue a notice to appear to compel the appearance of the eligible defendant at the detention hearing The court, on motion of the prosecutor or sua sponte, may order that, while in custody, an eligible defendant who appears to be a drug-dependent person receive an assessment to determine whether that eligible defendant is drug-dependent

e (1) At the pretrial detention hearing, the eligible defendant has the right to be represented by counsel, and, if financially unable to obtain adequate representation, to have counsel appointed The eligible defendant shall be afforded an opportunity to testify, to present witnesses, to cross-examine witnesses who appear at the hearing, and to present information by proffer

or otherwise The rules concerning admissibility of evidence in criminal trials shall not apply to the presentation and consideration of information at the hearing

(2) In pretrial detention proceedings for which there is no indictment, the prosecutor shall establish probable cause that the eligible defendant committed the predicate offense A presumption of pretrial detention as provided in subsection b of this section may be rebutted by proof provided by the eligible defendant, the prosecutor, or from other materials submitted to the court The standard of proof for a rebuttal of the presumption of pretrial detention shall be a preponderance of the evidence If proof cannot be established to rebut the presumption, the court may order the eligible defendant's pretrial detention If the presumption is rebutted by sufficient proof, the prosecutor shall have the opportunity to establish that the grounds for pretrial detention exist pursuant to this section

(3) Except when an eligible defendant has failed to rebut a presumption of pretrial detention pursuant to subsection b of this section, the court's finding to support an order of pretrial detention pursuant to section 4 of P L 2014, c 31 (C 2A 162-18) that no amount of monetary bail, non-monetary conditions or combination of monetary bail and conditions will reasonably assure the eligible defendant's appearance in court when required, the protection of the safety of any other person or the community, and that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process shall be supported by clear and convincing evidence

f The hearing may be reopened, before or after a determination by the court, at any time before trial, if the court finds that information exists that was not known to the prosecutor or the eligible defendant at the time of the hearing and that has a material bearing on the issue of whether there are conditions of release that will reasonably assure the eligible defendant's appearance in court when required, the protection of the safety of any other person or the community, or that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process

g When a motion for pretrial detention is filed pursuant to subsection a of this section, a pretrial recommendation of no release pursuant to subsection f of section 6 of P L 2014, c 31 (C 2A 162-20) may constitute prima facie evidence to overcome the presumption of release as set forth in subsection b of section 4 of P L 2014, c 31 (C 2A 162-18), if the court finds probable cause that the eligible defendant committed any crime for which the eligible defendant would be subject to a mandatory term of imprisonment pursuant to subsection c of N J S 2C 43-6 for a crime involving the use or possession of a firearm other than a violation of

(1) subsection a or d of N J S 2C 39-3,

(2) paragraph (1) or (2) of subsection a of N J S 2C 39-4,

(3) subsection a of section 1 of P L 1998, c 26 (C 2C 39-4 1), or

(4) paragraph (1) of subsection b or paragraph (1) or (2) of subsection c of N J S 2C 39-5

2 Section 6 of P L 2014, c 31 (C 2A 162-20) is amended to read as follows

C 2A 162-20 Information considered in determination of pretrial detention

6 In determining in a pretrial detention hearing whether no amount of monetary bail, non-monetary conditions or combination of monetary bail and conditions would reasonably assure the eligible defendant's appearance in court when required, the protection of the safety of any other person or the community, or that the eligible defendant will not obstruct or attempt to obstruct the criminal justice process, the court may take into account information concerning

a The nature and circumstances of the offense charged,

b The weight of the evidence against the eligible defendant, except that the court may consider the admissibility of any evidence sought to be excluded,

c The history and characteristics of the eligible defendant, including

(1) the eligible defendant's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearances at court proceedings, except with respect to these factors, the court shall not consider manufacturing, distributing, or dispensing, or possessing or having under control with intent to manufacture, distribute, or dispense, marijuana or hashish in violation of paragraph (12) of subsection b of N J S 2C 35-5, or possession of marijuana or hashish in violation of paragraph (3) of subsection a of N J S 2C 35-10, and

(2) whether, at the time of the current offense or arrest, the eligible defendant was on probation, parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under federal law, or the law of this or any other state,

d The nature and seriousness of the danger to any other person or the community that would be posed by the eligible defendant's release, if applicable,

e The nature and seriousness of the risk of obstructing or attempting to obstruct the criminal justice process that would be posed by the eligible defendant's release, if applicable, and

f The release recommendation of the pretrial services program obtained using a risk assessment instrument under section 11 of P L 2014, c 31 (C 2A 162-25) Pretrial services shall recommend no release when a defendant has been charged with any crime for which the eligible defendant would be subject to a mandatory term of imprisonment pursuant to subsection c of N J S 2C 43-6 for a crime involving the use or possession of a firearm other than a violation of

(1) subsection a or d of N J S 2C 39-3,

(2) paragraph (1) or (2) of subsection a of N J S 2C 39-4,

(3) subsection a of section 1 of P L 1998, c 26 (C 2C 39-4 1), or

(4) paragraph (1) of subsection b or paragraph (1) or (2) of subsection c of N J S 2C 39-5

3 This act shall take effect immediately

Approved June 30, 2022

CHAPTER 44

AN ACT concerning the recording of patients' demographic information and amending P L 2021, c 454

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

1 Section 1 of P L 2021, c 454 (C 26 2H-5 36) is amended to read as follows

C 26 2H-5 36 Evidence-based cultural competency training program for general acute care hospital staff, direct contact with patients

1 a Each general acute care hospital that collects data concerning patient race, ethnicity, sexual orientation, or gender identity for any reason shall implement an evidence-based cultural competency training program for all staff members employed by or working under the supervision of the general acute hospital who have direct contact with patients and are responsible for collecting race and ethnicity, sexual orientation, and gender identity information from patients

b Each cultural competency training program implemented pursuant to subsection a of this section shall include training on how to collect race, ethnicity, sexual orientation, and gender identity in a culturally competent and sensitive manner This may include the following topics

(1) common terminology for race and ethnicity, sexual orientation, and gender identity data,

(2) information on the relationship between patient health and collecting race and ethnicity, sexual orientation, and gender identity data,

(3) information on how race and ethnicity, sexual orientation, and gender identity data will be used,

(4) information on how to navigate discomfort in patients and staff when asking patients for their race and ethnicity, sexual orientation, and gender identity information, and

(5) information on how to create an inclusive and affirming environment for all patients

c Each staff member who is employed by or working under the supervision of the general acute care hospital, has direct contact with patients, and is responsible for collecting race and ethnicity, sexual orientation, and gender identity information from patients, shall

(1) complete the cultural competency training program implemented pursuant to subsection a of this section at such times and intervals as the hospital shall require, and

(2) complete a cultural competency refresher course at least once biennially if completion of the course is deemed necessary by the hospital

2 Section 2 of P L 2021, c 454 (C 45 9-42 46) is amended to read as follows

C 45 9-42 46 Recording of race, ethnicity, sexual orientation, gender identity of patients, procedure

2 a (1) A clinical laboratory shall electronically record the race, ethnicity, sexual orientation, and gender identity of each patient who presents with a non-electronic order for testing at a clinical laboratory patient service center If a clinical laboratory processes a specimen without the presence of a patient, the clinical laboratory shall not be responsible for recording and reporting the patient's gender identity, sexual orientation, and racial and ethnic information and may record "not provided" in lieu of the other selections provided under paragraphs (2) through (4) of this subsection

(2) Race and ethnicity selections shall include Alaska Native or American Indian, non-Hispanic, Asian, non-Hispanic, Black or African American,

non-Hispanic, Hispanic or Latino, Multiracial, non-Hispanic, Native Hawaiian or other Pacific Islander, non-Hispanic, other race, non-Hispanic, White, non-Hispanic, does not wish to disclose, and not provided

(3) Sexual orientation selections shall include bisexual, straight, gay or lesbian, something else, does not wish to disclose, and not provided

(4) Gender identity selections shall include male, female, gender non-conforming, transgender male-to-female, transgender female-to-male, does not wish to disclose, and not provided

b Any healthcare-related data that is required under State law to be reported by a clinical laboratory to the Department of Health shall include any corresponding gender identity, sexual orientation, and racial and ethnic data recorded pursuant to this section, and shall be incorporated into the appropriate disease surveillance reporting system The Commissioner of Health shall issue guidance concerning the healthcare-related data that is subject to the requirements of this subsection

c A non-electronic specimen collection and analysis requisition form distributed by a clinical laboratory shall contain a section for the manual entry of the patient's racial, ethnic, sexual orientation, and gender identity information on the form

d Race and ethnicity, sexual orientation, and gender identity information that is required to be recorded or reported pursuant to this section shall be recorded or reported using a program that is compatible with the State's disease surveillance reporting system using such data fields as may be available or necessary in the version of Health Level Seven International recording and reporting standards or equivalent standards adopted by the laboratory, or using any other program or standard as may be designated by the Commissioner of Health that produces superior data collection and related benefits or that is otherwise in accordance with best practice

e The Commissioner of Health may modify, by regulation, the race, ethnicity, sexual orientation, and gender identity selections provided in subsection a of this section as appropriate or pursuant to federal requirements

3 Section 3 of P L 2021, c 454 (C 45 9-42 47) is amended to read as follows

C 45 9-42 47 Recorded gender identity, sexual orientation, racial, ethnic information necessary for storing demographic information, compliance, penalties

3 Any electronic medical records or laboratory information management systems used by acute care hospitals and licensed clinical laboratories in this State or sold by a vendor of such systems in this State for use by acute

care hospitals and licensed clinical laboratories, on or after the effective date of this act, shall be configured in a manner that prevents an authorized user from saving or storing a patient's demographic information into the electronic medical records or laboratory information management systems unless a selection for a patient's gender identity, sexual orientation, and racial and ethnic information is recorded Nothing in this act shall prohibit a clinical laboratory from receiving, processing, or saving data related to specimens that are ordered or received from outside of this State The gender identity, sexual orientation, and racial and ethnic information of a patient shall be included in laboratory orders generated by electronic medical record systems The Department of Health may impose necessary corrective actions to achieve compliance with the provisions of this section, which may include, but need not be limited to, an attestation to be completed by an acute care hospital or a licensed clinical laboratory that indicates specific steps that will be taken to achieve compliance within 120 days following the date of attestation, acknowledges legal obligations and penalties under this section, and provides relevant vendor information A vendor of electronic medical records or laboratory information management systems that fails to comply with the provisions of this section shall be liable to a civil penalty of up to $1,000 for each day during which the vendor's system is out of compliance A civil penalty assessed pursuant to this section shall be collected by and in the name of the Department of Health in summary proceedings before a court of competent jurisdiction pursuant to the provisions of the "Penalty Enforcement Law of 1999," P L 1999, c 174 (C 2A 58-10 et seq)

4 Section 5 of P L 2021, c 454 (C 45 9-42 49) is amended to read as follows

C 45 9-42 49 Evidence-based cultural competency training program, tools, content of training

5 a Each clinical laboratory shall implement an evidence-based cultural competency training program for all staff members employed by or working under the supervision of the clinical laboratory who have direct contact with patients and are responsible for collecting race and ethnicity, sexual orientation, and gender identity information from patients

b Each cultural competency training program implemented pursuant to subsection a of this section shall include training on how to collect race, ethnicity, sexual orientation, and gender identity in a culturally competent and sensitive manner This may include the following topics

(1) common terminology for race and ethnicity, sexual orientation, and gender identity data,

(2) information on the relationship between patient health and collecting race and ethnicity, sexual orientation, and gender identity data,

(3) information on how race and ethnicity, sexual orientation, and gender identity data will be used,

(4) information on how to navigate discomfort in patients and staff when asking patients for their race and ethnicity, sexual orientation, and gender identity information, and

(5) information on how to create an inclusive and affirming environment for all patients

c Each staff member who is employed by or working under the supervision of the clinical laboratory, has direct contact with patients, and is responsible for collecting race and ethnicity, sexual orientation, and gender identity information from patients, shall

(1) complete the cultural competency training program implemented pursuant to subsection a of this section at such times and intervals as the clinical laboratory shall require, and

(2) complete a cultural competency refresher course at least once biennially if completion of the course is deemed necessary by the clinical laboratory

5 Section 6 of P L 2021, c 454 is amended to read as follows

6 The Commissioner of Health shall adopt rules and regulations as are necessary to effectuate the provisions of this act, which rules and regulations shall be effective immediately upon filing with the Office of Administrative Law for a period not to exceed 18 months, and shall, thereafter, be amended, adopted, or readopted in accordance with the provisions of the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq) "

6 Section 7 of P L 2021, c 454 is amended to read as follows

7 This act shall take effect 12 months after the date of enactment except that paragraphs (3) and (4) of subsection a of section 2 of this act shall take effect 18 months after the date of enactment

7 This act shall take effect immediately and shall be retroactive to January 18, 2022

Approved June 30, 2022

CHAPTER 45

AN ACT establishing the Liberty State Park Design Task Force, and supplementing Title 13 of the Revised Statutes

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

1 This act shall be known and may be cited as the "Liberty State Park Conservation, Recreation, and Community Inclusion Act."

2 The Legislature finds and declares that

a Liberty State Park, located along the waterfront of Jersey City, is an urban oasis for New Jersey residents and visitors from all over the world with internationally recognized landmarks including the Statue of Liberty, Ellis Island, and the Manhattan skyline,

b More than five million people from around New Jersey, our nation, and the world visit the park each year to bask in the shadows of Lady Liberty, and enjoy the park's facilities with an average 750,000 annual visitors to the Liberty Science Center and around 700,000 annual visitors to the Statute of Liberty and Ellis Island ferry service passengers,

c In 1977, following an intensive multi-stakeholder community development process that included 23 public input meetings throughout the City of Jersey City as well as Newark, Hoboken, and Trenton, a Master Plan was developed by the Liberty State Park Study and Planning Commission, and approved by the Department of Environmental Protection. Along with open space, natural trails, and wildlife preservation areas, the Master Plan included various recreational uses including an amphitheater, marinas, an aquarium, an agricultural center, fishing piers, community gardens and greenhouses, public pools, ball fields, ball courts, and tennis courts. The Master Plan also contemplated a public transportation system to allow members of the surrounding lower-income community to have free and unfettered access to the Park,

d The Liberty State Park Study and Planning Commission established Master Plan Guidelines, which stated that, "A park is for the people! And people are both young and old, active and contemplative, found in grounds and in solitude, artistic and athletic, nature lovers, city dwellers, residents from neighboring areas and visitors from afar. The park, in a manner similar to the great parks being enjoyed today which were planned a century or more ago, must continue to expand to meet the needs of all persons visiting the

park, the park must be a growing, living organism The Commission feels that Liberty State Park should be planned to serve a multitude of recreational needs of various visitors to the park It will indeed be a green cornerstone for an entire urban shore, a nature environment with urban convenience It should have a proper mixture of various types of recreation and leisure activities",

e Development of Liberty State Park in accordance with the 1977 Master Plan was affected by the park's industrial past due to the presence of environmental contamination, as well as an overall lack of funding and lack of input from minority communities,

f During Superstorm Sandy in October 2012, an 11-foot storm surge flooded Liberty State Park causing millions of dollars of extensive damage to natural resources, open space areas, and recreational spaces, such as walkways, picnic areas, playgrounds, and certain historic structures With almost a decade since Superstorm Sandy, not only has the park not been fully restored nor repaired, but there has not been an extensive adaptation and resiliency plan implemented to prevent damage from future storms and protect surrounding communities Following a revision of coastal flood maps in the wake of Superstorm Sandy, Liberty State Park is located in a Special Flood Hazard Area as identified by the United States Federal Emergency Management Agency with the majority of the area in the high risk "AE Flood Zone" and high risk coastal area "VE Flood Zone",

g On October 29, 2019, Governor Phil Murphy signed Executive Order No 89 establishing new requirements aimed at building Statewide and community resilience, including the development of a Statewide Climate Change Resilience Strategy, which declared that "New Jersey is especially vulnerable to the impacts of sea level rise, increased flooding and other aspects of climate change, with potentially disastrous consequences for public health and safety" and acknowledged that "minority and low-income communities are disproportionately affected by climate change, including by the health effects of higher temperatures and increased air pollution and by the displacement of coastal and low-lying neighborhoods from sea level rise and flooding",

h Liberty State Park has the strong potential to promote the goals of Executive Order No 89 as well as the overall purposes and objectives of the "State Park and Forestry Resources Act," P L 1983, c 324 (C 13 1L-1 et seq), the "New Jersey Green Acres Land Acquisition Act of 1961," P L 1961, c 45 (C 13 8A-1 et seq), and other State laws concerning State parks and forests, and the use of lands for recreation and conservation purposes, by providing equal access to Liberty State Park for public use and enjoyment of

conservation areas, open space, and recreational areas, especially to those local residents disproportionately affected by climate change and the COVID-19 pandemic,

i On August 5, 2021, the Department of Environmental Protection created the Liberty State Park Design Task Force for the purposes of engaging with, and providing advice and recommendations to, the Department of Environmental Protection to inform the development of conceptual and design plans to improve conservation and recreational opportunities in Liberty State Park to meet the diverse needs of the public, and, while the task force has made some progress towards those goals, it is clear that Liberty State Park is in need of significant improvements and future maintenance plans that require the long-term support of the Legislature, and

j The Legislature hereby finds and declares that Liberty State Park requires critical investments to accommodate short-term and long-term action items that will improve conservation, recreational, and transportation opportunities within the park and provide for the continued maintenance of the park, and such investment is in the best interest of the citizens of this State and that the provision of recreational programs to all segments of the public enhances the public health, prosperity, and general welfare, and is a proper responsibility of the State

3 As used in this act

"Commissioner" means the Commissioner of Environmental Protection

"Department" means the Department of Environmental Protection

"Task force" means the Liberty State Park Design Task Force established by the commissioner by administrative order dated September 23, 2021 and established pursuant to section 4 of this act

4 a There is established in the Department of Environmental Protection a Liberty State Park Design Task Force to advise the department on developing both

(1) short-term action items designed to improve public use and enjoyment of conservation and recreation areas within Liberty State Park, and

(2) a long-term master plan for Liberty State Park that includes the (a) improvement of park facilities, programs, and amenities, (b) creation of new transportation and mobility services to the park to ensure equal access for all community residents to the park and within the park, and (c) further preservation of the park's natural resources and wildlife and protection against climate change

b In carrying out its responsibilities, the task force shall give due consideration to the natural, historic, cultural, recreational, economic, and scenic resources, and the local, State, and national significance of Liberty State Park The task force shall (1) reflect the diversity of the Hudson County and the Jersey City community, (2) give due consideration to the creation of recreational and cultural opportunities and access to the park for all residents, and (3) consider how the local community can participate and benefit from the improved park

c The Liberty State Park Design Task Force shall consist of 23 members as follows

(1) the department's Assistant Commissioner for State Parks, Forests, and Historic Sites, or the assistant commissioner's designee, who shall serve ex officio,

(2) the department's Administrator of Urban State Parks and Initiatives, or the administrator's designee, who shall serve ex officio,

(3) the Superintendent of Liberty State Park, or the superintendent's designee, who shall serve ex officio,

(4) the Bureau Chief of the department's Office of Natural Resource Restoration, or the chief's designee, who shall serve ex officio,

(5) the president of the Friends of Liberty State Park, or the president's designee, who shall serve ex officio,

(6) the president of Liberty State Park for All, or the president's designee, who shall serve ex officio,

(7) the mayor of Jersey City, or the mayor's designee, who shall serve ex officio,

(8) the director of the Jersey City Department of Recreation and Youth Development, or the director's designee, who shall serve ex officio,

(9) the Hudson County Commissioner for District 3, or the commissioner's designee, who shall serve ex officio,

(10) the chief of the Hudson County Division of Parks, or the chief's designee, who shall serve ex officio,

(11) the superintendent of Jersey City Public Schools, or the superintendent's designee, who shall serve ex officio,

(12) the president of the NAACP, New Jersey State Conference, or the president's designee, who shall serve ex officio,

(13) the president of the NAACP, Jersey City Branch, or the president's designee, who shall serve ex officio,

(14) two members of the public appointed by the Governor,

(15) two members of the public appointed by the Senate President,

(16) two members of the public appointed by the Speaker of the General Assembly, and

(17) four residents of Jersey City selected by the co-chairs of the task force and approved by the commissioner

d The task force shall be co-chaired by the department's Assistant Commissioner for State Parks, Forests, and Historic Sites, or the designee thereof, and the department's Administrator of Urban State Parks and Initiatives, or the designee thereof The task force shall meet at the call of the co-chairs At least 13 members of the task force shall constitute a quorum for the transaction of task force business

e The department shall provide administrative staff support to the task force at the discretion of the co-chairs

f The members of the task force shall serve without compensation, but may be reimbursed for necessary expenses incurred in the performance of their duties, within the limits of funds appropriated or otherwise made available to the committee for its purposes

g The task force shall be subject to the provisions of the "Senator Byron M Baer Open Public Meetings Act," P L 1975, c 231 (C 10 4-6 et seq)

h A true copy of the minutes of every meeting of the task force shall be prepared and made available to the public The minutes shall also be made available on the department's Internet website

5 a The task force shall present the department with recommendations related to immediate action items designed to improve conservation and recreational opportunities in Liberty State Park, including immediate plans to address

(1) the need for environmental justice and social equity to ensure equal access to the park for public use and enjoyment of conservation areas, open space, and recreational areas,

(2) the preservation of natural resources through a resiliency plan that allows the park to withstand rising sea levels and future flooding,

(3) wildlife management and habitat restoration planning for the protection of native and endangered species and migratory birds,

(4) transportation and mobility planning to improve access for all community residents to the park and within the park,

(5) upgrades to park facilities, programs, and amenities, and the development of new recreational and athletic facilities suitable for all age groups, provided that the task force shall not recommend the construction of a casino in the park and that any recommendation for the construction of renewable energy facilities is limited to rooftops and parking areas, and

(6) cultural and arts opportunities in the park

b No later than nine months after the date of enactment of this act, and after holding at least three public meetings at which members of the public may participate and submit written comments, the task force shall consider the public comments and submit to the department recommendations to consider in the development of a master plan that outlines long-term plans and capital projects designed to address the items enumerated in subsection a of section 4 of this act and paragraphs (1) through (6) of subsection a of this section At least one of the public meetings shall take place on a weekday in the evening and at least one shall take place on a weekend during the day

c The task force shall

(1) engage with and receive recommendations from the community to assist the department in implementing any action item recommended pursuant to subsection a or b of this subsection and ensure broad community engagement in the park's management and planning activities,

(2) work with New Jersey Economic Development Authority and local economic and community organizations to provide workforce development opportunities,

(3) work with local environmental organizations and local governmental entities to develop recommendations to maintain and upgrade natural and scenic wildlife areas and trails, and improve flood mitigation and resiliency efforts in the park,

(4) work with local recreational and amateur sports organizations to develop recommendations to maintain and upgrade recreational facilities in the park,

(5) work with local transportation advocates and local governmental entities to develop recommendations on how to improve and maintain access to and within the park,

(6) identify potential sources of funding for land acquisition, protection, and management of wildlife preserves, and

(7) work with local conservation and scientific organizations to develop recommendations to maintain and restore the ecology of the waterways, including the estuary, shorelines, and nursery habitat for aquatic species

d The task force shall expire 24 months after the effective date of this act

6 Upon completion of the master plan for Liberty State Park, the Department of Environmental Protection shall, within 45 days, submit, to the Governor, and to the Legislature pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1), a written report identifying additional capital funding priorities for the park

7 Nothing in this act shall be construed to amend, repeal, limit, or otherwise affect the authority or ownership interests of the Department of Environmental Protection pursuant to the "State Park and Forestry Resources Act," P L 1983, c 324 (C 13 1L-1 et seq), the "New Jersey Green Acres Land Acquisition Act of 1961," P L 1961, c 45 (C 13 8A-1 et seq), or any other law concerning State parks or forests or the use of lands for recreation and conservation purposes

8 The Department of Environmental Protection is authorized to utilize the amount of $50 million appropriated from the federal "Coronavirus State Fiscal Recovery Fund" (SFRF) established pursuant to the federal "American Rescue Plan Act of 2021," Pub L 117-2, and any other similar type of federal law that may be hereafter enacted, in the Fiscal Year 2023 appropriations act, P L 2022, c 49 to support activities identified by the Liberty State Park Design Task Force, and approved by the department, primarily to improve recreational, cultural, and transportation activities and maintain and upgrade scenic and wildlife habitats and areas at Liberty State Park

9 This act shall take effect immediately and shall expire 24 months following enactment

Approved June 30, 2022

CHAPTER 46

AN ACT concerning the New Jersey Aspire Program and amending P L 2020, c 156

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

1 Section 62 of P L 2020, c 156 (C 34 1B-330) is amended to read as follows

C 34 1B-330 Report by developer

62 a A developer approved for an incentive award pursuant to sections 58 and 59 of P L 2020, c 156 (C 34 1B-326 and C 34 1B-327) and that enters an incentive award agreement pursuant to section 60 of P L 2020, c 156 (C 34 1B-328) shall submit annually, commencing in the year in which the incentive award

is issued and for the remainder of the eligibility period, a report indicating whether the developer is aware of any condition, event, or act that would cause the developer not to be in compliance with the incentive award agreement or the provisions of sections 54 through 67 of P L 2020, c 156 (C 34 1B-322 through C 34 1B-335) and any additional reporting requirements contained in the incentive award agreement or tax credit certificate The developer, or an authorized agent of the developer, shall certify that the information provided pursuant to this subsection is true under the penalty of perjury

b (1) Upon receipt and review of each report submitted during the eligibility period, the authority shall provide to the developer and the director a certificate of compliance indicating the amount of tax credits that the developer may apply against the developer's tax liability

(2) Upon receipt by the director of the certificate of compliance, the director shall allow the developer a credit against the tax imposed pursuant to section 5 of P L 1945, c 162 (C 54 10A-5) A developer shall apply the credit awarded against the developer's liability under 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 C 54 18A-3), section 1 of P L 1950, c 231 (C 17 32-15), or N J S 17B 23-5 for the privilege period during which the director allows the developer a tax credit pursuant to this subsection A developer may carry forward an unused credit resulting from the limitations of paragraph (3) of this subsection, if necessary, for use in the seven privilege periods next following the privilege period for which the credits are awarded Credits granted to a partnership shall be passed through to the partners, members, or owners, respectively, pro-rata, or pursuant to an executed agreement among the partners, members, or owners documenting an alternate distribution method provided to the director accompanied by any additional information as the director may prescribe

(3) The director shall prescribe the order of priority of the application of the credit allowed under this section and any other credits allowed by law against the tax imposed under section 5 of P L 1945, c 162 (C 54 10A-5) The amount of the credit applied under this section against the tax imposed pursuant to section 5 of P L 1945, c 162 (C 54 10A-5) for a privilege period, together with any other credits allowed by law, shall not reduce the tax liability to an amount less than the statutory minimum provided in subsection (e) of section 5 of P L 1945, c 162 (C 54 10A-5)

2 This act shall take effect immediately

Approved June 30, 2022

CHAPTER 47

AN ACT concerning the Food Desert Relief Program and amending, supplementing, and repealing various parts of P L 2020, c 156

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

1 Section 37 of P L 2020, c 156 (C 34 1B-305) is amended to read as follows

C 34 1B-305 Definitions

37 As used in sections 35 through 42 of P L 2020, c 156 (C 34 1B-303 through C 34 1B-310) and sections 3 and 4 of P L 2022, c 47 (C 34 1B-308 1 and C 34 1B-308 2)

"Authority" means the New Jersey Economic Development Authority established pursuant to section 4 of P L 1974, c 80 (C 34 1B-4)

"Department" means the Department of Agriculture

"Director" means the Director of the Division of Taxation in the Department of the Treasury

"Eligible equipment costs" means expenditures for the procurement of such equipment as is needed to allow a supermarket, grocery store, mid-sized food retailer, small food retailer, or other eligible entity to store, refrigerate, transport, or otherwise maintain nutritious foods, including fresh fruits and vegetables, for retail purposes, but within a standard range based upon industry standards, as determined by the authority

"Eligible technology costs" means expenditures for the procurement or upgrade of technology systems to support online ordering and e-commerce, including but not limited to computer hardware, software, internet connectivity, and database systems

"First or second new supermarket or grocery store" means the first and second new supermarket or grocery store within each food desert community to be approved for tax credits under the program by the authority, except that a supermarket or grocery store may lose the designation of first or second new supermarket or grocery store if the project does not meet milestones designated by the authority in a timely manner, as determined by the authority

"Food desert community" means a physically contiguous area in the State in which residents have limited access to nutritious foods, such as fresh fruits and vegetables, and which has been designated as a food desert community pursuant to subsection b of section 38 of P L 2020, c 156 (C 34 1B-306)

"Initial operating costs" means expenditures for the operation of a supermarket or grocery store within the first three years after opening to the public, but within a standard range based upon industry standards, as determined by the authority

"Mid-sized food retailer" means a medium-sized retail outlet with at least 2,500 but less than 16,000 square feet, of which at least 75 percent is occupied by food and related products, which products shall be based on industry standards, as determined by the authority, except that the food and related products shall not include alcoholic beverages and products related to the consumption of such beverages

"New supermarket or grocery store" means a supermarket or grocery store that commenced construction, or commenced rehabilitation of at least 75 percent of its square footage, after the effective date of the "Food Desert Relief Act," as established by sections 35 through 42 of P.L. 2020, c. 156 (C. 34:1B-303 through C. 34:1B-310)

"Program" means the Food Desert Relief Program established in section 38 of P.L. 2020, c. 156 (C. 34:1B-306)

"Project cost" means the costs incurred in connection with the establishment of a supermarket or grocery store within a food desert community by the developer until the opening of the supermarket or grocery store to the public, including the costs relating to 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, including capitalized interest paid to third parties, of an amount not to exceed 20 percent of the total costs, and the cost of infrastructure improvements, including ancillary infrastructure projects

"Project financing gap" means 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, 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

"Small food retailer" means a small retail outlet, with less than 2,500 square feet, that sells a limited selection of foods and other products, such as

a bodega, convenience store, corner store, neighborhood store, small grocery, mobile food vendor, farmers' market, food co-op, or small-scale store

"Supermarket or grocery store" means a retail outlet with at least 16,000 square feet, of which at least 80 percent is occupied by food and related products, which products shall be based on industry standards, as determined by the authority, except that the food and related products shall not include alcoholic beverages and products related to the consumption of such beverages

"Tax credit" means credit against a tax liability pursuant to section 1 of P L 1950, c 231 (C 17 32-15), N J S 17B 23-5, section 5 of P L 1945, c 162 (C 54 10A-5), and sections 2 and 3 of P L 1945, c 132 (C 54 18A-2 and C 54 18A-3)

2 Section 38 of P L 2020, c 156 (C 34 1B-306) is amended to read as follows

C 34 1B-306 Food Desert Relief Program

38 a (1) There is established the Food Desert Relief Program to be administered by the New Jersey Economic Development Authority The program shall include tax credit components, as provided in sections 39 and 40 of P L 2020, c 156 (C 34 1B-307 and C 34 1B-308), in order to incentivize businesses to establish and retain new supermarkets and grocery stores in food desert communities

(2) The total value of tax credits approved by the authority pursuant to sections 39 and 40 of P L 2020, c 156 (C 34 1B-307 and C 34 1B-308) shall not exceed the limitations set forth in section 98 of P L 2020, c 156 (C 34 1B-362)

b The authority, in consultation with the Department of Agriculture and the Department of Community Affairs, shall initially designate not more than 50 separate geographic areas that have limited access to nutritious foods as food desert communities in this State The authority, in consultation with the Department of Agriculture and the Department of Community Affairs, shall develop criteria for the designation of food desert communities, but each separate food desert community shall consist of a distinct geographic area with a single defined border The criteria shall, at a minimum, incorporate analysis of municipal or census tract poverty statistics, food desert information from the Economic Research Service of the United States Department of Agriculture, healthier food retail tract information from the federal Centers for Disease Control and Prevention, and residents' access to nutritious foods, such as fresh fruits and vegetables, through supermarkets and grocery stores The authority, in consultation with the departments, may also consider in making food desert community designations pursuant to this subsection, data

related to municipal or census tract population size and population density, the number of residents who receive Supplemental Nutrition Assistance Program (SNAP) benefits within a municipality, the extent to which a municipality's residents have access to a personal vehicle, and a municipality's Municipal Revitalization Index distress score, obesity rate, and unemployment rate The authority, in consultation with the departments, shall continuously evaluate areas previously designated as food desert communities and assess whether they still meet the criteria for designation as a food desert community and may designate additional food desert communities once every three years following the effective date of sections 35 through 42 of P L 2020, c 156 (C 34 1B-303 through C 34 1B-310)

c To receive a tax credit under section 39 or 40 of P L 2020, c 156 (C 34 1B-307 or C 34 1B-308), a taxpayer shall submit an application to the authority in the form and manner prescribed by the authority and in accordance with criteria established by the authority, which at minimum will include a commitment to accept benefits from federal nutrition assistance programs, such as the Supplemental Nutrition Assistance Program (SNAP) and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Following the approval of an application, the authority may, pursuant to an award agreement, award tax credits to an eligible taxpayer that

(1) develops and opens for business to the public the first or second supermarket or grocery store in a designated food desert community, or

(2) owns, leases, or subleases, and operates the first or second new supermarket or grocery store in a designated food desert community

d (1) The authority may sell all or a portion of the tax credits made available in a fiscal year pursuant to subsection a of this section through a competitive auction process or a publicly advertised solicitation for offers and dedicate the proceeds from such sale to provide grants and loans to qualifying supermarkets, grocery stores, mid-sized food retailers, small food retailers, and any other eligible entity The amount of any grant or loan provided pursuant to this subsection shall be in accordance with the need of the supermarket, grocery store, mid-sized food retailer, small food retailer, or any other eligible entity, as determined by the authority The authority shall sell tax credits pursuant to this section in the manner determined by the authority, provided, however, the authority shall not sell tax credits for less than 85 percent of the tax credit amount Any credit sold shall be valid in the privilege period in which the sale is completed, and any unused portion thereof may be carried forward into the next seven privilege periods or until exhausted, whichever is earlier Grants and loans made available pursuant to this subsection shall be awarded to entities that

(a) operate a supermarket or grocery store that meets criteria established by the authority, which criteria shall, at minimum, include a commitment to accept benefits from federal nutrition assistance programs, including, but not limited to, the Supplemental Nutrition Assistance Program (SNAP) and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), in a designated food desert community,

(b) own, lease, or sublease, and operate a mid-sized food retailer or small food retailer that commits to selling nutritious foods, including fresh fruits and vegetables, in a designated food desert community, or

(c) at the discretion of the authority, support initiatives to strengthen food security of residents in food desert communities

(2) A supermarket, grocery store, mid-sized food retailer, small food retailer, or other eligible entity shall submit an application to the authority to receive a grant or loan pursuant to this subsection The application shall be submitted in the form and manner prescribed by the authority and in accordance with criteria established by the authority An entity eligible for a grant or loan under subparagraph (a) of paragraph (1) of this subsection shall not be required to submit a separate application to the authority for the grant or loan, provided that the entity has submitted an application to the authority pursuant to subsection c of this section

(3) Prior to awarding a grant or loan to an applicant supermarket, grocery store, mid-sized food retailer, small food retailer, or other eligible entity pursuant to this subsection, the authority shall confirm with the Department of Labor and Workforce Development, the Department of Environmental Protection, and the Department of the Treasury whether the applicant is in substantial good standing with the respective department, or has entered into an agreement with the respective department that includes a practical corrective action plan for the applicant The applicant shall certify that any contractors or subcontractors that perform work at the qualifying supermarket or grocery store (a) are registered as required by "The Public Works Contractor Registration Act," P L 1999, c 238 (C 34 11-56 48 et seq), (b) have not been debarred by the Department of Labor and Workforce Development from engaging in or bidding on Public Works Contracts in the State, and (c) possess a tax clearance certificate issued by the Division of Taxation in the Department of the Treasury The authority may also contract with an independent third party to perform a background check on the entity

(4) An applicant supermarket, grocery store, mid-sized food retailer, small food retailer, or other eligible entity shall, as required at the discretion of the authority, submit to the authority satisfactory information pertaining to the eligible equipment costs and eligible technology costs, as certified by

a certified public accountant, certifications that all information provided by the applicant to the authority is true, including information contained in the application, any agreement pertaining to the award of grants or loans under the program, any amendment to such an agreement, and any other information submitted by the applicant to the authority pursuant to sections 35 through 42 of P L 2020, c 156 (C 34 1B-303 through C 34 1B-310), and evidence of the eligible equipment costs and eligible technology costs of the applicant The applicant, or an authorized agent of the applicant, shall certify under the penalty of perjury that the information provided pursuant to this subsection is true

e The authority may establish a technical assistance fund to assist any entity that is eligible for a tax credit, grant, or loan under this section The authority, through the technical assistance fund, may make grants to entities to assist qualifying supermarkets, grocery stores, mid-sized food retailers, small food retailers, or other eligible entities in implementation of best practices for increasing the accessibility of nutritious foods in food desert communities Technical assistance shall be provided either directly by the authority or through a not-for-profit or for-profit entity and made available in English as well as the two most commonly spoken languages in New Jersey other than English At the discretion of the authority, funds to support technical assistance may be provided in addition to, or in lieu of, any tax credit, grant, or loan awarded under sections 35 through 42 of P L 2020, c 156 (C 34 1B-303 through C 34 1B-310)

f (1) The authority shall require that any tax credits, grants, or loans awarded by the authority under the program be utilized by the recipient for one or more of the following purposes, which shall be set forth in the award agreement

(a) to mitigate a project financing gap,

(b) to mitigate the initial operating costs of the supermarket or grocery store,

(c) to mitigate the eligible equipment costs or eligible technology costs of the supermarket, grocery store, mid-sized food retailer, small food retailer, or other eligible entity in order to make nutritious foods more accessible and affordable to residents within food desert communities, or

(d) to support initiatives to ensure the food security of residents in food desert communities

(2) The value of tax credits, grants, or loans awarded to individual entities under the program shall not exceed

(a) in the case of an entity eligible under paragraph (1) of subsection c of this section, 40 percent of the total project cost for the first supermarket or

grocery store in a designated food desert community, and 20 percent of the total project cost for the second supermarket or grocery store in the food desert community, and

(b) in the case of an entity eligible under paragraph (2) of subsection c of this section, the initial operating costs of the first supermarket or grocery store in a designated food desert community, and one-half of the initial operating costs of the second supermarket or grocery store in the food desert community,

(c) in the case of an entity eligible for a grant or loan under subparagraph (b) of paragraph (1) of subsection d of this section, the eligible equipment costs and eligible technology costs of the supermarket, grocery store, mid-sized food retailer, small food retailer, or other eligible entity, and

(d) in the case of an entity eligible for a grant or loan under subparagraph (c) of paragraph (1) of subsection d of this section, the costs of initiatives to ensure the food security of residents in food desert communities

g An entity that develops and opens the first or second new supermarket or grocery store in a designated food desert community shall be eligible for a tax credit only if the entity demonstrates to the authority at the time of application that (1) each worker employed to perform construction at the project shall be paid not less than the prevailing wage rate for the worker's craft or trade, as determined by the Commissioner of Labor and Workforce Development pursuant to P L 1963, c 150 (C 34 11-56 25 et seq) and P L 2005, c 379 (C 34 11-56 58 et seq), (2) without the tax credit award, the project is not economically feasible, (3) a project financing gap exists, and (4) except for demolition and site remediation activities, the entity has not commenced any construction at the site of the project before submitting an application, unless the authority determines that the project would not be completed otherwise

h (1) Except as provided in paragraph (2) of this subsection, a labor harmony agreement shall be required if the State has a proprietary interest in a supermarket or grocery store and the agreement shall remain in effect for as long as the State acts as a market participant in the project The provisions of this paragraph shall apply to a supermarket or grocery store that will have more than 10 employees

(2) A labor harmony agreement under paragraph (1) of this subsection shall not be required if the authority determines that the supermarket or grocery store would not be feasible if a labor harmony agreement is required The authority shall support the determination by a written finding, which provides the specific basis for the determination

(3) As used in this subsection, "labor harmony agreement" means an agreement between a business that serves as the owner or operator of a supermarket or grocery store and one or more labor organizations, which requires, for the duration of the agreement that any participating labor organization and its members agree to refrain from picketing, work stoppages, boycotts, or other economic interference against the business, and that the business agrees to maintain a neutral posture with respect to efforts of any participating labor organization to represent employees at a supermarket or grocery store, agrees to permit the labor organization to have access to the employees, and agrees to guarantee to the labor organization the right to obtain recognition as the exclusive collective bargaining representatives of the employees at a supermarket or grocery store by demonstrating to the New Jersey State Board of Mediation, Division of Private Employment Dispute Settlement, or a mutually agreed-upon, neutral, third-party, that a majority of workers in the unit have shown their preference for the labor organization to be their representative by signing authorization cards indicating that preference The labor organization or organizations shall be from a list of labor organizations that have requested to be on the list and that the Commissioner of Labor and Workforce Development has determined represent substantial numbers of supermarket or grocery store employees in the State

1 A recipient shall certify that all factual representations made by the recipient in the application or award agreement are true under the penalty of perjury A material misrepresentation of fact in either the application or award agreement may result in recession and recapture of any grants or tax credits awarded, or acceleration of any loans made, under sections 35 through 42 of P L 2020, c 156 (C 34 1B-303 through C 34 1B-310)

C 34 1B-308 1 Tax credit transfer certificate, application

3 a A taxpayer may apply to the director and the chief executive officer of the authority for a tax credit transfer certificate, covering one or more years, in lieu of the taxpayer being allowed any amount of the credit against the tax liability of the taxpayer The tax credit transfer certificate, upon receipt thereof by the taxpayer from the director and the chief executive officer of the authority, may be sold or assigned, in full or in part in an amount not less than $25,000, in the privilege period during which the taxpayer receives the tax credit transfer certificate from the director, to another person, who may apply the credit against a tax liability pursuant to section 1 of P L 1950, c 231 (C 17 32-15), N J S 17B 23-5, section 5 of P L 1945, c 162 (C 54 10A-5), and sections 2 and 3 of P L 1945, c 132 (C 54 18A-2 and C 54 18A-3) The certificate provided to the taxpayer shall include a statement waiving the

taxpayer's right to claim the amount of the credit that the taxpayer has elected to sell or assign against the taxpayer's tax liability

b The taxpayer shall not sell or assign, including a collateral assignment, a tax credit transfer certificate allowed under this section for consideration received by the taxpayer of less than 85 percent of the transferred credit amount before considering any further discounting to the present value which shall be permitted The tax credit transfer certificate issued to a taxpayer by the director shall be subject to any limitations and conditions imposed on the application of the original State tax credits issued pursuant to the "Food Desert Relief Act," sections 35 through 41 of P L 2020, c 156 (C 34 1B-303 through C 34 1B-309), and any other terms and conditions that the director may prescribe

c A purchaser or assignee of a tax credit transfer certificate pursuant to this section shall not make any subsequent transfers, assignments, or sales of the tax credit transfer certificate

d The authority shall publish on its Internet website the following information concerning each tax credit transfer certificate approved by the authority and the director pursuant to this section

(1) the name of the transferor,

(2) the name of the transferee,

(3) the value of the tax credit transfer certificate, and

(4) the consideration received by the transferor

C 34 1B-308 2 Tax credit award agreement, taxpayer ability to pledge, assign, transfer, sell right, title, interest

4 a A taxpayer who has entered into a tax credit award agreement may, upon notice to and written consent of the authority and State Treasurer, pledge, assign, transfer, or sell any or all of its right, title, and interest in and to the tax credit award agreement and in the tax credit awards payable under the tax credit award agreement, and the right to receive the tax credit awards, along with the rights and remedies provided to the taxpayer under the taxpayer award agreement Any assignment shall be an absolute assignment for all purposes, including the federal bankruptcy code

b Any pledge of a tax credit award made by the taxpayer shall be valid and binding from the time the pledge is made and filed in the records of the authority The tax credit award pledged and thereafter received by the taxpayer 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 against all parties having claims of any kind in tort, contract, or otherwise against the taxpayer irrespective of whether the parties have notice

thereof As a condition of any tax credit grant, the grantee, assignee, pledgee, or subsequent holder of the tax credit grant shall immediately file notice of the same with the clerk of the county in which the project is located

c The authority shall publish on its Internet website the following information concerning each pledge, assignment, transfer, or sale approved by the authority pursuant to this section

(1) the name of the person or entity offering the pledge, assignment, transfer, or sale of a right, title, or interest in a tax credit award agreement,

(2) the name of the person or entity receiving the pledge, assignment, transfer, or sale of a right, title, or interest in the tax credit award agreement,

(3) the value of the right, title, or interest in the tax credit award agreement, and

(4) the consideration received by the person or entity offering the pledge, assignment, transfer, or sale of the right, title, or interest in the tax credit award agreement

Repealer

5 Section 40 of P L 2020, c 156 (C 34 1B-308) is repealed

6 This act shall take effect immediately

Approved June 30, 2022

CHAPTER 48

AN ACT concerning economic incentives for certain cannabis businesses and amending P L 2021, c 16

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

1 Section 37 of P L 2021, c 16 (C 24 6I-49) is amended to read as follows

C 24 6I-49 Business treatment of cannabis establishments, distributors, and delivery services

37 Business Treatment of Cannabis Establishments, Distributors, and Delivery Services

With respect to the business treatment of cannabis establishments, distributors, and delivery services

a A financial institution, as defined by section 2 of P L 1983, c 466 (C 17 16K-2), shall not, subject to the suspension or revocation of a charter or other available enforcement action by the Commissioner of Banking and Insurance, engage in any discriminatory activities with respect to the banking activities of a cannabis establishment, distributor, or delivery service, or the banking activities of a person associated with a cannabis establishment, distributor, or delivery service

b (1) In no case shall a cannabis cultivator operate or be located on land that is valued, assessed or taxed as an agricultural or horticultural use pursuant to the "Farmland Assessment Act of 1964," P L 1964, c 48 (C 54 4-23 1 et seq)

(2) (a) (i) A person or entity issued a license to operate as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service, or that employs a certified personal use cannabis handler to perform work for or on behalf of a cannabis establishment, distributor, or delivery service shall not be eligible for a State or local economic incentive

(ii) The issuance of a license to operate as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service, or the issuance of a certification to perform work for or on behalf of a cannabis establishment, distributor, or delivery service to a person or entity that has been awarded a State or local economic incentive shall invalidate the right of the person or entity to benefit from the economic incentive as of the date of issuance of the license or certification

(b) (i) A property owner, developer, or operator of a project to be used, in whole or in part, by or to benefit a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service, or to employ a certified personal use cannabis handler to perform work for or on behalf of a cannabis establishment, distributor, or delivery service, shall not be eligible for a State or local economic incentive during the period of time that the economic incentive is in effect

(ii) The issuance of a license to operate as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service, or issuance of a certification to perform work for or on behalf of a cannabis establishment, distributor, or delivery service at a location that is the subject of a State or local economic incentive shall invalidate the right of a property owner, developer, or operator to benefit from the economic incentive as of the date of issuance of the license or certification

c As used in this section

(1) "Small business" means any business which has its principal place of business in this State, is independently owned and operated, and employs the equivalent of fewer than 250 full-time employees

(2) "State or local economic incentive" means a financial incentive awarded by the State pursuant to the "New Jersey Economic Recovery Act of 2020," P L 2020, c 156 (C 34 1B-269 et al), any political subdivision of the State, or any agency or instrumentality of a political subdivision of the State, to any non-governmental person, association, for-profit or non-profit corporation, joint venture, limited liability company, partnership, sole proprietorship, or other form of business organization or entity agreed to between the government and non-governmental parties, for the purpose of stimulating economic development or redevelopment in New Jersey including, but not limited to, a bond, grant, loan, loan guarantee, matching fund, tax credit, or other tax expenditure "State or local economic incentive" shall not include

(a) financial incentives awarded pursuant to a program created by the New Jersey Economic Development Authority for the purpose of providing financial or technical assistance to a prospective or licensed cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service that qualifies as a small business if the program created by the authority

(i) requires a portion of any funds made available under the program to be reserved for businesses operating within an impact zone as defined in paragraph (1) of subsection e of section 19 of P L 2021, c 16 (C 24 6I-36), or

(ii) is funded in whole or in part through an appropriation of monies derived from the Social Equity Excise Fee pursuant to section 39 of P L 2021, c 16 (C 54 47F-1) and provides that the monies appropriated from the Social Equity Excise Fee shall be restricted to businesses operating within an impact zone as defined in paragraph (1) of subsection e of section 19 of P L 2021, c 16 (C 24 6I-36), and

(b) funding made available by the Department of Labor and Workforce Development for on-the-job training

2 This act shall take effect immediately

Approved June 30, 2022

CHAPTER 49

AN ACT making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 2023 and regulating the disbursement thereof

ANTICIPATED RESOURCES
FOR THE FISCAL YEAR 2022-2023
GENERAL FUND

Undesignated Fund Balance, July 1, 2022	$4,413,387,000
Major Taxes	
Sales	$12,505,598,000
Energy Tax Receipts - Sales Tax	788,492,000
Sales – Energy	101,508,000
Less Sales Tax Dedication	***(986,100,000)***
Corporation Business	5,225,000,000
Corporation Business - Energy	10,000,000
Business Alternative Income Tax	3,400,000,000
Petroleum Products Gross Receipts	1,515,747,000
Less Petroleum Products Gross Receipts - Capital Reserves	***(654,811,000)***
Insurance Premium	585,000,000
Realty Transfer	572,033,000
Motor Fuels	480,000,000
Transfer Inheritance	384,541,000
Motor Vehicle Fees	382,749,000
Alcoholic Beverage Excise	129,995,000
Corporation Banks and Financial Institutions	95,000,000
Cigarette	91,607,000
Tobacco Products Wholesale Sales	34,989,000
Public Utility Excise (Reform)	19,500,000
Estate Tax	500,000
Total - Major Taxes	$24,681,348,000

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

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

Department of Banking and Insurance	
Actuarial Services	$10,000
Banking - Assessments	13,160,000
Banking - Licenses and Other Fees	2,900,000
Fraud Fines	1,300,000
HMO Covered Lives	50,000
Insurance - Examination Billings	400,000
Insurance - Special Purpose Assessment	38,518,000
Insurance Fraud Prevention	30,857,000
Insurance - Licenses & Other Fees	51,300,000
Real Estate Commission	12,000,000
Subtotal, Department of Banking and Insurance	$150,495,000
Department of Children and Families	
Child Care Licensing	$275,000
Contract Recoveries	15,000,000
Divorce Filing Fees	1,350,000
Subtotal, Department of Children and Families	$16,625,000
Department of Community Affairs	
Affordable Housing and Neighborhood Preservation - Fair Housing	$16,035,000
Construction Fees	17,969,000
Fire Safety	18,122,000
Housing Inspection Fees	11,437,000
Planned Real Estate Development Fees	950,000
Subtotal, Department of Community Affairs	$64,513,000
Department of Education	
Audit of Enrollments	$1,086,000
Audit Recoveries	120,000
Nonpublic Schools Other Recoveries	3,000,000
School Construction Inspection Fees	856,000
State Board of Examiners	4,638,000
Subtotal, Department of Education	$9,700,000
Department of Environmental Protection	
Air Pollution Fees - Minor Sources	$7,200,000
Air Pollution Fees - Title V Operating Permits	3,400,000
Air Pollution Fines	880,000
Clean Water Enforcement Act	1,900,000
Coastal Area Facility Review Act	1,800,000
Endangered Species Tax Check-Off	227,000
Environmental Infrastructure Financing Program Administrative Fee	5,000,000
Excess Diversion	140,000
Freshwater Wetlands Fees	3,100,000

Freshwater Wetlands Fines	150,000
Hazardous Waste Fees	2,367,000
Hazardous Waste Fines	650,000
Hunters' and Anglers' Licenses	13,034,000
Industrial Site Recovery Act	45,000
Laboratory Certification Fees	2,100,000
Laboratory Certification Fines	50,000
Marina Rentals	885,000
Marine Lands - Preparation and Filing Fees	180,000
Medical Waste	6,000,000
New Jersey Pollutant Discharge Elimination System/ Stormwater Permits	16,700,000
Parks Management Fees and Permits	1,600,000
Parks Management Fines	60,000
Pesticide Control Fees	4,400,000
Pesticide Control Fines	75,000
Radiation Protection Fees	5,100,000
Radiation Protection Fines	175,000
Radon Testers Certification	350,000
Solid and Hazardous Waste Disclosure	240,000
Solid Waste - Utility Regulation Assessments	3,100,000
Solid Waste Fines	1,000,000
Solid Waste Management Fees	10,600,000
Stream Encroachment	3,800,000
Toxic Catastrophe Prevention Fees	1,800,000
Toxic Catastrophe Prevention Fines	100,000
Treatment Works Approval	2,000,000
Underground Storage Tanks Fees	500,000
Water Allocation	2,425,000
Water Supply Management Regulations	1,178,000
Water/Wastewater Operators Licenses	210,000
Waterfront Development Fees	3,100,000
Waterfront Development Fines	20,000
Well Permits/Well Drillers/Pump Installers Licenses	1,100,000
Wetlands	125,000
Worker Community Right to Know-Fines	5,000
Subtotal, Department of Environmental Protection	$108,871,000
Department of Health	
Admission Charge Hospital Assessment	$6,000,000
Federal Funds - Graduate Medical Education	169,400,000
Health Care Reform	1,200,000
Licenses, Fines, Permits, Penalties and Fees	5,000,000
Patients' and Residents' Cost Recovery - Psychiatric Hospitals	87,569,000

Subtotal, Department of Health	$269,169,000
Department of Human Services	
Early Periodic Screening, Diagnosis and Treatment	$13,372,000
Medicaid Uncompensated Care - Acute	216,772,000
Medicaid Uncompensated Care - Mental Health	25,949,000
Medicaid Uncompensated Care - Psychiatric	178,685,000
Miscellaneous Revenue - Human Services	2,899,000
Patients' and Residents' Cost Recovery - Developmental Disabilities	11,991,000
School Based Medicaid	61,319,000
Subtotal, Department of Human Services	$510,987,000
Department of Labor and Workforce Development	
Miscellaneous Revenue	$150,000
Special Compensation Fund	2,108,000
Workers' Compensation Assessment	14,242,000
Workplace Standards - Licenses, Permits and Fines	8,858,000
Subtotal, Department of Labor and Workforce Development	$25,358,000
Department of Law and Public Safety	
Charities Registration Section	$556,000
Consumer Affairs	830,000
Controlled Dangerous Substances	1,350,000
Elevator, Escalator, and Moving Walkway Licensing Board	63,000
Legalized Games of Chance Control	1,000,000
New Jersey Cemetery Board	1,000
Private Employment Agencies	258,000
State Board of Architects	219,000
State Board of Audiology and Speech - Language Pathology Advisory	21,000
State Board of Certified Psychoanalysts	1,000
State Board of Certified Public Accountants	41,000
State Board of Chiropractors	15,000
State Board of Cosmetology and Hairstyling	2,349,000
State Board of Court Reporting	9,000
State Board of Dentistry	138,000
State Board of Electrical Contractors	114,000
State Board of HVAC Contractors	54,000
State Board of Massage and Bodyworks	338,000
State Board of Master Plumbers	237,000
State Board of Medical Examiners	6,210,000
State Board of Mortuary Science	115,000
State Board of Occupational Therapists and Assistants	33,000
State Board of Ophthalmic Dispensers and Ophthalmic Technicians	9,000

State Board of Optometrists	237,000
State Board of Orthotics and Prosthetics	23,000
State Board of Pharmacy	1,269,000
State Board of Physical Therapy	40,000
State Board of Polysomnography	46,000
State Board of Professional Engineers and Land Surveyors	216,000
State Board of Professional Planners	1,000
State Board of Psychological Examiners	324,000
State Board of Real Estate Appraisers	17,000
State Board of Veterinary Medical Examiners	223,000
Weights and Measures - General	2,612,000
Beverage Licenses	4,199,000
Fantasy Sports Operations Fee	1,800,000
Miscellaneous Revenue	25,000
Recreational Boating	2,000,000
Securities Enforcement	36,394,000
State Police - Fingerprint Fees	3,696,000
State Police - Other Licenses	333,000
State Police - Private Detective Licenses	185,000
Victims of Violent Crime Compensation	2,850,000
Subtotal, Department of Law and Public Safety	$70,451,000
Department of Military and Veterans' Affairs	
Soldiers' Homes	$51,000,000
Subtotal, Department of Military and Veterans' Affairs	$51,000,000
Department of State	
Licensure Fees	$50,000
Subtotal, Department of State	$50,000
Department of Transportation	
Air Safety Fund	$965,000
Applications and Highway Permits	2,500,000
Autonomous Transportation Authorities	24,500,000
Casualty Losses	350,000
Drunk Driving Fines	400,000
Good Driver	78,000,000
Logo Sign Program Fees	300,000
Maritime Program Receipts	1,900,000
Miscellaneous Revenue	40,000
Outdoor Advertising	740,000
Subtotal, Department of Transportation	$109,695,000
Department of the Treasury	
Assessment on Real Property Greater Than $1 Million	$230,976,000
Assessments - Cable TV	4,167,000
Assessments - Public Utility	31,907,000

CATV Universal Access	8,167,000
Commercial Recording - Expedited	1,150,000
Commissions (Notary)	2,700,000
Domestic Security	32,681,000
Equipment Leasing Fund - Debt Service Recovery	2,286,000
General Revenue - Fees (Commercial Recording and UCC)	100,200,000
Higher Education Capital Improvement Fund - Debt Service Recovery	26,648,000
Hotel/Motel Occupancy Tax	124,613,000
Investment Earnings	72,800,000
Miscellaneous Revenue - Treasury	3,590,000
NJ Public Records Preservation	41,341,000
Nuclear Emergency Response Assessment	2,608,000
Public Defender Client Receipts	4,000,000
Public Utility Fines	463,000
Public Utility Gross Receipts and Franchise Taxes	155,000,000
Railroad Tax - Class II	4,920,000
Railroad Tax - Franchise	11,750,000
Rate Counsel	7,250,000
Ridesharing	33,498,000
Sports Betting - Race Track	3,943,000
Sports Betting - Race Track Internet	58,752,000
Surplus Property	2,480,000
Telephone Assessment	125,871,000
Tire Clean-Up Surcharge	10,400,000
Subtotal, Department of the Treasury	$1,104,161,000
Other Sources	
Miscellaneous Revenue	$3,000,000
Subtotal, Other Sources	$3,000,000
Interdepartmental Accounts	
Administration and Investment of Pension and Health Benefit Funds - Recoveries	$2,810,000
Employee Maintenance Deductions	300,000
Federal Fringe Benefit Recoveries from School Districts	100,699,000
Fringe Benefit Recoveries from Colleges and Universities/University Hospital	323,128,000
Fringe Benefit Recoveries from Federal and Other Funds	650,774,000
Indirect Cost Recoveries - DEP Other Funds	12,400,000
Rent of State Building Space	3,100,000
Social Security Recoveries from Federal and Other Funds	71,502,000
Subtotal, Interdepartmental Accounts	$1,164,713,000
The Judiciary	

Court Fees	$38,259,000
Pretrial Services Program - 21st Century Justice Improvement Fund	15,000,000
Subtotal, The Judiciary	$53,259,000
Total, Miscellaneous Taxes, Fees and Revenues	$3,712,415,000

Interfund Transfers

Building Our Future Fund	$12,000
Cannabis Regulatory Enforcement Assistance and Marketplace Modernization Fund	1,979,000
Dam, Lake, Stream and Flood Control Project Fund - 2003	1,000
Developmental Disabilities Waiting List Reduction Fund	1,000
Fund for the Support of Free Public Schools/ School Fund Investment Account	5,348,000
Garden State Green Acres Preservation Trust Fund	6,449,000
Hazardous Discharge Site Cleanup Fund	20,228,000
Housing Assistance Fund	3,000
Judiciary Bail Fund	1,000
Judiciary Probation Fund	4,000
Judiciary Special Civil Fund	2,000
Judiciary Superior Court Miscellaneous Fund	2,000
Legal Services Fund	7,500,000
Mortgage Assistance Fund	5,000
New Jersey Spill Compensation Fund	17,833,000
New Jersey Bridge Rehabilitation and Improvement and Railroad Right-of-Way Preservation Fund	1,000
New Jersey Workforce Development Partnership Fund	32,931,000
Pollution Prevention Fund	1,059,000
Safe Drinking Water Fund	2,718,000
State Disability Benefit Fund General Account	39,478,000
State of New Jersey Cash Management Fund	1,543,000
State Owned Real Property Trust Fund	6,431,000
Statewide Transportation and Local Bridge Fund	1,000
Supplemental Workforce Fund for Basic Skills	11,114,000
Unclaimed Personal Property Trust Fund	210,000,000
Unemployment Compensation Auxiliary Fund	4,217,000
Universal Service Fund	67,650,000
Worker and Community Right to Know Fund	2,892,000
Total Interfund Transfers	$439,403,000
Total State Revenues General Fund	$28,833,166,000
Total Resources, General Fund	$33,246,553,000

Property Tax Relief Fund	
Undesignated Fund Balance, July 1, 2022	$2,946,618,000
Gross Income Tax	19,985,000,000
Sales Tax Dedication - PTRF	1,007,500,000
Total Resources, Property Tax Relief Fund	$23,939,118,000
Casino Control Fund	
License Fees	$68,089,000
Total Resources, Casino Control Fund	$68,089,000
Casino Revenue Fund	
Internet Gaming	$243,000,000
Gross Revenue Tax	174,679,000
Sports Betting - Casinos Internet	37,219,000
Other Casino Taxes and Fees	8,691,000
Sports Betting - Casinos	1,233,000
Casino Simulcasting Fund	172,000
Casino Revenue Fund- Investment Earnings	90,000
Total Resources, Casino Revenue Fund	$465,084,000
Gubernatorial Elections Fund	
Taxpayers' Designations	$700,000
Total Resources, Gubernatorial Elections Fund	$700,000
Surplus Revenue Fund	
Undesignated Fund Balance, July 1, 2022	$0
Total Resources, Surplus Revenue Fund	$0
Total Resources, All State Funds	$57,719,544,000
Federal Revenue	
Executive Branch	
Department of Agriculture	
COVID Supplemental - The Emergency Food Assistance Program Administrative Costs	$2,500,000
Child Care	170,801,000
Child Nutrition - School Breakfast	234,000,000
Child Nutrition - School Lunch	624,000,000
Child Nutrition - Special Milk	2,025,000
Child Nutrition - Summer Programs	203,602,000
Child Nutrition Administration	16,773,000
Child Nutrition Technology Grant	2,000,000
Emergency Food Assistance Coronavirus Aid, Relief, Economic Security - Administration	160,000
Families First Coronavirus Response Act - Administration	100,000

Farm Risk Management Education Program	282,000
Food Stamp - The Emergency Food Assistance Program (TEFAP)	5,124,000
Fresh Fruit and Vegetable Program	6,776,000
Indemnities - Avian Influenza	615,000
National Animal Health Laboratory Network (NAHLN) Infrastructure II	300,000
National School Lunch Program - Equipment Assistance for School Food Authorities	1,000,000
New Jersey Animal Food Testing Program	670,000
Produce Safety Rule Implementation	680,000
Specialty Crop Block Grant Program	2,604,000
Spotted Lanternfly Federal Outreach	1,000,000
Trade Mitigation Program Administration	185,000
Various Federal Programs and Accruals	20,784,000
Wastewater Surveillance	220,000
Subtotal, Department of Agriculture	$1,296,201,000
Department of Children and Families	
Restricted Federal Grants	$49,326,000
Social Services Block Grant	44,886,000
Title IV-B Child Welfare Services	11,530,000
Title IV-E Foster Care	188,255,000
Subtotal, Department of Children and Families	$293,997,000
Department of Community Affairs	
Community Development Block Grant - Tropical Storm Ida	$230,000,000
Community Services Block Grant	20,500,000
Continuum of Care Program	4,000,000
Emergency Solutions Grants Program	4,000,000
Family Self Sufficiency Program Coordinator	350,000
Lead-Based Paint Hazard Control	4,800,000
Low Income Home Energy Assistance Program	140,000,000
Mainstream 5	1,000,000
Moderate Rehabilitation Housing Assistance	9,500,000
National Affordable Housing - HOME Investment Partnerships	6,000,000
National Housing Trust Fund	8,500,000
Section 8 Housing Voucher Program	285,000,000
Small Cities Block Grant Program	8,023,000
Weatherization Assistance Program	94,212,000
Subtotal, Department of Community Affairs	$815,885,000
Department of Corrections	
Anti-Heroin Task Force	$3,000,000
Body Worn Cameras	800,000
Comprehensive Opioid, Stimulant and Substance Abuse Program	3,279,000
Defense Tactical Training	750,000

Diversity Training	250,000
Father/Child Visitation Program	742,000
Health, Safety and Wellness	3,000,000
Inmate Vocational Certifications	350,000
Innovative Reentry Initiatives	500,000
Offender Reentry	600,000
Prison Rape Elimination Grant	500,000
Promising Reentry	750,000
Special Investigations Division - Intelligence Technology	450,000
Special Operations Tactical Equipment	200,000
State Criminal Alien Assistance Program	4,500,000
Technology Enhancements	500,000
Various Federal Programs and Accruals	200,000
Subtotal, Department of Corrections	$20,371,000
Department of Education	
21st Century Schools	$27,774,000
AIDS Prevention Education	120,000
Bilingual and Compensatory Education - Homeless Children and Youth	2,550,000
Head Start Collaboration	275,000
Improving America's Schools Act - Consolidated Administration	5,879,000
Individuals with Disabilities Education Act Basic State Grant	434,000,000
Individuals with Disabilities Education Act Preschool Grants	14,920,000
Language Acquisition Discretionary Administration	23,976,000
Migrant Education - Administration/Discretionary	2,515,000
State Assessments	8,540,000
Student Support & Academic Enrichment State Grants	25,216,000
Supporting Effective Instruction State Grants	44,927,000
Title I - Grants to Local Educational Agencies	390,526,000
Title I - Part D, Neglected and Delinquent	1,654,000
Various Federal Programs and Accruals	2,211,000
Vocational Education - Basic Grants - Administration	27,190,000
Subtotal, Department of Education	$1,012,273,000
Department of Environmental Protection	
Air Pollution Maintenance Program	$10,460,000
Artificial Reef Program - PSE&G/NJPDES Permit Fees	985,000
Atlantic Brant Migration Ecology Study	480,000
Atlantic Coastal Fisheries	2,150,000
Beach Monitoring and Notification	700,000
BioWatch Monitoring	700,000
Boat Access (Fish and Wildlife)	1,000,000
Bobcat Hair Snare Study	480,000

Body-Worn Cameras	250,000
Bog Turtle Project	150,000
Brownfields	3,000,000
Clean Diesel Retrofit	500,000
Clean Vessels	1,000,000
Clean Water State Revolving Fund	327,825,000
Climate and Flood Resilience -	
Rebuild By Design - Meadowlands	50,000,000
Coastal Zone Management - Special Merit	500,000
Coastal Zone Management Implementation	4,465,000
Community Assistance Program	700,000
Community Wildfire Defense Grant (CWDG)	5,000,000
Connecting Habitat Across New Jersey (CHANJ) Assessments	200,000
Consolidated Forest Management	1,100,000
Cooperative Technical Partnership	3,000,000
DOT Reconstruct Ferry Slips Liberty State Park	6,000,000
Development Compensatory Mitigation	
Technical Manual and NJ Floristic Quality	187,000
Diesel Emissions Reduction Act -	
Marine Vessel Emission Reduction	650,000
Drinking Water State Revolving Fund	309,600,000
Endangered Species	355,000
Endangered and Nongame Species Program	
State Wildlife Grants	1,070,000
FEMA Port Security Grant Liberty State Park	1,100,000
Fish and Wildlife Action Plan	135,000
Fish and Wildlife Health	380,000
Forest Legacy	4,245,000
Forest Resource Management -	
Cooperative Forest Fire Control	1,600,000
Hazardous Waste - Resource Conservation Recovery Act	4,768,000
High Hazard Dams Grants/Loans	600,000
Historic Preservation Survey and Planning	3,000,000
Hunters' and Anglers' License Fund	22,535,000
Land and Water Conservation Fund	12,500,000
Landscape Restoration	320,000
Marine Fisheries Coronavirus Aid, Relief,	
Economic Security (CARES) Act Funds	9,439,000
Marine Fisheries Investigation and Management	6,574,000
Multimedia	700,000
NJ - FRAMES - Monmouth County	500,000
NJ - GIS Conservation Tools and Technical Guidance	3,500,000
NJ Outdoor Heritage Program	1,400,000

National Coastal Wetlands Conservation	3,500,000
National Dam Safety Program (FEMA)	120,000
National Electric Vehicle Infrastructure	37,700,000
National Estuary Program - Coastal Watershed Grant Program	220,000
National Fish and Wildlife Foundation Delaware River Program	200,000
National Geologic Mapping Program	300,000
National Infrastructure Investments (RAISE)	7,000,000
National Oceanic and Atmospheric Administration	15,150,000
National Recreational Trails	1,900,000
New Jersey Atlantic and Shortnose Sturgeon	365,000
New Jersey's Landscape Project	990,000
Nonpoint Source Implementation (319H)	3,864,000
Particulate Monitoring Grant	1,000,000
Pesticide Technology	500,000
Preliminary Assessments/Site Inspections	1,000,000
Radon Program	500,000
Readiness & Environmental Protection Integration	
Infrastructure Resilience & Natural Resource Enhancement	10,000,000
Recovery Land Acquisition	2,500,000
Remedial Planning Support Agency Assistance	1,000,000
Species of Greater Conservation Need -	
Mammal Research and Management	340,000
Statewide Habitat Restoration and Enhancement	700,000
Superfund Grants	5,030,000
Underground Storage Tank Program	
Standard Compliance Inspections	1,150,000
Underground Storage Tanks	6,000,000
Various Federal Programs and Accruals	3,367,000
Water Infrastructure Improvements for the Nation	27,004,000
Water Monitoring and Planning	1,000,000
Water Pollution Control Program	4,787,000
Wildfire Risk Reduction	390,000
Wildlife Management Area Conservation Program	2,000,000
Wildlife and Sport Fish Restoration Outreach	390,000
Wildlife and Sport Fish Restoration	
Partnership Exhibit Development	600,000
Subtotal, Department of Environmental Protection	$946,370,000
Department of Health	
Abstinence Education - Family Health Services (FHS)	$1,900,000
Behavioral Risk Factor Surveillance Survey	1,390,000
Bioterrorism Hospital Emergency Preparedness	14,786,000
Birth Defects Surveillance Program	508,000
Breast and Cervical Cancer Early Detection Program	3,435,000

Breastfeeding Peer Counseling	2,750,000
COVID-19 Strengthening STD Prevention	5,277,000
Chronic Disease Prevention and Health Promotion	3,509,000
Clinical Laboratory Improvement Amendments Program	775,000
Comprehensive AIDS Resources Grant	46,311,000
Conformance with the Manufactured Food Regulatory Program Standards	340,000
Early Hearing Detection and Intervention (EHDI) Tracking, Research	250,000
Early Intervention for Infants and Toddlers with Disabilities (Part C)	13,000,000
Electronic Patient Care	350,000
Emergency Medical Services for Children (EMSC) Partnership Grants	200,000
Emergency Preparedness for Bioterrorism	29,581,000
Epidemiology and Laboratory Capacity - Affordable Care Act	10,810,000
Federal Lead Abatement Program	564,000
Food Inspection	889,000
HIV/AIDS Prevention and Education Grant	17,600,000
HIV/AIDS Surveillance Grant	3,318,000
Housing Opportunities for Incarcerated Persons with AIDS	1,958,000
Housing Opportunities for Persons with AIDS	2,100,000
Immunization Project	9,909,000
Improving Mental Health for Older African Americans	240,000
Lab Biomonitoring Program - Impact of Biohazards on New Jersey Citizens	1,000,000
Maternal and Child Health Block Grant	13,000,000
Maternal, Infant and Early Childhood Home Visiting Program	11,221,000
Medicare/Medicaid Inspections of Nursing Facilities	14,462,000
Morbidity and Risk Behavior Surveillance	1,071,000
National Cancer Prevention and Control	3,071,000
National HIV/AIDS Behavioral Surveillance	612,000
National Program of Cancer Registries	1,400,000
New Jersey Childhood Lead	672,000
New Jersey Food Testing Program - Food Safety and Defense	945,000
New Jersey Personal Responsibility Education Program	1,778,000
New Jersey Plan for Private Well Programs	200,000
New Jersey State Maternal Health Innovation Program	2,800,000
Nurse Aide Certification Program	1,000,000
Oral Health Grant	617,000
Overdose Data - Action	7,486,000
Partnership Ending HIV in Essex & Hudson	4,075,000
Pediatric AIDS Health Care Demonstration Project	2,550,000

Pediatric Mental Health Care	522,000
Pregnancy Risk Assessment Monitoring System	750,000
Preventative Health and Health Services Block Grant	9,208,000
Prevention & Public Health Fund -	
Immunization and Vaccines for Children	9,600,000
Prevention and Management of Diabetes,	
Heart Disease and Stroke	2,500,000
Public Health Crisis Response	25,401,000
Public Health Crisis Response to COVID-19	6,455,000
Public Health Laboratory Biomonitoring Planning	2,156,000
Rape Prevention and Education Program	2,215,000
Ryan White Part B - Emergency Relief	1,300,000
Ryan White Part B - Supplemental	1,600,000
Senior Farmers' Market Nutrition Program	2,500,000
Supplemental Food Program -	
Women, Infants, and Children (WIC)	172,807,000
Tobacco Age of Sale Enforcement (TASE)	2,357,000
Tuberculosis Control Program	2,852,000
Various Federal Programs and Accruals	14,305,000
Venereal Disease Project	3,882,000
Viral Hepatitis Surveillance	450,000
Vital Statistics Component	1,498,000
West Nile Virus - Public Health	1,942,000
Wisewoman Breast and Cervical Cancer Early Detection	600,000
Women, Infants, and Children (WIC)	
Farmers' Market Nutrition Program	3,550,000
Subtotal, Department of Health	$508,160,000
Department of Human Services	
Block Grant Mental Health Services	$19,363,000
Child Care Block Grant	203,760,000
Child Support Enforcement Program	183,084,000
Connecting Kids to Coverage Outreach	375,000
Developmental Disabilities Council	1,673,000
Health Information Technology (HIT)	16,415,000
Medication Assisted Drug and Opioid	950,000
National Family Caregiver Program	5,200,000
National Suicide Prevention Grant	5,000,000
New Jersey Mental Health Awareness Training	125,000
New Jersey Money Follows the Person	13,040,000
New Jersey State Opioid Response	99,001,000
Older Americans Act - Title III	34,134,000
Program Integration of Primary and Behavioral Health Care	2,000,000
Projects for Assistance in Transition from Homelessness (PATH)	2,138,000

Refugee Resettlement Program	1,600,000
Social Services Administration	41,310,000
Strategic Prevention Framework	2,260,000
Substance Abuse Block Grant	49,415,000
Supplemental Nutrition Assistance Program	239,720,000
Supplemental Nutrition Assistance Program - Education	10,000,000
Supplemental Nutrition Assistance Program - Fraud Grant	1,000,000
Supplemental Nutrition Assistance Program Research and Training Grant - Food and Nutrition Services	3,000,000
Temporary Assistance for Needy Families Block Grant	454,442,000
Title XIX Child Residential	130,480,000
Title XIX Community Care Program	1,028,487,000
Title XIX ICF/IDD	246,905,000
Title XIX Medical Assistance	12,126,573,000
Title XXI Children's Health Insurance Program	578,048,000
Traumatic Brain Injury State Partnership Program	260,000
United States Department of Agriculture Older Americans	4,350,000
Various Federal Programs and Accruals	6,531,000
Vocational Rehabilitation Act, Section 120	13,933,000
Subtotal, Department of Human Services	$15,524,572,000
Department of Labor and Workforce Development	
Assistive Technology	$650,000
Current Employment Statistics	2,417,000
Disability Determination Services	77,106,000
Disabled Veterans' Outreach Program	3,392,000
Employment Services	26,911,000
Employment Services Grants - Alien Labor Certification	916,000
Independent Living	600,000
Industry Partnerships	3,000,000
Jersey Job Clubs	2,200,000
Local Veterans' Employment Representatives	1,633,000
National Council on Aging - Senior Community Services Employment Project	4,048,000
Occupational Safety Health Act - On-Site Consultation	2,703,000
One Stop Labor Market Information	1,020,000
Preschool Development	200,000
Public Employees Occupational Safety and Health Act	3,998,000
Redesigned Occupational Safety and Health	250,000
Reemployment Eligibility Assessments - State Administration	4,600,000
Rehabilitation of Supplemental Security Income Beneficiaries	5,000,000
Supported Employment	975,000
Trade Adjustment Assistance Project	8,313,000
Unemployment Insurance	204,257,000

Various Federal Programs and Accruals	1,803,000
Vocational Rehabilitation Act of 1973	55,045,000
Work Opportunity Tax Credit	762,000
Workforce Investment Act	117,392,000
Workforce Investment Act - Adult and Continuing Education	19,112,000
Subtotal, Department of Labor and Workforce Development	$548,303,000
Department of Law and Public Safety	
Advancing the Use of Technology to Assist Victims of Crime	$750,000
Anti-Methamphetamine	2,000,000
Body Cameras	2,000,000
Community Oriented Policing (COPS)	10,895,000
Community Policing Development	500,000
Connect and Protect Law Enforcement Behavioral Health Response	550,000
Crime Gun Intelligence Center	450,000
Emergency Management Performance Grant - Non Terrorism	9,000,000
Enhancement of Data Analysis Center	225,000
Equal Employment Opportunity Commission	300,000
Fatality Analysis Reporting System (FARS)	350,000
Federal Nonprofit Security Grant Program - State	2,391,000
Flood Mitigation Assistance	18,000,000
Flood Mitigation Assistance Swift Current	10,000,000
Forensic DNA Laboratory	2,300,000
Hazardous Materials Transportation	1,350,000
High Priority Commercial Motor Vehicles Grant	500,000
Highway Traffic Safety	43,045,000
Homeland Security Grant Program	7,692,000
Intellectual Property	450,000
Internet Crimes Against Children	1,900,000
Justice Assistance Grant (JAG)	4,000,000
Juvenile Justice Delinquency Prevention	1,013,000
Kevin & Avonte Program	250,000
Matthew Shepard and James Byrd Jr Hate Crimes Program	400,000
Medicaid Fraud Unit	6,823,000
National Criminal History Program - Office of the Attorney General	667,000
Non-Motorized Safety	2,200,000
Opioids	10,346,000
Paul Coverdell National Forensic Science Improvement (Competitive)	800,000
Paul Coverdell National Forensic Science Improvement (Formula)	600,000

Port Security	3,000,000
Postconviction Testing of DNA Evidence	500,000
Prescription Drug Monitoring Program	2,000,000
Preventing Wrongful Convictions	250,000
Prosecuting Cold Cases Using DNA	500,000
Recreational Boating Safety	4,300,000
Residential Treatment for Substance Abuse	454,000
STOP School Violence Prevention Program	550,000
Sex Offender Registration and Notification Act (SORNA)	725,000
Sexual Assault Kit Initiative	915,000
State and Local Cybersecurity Grant Program	10,204,000
Targeted Violence and Terrorism Prevention	750,000
Training for Juvenile Prosecution	225,000
UASI Nonprofit Security Grant Program (NSGP)	7,202,000
Urban Area Security Initiative (UASI)	19,050,000
Urban Search and Rescue	13,500,000
Various Federal Programs and Accruals	4,557,000
Victim Assistance Grants	37,070,000
Victim Centered Law Enforcement Training	750,000
Victim Compensation Award	6,000,000
Victims of Crime Act - Building State Technology	344,000
Victims of Crime Act - Training Discretionary	1,000,000
Violence Against Women Act - Criminal Justice	4,710,000
Subtotal, Department of Law and Public Safety	$260,303,000
Department of Military and Veterans' Affairs	
Antiterrorism Program Manager	$216,000
Armory Renovations and Improvements	7,759,000
Army Facilities Service Contracts	6,803,000
Army National Guard Electronic Security System	585,000
Army National Guard Statewide Security Agreement	998,000
Army Training and Technology Lab	386,000
Atlantic City Air Base Environmental	160,000
Atlantic City Air Base Operations and Maintenance	253,000
Atlantic City Air Base Service Contracts	2,478,000
Atlantic City Air Base Sustainment, Restoration and Modernization	1,828,000
Brigadier General Doyle Memorial Cemetery Building Project	5,000,000
Dining Facility Operations	400,000
Facilities Support Contract	23,548,000
Fairmount and Arlington Cemetery Upkeep	18,535,000
Federal Distance Learning Program	506,000
Firefighter/Crash Rescue Service Cooperative Funding Agreement	2,758,000

Hazardous Waste Environmental Protection Program	3,156,000
McGuire Air Force Base Operations and Maintenance	329,000
McGuire Air Force Base Service Contracts	2,309,000
Medicare Part A Receipts for Resident Care and Operational Costs	11,000,000
Menlo HVAC Renovation	1,897,000
National Guard Maintenance Shop	20,000,000
National Guard Support Services	6,500,000
National Guard Yellow Ribbon	104,000
New Jersey National Guard ChalleNGe Youth Program	6,074,000
Sea Girt Energy Grid Upgrade	19,000,000
Training and Equipment - Pool Sites	1,310,000
Various Federal Programs and Accruals	4,575,000
Veteran Home Transfer Switches	1,020,000
Veterans' Education Monitoring	755,000
Veterans' Haven South Boiler	4,438,000
Subtotal, Department of Military and Veterans' Affairs	$154,680,000
Department of State	
AmeriCorps Grants	$9,169,000
Foster Grandparent Program	1,200,000
Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP)	5,000,000
John R Justice Grant Program	100,000
National Endowment for the Arts Partnership	1,052,000
State Trade and Export Promotion Pilot Grant Program	3,250,000
Various Federal Programs and Accruals	1,000,000
Subtotal, Department of State	$20,771,000
Department of Transportation	
Airport Fund	$2,000,000
Boating Infrastructure Program (New Jersey Maritime Program)	1,600,000
Commercial Drivers' License Program	3,000,000
Development and Implementation Grant - Federal Transit Administration	1,527,000
Highway Safety Programs	19,000,000
Motor Carrier Safety Assistance Program	10,414,000
Subtotal, Department of Transportation	$37,541,000
Department of the Treasury	
Broadband Equity Access and Development Program	$5,000,000
Digital Equity Program	11,767,000
Energy Efficiency Revolving Loan Fund Capitalization Grant Program	2,634,000
Pipeline Safety	950,000

Prevention Outages and Enhancing the Resilience of the Electric Grid	12,828,000
State Energy Conservation Program	1,474,000
State Energy Program	13,168,000
Subtotal, Department of the Treasury	$47,821,000
Judicial Branch	
The Judiciary	
Various Federal Programs and Accruals	$1,325,000
Subtotal, The Judiciary	$1,325,000
Special Transportation Fund	
Department of Transportation	
Transportation Trust Fund - Federal Highway Administration	$1,894,039,950
Transportation Trust Fund - Federal Transit Administration	700,026,900
Subtotal, Special Transportation Fund	$2,594,066,850
Total, Federal Revenue	$24,082,639,850
Grand Total Resources, All Funds	$81,802,183,850

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, 2023 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, 2023 with the Director of the Division of Budget and Accounting or held by pre-encumbrances on file as of June 30, 2023 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, 2023 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, 2022 are available for payments applicable to fiscal year 2022 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, 2022 together with an explanation of their status On or

before December 1, 2022, 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, 2022, depicting the financial condition of the State and the results of operation for the fiscal year ending June 30, 2022

01 LEGISLATURE
70 Government Direction, Management, and Control
71 Legislative Activities
0001 Senate
DIRECT STATE SERVICES

01-0001 Senate		$16,690,000
Total Direct State Services Appropriation, Senate		$16,690,000
Direct State Services		
Personal Services		
Senators (40)	($1,980,000)	
Salaries and Wages	(6,643,000)	
Members' Staff Services	(7,357,000)	
Materials and Supplies	(133,000)	
Services Other Than Personal	(480,000)	
Maintenance and Fixed Charges	(71,000)	
Additions, Improvements and Equipment	(26,000)	

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		$23,208,000
Total Direct State Services Appropriation, General Assembly		$23,208,000
Direct State Services		
Personal Services		
Assemblypersons (80)	($3,937,000)	
Salaries and Wages	(8,329,000)	
Members' Staff Services	(10,173,000)	
Materials and Supplies	(107,000)	
Services Other Than Personal	(569,000)	
Maintenance and Fixed Charges	(89,000)	
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		$51,815,000
Total Direct State Services Appropriation, Office of Legislative Services		$51,815,000
Direct State Services		
Personal Services		
Salaries and Wages	($34,389,000)	
Materials and Supplies	(1,370,000)	
Services Other Than Personal	(3,193,000)	
Maintenance and Fixed Charges	(5,675,000)	
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)	
03 Continuation and Expansion of Data Processing Systems	(4,000,000)	
Additions, Improvements and Equipment	(2,960,000)	

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

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		$518,000
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		12,363,000
Total Direct State Services Appropriation, Legislative Commissions and Committees		$18,216,000
Direct State Services		
Intergovernmental Relations Commission		
09 The Council of State Governments	($145,000)	

09 National Conference of State Legislatures	(302,000)
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)
State Commission of Investigation	
09 Expenses of Commission	(4,679,000)
New Jersey Law Revision Commission	
09 Expenses of Commission	(321,000)
State Capitol Joint Management Commission	
09 Expenses of Commission	(12,363,000)

The unexpended balances at the end of the preceding fiscal year in these accounts are appropriated

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

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

Notwithstanding the provisions of any law or regulation to the contrary, no funds hereinabove appropriated for the State Capitol Joint Management Commission shall be used to purchase, lease, or rent any motor vehicle intended for passenger use

Legislature, Total State Appropriation	$109,929,000

Summary of Legislature Appropriations
(For Display Purposes Only)

Appropriations by Category	
Direct State Services	$109,929,000
Appropriations by Fund	
General Fund	$109,929,000

06 OFFICE OF THE CHIEF EXECUTIVE
70 Government Direction, Management, and Control
76 Management and Administration
DIRECT STATE SERVICES

01-0300 Chief Executive's Office	$11,745,000
Total Direct State Services Appropriation, Management and Administration	$11,745,000

Direct State Services

Personal Services	
Salaries and Wages	($10,740,000)
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 - Funds Not Otherwise Appropriated for Official Receptions, Official Residence, and Other Official Expenses	(95,000)
Materials and Supplies	(131,000)
Services Other Than Personal	(352,000)
Maintenance and Fixed Charges	(42,000)

The unexpended balance at the end of the preceding fiscal year in this account is appropriated

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for "Official Receptions, Official Residence, and Other Official Expenses" may be used at the discretion of the Governor for official State purposes, but shall not be used for personal purposes and shall not be deemed to be a supplement to the Governor's statutorily prescribed salary

Office of the Chief Executive, Total State Appropriation $11,745,000

Summary of Office of the Chief Executive Appropriations
(For Display Purposes Only)

Appropriations by Category	
Direct State Services	$11,745,000
Appropriations by Fund	
General Fund	$11,745,000

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10 DEPARTMENT OF AGRICULTURE

40 Community Development and Environmental Management

49 Agricultural Resources, Planning, and Regulation

DIRECT STATE SERVICES

01-3310 Animal Disease Control	$2,013,000
02-3320 Plant Pest and Disease Control	3,285,000
03-3330 Agricultural and Natural Resources	532,000
05-3350 Food and Nutrition Services	343,000

06-3360 Marketing and Development Services		949,000
08-3380 Farmland Preservation		83,000
99-3370 Administration and Support Services		3,040,000
Total Direct State Services Appropriation, Agricultural Resources, Planning, and Regulation		$10,245,000
Direct State Services		
Personal Services		
Salaries and Wages	($6,282,000)	
Materials and Supplies	(88,000)	
Services Other Than Personal	(581,000)	
Maintenance and Fixed Charges	(160,000)	
Special Purpose		
02 Spotted Lanternfly	(425,000)	
02 New Jersey Hemp Farming Fund	(964,000)	
05 The Emergency Food Assistance Program	(343,000)	
06 Promotion/Market Development	(49,000)	
06 Jersey Fresh Program	(100,000)	
06 Dairy Margin Coverage Premiums Program (P L 2021, c 401)	(125,000)	
08 Agricultural Right to Farm Program	(83,000)	
99 Office of the Food Security Advocate (P L 2021, c 483)	(1,000,000)	
Additions, Improvements and Equipment	(45,000)	

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

The unexpended balance at the end of the preceding fiscal year in the Spotted Lanternfly account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting

Receipts from the New Jersey Hemp Farming Fund established pursuant to section 8 of P L 2019, c 238 (C 4 28-13) are appropriated to offset the cost of administering the program The unexpended balance at the end of the preceding fiscal year in the New Jersey Hemp Farming Fund is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting

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 $0 875 per gallon of wine, vermouth, and sparkling wine from the alcoholic beverage excise tax 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 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, 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

03-3330 Agricultural and Natural Resources	$1,000,000
05-3350 Food and Nutrition Services	92,918,000
Total Grants-in-Aid Appropriation, Agricultural Resources, Planning, and Regulation	$93,918,000

Grants-in-Aid.

03 Conservation Assistance Program	($1,000,000)

05	SNAP and School Meals Dual Enrollment Pilot Program	(600,000)
05	Hunger Initiative/Food Assistance Program	(6,818,000)
05	CUMAC/ECHO, Inc - Anti-Hunger Program	(500,000)
05	Food and Hunger Programs	(85,000,000)

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

The amount appropriated for SNAP and School Meals Dual Enrollment Pilot Program shall be administered to provide financial assistance to school districts for the purpose of aiding students who are enrolled in federal free and reduced meal programs to enroll in the Supplemental Nutrition Assistance Program (SNAP)

The amount hereinabove appropriated for Food and Hunger Programs shall be directly distributed as follows 53% to the Community Food Bank of New Jersey, 15% to the Food Bank of South Jersey, 15% to Fulfill Monmouth & Ocean, 11% to Mercer Street Friends Food Bank, 3% to Norwescap, and 3% to Southern Regional Food Distribution Center

STATE AID

05-3350	Food and Nutrition Services	$18,563,000

(From Property Tax Relief Fund	*$18,563,000)*	
08-3380 Farmland Preservation		3,000
(From Property Tax Relief Fund	*3,000)*	
Total State Aid Appropriation, Agricultural Resources, Planning, and Regulation		$18,566,000
(From Property Tax Relief Fund	*$18,566,000)*	
State Aid		
05 Breakfast After the Bell (PTRF)	($5,000,000)	
05 School Lunch Aid - State Aid Grants (PTRF)	(8,613,000)	
05 School Breakfast and Lunch State Aid (P L 2019, c 445) (PTRF)	(4,500,000)	
05 State Supplement for Summer Food Service Programs (P L 2021, c 246) (PTRF)	(450,000)	
08 Payments in Lieu of Taxes (PTRF)	(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

In addition to the amount hereinabove appropriated for School Lunch Aid – State Aid Grant, such additional amounts as may be necessary, as determined by the Secretary of Agriculture, to reimburse State and local government entities for the cost of participating in the School Lunch Program 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 necessary to reimburse State and local government entities for participating in the School Lunch Program is appropriated from the School Lunch Aid – State Aid Grants 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, the amount necessary to reimburse State and local government entities for participating in the School Lunch Program and School Breakfast Program is appropriated from the School Breakfast and Lunch State Aid (P L 2019, c 445) account, 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 School Breakfast and Lunch State Aid (P L 2019, c 445) account is appropriated for the same purpose

Department of Agriculture, Total State Appropriation $122,729,000

Summary of Department of Agriculture Appropriations
(For Display Purposes Only)

Appropriations by Category	
Direct State Services	$10,245,000
Grants-In-Aid	93,918,000
State Aid	18,566,000

Appropriations by Fund	
General Fund	$104,163,000
Property Tax Relief Fund	18,566,000

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	$21,434,000
02-3120 Actuarial Services	30,350,000
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	24,146,000
07-3170 Supervision and Examination of Financial Institutions	4,159,000
99-3150 Administration and Support Services	4,172,000
Total Direct State Services Appropriation, Economic Regulation	$90,263,000

Direct State Services

Personal Services	
Salaries and Wages	($43,970,000)
Materials and Supplies	(384,000)
Services Other Than Personal	(7,059,000)
Maintenance and Fixed Charges	(487,000)
Special Purpose	
01 Rate Counsel - Insurance	(149,000)
02 Actuarial Services	(318,000)
02 Health Insurance Affordability Fund	(25,000,000)
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

In addition to the amount hereinabove appropriated for the Division of Actuarial Services, there are appropriated such additional amounts as may be required for deposit into the New Jersey Health Insurance Premium Security Fund for the purpose of reimbursing insurance providers in accordance with the provisions of P L 2018, c 24 (C 17B 27A-10 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, in order to prevent unnecessary loss of health insurance coverage by individuals and families upon the termination of federal pandemic benefits and to effectuate the timely and

efficient transition of individuals and families from temporary Medicaid/CHIP coverage, as provided under the Families First Coronavirus Response Act (FFCRA), to longer term coverage under the State based exchange, in addition to the amount hereinabove appropriated for the Health Insurance Affordability Fund, there are appropriated such additional amounts as determined by the Commissioner of the Department of Banking and Insurance, subject to approval of the Director of the Division of Budget and Accounting, for deposit into the Health Insurance Affordability Fund for the purpose of providing subsidies for enrollment of health insurance coverage through the State based exchange to those individuals and families whose temporary Medicaid coverage was terminated

In addition to the amount hereinabove appropriated for the Division of Actuarial Services, the amount necessary to pay for the audit of reinsurance claims or any other administrative costs incurred by the Department of Banking and Insurance to meet the statutory requirements of P L 2018, c 24 (C 17B 27A-10 1 et seq) is appropriated from the New Jersey Health Insurance Premium Security Fund, 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	$90,263,000

Summary of Department of Banking and Insurance Appropriations
(For Display Purposes Only)

Appropriations by Category	
Direct State Services	$90,263,000
Appropriations by Fund	
General Fund	$90,263,000

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	$271,354,000
02-1620 Children's System of Care	1,919,000
03-1630 Family and Community Partnerships	12,924,000
04-1600 Education Services	14,943,000
05-1600 Child Welfare Training Academy Services and Operations	5,840,000
06-1600 Safety and Security Services	3,775,000
99-1600 Administration and Support Services	56,674,000
Total Direct State Services Appropriations, Social Services Programs	$367,429,000

Direct State Services	
Personal Services	
Salaries and Wages	($260,096,000)
Materials and Supplies	(1,585,000)
Services Other Than Personal	(6,910,000)
Maintenance and Fixed Charges	(19,215,000)
Special Purpose	
01 Supportive Visitation Services	(2,000,000)
01 Keeping Families Together	(16,715,000)
01 Peer Recovery Support Services	(4,370,000)

01	Child Collaborative Mental Health Care Pilot Program	(12,000,000)
03	Statewide Universal Newborn Home Nurse Visitation Program	(11,035,000)
05	NJ Partnership for Public Child Welfare	(3,159,000)
06	Safety and Security Services	(3,775,000)
99	Information Technology	(1,524,000)
99	Safety and Permanency in the Courts	(25,045,000)

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 $25,045,000 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

The unexpended balance at the end of the preceding fiscal year in the Statewide Universal Newborn Home Nurse Visitation Program is appropriated for the same purpose, 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 ensure the timely payment of claims to providers of medical services, amounts as may be determined by the Commissioner of Children and Families may be transferred to the Supportive Visitation Services account from the Purchase of Social Services, Family Support Services, and Foster Care and Permanency Initiative accounts in the Division of Child Protection and Permanency for the purpose of funding Supportive Visitation Services, subject to the approval of the Director of the Division of Budget and Accounting

GRANTS-IN-AID

01-1610 Child Protection and Permanency	$373,792,000
02-1620 Children's System of Care	472,596,000
03-1630 Family and Community Partnerships	100,218,000
Total Grants-in-Aid Appropriation, Social Services Programs	$946,606,000

Grants-in-Aid

01	Substance Use Disorder Services	($10,744,000)
01	Court Appointed Special Advocates	(2,500,000)

01	Child Advocacy Center - Multidisciplinary Team Fund	(7,350,000)
01	Independent Living and Shelter Care	(14,814,000)
01	Out-of-Home Placements	(724,000)
01	Family Support Services	(68,724,000)
01	Child Abuse Prevention	(12,324,000)
01	Foster Care	(32,687,000)
01	Subsidized Adoption	(150,287,000)
01	Audrey Hepburn Children's House Regional Diagnostic Treatment Center	(500,000)
01	Foster Care and Permanency Initiative	(7,092,000)
01	New Jersey Homeless Youth Act	(1,572,000)
01	Wynona M Lipman Child Advocacy Center, Essex County	(556,000)
01	Purchase of Social Services	(50,460,000)
01	Child Health Units	(13,458,000)
02	Care Management Organizations	(79,236,000)
02	Out-of-Home Treatment Services	(189,453,000)
02	Family Support Services	(35,695,000)
02	Mobile Response	(33,490,000)
02	Intensive In-Home Behavioral Assistance	(95,545,000)
02	Youth Incentive Program	(5,763,000)
02	Outpatient	(11,435,000)
02	Contracted Systems Administrator	(9,519,000)
02	State Children's Health Insurance Program - Care Management Organizations	(2,625,000)
02	State Children's Health Insurance Program - Out-of-Home Treatment Services	(5,101,000)
02	State Children's Health Insurance Program - Mobile Response	(1,214,000)
02	State Children's Health Insurance Program - In-Home Behavioral Assistance	(3,370,000)
02	Mental Health Association of Essex and Morris, Inc - Riskin Children's Center	(150,000)
03	Early Childhood Services	(7,150,000)
03	School Linked Services Program	(27,564,000)
03	Family Support Services	(19,545,000)
03	Women's Services	(31,472,000)
03	Project S A R A H	(200,000)
03	Sexual Violence Prevention and Intervention Services	(5,396,000)
03	Latino Action Network Hispanic Women's Resource Center	(3,750,000)

03	My Sister's Lighthouse - Domestic Violence	(200,000)
03	Garden State Equality	(400,000)
03	Jersey Battered Women's Services - Morris County	(200,000)
03	Essex County Family Justice Center	(250,000)
03	Partnership for Maternal and Child Health of Northern New Jersey - Essex County Doula Program	(252,000)
03	Center for Great Expectations	(1,500,000)
03	Women's Rights Information Center	(239,000)
03	Central Intake Hubs	(2,100,000)

Of the amounts hereinabove appropriated for Child Advocacy Center - Multidisciplinary Team Fund, $750,000 shall be allocated to the New Jersey Children's Alliance to assist in the implementation of P L 2017, c 90 (C 9 6-8 107 et seq) to provide support, guidance, and training to centers applying to the Department of Children and Families for grants in order to become certified as Child Advocacy Centers Further, of the amounts appropriated, $2,100,000 shall be allocated to support the hiring of a case manager at each county's Child Advocacy Center to connect victims with services and ensure coordination and case referrals between Child Advocacy Centers, Regional Diagnostic Treatment Centers, and law enforcement for non-parental abuse cases

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Out of Home Placements, Independent Living and Shelter Care, Foster Care, Subsidized Adoption, and Family Support Services are available for the payment of obligations applicable to prior fiscal years

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

In order to permit flexibility in the handling of appropriations and ensure the timely processing of payments, amounts may be transferred among the following accounts within the Division of Child Protection and Permanency Independent Living and Shelter Care, Out of Home Placements, Family Support Services, Foster Care, and Subsidized Adoption All such transfers are subject to the approval of the Director of the Division of Budget and Accounting

Of the amount hereinabove appropriated for the Independent Living and Shelter Care program, $234,000 shall be used to support the housing needs of transition age youth, 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

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 Division 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 Purchase of Social Services, an amount as specified in the Memorandum of Agreement between the Department of Children and Families and the Division of Family Development in the Department of Human Services shall be transferred to the Division of Family Development in the Department of Human Services to fund the Post Adoption Child Care Program, 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

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

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, Intensive In Home Behavioral Assistance, 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

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 Division of Family Development in the Department of Human Services shall be transferred to the Division of Family Development in the Department of Human Services 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

Of the amount appropriated for the School Linked Services Program, $1,000,000 is appropriated to increase each existing service provider's base contract in equal proportions Each site funded under this initiative will continue to provide the initiative's traditional core services including mental health counseling, substance abuse counseling, education and prevention, health awareness and prevention, academic support/tutoring, positive youth development activities, service learning activities, recreational activities, and information and referral services

Notwithstanding the provisions of any law or regulation to the contrary, receipts from the increases in divorce filing fees enacted by section 41 of P L 2003, c 117 (N J S 22A 2-12), 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 Central Intake Hubs, $100,000 shall be allocated to the Central Intake Hub in each of the 21 counties for a case management specialist for follow up, outreach, and family case management for families with young children who need support to connect to resources, subject to the approval of the Director of the Division of Budget and Accounting

Of the amount hereinabove appropriated for Women's Services, the amounts allocated to the domestic violence agencies in the State and to the New Jersey Coalition to End Domestic Violence shall be no less than the amounts allocated for the 12 month accounting period ending June 30, 2021, plus an additional $6,000,000 to strengthen and expand domestic violence services statewide, 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 fiscal year 2019, plus an additional $2,000,000 to these sexual violence service organizations, and $3,000,000 shall be allocated to expand abuse/batterer intervention programming into all 21 counties, subject to the approval of the Director of the Division of Budget and Accounting

Receipts in the Marriage and Civil Union License Fee Fund in excess of the amount anticipated are appropriated for domestic violence prevention services

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amount hereinabove appropriated for Women's Services, an amount not to

exceed $6,000,000 is appropriated to provide a grant to the New Jersey Coalition Against Sexual Assault to offset potential losses in federal funding and to strengthen and expand sexual violence prevention and response 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, in addition to the amount hereinabove appropriated for Women's Services, an amount not to exceed $2,550,000 is appropriated to the Displaced Homemaker program 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, from the amounts hereinabove appropriated to the Department of Children and Families, the Commissioner of Children and Families, in collaboration with the Commissioner of Education and the Commissioner of Human Services, shall establish a school based mental health and substance use service program in one or more school districts that provides integrated behavioral health services to Medicaid eligible students, provided, however, that in order to ensure continuity of federal funding, prior to the establishment of such program, the Commissioner shall seek and obtain confirmation, under the DHS 1115 waiver authority, that the program will comply with all applicable federal Medicaid and other requirements

In addition to the amounts hereinabove appropriated for Foster Care, Subsidized Adoption, Independent Living and Shelter Care, Out of Home Placements, and Family Support Services in the Division of Child Protection and Permanency, such additional amounts as may be necessary to support increased trend costs, as determined by the Commissioner of the Department of Children and Families, are appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting

Department of Children and Families, Total State Appropriation	$1,314,035,000

Summary of Department of Children and Families Appropriations
(For Display Purposes Only)

Appropriations by Category	
Direct State Services	$367,429,000
Grants-in-Aid	946,606,000
Appropriations by Fund	
General Fund	$1,314,035,000

22 DEPARTMENT OF COMMUNITY AFFAIRS
40 Community Development and Environmental Management
41 Community Development Management
DIRECT STATE SERVICES

01-8010 Housing Code Enforcement	$9,863,000
02-8020 Housing Services	13,489,000
06-8015 Uniform Construction Code	15,928,000
13-8027 Codes and Standards	498,000
18-8017 Uniform Fire Code	7,721,000
Total Direct State Services Appropriation, Community Development Management	$47,499,000

Direct State Services

Personal Services	
Salaries and Wages	($32,941,000)
Materials and Supplies	(86,000)
Services Other Than Personal	(562,000)
Maintenance and Fixed Charges	(102,000)
Special Purpose	
02 Winter Termination Program (P L 2021, c 317)	(3,500,000)
02 Office of Homelessness Prevention	(5,250,000)
02 Affordable Housing	(1,805,000)
02 Local Planning Services	(1,378,000)
02 Main Street New Jersey	(1,500,000)
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

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 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

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, the Division of Fire Safety may transfer within its own division among Direct State Services appropriations accounts and Grants-In-Aid appropriations accounts, 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

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 amount hereinabove appropriated for Main Street New Jersey shall be used to provide technical assistance and other tools to promote historic preservation and recovery of economic viability in localities that contain traditional historic business districts including, but not limited to, training, guidance, and seminars for volunteers and managers of local organizations, 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

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

GRANTS-IN-AID

01-8010 Housing Code Enforcement	$919,000
02-8020 Housing Services	74,560,000
18-8017 Uniform Fire Code	8,571,000
Total Grants-in-Aid Appropriation, Community Development Management	$84,050,000

Grants-in-Aid

01 Cooperative Housing Inspection	($919,000)
02 NJ Community Capital Foreclosure Mitigation Program	(3,000,000)

02	Single Family Home Lead Hazard Remediation Fund	(5,000,000)
02	Newark Homeless Housing Program	(3,000,000)
02	Down Payment Assistance Fund	(25,000,000)
02	HMFA Foreclosure Mediation Assistance Program Counseling	(1,000,000)
02	Shelter Assistance	(2,300,000)
02	Prevention of Homelessness	(4,360,000)
02	Hudson County Housing First Pilot Program	(1,000,000)
02	Camden Coalition of Health Care Providers Housing First Pilot Program	(500,000)
02	State Rental Assistance Program	(18,500,000)
02	Lead-Safe Home Renovation Pilot Program	(5,000,000)
02	State Rental Assistance Pilot for Expecting Mothers	(2,000,000)
02	Lead Programs (P L 2021, c 182)	(3,900,000)
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 amount hereinabove appropriated for the Down Payment Assistance Fund is appropriated to the New Jersey Housing and Mortgage Finance Agency (HMFA) for a Down Payment Assistance Program to assist in stabilizing neighborhoods

through owner-occupancy and providing home ownership opportunities to households that would otherwise remain tenants, subject to the approval of the Director of the Division of Budget and Accounting

Upon determination by the Commissioner of Community Affairs that all eligible shelter assistance projects have received funding, 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 amounts hereinabove appropriated for Shelter Assistance, Prevention of Homelessness, and 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), 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, 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)

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

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

Of the amounts hereinabove appropriated for the Lead-Safe Home Renovation Pilot Program and the Single Family Home Lead Hazard Remediation Fund, such amounts as are necessary may be transferred to the Revolving Housing Development and Demonstration Grant Fund for the purpose of remediating lead in dwellings Statewide, and such amounts as are determined by the State Treasurer to be necessary may be transferred to the Division of Family Health Services in the Department of Health for purposes in accordance with N J A C 8 51-1 1 et seq , subject to the approval of the Director of the Division of Budget and Accounting

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)

An amount not to exceed $400,000 is appropriated from the "New Jersey Affordable Housing Trust Fund" as determined by the Commissioner of Community Affairs as necessary to match, on a 50/50 basis, the federal share of the administrative costs of the USHUD Community Development Block Grant-Small Cities Program, subject to the approval of the Director of the Division of Budget and Accounting

Such amounts as the Commissioner of Community Affairs determines are necessary are appropriated from the "New Jersey Affordable Housing Trust Fund", to be pledged as a match for the USHUD HOME Investment Partnership Program to ensure adherence to the federal matching requirements for affordable housing production, 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 "New Jersey Affordable Housing Trust Fund" an amount to be determined by the Commissioner of Community Affairs to be used to provide technical assistance grants to non-profit housing organizations and authorities for creating and supporting affordable housing and community development opportunities, 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 Commissioner of Community Affairs may determine that monies appropriated from the "New Jersey Affordable Housing Trust Fund" can 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, and subject to the approval of the Director of the Division of Budget and Accounting

STATE AID

02-8020 Housing Services	$5,000,000
Total State Aid Appropriation, Community Development Management	$5,000,000

State Aid

02 Neighborhood Preservation (P L 1975, c 248 and c 249)	($5,000,000)

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

50 Economic Planning, Development, and Security
55 Social Services Programs
DIRECT STATE SERVICES

05-8050 Community Resources	$253,000

Total Direct State Services Appropriation, Social Services Programs		$253,000
Direct State Services		
Personal Services		
Salaries and Wages	($79,000)	
Services Other Than Personal	(24,000)	
Special Purpose		
05 Addressing Racial Bias Initiative	(50,000)	
05 Anti-Discrimination Training	(50,000)	
05 Wealth Disparity Taskforce	(50,000)	

The unexpended balance at the end of the preceding fiscal year in the Financial Empowerment Pilot Program (P L 2021, c 321) account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting

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		$166,571,000
Total Grants-in-Aid Appropriation, Social Services Program		$166,571,000
Grants-in-Aid		
05 Recreation for the Handicapped	($585,000)	
05 Interfaith Neighbors, Asbury Park - Meals on Wheels	(25,000)	
05 Monmouth County SPCA	(25,000)	
05 Jewish Federation of Greater MetroWest - Community - Based Anti-Hate Initiative	(40,000)	
05 NJ Community Development Corporation Youth Center Project, Paterson	(2,250,000)	
05 Newark Museum	(5,700,000)	
05 City of Newark - Mayor's Brick City Peace Collective	(3,000,000)	
05 Big Brothers and Big Sisters State Association	(1,000,000)	
05 Monmouth Ocean Foundation for Children School	(25,000)	
05 International Youth Organization	(250,000)	
05 Transition Professionals Re-Entry Services	(263,000)	
05 Hudson County Reentry Pilot Program	(7,000,000)	

05	Volunteer Income Tax Preparation Assistance	(750,000)
05	Woodbridge Acacia Youth Center Project	(1,000,000)
05	Mercer County Reentry Pilot Program	(1,000,000)
05	Re-entry Coalition of New Jersey	(1,000,000)
05	Grants to Community and Cultural Development Organizations	(5,000,000)
05	Wildwood Boardwalk	(4,000,000)
05	Brick Senior Center	(400,000)
05	Wind of Spirit - ESL	(90,000)
05	Community Food Bank of New Jersey and Alliance of Boys and Girls Clubs Pilot	(300,000)
05	Union County - Clark Reservoir	(4,000,000)
05	City of Linden - Capital Projects	(1,500,000)
05	Communities in Cooperation - Reentry Services	(200,000)
05	Woodbridge Cypress Center Park Expansion	(1,000,000)
05	Jerry Ust Recreation Complex Capital Improvements	(1,000,000)
05	Propagation House at Mapleton Preserve - Kingston	(400,000)
05	Jump Start Youth Development - Paterson	(150,000)
05	Hackensack Meadowlands Municipal Committee of Mayors	(125,000)
05	Camden County Historical Society	(250,000)
05	Bergen Family Center - Mental Health Services	(200,000)
05	Bergen Volunteers - Mentoring Program	(200,000)
05	Community Affairs and Resource Center	(50,000)
05	Horizons at the Jersey Shore	(50,000)
05	Hawthorne Supportive Housing, Inc	(250,000)
05	Youth Advocate Programs Inc	(3,000,000)
05	New Jersey YMCA State Alliance	(1,000,000)
05	First Star New Jersey	(600,000)
05	Community YMCA - Counseling and Social Services	(100,000)
05	Jewish Family Service of Central NJ - Retired and Senior Volunteer Program from Union County	(50,000)

05	Mental Health Association of Morris and Essex County - Capital Construction	(3,000,000)
05	Lambert Castle Visiting Center	(3,600,000)
05	Pennsauken Community Center	(5,000,000)
05	Newark Alliance - Workforce Development	(1,250,000)
05	Newark Public Library - Newark City of Learning Collaborative	(200,000)
05	"I Have a Dream" Foundation - New Jersey	(350,000)
05	Willingboro Community Center	(1,000,000)
05	After School Initiative - Burlington County	(1,000,000)
05	Union City 41st Street Park	(1,700,000)
05	Joseph's House, Camden	(600,000)
05	New Jersey Hall of Fame Foundation	(1,500,000)
05	Special Olympics	(405,000)
05	New Jersey Re-entry Corporation - One-Stop Offender Re-entry Services	(10,400,000)
05	Volunteers of America - Re-entry Services	(7,400,000)
05	Boys and Girls Clubs of New Jersey - At Risk Youth	(1,200,000)
05	Anti-violence Out-of-School Youth Summer Program - Newark, Trenton, Paterson, Atlantic City	(8,000,000)
05	National Troopers Convention Coalition	(150,000)
05	Rising Tide Capital	(250,000)
05	Edison Jets Pop Warner Complex	(1,000,000)
05	Jewish Community Center of Middlesex County	(250,000)
05	Darul Islah Muslim Society of Bergen County - Social Services	(50,000)
05	Paterson Great Falls Redevelopment	(8,000,000)
05	Ward Street Parking Garage, Paterson	(2,000,000)
05	Straight & Narrow, Paterson	(5,000,000)
05	Union County Fatherhood Initiative Coalition	(100,000)
05	Korean American Organization of New Jersey - Cultural Programs	(132,000)
05	Korean Community Center, Tenafly	(76,000)
05	St Joseph's Senior Center, Woodbridge	(100,000)

05	The Kintock Group - Re-entry Services	(3,400,000)
05	New Jersey-based CDF Freedom Schools - After-school Literacy Enrichment Programs for Urban Districts	(1,000,000)
05	Teaneck Elks Club	(10,000)
05	New Jersey State Veterans Chamber of Commerce	(500,000)
05	Bornqueneers Park Education Alliance	(200,000)
05	Collingswood Foundation for the Arts - Collingswood Grand Ballroom	(2,000,000)
05	Camden Community Partnership - Camden Works Jobs Shuttle Pilot Program	(2,000,000)
05	Winfield Fire Department	(70,000)
05	Ocean Grove Boardwalk Maintenance	(500,000)
05	Keansburg Public Beach House Renovation	(1,000,000)
05	West Orange Police Athletic League - Athletic Facility	(500,000)
05	Seven Presidents Historic Chapel	(500,000)
05	Bright Side Manor, Teaneck	(250,000)
05	Vietnam Veterans' Memorial, Holmdel	(2,500,000)
05	Parkside Business and Community Partnership - Housing Development	(2,000,000)
05	South Plainfield Police Athletic League Field Replacement	(525,000)
05	Union County Capital Projects	(30,000,000)
05	Statewide Hispanic Chamber of Commerce of New Jersey	(500,000)
05	HomeFront NJ	(500,000)
05	Greater Mount Zion Community Development Corporation	(2,000,000)
05	NJSHARES - S M A R T Program	(5,000,000)
05	Bayshore Senior Center, Keansburg	(75,000)

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Volunteer Income Tax Preparation Assistance shall be used to provide matching grants to one or more non-profit entities that have received federal grants to support the provision of volunteer tax preparation services for low-income residents, pursuant to a competitive process and in accordance with grant agreements to be entered into by the selected non-profit entities with the Commissioner of Community Affairs, subject to the approval of the Director of the Division of Budget and Accounting

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

The amount hereinabove appropriated for New Jersey Re-entry Corporation - One-Stop Offender Re-entry Services shall be utilized to continue to provide One-Stop Re-entry services in Newark, Jersey City, Paterson, and Toms River and in the counties of Bergen, Union, Middlesex, Somerset, and Monmouth, which shall include medication-assisted treatment for relapse prevention

The amount hereinabove appropriated for Volunteers of America - Re-entry Services shall be utilized to provide expanded re-entry services in the counties of Atlantic, Burlington, Camden, Cape May, Gloucester, Cumberland, Mercer, and Salem, which shall include medication-assisted treatment for relapse prevention

Of the amount hereinabove appropriated for Anti-violence Out-of-School Youth Summer Program - Newark, Trenton, Paterson, Atlantic City, an amount not less than $2,000,000 shall be allocated to the City of Atlantic City

Notwithstanding the provisions of P L 2003, c 311 (C 52 27D-437 1 et al), 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

STATE AID

05-8050 Community Resources		$21,000,000
(From General Fund	*$2,000,000)*	
(From Property Tax Relief Fund	*19,000,000)*	
Total State Aid Appropriation, Social Services Program		$21,000,000
(From General Fund	*$2,000,000)*	
(From Property Tax Relief Fund	*19,000,000)*	
State Aid		
Repayment of Municipal Contribution to Mass Transit Facility (PTRF)	($13,000,000)	
05 Perth Amboy's Open Space Acquisition and Improvements (PTRF)	(1,000,000)	
05 Branch Brook Park Cherry Blossom Center (PTRF)	(5,000,000)	
05 City of East Orange - Capital Construction	(2,000,000)	

70 Government Direction, Management, and Control
75 State Subsidies and Financial Aid
DIRECT STATE SERVICES

04-8030 Local Government Services		$5,640,000
Total Direct State Services Appropriation, State Subsidies and Financial Aid		$5,640,000
Direct State Services		
Personal Services		
Local Finance Board Members	($226,000)	
Salaries and Wages	(4,936,000)	
Materials and Supplies	(39,000)	
Services Other Than Personal	(224,000)	
Maintenance and Fixed Charges	(15,000)	
Special Purpose		
04 Local Assistance Bureau	(200,000)	

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		$981,328,000
(From General Fund	*$2,809,000)*	
(From Property Tax Relief Fund	*978,519,000)*	
Total State Aid Appropriation, State Subsidies and Financial Aid		$981,328,000
(From General Fund	*$2,809,000)*	
(From Property Tax Relief Fund	*978,519,000)*	
State Aid		
04 County Prosecutors and Officials Salary Increase (P L 2007, c 350)	($2,809,000)	
04 Local Recreational Improvement Grants (PTRF)	(25,000,000)	
04 Consolidated Municipal Property Tax Relief Aid (PTRF)	(649,285,000)	
04 Camden County Improvement Authority - Demolition of Vacant Structures (PTRF	(35,000,000)	
04 Union County - Clark Reservoir Dredging and Pollution Remediation (PTRF)	(250,000)	
04 46th Street Park - North Bergen (PTRF)	(4,600,000)	
04 Emergency Management Communications - Manville (PTRF)	(200,000)	

04	Union Township Recreational Park Development (PTRF)	(2,000,000)
04	Trenton Capital City Aid (PTRF)	(11,500,000)
04	Consolidation Implementation (PTRF)	(1,000)
04	Transitional Aid to Localities (PTRF)	(111,947,000)
04	Open Space Payments in Lieu of Taxes (PTRF)	(6,483,000)
04	Regional School District Consolidation Feasibility Studies (P L 2021, c 402) (PTRF)	(5,000,000)
04	Camden County - Admiral Wilson Boulevard West Rehabilitation (PTRF)	(10,000,000)
04	Camden County - Parks and Trails Program (PTRF)	(10,000,000)
04	City of Camden - Housing Fund Initiative (PTRF)	(5,000,000)
04	Borough of Milltown - Water Main Improvements (PTRF)	(1,000,000)
04	Middlesex County Flood Mitigation Study (PTRF)	(1,000,000)
04	Township of Hamilton (Mercer) - Animal Shelter Safety Grant (PTRF)	(100,000)
04	City of Passaic - Parking Authority Capital Improvements (PTRF)	(10,000,000)
04	Township of Lawrence - Emergency Management Operations Center (PTRF)	(725,000)
04	Township of Ewing - Capital Projects (PTRF)	(500,000)
04	Township of Ewing - Road Resurfacing (PTRF)	(900,000)
04	Borough of New Milford - Flood Emergency Response (PTRF)	(28,000)
04	Borough Laurel Springs - Borough Hall Renovation (PTRF)	(500,000)
04	Township of Woodbridge - Sewaren Marina Dredging (PTRF)	(1,500,000)
04	Township of Woodbridge - Special Needs Facility (PTRF)	(1,500,000)
04	Township of East Brunswick - Skating Rink and Recreation Facility (PTRF)	(3,000,000)
04	Camden County Improvement Authority - Flooding Study (PTRF)	(750,000)

04	City of Bordentown - New Municipal Complex (PTRF)	(100,000)
04	Township of North Brunswick - Herman Road Pavilion (PTRF)	(500,000)
04	Township of Hopewell (Mercer) - 9-1-1 Upgrade (PTRF)	(600,000)
04	Borough of Roseland - Community Center Land Acquisition (PTRF)	(500,000)
04	City of Newark - Independence Park (PTRF)	(7,500,000)
04	Camden County Courthouse Regional Corrections Center Initiative (PTRF)	(15,000,000)
04	Middlesex County - Economic Development Projects (PTRF)	(8,500,000)
04	Middlesex County - Parks and Recreation Youth Sports Infrastructure (PTRF)	(8,500,000)
04	North Hudson Sewerage Authority (PTRF)	(2,300,000)
04	Gloucester County Emergency Preparedness and Fire Academy (PTRF)	(5,000,000)
04	Burlington County - Occupational Training Center (PTRF)	(5,000,000)
04	City of Plainfield - Park Avenue Flooding Resource Program (PTRF)	(2,000,000)
04	Township of Cranford - Flood Mitigation (PTRF)	(1,800,000)
04	Berkeley Heights Township - Emergency Temporary Flair (PTRF)	(350,000)
04	City of Trenton - Animal Shelter (PTRF)	(500,000)
04	Township of Morris - Recreational Projects (PTRF)	(100,000)
04	Town of Clinton - Police/Office of Emergency Management Facility (PTRF)	(3,000,000)
04	City of Passaic - Pulaski Park Expansion (PTRF)	(6,000,000)
04	Township of South Brunswick - Public Library Improvements (PTRF)	(500,000)
04	Township of Eatontown - Captain James M Gurbisz Park (PTRF)	(500,000)
04	City of Newark - Harriet Tubman Square (PTRF)	(2,000,000)
04	Union County Shared Library Services (PTRF)	(250,000)
04	Township of Chester - Park Improvements (PTRF)	(250,000)
04	Shared Services and School District Consolidation Study and Implementation (PTRF	(10,000,000)

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Local Recreational Improvement Grants shall be used to provide grants to local units for repairs and improvements to public recreational facilities pursuant to a competitive process administered by the

Division of Local Government Services, subject to the approval of the Director of the Division of Budget and Accounting

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, provided, however, that notwithstanding the provisions of any law or regulation to the contrary, the Director of Local Government Services, in consultation with the Commissioner of Community Affairs and the State Treasurer, may direct the Director of the Division of Budget and Accounting to provide such payments on an accelerated schedule if necessary to ensure fiscal stability for a municipality

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 Aid 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/Aid account 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 Aid account such amounts as were determined for fiscal year 2022 and prior fiscal years 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, the amount of Consolidated Municipal Property Tax Relief Aid received by any other 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 Aid

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 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 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 total annual amount due for the current 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 its Consolidated Municipal Property Tax Relief Aid or Energy Tax Receipts Property Tax Relief Aid, or both Consolidated Municipal Property Tax Relief Aid and Energy Tax Receipts 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)

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Trenton Capital City Aid is subject to the following condition The City of Trenton shall enter into an agreement with the Department of Community Affairs setting forth the terms and conditions for receipt of such aid, which shall include financial and operational oversight by the Director of the Division of Local Government Services in the Department of Community Affairs

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, provided further that there are appropriated such additional amounts, not to exceed $15,000,000, as the Director of the Division of Budget and Accounting, in consultation with the Commissioner of Community Affairs and the Director of the Division of Local Government Services, shall determine to be necessary to design and implement one or more voluntary county-based demonstration projects to achieve efficiencies and future cost savings in the provision of services at the local level

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

Of the amount hereinabove appropriated for Transitional Aid to Localities, amounts may be allocated by the Director of the Division of Local Government Services to any State agency or department, county, or county improvement authority to pay for services provided to or on behalf of a participating municipal government unit pursuant to a memorandum of understanding between that State agency or department, county, or county improvement authority, as applicable and the Division of Local Government Services, subject to the approval of the Director of the Division of Budget and Accounting

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 Municipal 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, 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 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 local government unit faced with a fiscal crisis, including but not limited to a potential default on tax anticipation notes and on such other terms and conditions as may be required by the commissioner

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

99-8070 Administration and Support Services		$6,876,000
Total Direct State Services Appropriation, Management and Administration		$6,876,000
Direct State Services		
Personal Services		
Salaries and Wages	($2,804,000)	
Materials and Supplies	(8,000)	
Services Other Than Personal	(59,000)	
Maintenance and Fixed Charges	(16,000)	
Special Purpose		
99 Office of Information Privacy (P L 2021, c 371)	(3,000,000)	
99 Sustainable New Jersey Fund	(500,000)	
99 Government Records Council	(489,000)	

The amount appropriated for Sustainable New Jersey Fund shall be used to support an initiative through an institution of higher education, as determined by the Commissioner of Community Affairs, to offer certification programs and grants to municipalities, schools, and other government entities in support of efforts to realize environmental, economic, and social sustainability

Department of Community Affairs, Total State Appropriation	$1,318,217,000

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	$60,268,000
Grants-in-Aid	250,621,000
State Aid	1,007,328,000
Appropriations by Fund	
General Fund	$320,698,000

Property Tax Relief Fund	997,519,000

26 DEPARTMENT OF CORRECTIONS
10 Public Safety and Criminal Justice
16 Detention and Rehabilitation
DIRECT STATE SERVICES

07-7040 Institutional Control and Supervision		$483,192,000
08-7040 Institutional Care and Treatment		244,179,000
99-7040 Administration and Support Services		63,179,000
Total Direct State Services Appropriation, Detention and Rehabilitation		$790,550,000
Direct State Services		
Personal Services		
Salaries and Wages	($524,559,000)	
Food In Lieu of Cash	(3,252,000)	
Materials and Supplies	(52,541,000)	
Services Other Than Personal	(154,704,000)	
Maintenance and Fixed Charges	(14,204,000)	
Special Purpose		
07 Civilly Committed Sexual Offender Program	(35,752,000)	
08 Culinary Arts Training Program at Northern State Prison	(350,000)	
08 Mid-State Licensed Drug Treatment Program	(4,000,000)	
08 Edna Mahan Visitation Program	(132,000)	
Additions, Improvements and Equipment	(1,056,000)	

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

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 and other materials and services that directly benefit the inmate population, subject to the approval of the Director of the Division of Budget and Accounting

In addition to the amounts hereinabove appropriated for Institutional Control and Supervision, Institutional Care and Treatment and Administration and Support Services, there is appropriated an amount not to exceed the difference between projected annualized savings from the partial consolidation of the Southern State Correctional Facility, continued savings from contract efficiencies and further restructuring and the actual savings achieved, 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	$40,678,000
13-7025 Institutional Program Support	71,118,000
Total Direct State Services Appropriation, System-Wide Program Support	$111,796,000

Direct State Services

Personal Services	
Salaries and Wages	($53,233,000)
Materials and Supplies	(1,775,000)
Services Other Than Personal	(24,349,000)
Special Purpose	
13 Integrated Information Systems	(9,889,000)
13 Offender Re-Entry Program	(1,141,000)
13 DOC/DOT Work Details	(537,000)
13 Medication Assisted Treatment (MAT)Program	(2,550,000)
13 Narcan Equipment and Training for Staff	(486,000)
13 Peer Specialist Entry Engagement Program	(400,000)
13 Navigators for Released Inmates	(1,000,000)
13 Inhaled Narcan for Released Inmates	(355,000)
13 Hepatitis C Treatment of Offenders with Substance Use Disorder (SUD) Diagnosis	(3,700,000)
13 Hepatitis C Testing and Treatment for State Inmates	(4,500,000)
13 Pre-Release Employment Navigation and Re-Entry Services Program	(350,000)
13 IT Modernization, Security Improvements and Enhancements	(2,000,000)
13 Additions, Improvements and Equipment	(5,531,000)

In addition to the amounts hereinabove appropriated for Institutional Program Support, an amount not to exceed $10,000,000 is appropriated for the testing and

treatment of Hepatitis C in the State inmate population, subject to the approval of the Director of the Division of Budget and Accounting

GRANTS-IN-AID

13-7025	Institutional Program Support	$67,844,000
	Total Grants-in-Aid Appropriation, System-Wide Program Support	$67,844,000

Grants-in-Aid

13	Purchase of Service for Inmates Incarcerated In County Penal Facilities	($1,420,000)
13	Purchase of Community Services	(58,924,000)
13	Incarcerated Veterans Initiative Pilot Program	(500,000)
13	Release Support Partnership Program	(7,000,000)

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 (RCRP), 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

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Release Support Partnership Program shall be used

to provide grants to non-profit entities to meet the reentry needs of individuals preparing to transition back into the community, pursuant to a competitive application process administered by the Commissioner of Corrections, subject to the approval of the Director of the Division of Budget and Accounting

STATE AID

13-7025 Institutional Program Support		$33,400,000
(From Property Tax Relief Fund	*$33,400,000)*	
Total State Aid Appropriation, System-Wide Program Support		$33,400,000
(From Property Tax Relief Fund	*$33,400,000)*	
State Aid		
13 Essex County - County Jail Substance Use Disorder Programs (PTRF)	($23,000,000)	
13 Union County - Inmate Rehabilitation Services (PTRF)	(3,500,000)	
13 Hudson County Jail (PTRF)	(4,800,000)	
13 County Re-Entry Coordinators (PTRF)	(2,100,000)	

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amounts hereinabove appropriated for Institutional Program Support, an amount not to exceed $600,000 is appropriated from the Workforce Development Partnership Fund for the Pre-Release Employment Navigation and Re-Entry Services Program for the purpose of funding employment-related services and assistance to individuals in State custody, upon the recommendation of the Commissioner of Corrections and subject to the approval of the Director of the Division of Budget and Accounting

17 Parole

DIRECT STATE SERVICES

03-7010 Parole		$58,418,000
05-7280 State Parole Board		13,893,000
99-7280 Administration and Support Services		4,186,000
Total Direct State Services Appropriation, Parole		$76,497,000
Direct State Services		
Personal Services		
Salaries and Wages	($46,134,000)	
Materials and Supplies	(663,000)	
Services Other Than Personal	(2,343,000)	
Maintenance and Fixed Charges	(1,053,000)	
Special Purpose		
03 Parolee Electronic Monitoring Program	(5,730,000)	

03	Supervision, Surveillance, and Gang Suppression Program	(3,417,000)
03	Sex Offender Management Unit	(13,317,000)
03	Satellite-based Monitoring of Sex Offenders	(2,434,000)
03	Medication-Assisted Treatment (MAT) Expansion	(100,000)
03	Narcan Administration and Training	(40,000)
Additions, Improvements and Equipment		(1,266,000)

GRANTS-IN-AID

03-7010 Parole		$37,356,000
Total Grants-in-Aid Appropriation, Parole		$37,356,000
Grants-in-Aid		
03	Re-Entry Substance Abuse Program (RESAP)	($10,799,000)
03	Mutual Agreement Program (MAP)	(5,791,000)
03	Community Resource Center Program (CRC)	(14,086,000)
03	Stages to Enhance Parolee Success Program (STEPS)	(6,680,000)

Any change by the Division of Parole in the per diem rates affecting Special Caseload 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 (RESAP), 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

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 (RESAP), 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 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

19 Central Planning, Direction and Management

DIRECT STATE SERVICES

99-7000 Administration and Support Services	$18,799,000
Total Direct State Services Appropriation, Central Planning, Direction and Management	$18,799,000

Direct State Services

Personal Services	
Salaries and Wages	($15,436,000)
Materials and Supplies	(576,000)
Services Other Than Personal	(532,000)
Maintenance and Fixed Charges	(781,000)
Additions, Improvements and Equipment	(1,474,000)

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	$1,136,242,000

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)

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for the Department of Corrections' Institutional Care and Treatment account, such amounts as are determined necessary by the Director of the Division of Budget and Accounting in consultation with the Commissioner of the Department of Corrections may be transferred to the Parole account, the Supervision, Surveillance, and Gang Suppression Program account, and the Stages to Enhance Parolee Success account in the State Parole Board for the purpose of providing necessary assistance to geriatric and medically released parolees and individuals paroled based upon credits earned during a public health emergency

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Summary of Department of Corrections Appropriations

(For Display Purposes Only)

Appropriations by Category	
Direct State Services	$997,642,000
Grants-in-Aid	105,200,000
State Aid	33,400,000
Appropriations by Fund	

General Fund	$1,102,842,000
Property Tax Relief Fund	$33,400,000

34 DEPARTMENT OF EDUCATION
30 Educational, Cultural, and Intellectual Development
31 Direct Educational Services and Assistance
DIRECT STATE SERVICES

36-5120 Student Transportation		$516,000
38-5120 Facilities Planning and School Building Aid		1,250,000
42-5120 School Finance		3,123,000
Total Direct State Services Appropriation, Direct Educational Services and Assistance		$4,889,000
Direct State Services		
Personal Services		
Salaries and Wages	($4,441,000)	
Materials and Supplies	(19,000)	
Services Other Than Personal	(229,000)	
Special Purpose		
36 Office of School Bus Safety (P L 2021, c 471)	(200,000)	

GRANTS-IN-AID

38-5120 Facilities Planning and School Building Aid		$75,000,000
(From Property Tax Relief Fund	*$75,000,000)*	
Total Grants-in-Aid Appropriation, Direct Educational Services and Assistance		$75,000,000
(From Property Tax Relief Fund	*$75,000,000)*	
Grants-in-Aid		
38 SDA Capital Maintenance and Emergent Projects (PTRF)	($75,000,000)	

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for SDA Capital Maintenance and Emergent Projects shall be provided to the Schools Development Authority to support emergent needs and capital maintenance in school districts, subject to the approval of the Director of the Division of Budget and Accounting

STATE AID

01-5120 General Formula Aid		$9,540,125,000
(From General Fund	*$17,683,000*	
(From Property Tax Relief Fund	*9,522,442,000)*	
02-5120 Nonpublic School Aid		136,153,000
03-5120 Miscellaneous Grants-In-Aid		161,188,000
(From Property Tax Relief Fund	*161,188,000)*	

07-5120 Special Education		1,482,093,000
(From Property Tax Relief Fund	*1,482,093,000)*	
36-5120 Student Transportation		331,838,000
(From Property Tax Relief Fund	*331,838,000)*	
38-5120 Facilities Planning and School Building Aid		1,173,941,000
(From Property Tax Relief Fund	*1,173,941,000)*	
Total State Aid Appropriation, Direct Educational Services and Assistance		$12,825,338,000
(From General Fund	*$153,836,000)*	
(From Property Tax Relief Fund	*12,671,502,000)*	
Less		
Assessment of EDA Debt Service	**($26,529,000)**	
Growth Savings – Payment Changes	**(71,752,000)**	
Total Deductions	**($98,281,000)**	
Total State Aid Appropriation, Direct Educational Services and Assistance		$12,727,057,000
(From General Fund	*$153,836,000)*	
(From Property Tax Relief Fund	*12,573,221,000)*	
State Aid		
01 Equalization Aid	($17,683,000)	
01 Equalization Aid (PTRF	(7,812,907,000)	
01 Vocational Expansion Stabilization Aid (PTRF)	(13,204,000)	
01 Supplemental Wraparound Program (PTRF)	(4,500,000)	
01 Military Impact Aid (PTRF)	(13,462,000)	
01 Educational Adequacy Aid (PTRF)	(82,397,000)	
01 Security Aid (PTRF)	(290,798,000)	
01 Adjustment Aid (PTRF)	(257,592,000)	
01 Preschool Education Aid (PTRF)	(991,832,000)	
01 School Choice (PTRF)	(55,750,000)	
02 Nonpublic Textbook Aid	(8,243,000)	
02 Nonpublic Handicapped Aid	(28,240,000)	
02 Nonpublic Auxiliary Services Aid	(43,649,000)	
02 Nonpublic Auxiliary/Handicapped Transportation Aid	(2,469,000)	
02 Nonpublic Nursing Services Aid	(16,602,000)	
02 Nonpublic Security Aid	(30,550,000)	
02 Nonpublic Technology Initiative	(6,400,000)	
03 Charter School Aid (PTRF)	(24,186,000)	
03 Bridge Loan Interest and Approved Borrowing Cost (PTRF)	(200,000)	

03	Payments for Institutionalized Children – Unknown District of Residence (PTRF)	(45,200,000)
03	Recovery High School Access Project (PTRF)	(1,500,000)
03	Stabilization Aid (PTRF)	(30,000,000)
03	Charter School Facility Improvements (PTRF)	(10,000,000)
03	Clayton Model Pilot Program (P L 2021, c 85) (PTRF)	(2,500,000)
03	Commercial Valuation Stabilization Aid (PTRF)	(20,000,000)
03	American Rescue Plan Maintenance of Equity Aid (PTRF)	(16,765,000)
03	Essex Regional Educational Services Commission (PTRF)	(500,000)
03	Hillsborough School District - Ida Infrastructure Repairs (PTRF)	(1,000,000)
03	Montclair School District - Capital Projects (PTRF)	(500,000)
03	Metuchen School District - Astroturf Athletic Field (PTRF)	(2,000,000)
03	Matawan-Aberdeen Regional School District - KEYS Academy Capital Aid (PTRF)	(500,000)
03	Neptune City School District - Library Construction (PTRF)	(100,000)
03	Ocean Township School District - Cybersecurity Network Improvements (PTRF)	(287,000)
03	Eatontown Public Schools - Capital Improvements (PTRF)	(100,000)
03	Freehold Regional Schools - Capital Improvements (PTRF)	(100,000)
03	Hillside School District - Capital Aid (PTRF)	(750,000)
03	Middlesex County Vocational and Technical Schools - Administrative Infrastructure (PTRF)	(5,000,000)
07	Special Education Categorical Aid (PTRF)	(1,062,093,000)
07	Extraordinary Special Education Costs Aid (PTRF)	(420,000,000)
36	Transportation Aid (PTRF)	(331,738,000)
36	Family Crisis Transportation Aid (PTRF)	(100,000)
38	School Building Aid (PTRF)	(18,817,000)
38	School Construction Debt Service Aid (PTRF)	(120,324,000)
38	School Construction & Renovation Fund (PTRF)	(1,034,800,000)
Less Deductions		**98,281,000**

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

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 2022-2023 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 2022-2023 school year for the purposes of computing Nonpublic Auxiliary Services Aid shall equal $1,040 33 and the per pupil amount for providing the equivalent service to children of limited English-speaking ability shall be $1,055, provided, however, that the Commissioner of Education may adjust the per pupil amounts based upon the nonpublic pupil population, the amount appropriated, 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 15, 2021 and the rate per pupil shall be $112

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 $205 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 a safe and secure school environment for nonpublic school students

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 $42 per pupil in a manner that is consistent with the provisions of the federal and State constitutions

The unexpended balance at the end of the preceding fiscal year in the Education Rescue Grant Program is appropriated for the same purpose, 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 2006, c 15 (C 18A 7A-54 et seq) or any law or regulation to the contrary, in the event that a school district owes an amount greater than 50 percent of its annual general fund budget attributable in substantial part to loans made to the district from the "School District Deficit Relief Account" established pursuant to P L 2006, c 15 (C 18A 7A-54 et seq), such debt, as reduced by the liquidation of all available assets of the school district, may be forgiven upon the school district's merger with another district if the Commissioner of Education determines that such debt represents an impediment to consolidation, 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

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

In addition to the amounts hereinabove appropriated for Adjustment Aid, Equalization Aid, Special Education Categorical Aid, Security Aid, and Transportation Aid, such additional amounts as are necessary, as determined by the Commissioner of Education, to provide additional Adjustment Aid, Equalization Aid, Special Education Categorical Aid, Security Aid, and Transportation Aid to participating districts pursuant to the provisions of P L 2021, c 402 and any other additional funding necessary to fulfill the provisions of P L 2021, c 402 (C 18A 13-47 1 et al) 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, 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 proceeds to the New Jersey Schools Development Authority (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

The amount hereinabove appropriated for Supplemental Wraparound Program shall be provided as State aid to SDA districts to reduce family cost-sharing for before-school, after-school, and summer wraparound child care

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 2022-2023 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 allocated as follows 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 2021-2022 per pupil allocation of Preschool Education Aid inflated by the CPI and multiplied by the district's projected preschool enrollment, except in the case of a school district that participated in the federal Preschool Expansion Grant in 2018-2019, districts that received an allocation of Preschool Education Expansion Aid in 2017-2018 or 2018-2019, and districts that received an allocation of Preschool Education Aid through the competitive process administered by the Commissioner of Education which began in 2019-2020, 3) in the case of any other district with an allocation of Preschool Education Aid in the 2021-2022 school year calculated using the provisions of section 12 of P L 2007,

c 260 (C 18A 7F-54), districts that participated in the federal Preschool Expansion Grant in 2018-2019, districts that received an allocation of Preschool Education Expansion Aid in 2017-2018 or 2018-2019, or districts that received an allocation of Preschool Education Aid through the competitive process administered by the Commissioner of Education which began in 2019-2020, an amount calculated in accordance with those provisions based upon 2022-2023 projected FTE enrollments, and multiplied by the per pupil allocations as set forth in the March 2022 State Aid notice issued by the Commissioner of Education Notwithstanding the provisions of any law or regulation to the contrary, of the amounts hereinabove appropriated for Preschool Education Aid, an amount not to exceed $40,000,000 shall be allocated by the commissioner to districts in total additional preschool funding for the purpose of expanding free access to full-day preschool for resident three- and four-year old children in accordance with the preschool quality standards issued by the commissioner and based on a district's demonstration of its readiness to operate a preschool program consistent with those standards

Notwithstanding the provisions of any law or regulation to the contrary, a district's 2022-2023 allocation of the amounts hereinabove appropriated for School Choice Aid shall be 90% of the amount calculated pursuant to the provisions of P L 2007, c 260, provided, however, in the event that School Choice enrollment reflected on the October 2021 Application for State School Aid is less than projected School Choice enrollment reflected on the 2021-2022 State Aid notice, such district's 2022-2023 School Choice Aid allocation shall be adjusted to reflect actual prebudget year enrollment as of October 2021, as set forth in the March 2022 State Aid notice issued by the Commissioner of Education A district's 2022-2023 School Choice enrollment shall not exceed the district's maximum funded choice student enrollment as determined by the Commissioner of Education In addition to the amounts hereinabove appropriated for School Choice Aid, such additional amounts as may be required, based on actual School Choice enrollment counts submitted as the result of P L 2020, c 41, for the support of School Choice Aid 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, following notification to the Joint Budget Oversight Committee there are appropriated to the Emergency Fund account such additional amounts as may be required to fund approved applications for emergency aid following district needs assessments conducted by the Department of Education, subject to the approval of the Director of the Division of Budget and Accounting Provided, further, that the commissioner shall determine the repayment terms, if any, that will be assessed and may appoint a State monitor to a school district that receives an allocation from the Emergency Fund, who shall have the same powers and duties of a State monitor appointed pursuant to P L 2006, c 15 (C 18A 7A-54 et seq)

Notwithstanding the provisions of any law or regulation to the contrary, a charter school's 2022-2023 allocation of the amount hereinabove appropriated for Charter School Aid shall be as set forth in the March 2022 State Aid notice issued by the

Commissioner of Education, and shall be adjusted based on the October 15th and the end of the school year actual pupil counts in each of the following cases 1) in the case of a charter school with higher enrollment in the 2022-2023 school year than in the 2007-2008 school year, to provide that in the 2022-2023 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 2022-2023 per pupil amount that is no less than the 2007-2008 per pupil amount based on average daily enrollment, and 2) to provide amounts pursuant to section 12 of P L 1995, c 426 (C 18A 36A-12) A charter school shall also receive an allocation to provide that in the 2022-2023 school year, the charter school receives no less total support from the State and resident school district than in the 2021-2022 school year and to ensure that such total payments provide a 2022-2023 per pupil amount that is not less than the 2021-2022 per pupil amount based on average daily enrollment This allocation shall be adjusted based on the October 15, 2022 actual pupil count In addition to the amounts hereinabove appropriated for Charter School Aid, such additional amounts as may be required, based on actual charter school enrollment counts submitted through the Charter School Enrollment System, for the support of Charter School Aid 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, from the amount hereinabove appropriated for School Security Compliance Funding, the Commissioner of Education shall award grants to charter schools, renaissance school projects and school districts with school district buildings serving preschool students and no students in grades kindergarten through 12 to equip school buildings with a panic alarm or alternative emergency mechanism to comply with the provisions of P L 2019, c 33 (C 18A 41-10 et seq), to reimburse a school district, charter school or renaissance school project for costs previously incurred for equipping a school building after January 1, 2016, or, if the school district, charter school or renaissance school project is compliant with the provisions of P L 2019, c 33, to complete other eligible school security projects Each grant award shall be calculated using the charter school's average daily enrollment on October 15, 2019, the renaissance school project's enrollment on October 15, 2019, or the number of students in standalone preschool facilities in the school district as reported on October 15, 2019 Application for State School Aid, the facilities efficiency standards established pursuant to section 4 of P L 2000, c 72 (C 18A 7G-4), and an allotment per square foot, as determined by the Commissioner of Education The unexpended balance at the end of the preceding fiscal year in the School Security Compliance Funding account 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, from the amount hereinabove appropriated for Preschool Facilities Lead Remediation, the Commissioner of Education shall award grants to school districts for water infrastructure improvement projects in schools serving solely preschool students, provided that eligibility for funding such projects shall be based on the eligibility requirements for water infrastructure improvement grants in schools serving K-12, pursuant to P L 2018, c 119 and its implementing regulations The unexpended balance at the end of the preceding fiscal year in the Preschool Facilities Lead Remediation account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting

Notwithstanding the provisions of section 1 of P L 2021, c 283 (C 18A 7F-71) or any other rule, law, or regulation to the contrary, eligibility for, and the calculation of, Military Impact Aid shall be based on the amount of the Basic Support Payment of federal Impact Aid under section 7003 of the federal Elementary and Secondary Education Act of 1965 (20 U S C s 7703) that a school district received in the budget year preceding the prebudget year

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Stabilization Aid is subject to the following condition no funds shall be allocated by the Commissioner of Education unless a district experiences a reduction in State aid or otherwise confronts a structural budgetary imbalance and the district provides, in a format acceptable to the Commissioner, a written plan explaining how the district intends to fund operations in future years in which the district does not receive similar supplemental State aid

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for Charter School Facility Improvements, to protect the health and safety of students, $10,000,000 shall be provided to the Department of Education to administer grants to support emergent needs and capital maintenance in charter schools and renaissance school projects upon the review of the Director of the New Jersey Department of Education Office of Charter and Renaissance Schools

The unexpended balance at the end of the preceding fiscal year in the Charter School Facility Improvements account is appropriated

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Lead Testing for Schools is subject to the following condition amounts shall be paid to "district boards of education" as it is defined by N J A C 6A 26-12 4(a), subject to the approval of the Director of the Division of Budget and Accounting, based on approved applications for reimbursement of the costs of testing school drinking water pursuant to the program requirements established by the department in regulations adopted pursuant to the Administrative Procedure Act at N J A C 6A 26-12 4 The unexpended balance at the end of the preceding fiscal year in the Lead Testing for Schools account is appropriated for the same purpose, 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 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 determines shall be charged to the Property Tax Relief Fund instead of receipts deposited into the Extraordinary Aid Account

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 $1,022

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

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

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 2022-2023 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 percent of the district's approved October 29, 2021 application amount

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 at the end of the preceding fiscal year in the School Construction and Renovation Fund account is appropriated for the same purpose

Notwithstanding the provisions of section 4 of P L 1997, c 264 (C 26 2H-18 58g), section 17 of P L 2000, c 72 (C 18A 7G-17), or any law or regulation to the contrary, of the amount hereinabove appropriated to the School Construction and Renovation Fund such amounts as the Director of the Division of Budget and Accounting may determine first shall be charged to the Property Tax Relief Fund

32 Operation and Support of Educational Institutions

DIRECT STATE SERVICES

12-5011 Marie H Katzenbach School for the Deaf		$5,855,000
Total Direct State Services Appropriation, Operation and Support of Educational Institutions		$5,855,000
Direct State Services		
Personal Services		
Salaries and Wages	($4,030,000)	
Materials and Supplies	(665,000)	
Services Other Than Personal	(589,000)	
Maintenance and Fixed Charges	(400,000)	
Special Purpose		

12 Transportation Expenses for Students (40,000)
Additions, Improvements and Equipment (131,000)

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

33 Supplemental Education and Training Programs

DIRECT STATE SERVICES

20-5062 Career Readiness and Technical Education $998,000
Total Direct State Services Appropriation, Supplemental Education and Training Programs $998,000

Direct State Services

Personal Services
Salaries and Wages ($942,000)
Materials and Supplies (17,000)
Services Other Than Personal (39,000)

STATE AID

20-5062 Career Readiness and Technical Education $4,860,000
Total State Aid Appropriation, Supplemental Education and Training Programs $4,860,000

State Aid

20 Vocational Education ($4,860,000)

Of the amount hereinabove appropriated for 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

34 Educational Support Services

DIRECT STATE SERVICES

30-5063 Standards, Assessments, and Curriculum $46,083,000
31-5060 Grants Management 1,045,000

32-5061 Recruitment, Preparation, Certification and Educator Evaluation		5,318,000
33-5067 Field Services		9,167,000
34-5068 Innovation		1,526,000
35-5069 Early Childhood Education		3,779,000
37-5069 Comprehensive Support		1,369,000
40-5064 Student Services		4,251,000
Total Direct State Services Appropriation, Educational Support Services		$72,538,000
Direct State Services		
Personal Services		
Salaries and Wages	($22,675,000)	
Materials and Supplies	(136,000)	
Services Other Than Personal	(2,125,000)	
Maintenance and Fixed Charges	(7,000)	
Special Purpose		
30 Learning Loss Program	(250,000)	
30 Learning Loss Report	(1,000,000)	
30 Statewide Assessment Program	(36,275,000)	
30 Reading Acceleration/Professional Integrated Development Program	(2,000,000)	
30 Climate Change Education Grants to Schools	(5,000,000)	
30 General Education Development	(250,000)	
32 K-12 Education Workforce Diversity Programs	(550,000)	
40 New Jersey Commission on Holocaust Education	(255,000)	
40 New Jersey Amistad Commission	(1,010,000)	
40 New Jersey Commission on Latino and Hispanic Heritage	(1,000,000)	
Additions, Improvements and Equipment	(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

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for K-12 Education Workforce Diversity Programs shall be used to support Department of Education programs to increase and retain diversity in the K-12 education workforce, which shall include, but not be limited to, the program established pursuant to section 1 of P L 2019, c 102 (C 18A 6-136) and programs to provide mentorship to minority teachers and candidates for teacher preparation as determined by the Commissioner of Education, 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 Climate Change Education Grants to Schools, $500,000 shall be used to support the Office of Climate Change

Education The remaining funds shall be used for grants to support schools with the implementation of the new climate change education standards by providing funding for technical assistance, professional development opportunities, instructional materials, and evaluation strategies to support educators The grant program shall give priority to SDA districts submitting approved applications, as determined by the Commissioner of Education, based on a district's demonstration of its readiness to implement such a program

In addition to the amount hereinabove appropriated for the Statewide Assessment Program, 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

The unexpended balance at the end of the preceding fiscal year in the Statewide Assessment Program account is appropriated for the same purpose

The amount appropriated for Learning Loss Report shall support school districts and aid a Statewide effort to analyze, understand, and address the COVID-19 pandemic's impact on learning loss and create tangible strategies and tools to mitigate the impact on student academic success, subject to the approval of the Commissioner of Education

GRANTS-IN-AID

30-5063 Standards, Assessments and Curriculum		$5,350,000
34-5068 Innovation		985,000
40-5064 Student Services		4,075,000
(From General Fund	*$3,575,000)*	
(From Property Tax Relief Fund	*500,000)*	
Total Grants-in-Aid Appropriation, Educational Support Services		$10,410,000
(From General Fund	*$9,910,000)*	
(From Property Tax Relief Fund	*500,000)*	
Grants-in-Aid		
30 Advanced Placement Exam Fee Waiver	($1,075,000)	
30 K-12 Computer Science Education Initiative	(2,000,000)	
30 Jobs for America's Graduates New Jersey (JAG NJ)	(100,000)	
30 Bard High School Early College Newark	(250,000)	
30 W E B Du Bois Scholars Institute	(100,000)	
30 Liberty Science Center - Educational Services	(1,350,000)	
30 Governor's Literacy Initiative	(225,000)	

30	Bridge Linx Therapy Center, Ocean Township	(250,000)
34	NAN Newark Tech World	(400,000)
34	New Jersey STEM Innovation Fellowship	(100,000)
34	Research & Development Council of New Jersey	(485,000)
40	Unified Sports Program	(25,000)
40	High Poverty School District Minority Teacher Recruitment Program	(750,000)
40	Restorative Justice in Education (P L 2019, c 412) (PTRF)	(500,000)
40	School-Based Mental Health Training Grant Program (P L 2021, c 322)	(500,000)
40	Teach for America New Jersey - New Teacher Recruitment	(300,000)
40	New Jersey Tutoring Corps	(1,000,000)
40	Grants for After School and Summer Activities for At-Risk Children	(1,000,000)

The amount hereinabove appropriated for Advanced Placement Exam Fee Waiver shall supplement that portion of the Advanced Placement Exam Fee that is not currently funded by The College Board Test Fee Waiver and School Test Processing Fee Waiver for students that qualify for the Free or Reduced Price Lunch Program

The amount hereinabove appropriated for the K-12 Computer Science Education Initiative shall be used exclusively to support approved applications for the expansion and support of professional development of K-12 computer science teachers, and for advanced computer science course offerings as determined by the Commissioner of Education based on a district's demonstration of its readiness to implement such a program, subject to the approval of the Director of the Division of Budget and Accounting

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 New Jersey student learning 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

From the amount hereinabove appropriated for High Poverty School District Minority Teacher Recruitment Program, the Commissioner of Education shall continue the department's efforts to develop and implement a competitive grant program to provide funding to eligible organizations that recruit, train, and place

new teachers, with special emphasis on minority teachers, in one or more high poverty school districts in the State To be eligible to receive a grant under the program an organization shall meet certain conditions established by the Commissioner of Education "High poverty school district" means a school district in which the percentage of students who are at-risk pupils, as defined by section 3 of P L 2007, c 260 (C 18A 7F-45) is equal to or greater than 40 percent From the amount hereinabove appropriated for High Poverty School District Minority Teacher Recruitment Program, the Commissioner of Education shall appropriate not less than $250,000 to an organization that, in addition to the criteria stated above, also provides at least two years of direct coaching for teachers and does not accept tuition or fees from teachers to participate in the program The organization shall also demonstrate a history of being able to place minority teachers in high poverty districts

The unexpended balance at the end of the preceding fiscal year in the Nonpublic STEM Reimbursement Program (P L 2019, c 256) account established pursuant to P L 2019, c 256 (C 18A 6-137 et seq) is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting

STATE AID

39-5094 Teachers' Pension and Annuity Assistance	$5,682,141,000
(From Property Tax Relief Fund	*$5,682,141,000)*
Total State Aid Appropriation, Educational Support Services	$5,682,141,000
(From Property Tax Relief Fund	*$5,682,141,000)*
State Aid	
39 Teachers' Pension and Annuity Fund – Post Retirement Medical (PTRF)	($1,045,822,000)
39 Teachers' Pension and Annuity Fund (PTRF)	(3,200,497,000)
39 Social Security Tax (PTRF)	(861,845,000)
39 Teachers' Pension and Annuity Fund – Non-contributory Insurance (PTRF)	(53,604,000)
39 Post Retirement Medical Other Than TPAF (PTRF	(251,573,000)
39 Debt Service on Pension Obligation Bonds (PTRF)	(268,800,000)

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 Performance Management	$551,000
43-5092 Office of Fiscal Accountability and Compliance	2,282,000
99-5095 Administration and Support Services	15,759,000
Total Direct State Services Appropriation, Education Administration and Management	$18,592,000

Direct State Services

Personal Services	
Salaries and Wages	($15,457,000)
Materials and Supplies	(108,000)
Services Other Than Personal	(2,560,000)
Maintenance and Fixed Charges	(62,000)
Special Purpose	
43 Internal Auditing	(342,000)
99 State Board of Education Expenses	(63,000)

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

Such additional amounts as may be required for payments to arbitrators in accordance with section 22 of P L 2012, c 26 (C 18A 6-17 1) are appropriated, 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 Student Registration and Record System account is appropriated for the same purpose

Costs attributable to EdSmart, 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, 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

GRANTS-IN-AID

99-5095 Administration and Support Services		$100,000
Total Grants-in-Aid Appropriation, Education Administration and Management		$100,000
Grants-in-Aid		
99 Institute of Italian and Italian American Heritage Studies	($100,000)	
Department of Education, Total State Appropriation		$18,602,440,000

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

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 2022-2023 school year, there is appropriated an amount of federal funds not less than $375,000 and not to exceed $1,500,000, subject to the approval of the director

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 2022 school aid payments are appropriated and the State Treasurer is hereby authorized to make such payment in July 2022, as adjusted for any amounts due and owing to the State as of June 30, 2022

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, the Commissioner of Education may reduce the total State Aid amount payable for the 2022-2023 school year for a district in which an independent audit of the 2021-2022 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, 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 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 career and technical education program, an adult education assessment program, or a post-secondary dual and concurrent enrollment education program

Notwithstanding the provisions of subsection a of section 5 of P L 1996, c 138 (C 18A 7F-5) or any law or regulation to the contrary, for any district receiving Equalization Aid, Security Aid, Adjustment Aid, Special Education Categorical Aid, or Transportation Aid, no adjustments shall be made to State Aid amounts payable during the 2022 - 2023 school year based on adjustments to the 2021 - 2022 allocations using actual pupil counts

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 governing the allocation of State Aid to local school districts, provided that sufficient funds are available in the appropriations for that department

Summary of Department of Education Appropriations
(For Display Purposes Only)

Appropriations by Category	
Direct State Services	$102,872,000
Grants-in-Aid	85,510,000
State Aid	18,414,058,000
Appropriations by Fund	
General Fund	$271,578,000
Property Tax Relief Fund	18,330,862,000

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

42 Natural Resource Management

DIRECT STATE SERVICES

11-4870 Forest Resource Management	$10,596,000
12-4875 Parks Management	41,503,000
13-4880 Hunters' and Anglers' License Fund	17,746,000
14-4885 Shellfish and Marine Fisheries Management	4,154,000
20-4880 Wildlife Management	594,000
21-4895 Natural Resources Engineering	1,392,000
24-4876 Palisades Interstate Park Commission	5,643,000
Total Direct State Services Appropriation, Natural Resource Management	$81,628,000

Direct State Services

Personal Services	
Salaries and Wages	($49,420,000)
Employee Benefits	(3,996,000)
Materials and Supplies	(5,158,000)
Services Other Than Personal	(3,842,000)
Maintenance and Fixed Charges	(2,070,000)
Special Purpose	
11 Fire Fighting Costs	(7,543,000)
12 Princeton Battlefield State Park	(25,000)
12 Green Acres/Open Space Administration	(6,171,000)
12 Absecon Lighthouse Repairs	(500,000)
20 Endangered Species Tax Check-Off Donations	(454,000)
21 Dam Safety	(1,392,000)
Additions, Improvements and Equipment	(1,057,000)

In addition to the amount hereinabove appropriated for Forest Resource Management, there is appropriated $800,000 from the New Jersey Motor Vehicle Commission

Receipts in excess of the amount anticipated from fees, leases and permit receipts from the use of Parks Management fees, leases, permits and marina rentals, 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 may be provided as recommended by the Commissioner of the Department of Environmental Protection, in part, from five percent of any supplemental appropriations for the Preserve New Jersey Green Acres Fund or the Preserve New Jersey Blue Acres Fund, and the balance shall be transferred from the Garden State Green Acres Preservation Trust Fund, the "Green Acres, Farmland, Blue Acres, and Historic Preservation Bond Act of 2007," and the "Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009," and any Green Trust Fund established pursuant to a Green Acres bond act 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/Blue 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 section 12 of P L 1974, c 118 (C 13 13A-12), 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 $13,034,000 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 Endangered Species Tax Check-Off 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 (C 23 2-13 et seq), 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

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 or repair requirements 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

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 Budget and Accounting, from the Shore Protection Fund such additional amounts as are required to fund the Department's administrative costs related to the Department'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

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

GRANTS-IN-AID

12-4875 Parks Management		$2,214,000
Total Grants-in-Aid Appropriation, Natural Resource Management		$2,214,000
Grants-in-Aid		
12 Public Facility Programming	($1,214,000)	
12 Friends of the New Jersey School of Conservation	(1,000,000)	

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

STATE AID

12-4875 Parks Management		$10,000,000
(From Property Tax Relief Fund	*$10,000,000)*	
Total State Aid Appropriation, Natural Resource Management		$10,000,000
(From Property Tax Relief Fund	*$10,000,000)*	
State Aid		
12 Grants for Urban Parks (PTRF)	($10,000,000)	

The unexpended balance at the end of the preceding fiscal year in the Grants for Urban Parks account is 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	$61,500,000
Total Capital Construction Appropriation, Natural Resource Management	$61,500,000
Capital Projects	
Natural Resources Engineering	

21 Shore Protection Fund Projects	($45,000,000)
21 HR-6 Flood Control	(16,500,000)

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

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amount hereinabove appropriated for Shore Protection Fund Projects, such additional amounts as may be required to provide the State's matching funds share for federally authorized United States Army Corps of Engineers restoration and mitigation projects are appropriated, subject to the approval of the Director of the Division of Budget and Accounting

43 Science and Technical Programs

DIRECT STATE SERVICES

05-4810 Water Supply	$14,254,000
07-4850 Water Monitoring and Resource Management	10,299,000
15-4890 Land Use Regulation and Management	15,372,000
18-4810 Science and Research	335,000
29-4850 Environmental Management and Preservation - Constitutional Dedication	15,330,000
90-4801 Environmental Policy and Planning	3,270,000
Total Direct State Services Appropriation, Science and Technical Programs	$58,860,000

Direct State Services

Personal Services	
Salaries and Wages	($18,859,000)
Materials and Supplies	(471,000)
Services Other Than Personal	(6,689,000)
Maintenance and Fixed Charges	(167,000)
Special Purpose	
05 Water/Wastewater Operators Licenses	(43,000)
05 Safe Drinking Water Fund	(2,718,000)
07 Water Resources Monitoring and Planning	(10,299,000)
15 Tidelands Peak Demands	(4,024,000)
18 Hazardous Waste Research	(250,000)
29 Water Resources Monitoring and Planning - Constitutional Dedication	(15,330,000)
Additions, Improvements and Equipment	(10,000)

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 $591,000, 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 Science and Research, an amount not to exceed $3,265,000 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 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, including amounts of $1,745,000 for New Jersey Geological Survey, $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, 2022, subject to the approval of the Director of the Division of Budget and Accounting

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 the Land Use Regulation and Management program classification, 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

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

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

The unexpended balance at the end of the preceding fiscal year in the Watershed Restoration Projects account is appropriated for the same purpose

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

CAPITAL CONSTRUCTION

05-4840 Water Supply		$60,000,000
Total Capital Construction Appropriation, Science and Technical Programs		$60,000,000
Capital Projects		
05 Drinking Water and Clean Water Infrastructure	($60,000,000)	

44 Site Remediation and Waste Management

DIRECT STATE SERVICES

19-4815 Publicly-Funded Site Remediation and Response		$9,667,000
23-4910 Solid and Hazardous Waste Management		5,111,000
27-4815 Remediation Management		36,103,000
Total Direct State Services Appropriation, Site Remediation and Waste Management		$50,881,000
Direct State Services		
Personal Services		
Salaries and Wages	($17,007,000)	
Materials and Supplies	(146,000)	
Services Other Than Personal	(3,396,000)	
Maintenance and Fixed Charges	(437,000)	
Special Purpose		
19 Cleanup Projects Administrative Costs	(9,667,000)	
27 Hazardous Discharge Site Cleanup Fund – Responsible Party	(20,228,000)	

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

In addition to site specific charges, the amounts hereinabove for the Remediation Management 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 $10,005,000 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 and Licensed Site Remediation Professionals fees deposited into the Hazardous Discharge Site

Cleanup Fund, together with an amount not to exceed $15,256,000 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

Receipts in excess of the amount anticipated from Solid Waste - Utility Regulation Assessments, 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

In addition to the federal funds amount for the Publicly-Funded Site Remediation and Response program classification and the Remediation Management 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)

CAPITAL CONSTRUCTION

29-4815	Environmental Management and Preservation - Constitutional Dedication	$52,122,000
	Total Capital Construction Appropriation, Site Remediation and Waste Management	$52,122,000

Capital Projects

Site Remediation

29	Hazardous Substance Discharge Remediation - Constitutional Dedication	($15,330,000)
29	Private Underground Storage Tank Remediation - Constitutional Dedication	(15,330,000)

29 Hazardous Substance Discharge Remediation
Loans & Grants - Constitutional Dedication (21,462,000)

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

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

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

Except as otherwise provided in this act and notwithstanding the provisions of any other law or regulation to the contrary, cost recoveries, recoveries of natural resource damages received pursuant to judgments concluded prior to the effective date of Article VIII, Section II, paragraph 9 of the State Constitution, and other associated damages recovered by the State 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

Notwithstanding the provisions of any law or regulation to the contrary, there are hereby appropriated from the Natural Resource Damages - Constitutional Dedication account such amounts as are required, as determined by the Director of the Division of Budget and Accounting, in consultation with the Attorney General, and consistent with the requirements of the constitutional dedication pursuant to Article VIII, Section II, paragraph 9 of the State Constitution, to pay the legal or other costs incurred by the State to pursue settlements and judicial administrative awards relating to natural resource damages

45 Environmental Regulation

DIRECT STATE SERVICES

01-4820 Radiation Protection and Quality Assurance	$5,720,000
02-4825 Air Pollution Control	15,075,000
08-4891 Water Pollution Control	7,955,000
09-4860 Public Wastewater Facilities	2,904,000
Total Direct State Services Appropriation, Environmental Regulation	$31,654,000

Direct State Services

Personal Services	
Salaries and Wages	($18,220,000)
Materials and Supplies	(133,000)
Services Other Than Personal	(4,555,000)
Maintenance and Fixed Charges	(176,000)
Special Purpose	
01 Nuclear Emergency Response	(1,849,000)
01 Quality Assurance - Lab Certification Programs	(1,668,000)
02 Pollution Prevention	(1,059,000)
02 Toxic Catastrophe Prevention	(1,095,000)
02 Worker and Community Right to Know Act	(791,000)
02 Oil Spill Prevention	(2,108,000)

There are 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 $1,221,000, 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 $606,000, 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 $474,000, 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 $576,000, 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

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 Pollution Fees - Minor Sources, 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

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

46 Environmental Planning and Administration

DIRECT STATE SERVICES

26-4805 Regulatory and Governmental Affairs	$1,873,000
99-4800 Administration and Support Services	31,777,000
Total Direct State Services Appropriation, Environmental Planning and Administration	$33,650,000

Direct State Services

Personal Services	
Salaries and Wages	($22,268,000)
Materials and Supplies	(124,000)
Services Other Than Personal	(792,000)
Maintenance and Fixed Charges	(157,000)

Special Purpose

99	New Jersey Environmental Management System	(4,729,000)
99	Office of Climate Action and the Green Economy	(580,000)
99	Council on Green Jobs	(5,000,000)

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

Of the amount hereinabove appropriated for Salaries and Wages, $3,000,000, in total, may be transferred to other Direct State Services accounts in the Department of Environmental Protection for the payment of costs to employ additional staff whose responsibilities substantially relate to environmental justice, drinking water, solid waste, or food waste, subject to the approval of the Director of the Division of Budget and Accounting

STATE AID

99-4800	Administration and Support Services	$7,924,000
	(From General Fund	*$6,328,000)*
	(From Property Tax Relief Fund	*1,596,000)*
	Total State Aid Appropriation, Environmental Planning and Administration	$7,924,000
	(From General Fund	*$6,328,000)*
	(From Property Tax Relief Fund	1,596,000)

State Aid

99	Mosquito Control, Research, Administration, and Operations (PTRF)	($1,596,000)
99	Fenwick Manor, Pinelands Commission	(500,000)
99	Administration and Operations of the Highlands Council	(2,429,000)
99	Administration, Planning, and Development Activities of the Pinelands Commission	(3,399,000)

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

Of the amount hereinabove appropriated for Mosquito Control, Research, Administration and Operations, no less than $250,000 shall be allocated for the

activities of the State Mosquito Control Commission 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	$4,683,000
04-4835 Pesticide Control	2,282,000
08-4855 Water Pollution Control	6,856,000
15-4855 Land Use Regulation and Management	2,973,000
23-4855 Solid and Hazardous Waste Management	5,643,000
Total Direct State Services Appropriation, Compliance and Enforcement	$22,437,000

Direct State Services

Personal Services	
Salaries and Wages	($17,022,000)
Materials and Supplies	(196,000)
Services Other Than Personal	(3,258,000)
Maintenance and Fixed Charges	(704,000)
Special Purpose	
15 Tidelands Peak Demands	(1,257,000)

Receipts in excess of the amount anticipated for Pesticide Control 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) The unexpended balance at the end of the preceding fiscal year of the Coastal Protection Trust Fund may be reallocated for any of the purposes in this paragraph 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		$2,700,000
(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	$475,570,000	

In the event that revenues are received in excess of the amount of revenues anticipated from Solid Waste Utility Regulation Assessments, Water Allocation, New Jersey Pollutant Discharge Elimination System/Stormwater Permits, Coastal Area Facility Review Act, Freshwater Wetlands Fees, Stream Encroachment, Waterfront Development Fees, Wetlands, Well Permits/Well Drillers/Pump Installers Licenses, Water/Wastewater Operators Licenses, Air Pollution Fees - Minor Sources, and Pesticide Control Fees, if the amounts of such unanticipated revenues exceed $8,224,000, the amounts of such unanticipated revenues in excess of $8,224,000 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 Private Underground Storage Tank Remediation - 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

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

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 $3,912,000 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 Fines, Clean Water Enforcement Act, Stream Encroachment Fines, Waterfront Development Fines, Freshwater Wetlands Fines, Solid Waste Fines, 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

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 funds that were 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, 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

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	$279,110,000
Grants-in-Aid	2,214,000
State Aid	20,624,000
Capital Construction	173,622,000
Appropriations by Fund	
General Fund	$461,274,000
Property Tax Relief Fund	14,296,000

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46 DEPARTMENT OF HEALTH
20 Physical and Mental Health
21 Health Services
DIRECT STATE SERVICES

01-4215 Vital Statistics		$1,321,000
02-4220 Family Health Services		3,496,000
03-4230 Public Health Protection Services		12,061,000
05-4285 Community Health Services		10,016,000
08-4280 Laboratory Services		5,969,000
12-4245 AIDS Services		1,336,000
Total Direct State Services Appropriation, Health Services		$34,199,000
Direct State Services		
Personal Services		
Salaries and Wages	($13,904,000)	
Materials and Supplies	(2,229,000)	
Services Other Than Personal	(1,116,000)	
Maintenance and Fixed Charges	(330,000)	
Special Purpose		
02 WIC Farmers Market Program	(85,000)	
02 Identification System for Children's Health and Disabilities	(300,000)	
02 Maternal Feedback on Quality of Care Database	(600,000)	
02 Governor's Council for Medical Research and Treatment of Autism	(492,000)	
02 Public Awareness Campaign for Black Infant Mortality	(500,000)	
02 Implicit Bias Reduction Training	(250,000)	
02 Maternal Infant Health Doula Registry	(450,000)	
02 Menstrual Health Public Awareness Campaign	(200,000)	
03 Cancer Registry	(393,000)	
03 Cancer Investigation and Education	(493,000)	
03 Emergency Medical Services for Children	(50,000)	
03 New Jersey Immunization Information Systems	(500,000)	
03 Animal Welfare	(146,000)	
03 Worker and Community Right to Know	(1,790,000)	
05 Breast Cancer Public Awareness Campaign	(90,000)	
05 New Jersey Commission on Cancer Research	(4,000,000)	
05 Smoking Cessation and Prevention	(500,000)	
05 Cancer Screening - Early Detection and Education Program	(5,000,000)	
08 West Nile Virus - Laboratory	(630,000)	

Additions, Improvements and Equipment (151,000)

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

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 three entities, with the services of such person allocated to the three entities as shall be determined by the three entities

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 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

In addition to the amounts hereinabove appropriated, notwithstanding the provisions of any law or regulation to the contrary, there is appropriated $154,000 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

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

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" $125,000 for Emergency Medical Services and $180,000 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

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

In addition to the purposes set forth in section 2 of P L 1993, c 227 (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

GRANTS-IN-AID

02-4220 Family Health Services		$203,465,000
(From General Fund	*$202,949,000)*	
(From Casino Revenue Fund	*516,000)*	
03-4230 Public Health Protection Services		79,606,000
05-4285 Community Health Services		2,200,000
12-4245 AIDS Services		32,435,000
Total Grants-in-Aid Appropriation, Health Services		$317,706,000
(From General Fund	*$317,190,000)*	
(From Casino Revenue Fund	*516,000)*	
Grants-in-Aid		
02 Family Planning Services	($30,029,000)	
02 Family Planning Facilities Upgrades (HCFFA)	(10,000,000)	
02 Maternal, Child and Chronic Health Services	(36,159,000)	
02 Statewide Birth Defects Registry (CRF)	(516,000)	
02 Bergen Volunteer Medical Initiative	(300,000)	
02 Integrated Care Pilot Program for Military, Veterans, and First Responders	(500,000)	
02 NJ Center for Tourette Syndrome and Associated Disorders	(400,000)	
02 Colette Lamothe - Galette Institute	(500,000)	
02 Samaritan - Expanded Access to Palliative Care	(1,500,000)	

02	American Red Cross New Jersey Region	(1,000,000)
02	Poison Control Center	(587,000)
02	Early Childhood Intervention Program	(116,224,000)
02	Surveillance, Epidemiology, and End Results Expansion Program – CINJ	(1,950,000)
02	Adler Aphasia Center	(200,000)
02	Improving Veterans Access to Health Care	(2,500,000)
02	REED Next Autism Services Program	(1,000,000)
02	Reach Out and Read New Jersey	(100,000)
03	Mya Lin Terry Foundation	(50,000)
03	Cancer Institute of New Jersey	(33,000,000)
03	South Jersey Cancer Program - Camden	(27,400,000)
03	Cancer Institute of New Jersey - University Hospital Cancer Center Services	(1,000,000)
03	Cancer Institute of New Jersey - Colorectal and Lung Cancer, Service Expansion	(2,000,000)
03	Cancer Institute of New Jersey - Pediatric Cancer Center	(10,000,000)
03	ScreenNJ	(2,000,000)
03	Worker and Community Right to Know	(281,000)
03	Public Health Infectious Disease Control	(1,875,000)
03	Robert Wood Johnson Barnabas Health - Pilot Nursing Program	(2,000,000)
05	Implementation of Comprehensive Cancer Control Program	(1,000,000)
05	ALS Association	(1,000,000)
05	Pharmaceutical Services for Adults with Cystic Fibrosis	(200,000)
12	North Jersey Community Research Initiative	(75,000)
12	AIDS Grants	(25,910,000)
12	Overdose Fatality Review Team	(1,500,000)
12	Hyacinth AIDS Foundation - Newark Clinic	(450,000)
12	Harm Reduction Services	(4,500,000)

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

The Commissioner of Health shall, pursuant to applications, award funding for a pilot program for integrated health care for military, veterans, and first responders, to up to one health system or general hospital in the northern part of the State and up to one health system or general hospital in the southern part of the State

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

Of the amount hereinabove appropriated for the ALS Association to provide support services to New Jersey residents, 50 percent shall be allocated to the Greater Philadelphia Chapter of the ALS Association to serve residents in southern New Jersey and 50 percent shall be allocated to the Greater New York Chapter of the ALS Association to serve residents in central and northern New Jersey

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amount hereinabove appropriated for the Early Childhood Intervention Program, there is appropriated up to $4,000,000 from the Autism Medical Research and Treatment Fund for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting, provided, however, that such sums as are necessary to fund the Autism helpline and registry and any grant award approvals announced by the Governor's Council for Medical Research and Treatment of Autism after June 1, 2021 shall first be paid from the Autism Medical Research and Treatment Fund

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

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

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 $280,000 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

The amount hereinabove appropriated for Cancer Institute of New Jersey- University Hospital Cancer Center Services is allocated to the Cancer Institute of New Jersey for the expansion of National Cancer Institute-designated Cancer Center services at University Hospital in Newark to attract clinical trials and advanced cancer care and prevention strategies to the Greater Newark Area with the goal of ensuring parity among cancer patients, including the underserved and underinsured populations

Of the amount hereinabove appropriated for Public Health Infectious Disease Control, up to $250,000 may be transferred to Direct State Services accounts 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

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

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	$12,561,000
07-4270 Health Care Systems Analysis	1,453,000
Total Direct State Services Appropriation, Health Planning and Evaluation	$14,014,000

Direct State Services

Personal Services	
Salaries and Wages	($8,887,000)
Materials and Supplies	(97,000)
Services Other Than Personal	(2,791,000)
Maintenance and Fixed Charges	(185,000)
Special Purpose	
06 Nursing Home Background Checks/Nursing Aide Certification Program	(954,000)
06 Implement Patient Safety Act	(390,000)
06 Mission Critical Long-Term Care Team	(500,000)
Additions, Improvements and Equipment	(210,000)

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

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

GRANTS-IN-AID

07-4270	Health Care Systems Analysis	$401,707,000
	Total Grants-in-Aid Appropriation, Health Planning and Evaluation	$401,707,000

Grants-in-Aid

07	Health Care Subsidy Fund Payments	($38,138,000)
07	Hospital Asset Transformation Program	(14,999,000)
07	Visiting Nurse Association of Central Jersey Community Health Center - LGBTQ	(1,000,000)
07	Parker Health Clinic - Red Bank	(100,000)
07	Metropolitan Regional Diagnostic & Treatment Center - Newark Beth Israel Medical Center	(800,000)
07	Nurse-Midwife Education	(1,000,000)
07	Graduate Medical Education	(242,000,000)
07	Holy Name Hospital, Teaneck - Palliative Care Pilot Program	(4,000,000)
07	Hackensack Meridian School of Medicine	(5,000,000)
07	Hunterdon County Medical Center - Mental Health & Substance Abuse Disorder Services	(500,000)
07	Camden Coalition of Healthcare Providers - Pledge to Connect Pilot Program	(7,500,000)
07	Peace Care Initiative for Eldergrown Gardens	(25,000)
07	Cooper University Healthcare - Pediatric Mental Health Services	(3,000,000)
07	Cooper University Healthcare - System of Care Model Program for Individuals with Intellectual and Developmental Disabilities	(2,000,000)
07	JRMC Family Medical and Dental Center - Parking Expansion	(500,000)
07	Cooper University Healthcare - Salem Medical Center	(5,000,000)

07	Hackensack Meridian School of Medicine	(2,000,000)
07	Visiting Nurses Association of Central New Jersey, Inc - Children Family Health Institute	(1,000,000)
07	Jersey Shore University Medical Center	(250,000)
07	Centrastate Hospital	(250,000)
07	St Joseph's Regional Medical Center	(10,000,000)
07	Quality Improvement Program - New Jersey (QIP-NJ)	(62,645,000)

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 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 conditions the distribution of Charity Care funding shall be calculated in the following manner (a) source data for the most recent census data shall be from the 2019 5-Year American Community Survey, (b) source data used shall be from calendar year (CY) 2019 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 CY 2019 and any prior year submitted claims, as submitted by each acute care hospital or determined by the Department of Health (DOH), (c) source data used for CY 2019 documented charity care for each hospital's total gross revenue for all patients shall be from the CY 2019 audited Acute Care Hospital Cost Report as defined by Form E4, Line 1, Column E data and shall be according to the DOH due date of August 31, 2020, as submitted by January 31, 2021 by each acute care hospital and audited by March 1, 2021, (d) source data used for CY 2019 documented charity care shall be from CY 2019 Medicaid Cost Report submitted by each acute care hospital by February 14, 2021, (e) in the event that an eligible hospital failed to submit the CY 2019 Acute Care Hospital Cost Report, source data from their CY 2018 Acute Care Hospital Cost Report 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, (f) in the event that an eligible hospital failed to submit a full year CY 2019 Acute Care Hospital Cost Report, source data from a supplemental 2019 Acute Care Hospital Cost Report 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, (g) for each eligible hospital, except those designated 96% by their hospital-specific reimbursed documented charity care, 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 $342,000,000,

and (h) the resulting value will constitute each eligible hospital's SFY 2023 charity care subsidy allocation

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

The amounts hereinabove appropriated for Health Care Subsidy Fund Payments are conditioned upon the following provision the Department of Health shall review, examine, or audit any and all financial information maintained by an acute care hospital to ensure appropriate use of public funds

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 A disproportionate share hospital eligible for funding through the Charity Care program may decline Charity Care payments for the fiscal year by notifying the Commissioner of Health on a form designated by the Department of Health on or before the fifteenth day following enactment If a disproportionate share hospital declines Charity Care payments for the fiscal year the amount declined will be redistributed in accordance with the provisions of section 3 of P L 2004, c 113 (C 26 2H-18 59i), as modified by this act

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Charity Care Subsidy is subject to the condition that participating hospitals shall demonstrate participation in the New Jersey Department of Health's New Jersey Health Information Network (NJHIN) For purposes of this paragraph, demonstrated participation in the NJHIN shall mean (1) the hospital has directly, or indirectly through another Trusted Data Sharing Organization, executed the NJHIN Data Use and Reciprocal Support Agreement and the NJHIN Business Associate Agreement, (2) the hospital executed and participates in the NJHIN Core Use Case, and (3) the hospital executed and participates in the Statewide Admission, Discharge, Transfer Notification Use Case, as determined by the Commissioner of Health

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

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 2022, and (2) their January 2023 payments in December 2022 If an eligible hospital closes before June 30, 2023, the hospital shall reimburse to the State upon closure any subsidy payments attributed on the normal monthly payment basis to after the hospital's date of closure

Notwithstanding the provisions of any law or regulation to the contrary, and 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, $24,000,000 from the amounts hereinabove appropriated from Graduate Medical Education (GME) shall be designated as Supplemental Graduate Medical Education Subsidy (GME-S), and shall be available to hospitals that meet the following eligibility criteria (a) an eligible hospital has a Relative Medicaid Percentage (RMP) that is among the top fourteen acute care hospitals with a residency program, (b) the RMP is a ratio calculated using the 2019 Audited Acute Care Hospital (ACH) Cost Reports according to the DOH due date of August 31,2020, as submitted by January 31, 2021 by each acute care hospital and audited by March 1, 2021, (c) the RMP numerator equals a hospital's gross revenue from patient care for Medicaid and Medicaid HMO payers as reported on Forms E5 and E6, Line 1, Column D & Column H, (d) the RMP denominator equals a hospital's gross revenue from patient care as reported on Form E4, Line 1, Column E, (e) for instances where hospitals that have a single Medicaid identification number submit a separate ACH Cost Report for each individually licensed hospital, the ACH Cost Report data for those hospitals shall be consolidated to the single Medicaid identification number, (f) the GME-S Subsidy shall be calculated using the same methodology as the GME Subsidy is calculated in this act, except the total amount of the GME-S Subsidy payments shall not exceed $24,000,000

Notwithstanding the provisions of any law or regulation to the contrary, and 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, $218,000,000 from amounts hereinabove appropriated for Graduate Medical Education (GME) shall be designated the GME Subsidy, and shall be calculated as follows (a) the subsidy payment shall be split into a Direct Medical Education (DME) portion and an Indirect Medical Education (IME) portion, (b) source data used for the GME calculation shall come from the Medicaid cost report for calendar year (CY) 2019 submitted by each acute care hospital by February 14, 2021 and Medicaid Managed Care encounter payments data for Medicaid and NJ FamilyCare clients as reported by insurers to the State for the following reporting period services dates between January 1, 2019 and December 31, 2019, payment dates between January 1, 2019 and December 31, 2020, and a run-date of not later than February 15, 2021, (c) in

the event that a hospital reported less than 12 months of 2019 Medicaid costs, the number of reported months of data regarding days, costs, or payments shall be annualized In the event the hospital completed a merger, acquisition, or business combination resulting in two cost reports filed during the calendar year, two cost reports will be combined into one or a supplemental cost report for the calendar year 2019 submitted by the affected acute care hospital by January 31, 2021 shall be used 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 FamilyCare clients as reported by insurers to the State as per source data defined in (b) above, (d) Medicaid managed care DME cost begins with the intern and residency program costs using the 2019 submitted 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 the 2019 resident full time equivalent employees (FTE), reported on Worksheet S-3 Pt 1 Column 9 line 14 to develop an average cost per resident FTE for each hospital, (e) median cost per resident FTE is calculated based on the average cost per resident FTE for each hospital, (f) the median cost per resident FTE is multiplied by the 2019 resident FTEs reported on Worksheet S-3 Pt 1 Column 9 Line 14 to develop total median residency program cost for each hospital, (g) median residency costs are multiplied by the ratio of Medicaid managed care days, reported on Worksheet S-3 Column 7 Line 2, divided by the difference of total days, reported on Worksheet S-3 Column 8 Line 14, less nursery days, reported on Worksheet S-3 Column 8 Line 13 to determine the Medicaid managed care DME cost of each hospital, (h) Medicaid managed care IME cost is defined as the Medicare IME factor multiplied by Medicaid managed care encounter payments as per source data defined in (b) above, (i) the IME factor is calculated using the Medicare IME formula as follows 1 35 * [(1 + x) ^0 405 - 1], in which "x" is the ratio of submitted IME resident FTEs reported on Worksheet S-3 Pt 1 Column 9 Line 14 divided by the difference of total available beds, reported on Worksheet S-3 Column 2 Line 14, less nursery beds, reported on Worksheet S-3 Column 2 Line 13, (j) total 2019 Medicaid managed care GME costs shall equal total 2019 Medicaid managed care IME costs plus total 2019 Medicaid managed care DME costs, (k) the 2019 total Medicaid managed care DME costs is divided by the total 2019 Medicaid managed care GME costs, (l) the DME allocation portion is calculated by multiplying the total subsidy amount by the ratio in (k) above, (m) each hospital's percentage of total 2019 Medicaid managed care DME costs shall be multiplied by the DME allocation to calculate its DME payment, (n) the 2019 total Medicaid managed care IME costs are divided by the total 2019 Medicaid managed care GME costs, (o) the IME allocation portion is calculated by multiplying the total subsidy amount by the ratio in (n) above, (p) each hospital's percentage of total 2019 Medicaid managed care IME costs shall be multiplied by the IME allocation to calculate its IME payment, (q) the sum of a hospital's DME and IME payments shall equal its subsidy payment The total GME Subsidy amount and these payments shall not exceed $218,000,000

and shall be paid in 12 monthly payments, (r) 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, (s) each hospital receiving a GME allocation shall, on or before May 31, 2023, provide a report to the Commissioner of Health indicating the total number of physicians who completed their training during the preceding calendar year, and the number of those physicians who plan to practice medicine within the State of New Jersey

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Graduate Medical Education (GME) is subject to the following condition participating hospitals shall provide to residents and fellows participating in the GME program instruction concerning prevention of opioid addiction as well as diagnosis, assessment, and treatment strategies provided, however, that such instruction may also be provided to other students and providers including, but not limited to, physicians, nurses, pharmacists, and social workers, working within the hospital or in the outpatient setting To satisfy this condition, participating hospitals may develop an internal training program, enter into a partnership with a school or university, or provide financial support for residents and fellows to participate in independent educational programs or conferences that provide continuing medical education credits that are specifically focused in the subject area of addiction To document compliance, participating hospitals shall complete a report to the Department of Health no later than May 31, 2022

In order to permit flexibility in the handling of appropriations and ensure timely payments to hospitals, amounts may be transferred from the State, dedicated, and federal Quality Improvement Program-New Jersey (QIP-NJ) program accounts to the General Medical Services program classification in the Division of Medical Assistance and Health Services in the Department of Human Services, subject to the approval of the Director of the Division of Budget and Accounting

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 amount hereinabove appropriated for Nurse-Midwife Education is subject to the following condition the Department of Health shall enter into a partnership agreement with the American College of Nurse Midwives to develop the criteria and deliverables to be set forth in the application for this grant application

Funds appropriated to Hackensack Meridian School of Medicine are authorized to be used as necessary by the Director of the Division of Budget and Accounting and the Division of Medical Assistance and Health Services, to the extent allowed pursuant to federal law and consistent with Centers for Medicare and Medicaid Services guidelines, solely to maximize federal Medicaid payments to faculty physicians and non-physician professionals who are affiliated with the aforementioned medical school

23 Behavioral Health Services
DIRECT STATE SERVICES

15-4291 Patient Care and Health Services	$299,146,000
99-4291 Administration and Support Services	59,279,000
Total Direct State Services Appropriation, Behavioral Health Services	$358,425,000

Direct State Services

Personal Services	
Salaries and Wages	($329,386,000)
Materials and Supplies	(12,441,000)
Services Other Than Personal	(7,945,000)
Maintenance and Fixed Charges	(3,783,000)
Special Purpose	
15 Interim Assistance	(654,000)
15 Medical Security Officer Units Pilot	(3,200,000)
Additions, Improvements and Equipment	(1,016,000)

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amount hereinabove appropriated to Greystone Psychiatric Hospital, such additional amounts as may be necessary are appropriated for the J M , S C , A N and P T et al v Elnahal, et al settlement, subject to the approval of the Director of the Division of Budget and Accounting

The amount hereinabove appropriated for the Division of Behavioral Health 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 to the General Fund from charges to residents' trust accounts for maintenance costs are appropriated for use as personal needs allowances for residents who have no other source of funds for these purposes, except that the total amount herein for these allowances shall not exceed $450,000 and any increase in the maximum monthly allowance shall be approved by the Director of the Division of Budget and Accounting

To effectuate the orderly consolidation or closure of a psychiatric hospital, amounts hereinabove appropriated for the State psychiatric hospitals may be transferred to accounts throughout the Department of Health 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 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 in the Interim Assistance program accounts in the mental health institutions are appropriated for the same purpose

Receipts recovered from advances made under the Interim Assistance program in the mental health institutions are appropriated for the same purpose

4299 Division of Behavioral Health Services

DIRECT STATE SERVICES

99-4299 Administration and Support Services		$5,972,000
Total Direct State Services Appropriation, Division of Behavioral Health Services		$5,972,000
Direct State Services		
Personal Services		
Salaries and Wages	($4,455,000)	
Materials and Supplies	(18,000)	
Services Other Than Personal	(299,000)	
Maintenance and Fixed Charges	(37,000)	
Special Purpose		
99 Office of Long-Term Care Resiliency	(1,100,000)	
Additions, Improvements and Equipment	(63,000)	

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 Behavioral Health Services to offset the costs of performing the required reviews

25 Health Administration

DIRECT STATE SERVICES

11-4297 Office of the Chief State Medical Examiner		$3,181,000
99-4210 Administration and Support Services		22,931,000
Total Direct State Services Appropriation, Health Administration		$26,112,000
Direct State Services		
Personal Services		
Salaries and Wages	($16,902,000)	
Materials and Supplies	(63,000)	
Services Other Than Personal	(444,000)	
Maintenance and Fixed Charges	(5,000)	

Special Purpose

11	State Medical Examiner Opioid Detection	(1,200,000)
99	Office of Minority and Multicultural Health	(1,462,000)
99	Centralized Analytics Hub	(750,000)
99	Stillbirth Prevention Public Health Campaign	(100,000)
99	Integrated Population Health Data Project	(400,000)
99	Substance Use Disorder Health Information Technology Interoperability Project	(2,700,000)
99	Opioid Reduction Options Project	(500,000)
99	Single License for Primary Care, Mental Health Care and Substance Use Disorder Treatment	(1,306,000)
Additions, Improvements and Equipment		(280,000)

Notwithstanding the provisions of any law or regulation to the contrary, from the amount hereinabove appropriated for Administration and Support Services, the Division of Public Health in the Department of Health, in collaboration with the Division of Consumer Affairs and the State Board of Medical Examiners and the New Jersey Board of Nursing, shall establish and publicize best practices, including funding mechanisms, for local boards of health to actively engage with local primary care physicians and nurses to address public health at the local level and further public health campaigns

Department of Health, Total State Appropriation $1,158,135,000

Notwithstanding the provisions of P L 2005, c 237 or any other law or regulation to the contrary, $32,000,000 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

In addition to the amounts hereinabove appropriated to the Office of the Chief 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

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Summary of Department of Health Appropriations
(For Display Purposes Only)

Appropriations by Category	
Direct State Services	$438,722,000
Grants-in-Aid	719,413,000
Appropriations by Fund	
General Fund	$1,157,619,000
Casino Revenue Fund	516,000

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54 DEPARTMENT OF HUMAN SERVICES
20 Physical and Mental Health
23 Behavioral Health Services
7700 Division of Mental Health and Addiction Services
DIRECT STATE SERVICES

09-7700 Addiction Services	$22,215,000

99-7700 Administration and Support Services		15,423,000
Total Direct State Services Appropriation, Division of Mental Health and Addiction Services		$37,638,000
Direct State Services		
Personal Services		
Salaries and Wages	($11,778,000)	
Materials and Supplies	(73,000)	
Services Other Than Personal	(3,152,000)	
Maintenance and Fixed Charges	(149,000)	
Special Purpose		
09 Medication Assisted Treatment - Training for Medical Professionals	(850,000)	
09 Reducing Opioid Rx in Hospital Emergency Rooms	(188,000)	
09 County Jail Medication Assisted Treatment Initiative	(5,400,000)	
09 Interim Managing Entity Expansion	(1,181,000)	
09 Information Technology Enhancements - Community Based Substance Use Disorder Providers	(425,000)	
09 Addictions Public Awareness and Media Campaign	(1,000,000)	
09 Substance Exposed Infants	(6,105,000)	
09 Supportive Housing Subsidies	(3,291,000)	
09 Recovery Housing	(525,000)	
09 Expansion of Opioid Recovery Pilot Program	(3,250,000)	
Additions, Improvements and Equipment	(271,000)	

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Expanded Addiction Initiatives shall be used to develop, support, and expand programs and services, including providing grants to entities providing such programs and services, that the Commissioner of Health, the Commissioner of Human Services, the Commissioner of Corrections, and the Commissioner of Children and Families determine to be most effective in directly addressing the Statewide public health crisis associated with substance use disorders, including opioid use disorder, subject to the approval of the Director of the Division of Budget and Accounting Such programs and services may include, but shall not be limited to, efforts to improve access to community-based behavioral health care, develop the State's anti-addiction infrastructure, support enhanced integration of care, provide medication-assisted treatment to inmates prior to release as recommended by a physician, and address relevant social and economic factors, the amount appropriated may be expended or transferred

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	$439,672,000
09-7700 Addiction Services	40,847,000
Total Grants-in-Aid Appropriation, Division of Mental Health and Addiction Services	$480,519,000

Grants-in-Aid

08	Community Care	($371,335,000)
08	Univ Behavioral Healthcare Centers - Newark (Rutgers, the State University)	(6,251,000)
08	Univ Behavioral Healthcare Centers - Piscataway (Rutgers, the State University)	(11,945,000)
08	Behavioral Health Rate Increase	(24,271,000)
08	Mental Health Provider Safety Net	(500,000)
08	Gun Violence and Suicide Prevention Grant	(500,000)
08	Justice Involved Mental Health Pilot	(2,000,000)
08	Monmouth Mental Health Association	(250,000)
08	Bilingual Mental Health Professional Residencies	(1,000,000)
08	9-8-8 Mental Health Crisis and Suicide Prevention Hotline	(16,000,000)
08	Mental Health Professionals Capacity Expansion Initiatives	(5,620,000)
09	Substance Use Disorder Treatment For DCP&P/Work-First Mothers	(1,401,000)
09	Community Based Substance Use Disorder Treatment and Prevention – State Share	(32,276,000)
09	Medication Assisted Treatment Initiative	(5,544,000)
09	Compulsive Gambling	(652,000)
09	Mutual Agreement Parolee Rehabilitation Project for Substance Use Disorders	(974,000)

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

An amount not to exceed $2,490,000 may be transferred from the Community Care 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

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of mental health and substance use disorder 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 Community Services and Addiction Services program classifications in the Division of Mental Health and Addiction Services, 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 during the conversion to a fee-for-service reimbursement structure, funds may be transferred from the Community Care account to the Division of Children's System of Care in the Department of Children and Families to support mental health treatment programs for children, 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 Community Care, an amount not to exceed $250,000, subject to the approval of the Director of the Division of Budget and Accounting, shall be allocated to support the Rabbinical College of America/Chabad of New Jersey mental health initiative to provide mental health training and workshops to promote mental health awareness

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for Community Care, an amount not to exceed $250,000, subject to the approval of the Director of the Division of Budget and Accounting, shall be allocated to Seton Hall University to support the Great Minds Dare to Care initiative to support a comprehensive and collaborative suicide prevention initiative and promote the reduction of stigma surrounding mental health

Notwithstanding the provisions of any law or regulation to the contrary, such amounts as are determined by the Director of Budget and Accounting, in consultation with the Chief Administrator of the Motor Vehicle Commission, to be necessary to supplement any anticipated shortfall in funds appropriated for transfer to the "Alcohol Treatment Programs Fund" from the "Motor Vehicle

Surcharges Revenue Fund," not to exceed $7,500,000 are appropriated, subject to the approval of the Director of the Division of Budget and Accounting

Of the amount hereinabove appropriated for Community Care, $4,000,000 is allocated for the Psychiatry Residency Expansion Program and shall be made available by the Department of Human Services to existing accredited New Jersey psychiatry residency training programs that have maximized Medicare funding available for this purpose Funding shall be available on a competitive basis for the sole purpose of supporting new four-year residency slots that supplement existing psychiatry resident training slots including those both publicly funded and those supported with non-governmental funds, within the limits of the available appropriation Funded resident training shall include training in and the provision of services at standard reimbursement rates to uninsured and underinsured individuals served by the Department, including individuals with mental health and substance use disorders and individuals dually diagnosed with mental health conditions and intellectual and developmental disabilities

In order to permit flexibility in the handling of appropriations and ensure the timely payment of New Jersey Recovery Court claims, under the Addictions Services program, within the Direct State Services accounts, an amount not to exceed $5,000,000 may be transferred from the Grants-In-Aid Behavioral Health Rate Increase appropriation to the New Jersey Recovery Court account, within the 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 amount appropriated for Mental Health Provider Safety Net shall be paid to providers of mental health and substance use treatment programs that were previously sustained via deficit-funded contracts, are now operating under a fee-for-service reimbursement system, and that have demonstrated a good faith effort to bill Medicaid for all eligible services, subject to the approval of the Director of the Division of Budget and Accounting Payments shall be pursuant to quarterly applications that itemize the gap between billable revenues in FY2022 and the cumulative quarterly value of the most recent deficit-funded contract

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Justice Involved Mental Health Pilot program shall be made available to fund no less than two county-based pilot programs designed to serve clients with mental health conditions Part of this amount shall be allocated to the Mental Health Association of Essex and Morris, Inc to implement a pilot program in Morris County The remaining amount shall be allocated to at least one other county-based pilot program in a county selected pursuant to a competitive process as determined by the Commissioner of the Department of Human Services, 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

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/Work-First 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

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Substance Use Disorder Treatment for DCP&P/Work-First 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

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 an amount not to exceed $1,000,000, subject to the approval of the Director of the Division of Budget and Accounting, to the Department of Human Services from the "Drug Enforcement and Demand Reduction Fund" for drug use disorder services

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for Community Based Substance Use Disorder Treatment and Prevention - State Share account, an amount not to exceed $3,000,000, subject to the approval of the Director of the Division of Budget and Accounting, shall be allocated to the New Bridge Medical Center for the provision of addiction services

In addition to the amount hereinabove appropriated for Community Based Substance Use Disorder Treatment and Prevention - State Share, there is appropriated an

amount not to exceed $1,500,000, subject to the approval of the Director of the Division of Budget and Accounting, 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 an amount not to exceed $500,000, subject to the approval of the Director of Budget and Accounting, 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 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

In addition to the amount hereinabove appropriated for Community Based Substance Use Disorder Treatment and Prevention - State Share, an amount not to exceed $500,000 is appropriated to support a pilot Medication Assisted Treatment program to serve individuals reintegrating into society, subject to the approval of the Director of the Division of Budget and Accounting

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

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

There is appropriated $420,000 from the "Alcohol Education, Rehabilitation and Enforcement Fund" to fund the Local Alcoholism Authorities-Expansion 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

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

The amounts hereinabove appropriated for the General Medical Services and the Community Services and Addictions Services program classifications within the Department of Human Services, are subject to the following condition notwithstanding the provisions of any law or regulation to the contrary and subject to any required federal approval, the Commissioner of Human Services shall implement a new rate methodology as part of the ongoing fee-for-service conversion, which implementation may include, but need not be limited to, modifications to reimbursement levels, as well as contract and service modifications, with respect to mental health and substance use disorder services

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for Community Based Substance Use Disorder Treatment and Prevention - State Share, an amount not to exceed $150,000, subject to the approval of the Director of the Division of Budget and Accounting, shall be allocated to New Beginnings to provide support for addiction, housing and rehabilitation services in South Jersey

The amount appropriated for Mental Health Professional Capacity Expansion Initiatives is allocated as follows $4,000,000 for the cost to add 10 new medical residency positions, $800,000 to add four new child and adolescent psychiatry fellowship positions, $720,000 to support the new residency positions supported herein, and $100,000 for outreach to medical students to promote new residency positions in the State, with a focus on outreach to underrepresented in medicine students

STATE AID

08-7700 Community Services		$122,711,000
(From Property Tax Relief Fund	*$122,711,000)*	
Total State Aid Appropriation, Division of Mental Health and Addiction Services		$122,711,000
(From Property Tax Relief Fund	*$122,711,000)*	
State Aid		
08 Support of Patients in County Psychiatric Hospitals (PTRF)	($122,711,000)	

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 percent of the rate established by the Commissioner of Human Services, in consultation with the Commissioner of Health, for the period July 1 to December 31 and at the rate of 45 percent of the rate established by the Commissioner of Human Services, in consultation with the Commissioner of Health, 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 percent 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 percent 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 in consultation with the Commissioner of Health 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 percent 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 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,

in consultation with the Commissioner of Health, shall set (1) 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, (2) 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"), (3) 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

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 percent of the total per capita costs for the reasonable cost of maintenance and clothing of county patients in State psychiatric facilities

24 Special Health Services

7540 Division of Medical Assistance and Health Services

DIRECT STATE SERVICES

21-7540 Health Services Administration and Management	$50,498,000
Total Direct State Services Appropriation, Division of Medical Assistance and Health Services	$50,498,000

Direct State Services

Personal Services	
Salaries and Wages	($13,356,000)
Materials and Supplies	(109,000)
Services Other Than Personal	(8,589,000)
Maintenance and Fixed Charges	(63,000)
Special Purpose	

21	Episodes of Care - P L 2019, c 86	(2,000,000)
21	Payments to Fiscal Agents	(25,901,000)
21	Professional Standards Review Organization – Utilization Review	(301,000)
21	Drug Utilization Review Board – Administrative Costs	(10,000)
	Additions, Improvements and Equipment	(169,000)

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

From the amounts hereinabove appropriated for Services Other Than Personal, there are appropriated such sums as are necessary for the department to contract for a comprehensive evaluation of the existing Medicaid-managed care contract and relevant Medicaid program regulations, which shall recommend opportunities to improve MCO performance and compliance

Of the amounts hereinabove appropriated for Services Other Than Personal, an amount not to exceed $2,750,000, subject to the approval of the Director of the Division of Budget and Accounting, is allocated for support of New Jersey's Regional Health Hubs to effectuate P L 2019, c 517 (C 30 4D-8 16 et seq)

Payments to an individual Regional Health Hub (Hub) from this line item shall not exceed $1,375,000 in State and matching federal funds per Hub Consistent with P L 2019 c 517 (C 30 4D-8 16 et seq), a Regional Health Hub shall not receive funding until the Regional Health Hub has submitted an annual proposal A portion of such funding shall be contingent on the Regional Health Hub's achievement of deliverables and performance metrics, as specified in the Regional Health Hub's approved proposal In addition to funding appropriated here, State Departments shall have the discretion to support a Regional Health Hub's innovation projects that advance Medicaid priorities using other available dollars and may direct such dollars independently of the Department of Human Services

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		$5,392,586,000
(From General Fund	*$5,388,586,000)*	
(From Property Tax Relief Fund	*4,000,000)*	
Total Grants-in-Aid Appropriation, Division of Medical Assistance and Health Services		$5,392,586,000
(From General Fund	*$5,388,586,000)*	
(From Property Tax Relief Fund	*4,000,000)*	
Grants-in-Aid		
22 Medical Coverage – Aged, Blind and Disabled	($1,494,439,000)	
22 Medical Coverage – Community-Based Long Term Care Recipients	(1,247,232,000)	
22 Medical Coverage – Nursing Home Residents	(492,120,000)	
22 Medical Coverage – Title XIX Parents and Children	(660,483,000)	
22 Medical Coverage – ACA Expansion Population	(552,967,000)	
22 Medicare Parts A and B	(283,753,000)	
22 Medicare Part D	(578,509,000)	
22 Eligibility and Enrollment Services	(22,087,000)	
22 Eligibility and Enrollment Services (PTRF)	(4,000,000)	
07 Robert Wood Johnson Barnabas Health - Newark Projects	(25,000,000)	
22 Provider Settlements and Adjustments	(31,996,000)	

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 conditions in order to promote accuracy, efficiency and accountability in the third party liability (TPL) program, the Division of Medical Assistance and Health Services shall require that any third party as

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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 and any entity writing health, casualty, workers' compensation, or malpractice insurance policies in the State or covering residents of this State, enter into an agreement with the Division or the State's authorized third party liability services contractor, or both, as determined by the Commissioner of Human Services, to permit and assist, no less frequently than on a twice monthly basis, the matching of the Medicaid/NJ FamilyCare, Charity Care, and Work First New Jersey General Public Assistance eligibility files and adjudicated claims files against that third party's full and complete eligibility file, including indication of coverage derived from the "Medicare Prescription Drug, Improvement, and Modernization Act of 2003," Pub L 108-173, and adjudicated claims file for the purpose of coordination of benefits and recovery when appropriate, utilizing, if necessary, social security numbers as common identifiers and other personal identifying information consistent with federal and State law Provided further that the Division also shall require that third party must respond within a reasonable period not to exceed 60 calendar days to an inquiry by the State regarding a claim for payment for any health care item or service that is submitted less than three years after the date of the provision of such health care item or service, failure to pay or deny a claim within a reasonable period after receipt of the claim shall create an uncontestable obligation to pay the claim and payments made by a third party to the State shall be considered final two years after payment is made, provided further that a third party shall agree not to deny a claim submitted by the State solely on the basis of the date of submission of the claim, the type or format of the claim form, a failure to obtain prior authorization, or a failure to present proper documentation at the point-of-sale that is the basis of the claim, if both of the following apply the claim is submitted by the State within the three-year period beginning on the date on which the item or service was furnished, and any action by the State to enforce its rights with respect to the claim is commenced within six years of the State's submission of the claim

Notwithstanding the provisions of any law or regulation to the contrary and subject to any required federal approval, from the amounts hereinabove appropriated in the General Medical Services program classification, payment may be made for services provided as part of the Integrated Care for Kids model for beneficiaries residing in Monmouth and Ocean counties

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the General Medicaid Services program classification are subject to the following condition Payments by the Division of Medical Assistance and Health Services are authorized to be made to Managed Care Organizations and medical care providers to enroll in NJ FamilyCare any child who, except for immigration status, meets financial and other eligibility provisions of the program

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 accounts within the General Medical Services program classification in the Division of Medical Assistance and Health 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, the amounts hereinabove appropriated in the General Medical Services program classification are subject to the following conditions the base payment rate per medical encounter, as described in N J A C 10 66-4 1, for a federally qualified health center (FQHC) shall be equal to 100 percent of the Medicare FQHC prospective payment system base rate, as adjusted according to the geographic location of the FQHC, plus an add-on payment of $19 35

The amounts hereinabove appropriated within the General Medical Services program classification are subject to the following provisions the Commissioner of Human Services shall apply the emergency room triage reimbursement fee of $140, established pursuant to P L 2018, c 51 (C 30 4D-7p et seq), for any applicable claim submitted for a patient enrolled in the State Medicaid program

Notwithstanding the provisions of paragraph (13) of subsection i of section 3 of P L 1968, c 413 (C 30 4D-3) or any other law or regulation to the contrary, and subject to federal approval, a pregnant woman whose family income does not exceed the highest income eligibility level for pregnant women established under the State plan under Title XIX of the federal Social Security Act shall continue to be eligible for coverage until the end of the 365-day period beginning on the last day of her pregnancy

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

Notwithstanding the provisions of any law or regulation to the contrary and subject to any required federal approval, the amounts appropriated for the General Medical Services program classification are subject to the following condition premiums shall not be required to be collected from families enrolled in the NJ FamilyCare program established pursuant to P L 2005, c 156 (C 30 4J-8 et al), as amended

Notwithstanding the provisions of subsection f of section 5 of P L 2015, c 154 (C 30 4J-12) or any other law or regulation to the contrary and subject to any required federal approval, the amounts appropriated for the General Medical Services program classification are subject to the following condition disenrollment from employer-sponsored group or other health insurance coverage shall not cause a child or parent to be ineligible to enroll in the NJ FamilyCare program established pursuant to P L 2005, c 156 (C 30 4J-8 et al), as amended

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 percent 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 or couples without dependent children, and parents and caretaker relatives in the NJ FamilyCare program, as established pursuant to P L 2005, c 156 (C 30 4J-8 et al)

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 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 realizing 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 are subject to the following conditions the Division of Medical Assistance and Health Services, in coordination with the county welfare agencies, shall continue a program to outstation eligibility workers in disproportionate share hospitals and federally qualified health centers, provided, however, that if an alternate eligibility function at an outstanding location complies with the outstation process at 42 U S C s 1396a(a)(55), the county welfare agency worker may be removed from the outstation location

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," Pub L 109-171

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 the General Medical Services program classification 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 the General Medical Services program classification, personal care assistant services shall be authorized prior to the beginning of services by the Director of the Division of Medical Assistance and Health Services The hourly rate for personal care services shall be $24 52

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the General Medical Services program classification 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 State 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 percent 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 for the General Medical Services program classification 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, an inpatient psychiatric program for children under the age of 21, or 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 Commission on Accreditation of Healthcare Organizations 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, (4) individuals in the Program of All-Inclusive Care for the Elderly 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 for the General Medical Services program classification 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 percent of the amounts that the non-contracted hospital 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

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the General Medical Services program classification 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

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 General Medical Services program classification or NJ KidCare - 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 General Medical Services program classification 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 the General Medical Services program classification, 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, effective at the beginning of the current fiscal year and subject to federal approval, of the amounts hereinabove appropriated for the General Medical Services program classification, 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 for the General Medical Services program classification, 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 General Medical Services program classification, 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 the General Medical Services program classification in the Division of Medical Assistance and Health Services

Notwithstanding the provisions of any law or regulation to the contrary and subject to notice provisions of 42 C F R s 447 205 where applicable, the amount hereinabove appropriated for fee-for-service prescription drugs in the General Medical Services program classification is subject to the following conditions the maximum allowable cost for legend and non-legend drugs shall be calculated based on Actual Acquisition Cost (AAC) defined as the lowest of (i) the National Average Drug Acquisition Cost (NADAC) Retail Price Survey, in accordance with subsection (f) of section 1927 of the Social Security Act, (ii) Wholesale Acquisition Cost (WAC) less a volume discount of two percent in the absence of a NADAC price, (iii) the federal upper limit, (iv) the State upper limit (SUL), (v) cost acquisition data submitted by providers of pharmaceutical services for brand-name multi-source and multi-source drugs in the absence of any alternative pricing benchmarks For legend and non-legend drugs purchased through the 340B program, the maximum allowable cost shall be based on the 340B ceiling price In the absence of a 340B ceiling price, the alternative benchmark used shall be the WAC minus a volume discount of 25 percent The 340B ceiling price or the alternative benchmark shall only apply when its price is the lowest compared to the pricing formulas described by (i) through (v) above Reimbursement for covered outpatient drugs shall be calculated based on (i) the lower of the AAC plus a professional fee of $10 92, or a provider's usual and customary charge, or (ii) the lower of cost acquisition data submitted by providers of pharmaceutical services for brand-name multi-source and multi-source drugs, where an alternative pricing benchmark is not available, plus a professional fee of $10 92, or a provider's usual and customary charge, or (iii) for COVID-19 vaccinations, an administration fee(s) equivalent to the Medicare rate(s) 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, the Department of Human Services shall mandate ongoing submission of current drug acquisition data by providers of pharmaceutical services and no funds hereinabove

appropriated shall be paid to any entity that fails to submit required data Reimbursement for covered outpatient drugs dispensed to beneficiaries residing in long-term-care facilities shall be calculated based on (i) the lower of the AAC plus a professional fee of $10 92, or a provider's usual and customary charge, or (ii) the lower of cost acquisition data submitted by providers of pharmaceutical services for brand-name multi-source and multi-source drugs, where an alternative pricing benchmark is not available, plus a professional fee of $10 92, 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, the Department of Human Services shall mandate ongoing submission of current drug acquisition data by providers of pharmaceutical services and 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, the appropriations for the General Medical Services program classification 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 the General Medical Services program classification 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, and subject to the notice provisions of 42 C F R s 447 205, approved nutritional supplements which are hereinabove appropriated in the General Medical Services program classification shall be consistent with reimbursement for legend and non-legend drugs

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated to the General Medical Services program classification, 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, the hereinabove appropriation for the General Medical Services program classification 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 percent finished

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 General Medical Services program classification

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the General Medical Services program classification 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

The amount hereinabove appropriated for the General Medical Services program classification is subject to the following condition payment is authorized 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

The amount hereinabove appropriated for the General Medical Services program classification is subject to the following condition payment is authorized for contraceptives for individuals who can become pregnant and would be eligible for medical assistance if not for the provisions of 8 U S C s 1611 or 8 U S C s 1612, and who are not otherwise eligible for any other State or federal health insurance program

Notwithstanding the provisions of any law or regulation to the contrary, the appropriations for the General Medical Services program classification shall be conditioned upon the following provision reimbursement for the cost of physician administered drugs shall not exceed the lowest of (i) the Wholesale Acquisition Cost for the drugs administered in a practitioner's office less a volume discount of one percent, (ii) the federal upper limit, (iii) the State upper limit , or (iv) the practitioner's usual and customary charge

Notwithstanding the provisions of any law or regulation to the contrary, the amounts expended from the General Medical Services program classification shall be conditioned upon the following reimbursement for adult incontinence briefs and oxygen concentrators shall be set at 70 percent of reasonable and customary charges

Notwithstanding the provisions of subsection (a) of N J A C 10 60-5 7 and subsection (b) of N J A C 10 60-11 2 to the contrary, the amount hereinabove appropriated for the General Medical Services program classification is conditioned upon the following the minimum hourly fee-for-service and managed care reimbursement rates for Early and Periodic Screening, Diagnosis and Treatment/Private Duty Nursing services shall be $61 per hour for registered nurses and $49 for licensed practical nurses

Of the amount hereinabove appropriated for the General Medical Services program classification, 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

The amount hereinabove appropriated for the General Medical Services program classification is subject to the following condition payment is authorized for limited prenatal medical care provided by clinics, or in the case of radiology and

clinical laboratory services ordered by a clinic, as well as prenatal outpatient hospital services and perinatal doula services, 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 the General Medical Services program classification, shall be provided unless the services are given prior authorization by professional staff designated by the Department of Human Services

The amount hereinabove appropriated for the General Medical Services program classification 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 percent of the recovery or $15,000, 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 the General Medical Services program classification 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 General Medical Services program classification, there shall be transferred to various accounts, including Direct State Services and State Aid accounts, such amounts, not to exceed $11,500,000, as are necessary to pay for the administrative costs of the 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, the amounts hereinabove appropriated to the General Medical Services program classification 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 percent 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 residence, 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

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the General Medical Services program classification are subject to the following condition the Division of Medical Assistance and Health Services shall enroll, under standard procedures, and reimburse, for qualified services, any midwife licensed to practice by the State Board of Medical Examiners pursuant to R S 45 10-1 et seq

Notwithstanding the provisions of any law or regulation to the contrary, of the amounts appropriated hereinabove to support the State share of Medicaid home and community-based long-term care services (HCBS), an amount not to exceed the total enhanced federal matching rate provided for such services pursuant to the "American Rescue Plan Act of 2021," Pub L 117-2, subject to the approval of the Director of the Division of Budget and Accounting, is appropriated to implement program and rate adjustments that enhance, expand, or strengthen Medicaid HCBS services, as required by federal law, provided, however, that such program and rate changes shall be determined by the Commissioner of Human Services, subject to the approval of the Director of the Division of Budget and Accounting, and shall be consistent with Initial and Quarterly HCBS Spending Plans as submitted to the Centers for Medicare and Medicaid Services and required by the "American Rescue Plan Act of 2021" and federal regulation

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 General Medical Services program classification, subject to the approval of the Director of the Division of Budget and Accounting

The amounts hereinabove appropriated for the General Medical Services program classification are available for the payment of obligations applicable to prior fiscal years

Notwithstanding the provisions of any law or regulation to the contrary, payments from appropriations hereinabove in the General Medical Services program classification for special hospital prospective per diem reimbursements for Medicaid fee-for-service recipients are subject to the following condition subject to the approval of any required State plan amendment by the federal Centers for Medicare and Medicaid Services, special hospitals licensed pursuant to P L 1971, c 136 (C 26 2H-1 et seq) with more than 60 but less than 102 special beds shall be reimbursed at a prospective per diem rate for Medicaid fee-for-service recipients established by the Division of Medical Assistance and Health Services The base year prospective per diem rate shall be equal to the per diem rate in effect and paid on June 30, 2015 and shall be updated by the economic factor specified in N J A C 10 52-5 13 Provided however, in the event that the number of licensed beds decreases by 20 percent or more, the prospective per diem rate may be renegotiated Any Medicaid cost reports not final settled for Medicaid fee-for-service reimbursement prior to July 1, 2016 shall be prospectively settled based on the per diem rate in effect and paid on June 30, 2015, adjusted to deflate to the applicable cost report year

Of the amounts hereinabove appropriated for General Medical Services, effective January 1, 2018 such sums as are necessary shall be made available to reimburse medical professionals for advance care planning visits consistent with current Medicare reimbursement policy

Notwithstanding the provisions of any law or regulation to the contrary, in order to ensure compliance with 42 C F R 433 138(d)(4)(i) and (ii) and 42 C F R 433 138(g) (2) and (3), the New Jersey Motor Vehicle Commission and the New Jersey Division of Workers' Compensation shall make their records available to the Division of Medical Assistance and Health Services or the State's authorized third party liability services contractor for the purpose of matching no less frequently than on a monthly basis with the Division of Medical Assistance and Health Services' records in order to identify current or former Medicaid/NJ FamilyCare beneficiaries who have recovered or may recover payments from 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), for the purpose of coordination of benefits and recovery when appropriate, utilizing, if necessary, personal identifying information as common identifiers consistent with federal law

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the General Medical Services program classification is subject to the following condition amounts received by the State from a Class II facility with greater than 500 licensed beds pursuant to an intergovernmental transfer agreement are appropriated to serve as the non-federal share of supplemental Medicaid reimbursements, subject to federal approval, and subject to the approval of the Director of the Division of Budget and Accounting

Notwithstanding the provisions of N J A C 10 49-7 1 et seq or any other law or regulation to the contrary, and subject to approval by the federal government, the

amounts hereinabove appropriated for General Medical Services program classification are subject to the following condition the Division of Medical Assistance and Health Services shall increase reimbursement for ambulance services, including basic life support emergency and nonemergency ambulance services and specialty care transport services, provided to Medicaid and Medicaid fee for service recipients who are also Medicare eligible to the applicable Medicare rate

The unexpended balance at the end of the preceding fiscal year in the Medical Coverage - Aged, Blind and Disabled account is appropriated for the same purpose

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated to the General Medical Services program classification are subject to the following condition assisted living facilities, comprehensive personal care homes, and assisted living programs, shall receive a per diem rate of no less than $89 50, $79 50, and $69 50, respectively, as reimbursement for each NJ FamilyCare beneficiary under their care

Subject to federal approval, the appropriations for those programs within the General Medical Services program classification are conditioned upon the Department of Human Services implementing policies that would limit the ability of individuals 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 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

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 General Medical Services program classification, shall be provided unless the services are given prior authorization 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 within the General Medical Services program classification for medical day care services shall be conditioned upon the following provision the minimum fee-for-service and managed care per diem reimbursement rates for adult medical day care providers shall be $86 10

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated within the General Medical Services program classification 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 within the General Medical Services program classification 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 166 of Title 10 of the New Jersey Administrative Code or any other law or regulation to the contrary, the amounts hereinabove appropriated within the General Medical Services program classification for medical day care services shall be subject to the following condition the daily reimbursement for fee-for-service pediatric medical day care services shall remain at the rate established in the preceding fiscal year

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 within the General Medical Services program classification are subject to the following conditions (1) Class I (private), Class II (county), and Class III (special care) nursing facilities being paid on a fee-for-service basis shall be reimbursed at a per diem rate no less than the rate received on June 30, 2020, plus 10 percent, plus $3 60, minus the first provider tax add-on and any performance add-on amounts, subject to the condition that Class III (special care) facilities shall be reimbursed the greater of this rate plus five percent or $450 per diem, (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 and Class III nursing facility 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 on June 30, 2020, plus 10 percent, minus the first provider tax add-on and any performance add-on amounts, and any Class II nursing facility 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 on June 30, 2020, plus 10 percent, minus any performance add-on amounts, had it been a Class I nursing facility, (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) and less the actual amounts expended during fiscal year 2022 on performance add-ons and expenditures to establish a minimum per diem of $188 35, shall be combined with amounts hereinabove appropriated for the General Medical Services program classification for the purpose of calculating NJ FamilyCare reimbursements for nursing facilities, (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), (6) the add-ons used for fiscal year 2022 shall be applied from July 1, 2022, through September 30, 2022 and the first add-on as calculated in section 4 above shall be applied to both MCO and fee-for-service per diem reimbursement rates effective October 1, 2022, (7) each Class I, Class II, and Class III nursing facility that has, not later than December 1, 2021, submitted to the Department of Human Services (DHS) the DHS Fiscal Year 2023 CoreQ Long-Stay Survey Sample Size Calculation Grid with affirmative answers, as defined by the Department, to validated Hospital Utilization Tracking system use, CoreQ vendor intent, and completion of the CoreQ Long-Stay Survey sample size calculation and, if eligible for CoreQ, not later than December 10, 2021, submitted demographics to the CoreQ vendor to initiate the CoreQ survey process, and, during calendar year 2021, has not been included on the Centers for Medicare and Medicaid Services (CMS) Special Focus Facility Lists A, B, E or F, ranked as a one-star facility by the CMS Five-Star Quality Rating System, or cited by the Department of Health for two or more Level G licensing violations (a) shall receive a performance add-on of $1 80 for each of the following CMS nursing home long stay quality measures where the nursing facility has not failed to report data for any of the reporting periods Q3 2020, Q4 2020, Q1 2021 and Q2 2021, and the simple average of the quarters, as calculated by the Department with available data, is at or below the lower of the New Jersey or national average, as calculated by CMS, for the percentage of long stay residents who are physically restrained, receiving antipsychotic medication, experiencing one or more falls with major injury, and high risk residents with a pressure ulcer, (b) shall receive a performance add-on of $1 80 for the following CMS nursing home long stay quality measures where the nursing facility has not failed to report data for any of the reporting periods Q2 2020, Q3 2020, Q4 2020 and Q1 2021, and the simple average of the quarters, as calculated by the Department with available data, is at or below the lower of the New Jersey or national average, as calculated by CMS, for the number of hospitalizations per 1,000 long-stay resident days, (c) shall receive a performance add-on of $1 80 if the percentage of long-stay residents who are assessed and/or given, appropriately, the influenza vaccination is at or above the higher of the New Jersey or national average for the CMS reporting influenza season ending Q2 2021, and (d) shall receive a performance add-on of $1 80 if the nursing facility has been deemed eligible to participate in the CoreQ survey process as determined by the Department and received a composite score of 75 percent or greater, as calculated by the DHS vendor, on the CoreQ Resident and Family Experience Survey for the fiscal year 2023 survey period, and (8) each nursing facility shall receive a per diem adjustment that shall be calculated based upon an additional $15,000,000 in State and $15,000,000 in federal appropriations

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the General Medical Services program classification 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

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

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), 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 General Medical Services program classification are subject to the following condition from the amounts hereinabove appropriated, payments may be made, subject to any required federal approval, to support any authorized demonstration program undertaken by the Division of Medical Assistance and Health Services pursuant to Section 1115 of the Social Security Act upon receipt of federal approval, 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 any required federal approval, in order to implement the perinatal episode of care pilot program established pursuant to P L 2019, c 86, from the amounts hereinabove appropriated in the General Medical Services program classification, payments may be made to support shared savings initiatives, incentive payments, and other quality and cost improvements, 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 General Medical Services program classification is subject to the following condition amounts received by the State from Bergen County pursuant to an intergovernmental transfer agreement established via the New Jersey Medicaid Access to Physician Services Program are authorized to be used as necessary by the Director of the Division of Budget and Accounting and the Division of Medical Assistance and Health Services, consistent with Centers for Medicare and Medicaid Services guidelines, solely to maximize federal Medicaid payments to physicians and non-physician professionals who are affiliated or employed by New Bridge Medical Center

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 within the General Medical Services program classification are subject to the following

conditions (1) LTC-Behavioral Health nursing facilities approved pursuant to the Department of Health's expedited certificate of need being paid on a fee-for-service basis for custodial care shall be reimbursed at a per diem rate equal to eighty-five percent of the simple average of the four Class III (special care) LTC- Specialized Behavior Modification nursing facility rates minus any performance add--on amounts, (2) 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), and (3) the add-ons used for fiscal year 2022 shall be applied from July 1, 2022, through September 30, 2022 and the first add-on as calculated herein shall be applied to both MCO and fee-for-service per diem reimbursement rates effective October 1, 2022

Notwithstanding any other law or regulation to the contrary, the amount hereinabove appropriated in the General Medical Services program classification is appropriated to pay for rate increases as determined by the Division of Medical Assistance and Health Services in the Department of Human Services for NJ Family Care pediatric specialty services in the categories of acute care, outpatient facility care, clinic services, professional services, ancillary services, mental health and substance use disorder services, subject to the following conditions, (i) any required federal approval and (ii) prior to expending any of this amount, the Division of Medical Assistance and Health Services in the Department of Human Services shall conduct a market rate study of current NJ Family Care fee-for-service, managed care payment rates and reimbursement practices, which shall make recommendations to the Commissioner of Human Services on rate adjustments for the aforementioned services, and establish a methodology that may include, but is not limited to, factors for service type, care setting, and delivery mechanisms for in and out of State care

26 Division of Aging Services

DIRECT STATE SERVICES

20-7530 Medical Services for the Aged		$2,676,000
24-7530 Pharmaceutical Assistance to the Aged and Disabled		4,769,000
55-7530 Programs for the Aged		1,330,000
(From General Fund	*$459,000)*	
(From Casino Revenue Fund	*871,000)*	
57-7530 Office of the Public Guardian		1,199,000
Total Direct State Services Appropriation, Division of Aging Services		$9,974,000
(From General Fund	*$9,103,000)*	
(From Casino Revenue Fund	*871,000)*	

Direct State Services

Personal Services	
Salaries and Wages	($6,640,000)
Salaries and Wages (CRF)	(796,000)
Materials and Supplies	(137,000)
Materials and Supplies (CRF)	(14,000)
Services Other Than Personal	(1,715,000)
Services Other Than Personal (CRF)	(47,000)
Maintenance and Fixed Charges	(372,000)
Maintenance and Fixed Charges (CRF)	(2,000)
Special Purpose	
55 Federal Programs for the Aged	(139,000)
55 NJ Elder Index	(100,000)
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 percent of the gross recovery

Receipts from the Office of the Public Guardian for Elderly Adults are appropriated to the Office of the Public Guardian

GRANTS-IN-AID

24-7530 Pharmaceutical Assistance to the Aged and Disabled		55,735,000
(From General Fund	*50,646,000)*	
(From Casino Revenue Fund	*5,089,000)*	
55-7530 Programs for the Aged		49,004,000
(From General Fund	*33,170,000)*	
(From Casino Revenue Fund	*15,834,000)*	
Total Grants-in-Aid Appropriation, Division of Aging Services		$104,739,000
(From General Fund	*$83,816,000)*	
(From Casino Revenue Fund	*20,923,000)*	

Grants-in-Aid

24 Pharmaceutical Assistance to the Aged – Claims	(1,161,000)
24 Pharmaceutical Assistance to the Aged and Disabled – Claims	(45,143,000)
24 Pharmaceutical Assistance to the Aged and Disabled – Claims (CRF)	(5,089,000)
24 Senior Gold Prescription Discount Program	(4,317,000)
24 Caregiver Volunteers of Central Jersey, Freehold	(25,000)
55 Holocaust Survivor Assistance Program, Samost Jewish Family and Children's Services Southern NJ	(525,000)

55 Community Based Senior Programs (32,645,000)
55 Community Based Senior Programs (CRF) (15,834,000)

Notwithstanding the provisions of any law to the contrary, amounts hereinabove appropriated for Aging and Disability Resource Connections (ADRC) shall be conditioned upon the following federal matching funds derived from ADRC or Area Agencies on Aging Medicaid costs, pursuant to an approved cost allocation plan, shall be disbursed to counties solely for the expansion of long-term care services and supports for older adults and individuals seeking home and community based services

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, 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," Pub L 108-173, 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 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, the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled 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

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

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

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 Actual Acquisition Cost (AAC) defined as the lowest of (i) the National Average Drug Acquisition Cost (NADAC) Retail Price Survey, developed in accordance with subsection (f) of section 1927 of the Social Security Act, (ii) Wholesale Acquisition Cost less a volume discount, in the absence of a NADAC price, that is consistent with the NJ FamilyCare Program, (iii) the federal upper limit, or (iv) the State upper limit (SUL), and (v) cost acquisition data submitted by providers of pharmaceutical services for brand-name multi-source drugs and multi-source drugs in the absence of any alternative pricing benchmarks, (2) pharmacy reimbursement for legend and non-legend drugs shall be calculated based on (i) the lower of the AAC plus a professional fee, that is consistent with the NJ FamilyCare Program, or a provider's usual and customary charge, or (ii) the lower of cost acquisition data submitted by providers of pharmaceutical services for brand-name multi-source and multi-source drugs, where an alternative pricing benchmark is not available, plus a professional fee that is consistent with the NJ FamilyCare Program, 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, 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, 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 Services, 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 Programs 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 such additional amounts from the General Fund and available federal matching funds 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

Consistent with the requirements of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003," Pub L 108-173, and the current federal prohibition against State automatic enrollment of Pharmaceutical Assistance to the Aged and Pharmaceutical Assistance to the Aged and Disabled (PAAD) programs 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 percent 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 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 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," Pub L 108-173, to appeal the medical necessity of coverage for drugs not on the formulary of a Medicare Part D plan

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

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, no funds appropriated in the 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 the 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

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 ElderCare Initiatives hereinabove appropriated as part of Community Based Senior Programs, 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

In addition to the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled program, there are appropriated such additional amounts as may be required from the Casino Revenue Fund and available federal matching funds 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, a sufficient portion of receipts generated or savings realized in the Casino Revenue Fund 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), 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," Pub L 108-173, 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," Pub L 108-173, 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 percent 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,"

Pub L 108-173, 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 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 Actual Acquisition Cost (AAC) defined as the lowest of (i) the National Average Drug Acquisition Cost (NADAC) Retail Price Survey, developed in accordance with subsection (f) of section 1927 of the Social Security Act, (ii) Wholesale Acquisition Cost less a volume discount, in the absence of a NADAC price, that is consistent with the NJ FamilyCare Program, (iii) the federal upper limit or (iv) the State upper limit (SUL), and (v) cost acquisition data submitted by providers of pharmaceutical services for brand-name multi-source drugs and multi-source drugs in the absence of any alternative pricing benchmarks, (2) pharmacy reimbursement for legend and non-legend drugs shall be calculated based on (i) the lower of the AAC plus a professional fee, that is consistent with the NJ FamilyCare Program, or a provider's usual and customary charge, or (ii) the lower of cost acquisition data submitted by providers of pharmaceutical services for brand-name multi-source and multi-source drugs, where an alternative pricing benchmark is not available, plus a professional fee that is consistent with the NJ FamilyCare Program, 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, 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

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

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for the Community Based Senior Programs (CRF) account, $172,000 shall be charged to the Casino Simulcasting Fund

STATE AID

55-7530 Programs for the Aged		$6,992,000
(From General Fund	*$4,538,000)*	
(From Property Tax Relief Fund	*2,454,000)*	
Total State Aid Appropriation, Division of Aging Services		$6,992,000
(From General Fund	*$4,538,000)*	
(From Property Tax Relief Fund	*2,454,000)*	
State Aid		
55 County Offices on Aging (PTRF)	($2,454,000)	
55 Older Americans Act – State Share	(4,538,000)	

27 Disability Services
7545 Division of Disability Services
DIRECT STATE SERVICES

27-7545 Disability Services		$1,626,000
Total Direct State Services Appropriation, Division of Disability Services		$1,626,000
Direct State Services		
Personal Services		
Salaries and Wages	($1,344,000)	
Materials and Supplies	(4,000)	
Services Other Than Personal	(269,000)	
Maintenance and Fixed Charges	(9,000)	

GRANTS-IN-AID

27-7545 Disability Services		$15,303,000
(From General Fund	*$11,569,000)*	
(From Casino Revenue Fund	*3,734,000)*	
Total Grants-in-Aid Appropriation, Division of Disability Services		$15,303,000
(From General Fund	*$11,569,000)*	
(From Casino Revenue Fund	*3,734,000)*	
Grants-in-Aid		
27 Personal Assistance Services Program	($7,375,000)	
27 Personal Assistance Services Program (CRF)	(3,734,000)	
27 Community Supports to Allow Discharge from Nursing Homes	(77,000)	
27 Transportation/Vocational Services for the Disabled	(1,617,000)	
27 New Jersey Association of Centers for Independent Living	(2,500,000)	

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, 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	$66,363,000
99-7610 Administration and Support Services	22,002,000
Total Direct State Services Appropriation, Operation and Support of Educational Institutions	$88,365,000

Direct State Services

Personal Services	
Salaries and Wages	($47,971,000)
Materials and Supplies	(21,605,000)
Services Other Than Personal	(9,541,000)
Maintenance and Fixed Charges	(8,288,000)
Additions, Improvements and Equipment	(960,000)

The State appropriation for the State's developmental centers is based on ICF/IDD revenues of $246,905,000, provided that if the ICF/IDD revenues exceed $246,905,000, an amount equal to the excess ICF/IDD 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 order to permit flexibility in the handling of appropriations and ensure timely payments to service providers, funds may be transferred to and from the various items of appropriation in the Residential Care and Habilitation Services and Administration and Support Services program classifications within the developmental centers accounts, 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	$4,716,000
99-7601 Administration and Support Services	10,469,000
Total Direct State Services Appropriation, Community Programs	$15,185,000

Direct State Services	
Personal Services	
Salaries and Wages	($9,122,000)
Materials and Supplies	(869,000)
Services Other Than Personal	(2,086,000)
Maintenance and Fixed Charges	(1,509,000)
Special Purpose	
08 New Jersey Donated Dental Program	(170,000)
99 Disability Information Hub	(250,000)
99 Developmental Disabilities Council	(298,000)
Additions, Improvements and Equipment	(881,000)

GRANTS-IN-AID

01-7601 Purchased Residential Care		$881,479,000
(From General Fund	*$444,847,000)*	
(From Casino Revenue Fund	*436,632,000)*	
02-7601 Social Supervision and Consultation		80,674,000
03-7601 Adult Activities		273,774,000
Total Grants-in-Aid Appropriation, Community Programs		$1,235,927,000
(From General Fund	*$799,295,000)*	
(From Casino Revenue Fund	*436,632,000)*	
Grants-in-Aid		
01 CCP – Individual Supports	($349,089,000)	
01 CCP – Individual Supports (CRF)	(436,632,000)	
01 Skill Development Homes	(5,498,000)	
01 Client Housing	(33,990,000)	
01 Contracted Services	(56,270,000)	
02 Office for Prevention of Developmental Disabilities	(559,000)	
02 CCP – Individual and Family Support Services	(36,133,000)	
02 Supports Program – Individual and Family Support Services	(43,982,000)	
03 Supports Program – Employment and Day Services	(98,508,000)	
03 Smart Home Pilot Program	(500,000)	
03 CCP – Employment and Day Services	(174,766,000)	

Cost recoveries from consumers with developmental disabilities collected during the current fiscal year, not to exceed $5,621,000, 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

The amount hereinabove appropriated for Supports Program - Employment and Day Services is conditioned upon the following the rate for supported employment services shall be no less than $63 per hour

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, $1,028,487,000 of federal Community Care Program funds is appropriated for community-based programs in the Division of Developmental Disabilities The appropriation of federal Community Care Program 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

In addition to the amount hereinabove appropriated for the Purchased Residential Care, Social Supervision and Consultation, and Adult Activities program classifications, 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

Of the amounts hereinabove appropriated in the Purchased Residential Care program classification, $7,500,000 of State appropriations, combined with any applicable federal matching funds, are allocated to increase provider reimbursement rates for residential services over the rates in effect in fiscal year 2022

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	$8,277,000
99-7560 Administration and Support Services	2,663,000
Total Direct State Services Appropriation, Commission for the Blind and Visually Impaired	$10,940,000

Direct State Services

Personal Services	
Salaries and Wages	($8,668,000)
Materials and Supplies	(126,000)
Services Other Than Personal	(766,000)
Maintenance and Fixed Charges	(456,000)

Special Purpose
11 Technology for the Visually Impaired (746,000)
Additions, Improvements and Equipment (178,000)

Notwithstanding the provisions of P L 1967, c 271 (C 18A 61-1 et seq) and R 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 $3,525,000
Total Grants-in-Aid Appropriation, Commission for the Blind and Visually Impaired $3,525,000

Grants-in-Aid
11 State Match for Federal Grants ($617,000)
11 Educational Services for Children (1,646,000)
11 Services to Rehabilitation Clients (1,262,000)

50 Economic Planning, Development, and Security
53 Economic Assistance and Security
7550 Division of Family Development
DIRECT STATE SERVICES

15-7550 Income Maintenance Management $34,158,000

Total Direct State Services Appropriation, Division of Family Development	$34,158,000
Direct State Services	
Personal Services	
Salaries and Wages	($15,450,000)
Materials and Supplies	(330,000)
Services Other Than Personal	(4,824,000)
Maintenance and Fixed Charges	(843,000)
Special Purpose	
15 Electronic Benefit Transfer/Distribution System	(2,014,000)
15 Work First New Jersey – Technology Investment	(10,489,000)
Additions, Improvements and Equipment	(208,000)

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

Notwithstanding the provisions of any law or regulation to the contrary, in order to improve the timeliness of benefit deliveries, operational efficiencies, and cost savings and to minimize fraud, the Department of Human Services and the Department of Labor and Workforce Development shall participate in a no cost, 90 day pilot by which they shall obtain real-time employment and income information, which shall include up-to-date, non-modeled employment and income data provided by employers, from a third-party commercial consumer reporting agency, in accordance with the federal "Fair Credit Reporting Act," 15 U S C s 1681 et seq , for the purpose of assisting with the determination of an individual's eligibility to receive Supplemental Nutrition Assistance Program and Temporary Assistance for Needy Families and unemployment benefits, including to conduct an analysis on the pilot, and shall undertake efforts to incorporate such real-time employment and income information into existing verification and eligibility determination procedures

GRANTS-IN-AID

15-7550 Income Maintenance Management	$243,148,000
Total Grants-in-Aid Appropriation, Division of Family Development	$243,148,000

Grants-in-Aid

15	Work First New Jersey – Training Related Expenses	($1,967,000)
15	Work First New Jersey Support Services	(26,460,000)
15	Work First New Jersey Child Care	(185,772,000)
15	Kinship Care Initiatives	(5,416,000)
15	LGBTQ+ Shelter Planning and Training Grant	(300,000)
15	SSI Attorney Fees	(1,823,000)
15	Utility Assistance Payments	(3,297,000)
15	Substance Use Disorder Initiatives	(18,113,000)

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

In order to permit flexibility in the handling of appropriations and ensure the timely payment for services provided to clients within Division programs, including but not limited to Social Services for the Homeless, amounts may be transferred between the various items of General Fund and Property Tax Relief Fund appropriations 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 amounts hereinabove appropriated for the Work First New Jersey Program are subject to the following condition such sums as may be necessary are allocated for the provision of voluntary intensive case management services to all eligible program recipients

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 percent and 250 percent 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, set forth in N J A C 10 15-5 1 et seq , in order to receive free or subsidized "wrap around" child care

In addition to the amounts hereinabove appropriated for Work First New Jersey Child Care, there is appropriated to the Division of Family Development in the Department of Human Services an amount not to exceed $9,000,000, subject to the approval of the Director of the Division of Budget and Accounting, to be used to adjust child care provider rates to account for the January 1, 2023 increase in the State's minimum wage

In addition to the amounts hereinabove appropriated for Social Services for the Homeless, there is appropriated to the Division of Family Development in the Department of Human Services, subject to the approval of the Director of the Division of Budget and Accounting, an amount not to exceed $5,000,000 to be used to provide case management services to individuals who qualify for such services pursuant to P L 1997, c 14 (C 44 10-44 et seq), as amended by P L 2019, c 74

Notwithstanding the provisions of any law, rule or regulation to the contrary, every household in the State that is eligible to receive benefits under the Supplemental Nutrition Assistance Program (SNAP) established pursuant to the "Food and Nutrition Act of 2008," Pub L 110-246 (7 U S C s 2011 et seq) shall receive a minimum annual energy assistance payment of $21 in order to qualify the household for a heating and cooling standard utility allowance under the SNAP program, in accordance with 7 U S C s 2014(e)(6)(C), unless a standard utility allowance would have been unavailable to the household under the State and federal criteria for SNAP and any applicable energy assistance programs that were in place as of July 1, 2013

STATE AID

15-7550 Income Maintenance Management $338,792,000
(From General Fund $222,757,000)

	(From Property Tax Relief Fund	*116,035,000)*
	Total State Aid Appropriation, Division of Family Development	$338,792,000
	(From General Fund	*$222,757,000)*
	(From Property Tax Relief Fund	*116,035,000)*
State Aid		
15	County Administration Funding (PTRF)	($44,416,000)
15	Work First New Jersey – Client Benefits	(16,230,000)
15	Social Services for the Homeless (PTRF)	(14,216,000)
15	Code Blue (PTRF)	(2,500,000)
15	General Assistance Emergency Assistance Program	(42,685,000)
15	Payments for Cost of General Assistance	(45,564,000)
15	Work First New Jersey – Emergency Assistance	(13,754,000)
15	Payments for Supplemental Security Income	(77,521,000)
15	State Supplemental Security Income Administrative Fee	(27,003,000)
15	General Assistance County Administration (PTRF)	(26,610,000)
15	Supplemental Nutrition Assistance Program Administration – State (PTRF)	(28,293,000)

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

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 appropriated to the Division of Family Development in the Department of Human Services to offset unpaid receivables for the child support program

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 $35 annual child support user fee, 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

Of the amounts hereinabove appropriated for the Income Maintenance Management program classification from the General Fund, $12,000,000 is to be used by the Division of Family Development in the Department of Human Services to provide a per diem reimbursement rate increase to homeless shelters, such that all additional funding shall be used to provide a wage increase for all workers providing services directly to individuals experiencing homelessness

Notwithstanding section 7 of P L 1997, c 38 (C 44 10-61) or any other law or regulation to the contrary, the level of cash assistance benefits payable to an assistance unit with dependent children shall increase as a result of a child having been born to the assistance unit while the assistance unit is receiving assistance

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 Program, 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 P L 1997, c 14 (C 44 10-49) or any other law or regulation to the contrary, the amounts hereinabove appropriated for the Income Maintenance Management program classification shall be subject to the following condition an assistance unit with two or more children that is eligible for benefits under the Work First New Jersey program and in receipt of child support shall receive, in addition to its regular grant of cash assistance benefits, a monthly amount of child support based on the current child support received for the month and adjusted for the number of children in the assistance unit, in accordance with federal law

Notwithstanding the provisions of section 2 of P L 2007, c 97 (C 44 10-63 1) or any other law or regulation to the contrary, the amounts hereinabove appropriated for the Income Maintenance Management program classification shall be subject to the following condition in an assistance unit with a single adult or couple with dependent children, an adult that fails to actively cooperate with the Work First New Jersey program, established pursuant to P L 1997, c 38 (C 44 10-55 et seq), or participate in work activities under the program without good cause, and has therefore entered a pro-rata sanction period, shall have until the end of the sixth month of the pro-rata sanction period to actively cooperate with the program or participate in work activities before the assistance unit's cash assistance case shall be suspended

Notwithstanding any other law or regulation to the contrary, the maximum benefit levels provided to Work First New Jersey recipients shall be 20 percent greater than the assistance levels in effect in State fiscal year 2019

In addition to the amounts hereinabove appropriated for Work First New Jersey - Emergency Assistance, Payments for Supplemental Security Income and General Assistance Emergency Assistance Program, there is appropriated to the Division of Family Development in the Department of Human Services, subject to the approval of the Director of the Division of Budget and Accounting, an amount not to exceed $20,000,000 to be used to provide emergency assistance benefits to individuals who qualify for such benefits pursuant to P L 1997, c 14 (C 44 10-44 et seq), as amended by P L 2018, c 164 and P L 2019, c 74

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

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Income Maintenance Management are conditioned upon the following provision benefits for the General Assistance and General

Assistance Emergency Assistance programs shall be made available to individuals regardless of a conviction for distribution of a controlled substance as outlined in paragraph (7) of subsection b of section 5 of P L 1997, c 14 (C 44 10-48), provided the individual meets all other eligibility criteria and program rules

From the amount appropriated hereinabove for Payments for Cost of General Assistance, the commissioner shall allocate not less than $4,000,000 to Volunteers of America Delaware Valley to provide enhanced navigation and coordination of housing and homeless services in locations to include but not limited to Camden and Atlantic counties

Receipts from counties for persons receiving Old Age Assistance, Disability Assistance, and Assistance for the Blind under the Supplemental Security Income 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

Notwithstanding the provisions of section 3 of P L 1973, c 256 (C 44 7-87) or any other law or regulation to the contrary, the amount hereinabove appropriated for State Supplemental Security Income Administrative Fee is subject to the following condition in order to expedite and improve efficiency in the administration of the State Supplemental Security Income Program ("Program"), the Division of Family Development may enter into contracts with one or more other states to issue, on behalf of the State of New Jersey, State Supplemental Social Security checks to clients approved by the State of New Jersey to receive payments under the Program and to pay the state or states for any costs incurred under such contract, 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 the per diem reimbursement rate for hotels and motels shall be $12 greater than the rates in effect during fiscal year 2022

55 Social Services Programs
7580 Division of the Deaf and Hard of Hearing
DIRECT STATE SERVICES

23-7580 Services for the Deaf		$2,065,000
Total Direct State Services Appropriation, Division of the Deaf and Hard of Hearing		$2,065,000
Direct State Services		
Personal Services		
Salaries and Wages	($637,000)	
Services Other Than Personal	(40,000)	
Maintenance and Fixed Charges	(1,000)	
Special Purpose		
23 Services to Deaf Clients	(783,000)	
23 Leveling the Playing Field Early		

	Intervention Program	(550,000)
23	Communication Access Services	(54,000)

GRANTS-IN-AID

23-7580	Services for the Deaf	$120,000
	(From Casino Revenue Fund	*$120,000)*
	Total Grants-in-Aid Appropriation, Division of the Deaf and Hard of Hearing	$120,000
	(From Casino Revenue Fund	*$120,000)*

Grants-in-Aid

23	Hearing Aid Assistance to the Aged and Disabled Program (CRF)	($120,000)

In addition to the amounts hereinabove appropriated for 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

Notwithstanding the provisions of any law or regulation to the contrary, amounts appropriated for the Hearing Aid Assistance to the Aged and Disabled program are subject to the following condition reimbursements are available to eligible program participants for hearing aids up to a maximum reimbursement of $500 per hearing aid per calendar year, subject to the approval of the Director of the Division of Budget and Accounting

70 Government Direction, Management, and Control
76 Management and Administration
7500 Division of Management and Budget
DIRECT STATE SERVICES

96-7500	Institutional Security Services	$7,538,000
99-7500	Administration and Support Services	40,501,000
	Total Direct State Services Appropriation, Division of Management and Budget	$48,039,000

Direct State Services

Personal Services		
	Salaries and Wages	($30,022,000)
Materials and Supplies		(363,000)
Services Other Than Personal		(6,428,000)
Maintenance and Fixed Charges		(865,000)
Special Purpose		
99	Nurture NJ	(2,000,000)
99	Office of State Diversity, Equity, and Inclusion	(750,000)
99	Office of Long-Term Care	

	Integrity and Oversight	(1,150,000)
99	Transfer to State Police for Fingerprinting/Background Checks of Job Applicants	(4,239,000)
99	Office of New Americans	(385,000)
99	Office of Health Care Affordability And Transparency	(750,000)
99	Primary Care Payment Model Study	(250,000)
	Additions, Improvements and Equipment	(837,000)

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 $150,000 and any increase in the maximum monthly allowance shall be approved by the Director of the Division of Budget and Accounting

In addition to the amount appropriated for Legal Services of New Jersey, $8,200,000, subject to the approval of the Director of the Division of Budget and Accounting, shall be made available by the Department of Human Services to one or more qualified organizations as determined by the Commissioner of Human Services for the provision of legal services and related costs to individuals at risk of detention or deportation based on their immigration status

GRANTS-IN-AID

99-7500	Administration and Support Services	$11,430,000
	Total Grants-in-Aid Appropriation, Division of Management and Budget	$11,430,000

Grants-in-Aid

99	Legal Services to Unaccompanied Minors	($4,500,000)
99	Unit Dose Contracting Services	(3,000,000)
99	Consulting Pharmacy Services	(3,930,000)

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Legal Services to Unaccompanied Minors shall be made available to Kids in Need of Defense (KIND) and subgrantees as determined by the Commissioner of the Department of Human Services to provide legal representation and case management to unaccompanied children and similarly situated youth living in New Jersey, subject to the approval of the Director of the Division of Budget and Accounting

Department of Human Services, Total State Appropriation	$8,254,280,000

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 statutorily 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 statutorily required by the Work First New Jersey program

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,

amounts hereinabove appropriated for the State developmental centers 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, 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 General Medical Services program classification, subject to the approval of the Director of the Division of Budget and Accounting

Notwithstanding the provisions of section 1 of P L 1985, c 286 (C 30 4D-6a) and subsection h of section 3 of P L 1973, c 256 (C 44 7-87) or the provisions of any law or regulation to the contrary, the minimum monthly personal needs allowance provided to persons residing in nursing facilities, State or county psychiatric hospitals, and State Developmental Centers who are eligible for Medicaid or SSI benefits shall be $50 To effectuate the purposes of this provision, amounts may be transferred from General Medical Services appropriations to other accounts in the department and the Department of Health, subject to the approval of the Director of the Division of Budget and Accounting

The amounts hereinabove appropriated for the Purchased Residential Care, Social Supervision and Consultation, Adult Activities, Community Services, Addiction Services, and Administration and Support Services program classifications are available for the payment of obligations applicable to prior fiscal years, 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	$298,488,000
Grants-in-Aid	7,487,297,000
State Aid	468,495,000
Appropriations by Fund	
General Fund	$7,546,800,000
Property Tax Relief Fund	245,200,000
Casino Revenue Fund	462,280,000

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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	$2,900,000

Total Direct State Services Appropriation, Economic Planning and Development		$2,900,000
Direct State Services		
Personal Services		
Salaries and Wages	($1,389,000)	
Materials and Supplies	(11,000)	
Services Other Than Personal	(148,000)	
Maintenance and Fixed Charges	(25,000)	
Special Purpose		
99 Healthcare Ombudsperson	(1,327,000)	

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

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

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 $800,000 from the New Jersey Builders Utilization Initiative for Labor Diversity, pursuant to section 1 of 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 unexpended balance at the end of the preceding fiscal year in the

Unemployment Processing Modernization and Improvements account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting

53 Economic Assistance and Security

DIRECT STATE SERVICES

03-4520 State Disability Insurance Plan	$33,252,000
04-4520 Private Disability Insurance Plan	5,395,000
05-4525 Workers' Compensation	14,242,000
06-4530 Special Compensation	2,108,000
Total Direct State Services Appropriation, Economic Assistance and Security	$54,997,000

Direct State Services

Personal Services	
Salaries and Wages	($34,831,000)
Materials and Supplies	(343,000)
Services Other Than Personal	(6,440,000)
Maintenance and Fixed Charges	(2,938,000)
Special Purpose	
03 State Disability Insurance Plan	(300,000)
03 State Disability Benefits Fund - Joint Tax Functions	(5,500,000)
03 Family Leave Insurance	(4,142,000)
04 Private Disability Insurance Plan	(100,000)
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 appropriated 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 Auxiliary Fund if the Commissioner of Labor determines that there are sufficient moneys in the Unemployment Compensation Auxiliary Fund to repay all or a portion of the interest amount due on September 30 of that calendar year Additionally, the amount necessary to pay interest due on any advances made under Title XII of the Social Security Act is appropriated from 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 the Unemployment Insurance 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

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

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 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 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 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 $19,000,000 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 An amount not to exceed $3,000,000 is appropriated 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, for enhancing the Department's effort in auditing and collection of unemployment contribution obligations, subject to the approval of the Director of the Division of Budget and Accounting

54 Workforce and Employment Services

DIRECT STATE SERVICES

07-4535 Vocational Rehabilitation Services	$2,704,000
09-4545 Employment Services	10,891,000
10-4545 Employment and Training Services	5,000,000
12-4550 Workplace Standards	9,641,000
16-4555 Public Sector Labor Relations	4,112,000
17-4560 Private Sector Labor Relations	500,000
Total Direct State Services Appropriation, Workforce	

and Employment Services	$32,848,000
Direct State Services	
Personal Services	
Salaries and Wages	($20,720,000)
Materials and Supplies	(34,000)
Services Other Than Personal	(459,000)
Maintenance and Fixed Charges	(26,000)
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)
10 Opioid Initiatives	(5,000,000)
12 Worker and Community Right to Know Act	(30,000)
12 Worker Health & Safety	(750,000)
12 Public Works Contractor Registration	(1,790,000)
12 Safety Commission	(3,000)
Additions, Improvements and Equipment	(46,000)

The amount hereinabove appropriated for the Vocational Rehabilitation Services program classification 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

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

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 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

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 and the unexpended balance at the end of the preceding fiscal year 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

Of the amount hereinabove appropriated for Workplace Standards Salaries and Wages, an amount not less than $1,500,000 shall be allocated for the costs of additional staff assigned to enforce the provisions of the "New Jersey Prevailing Wage Act," P L 1963, c 150 (C 34 11-56 25 et seq)

Of the amount hereinabove appropriated for Workplace Standards Salaries and Wages, an amount not less than $1,000,000 shall be allocated to the Office of Strategic Enforcement for the costs of additional staff assigned to enforce the provisions of the "New Jersey Prevailing Wage Act," P L 1963, c 150 (C 34 11-56 25 et seq)

Notwithstanding the provisions of the "Worker and Community Right To Know Act," P L 1983, c 315 (C 34 5A-1 et seq), the amount hereinabove 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

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 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		$51,366,000
(From General Fund	*$49,170,000)*	
(From Casino Revenue Fund	*2,196,000)*	
10-4545 Employment and Training Services		39,076,000
Total Grants-in-Aid Appropriation, Workforce and Employment Services		$90,442,000
(From General Fund	*$88,246,000)*	
(From Casino Revenue Fund	*$2,196,000)*	

Grants-in-Aid

07	Vocational Rehabilitation Services	($38,938,000)
07	Vocational Rehabilitation Services (CRF)	(2,196,000)
07	Services to Clients (State Share)	(4,432,000)
07	Mid-Atlantic States Career and Education Center	(2,000,000)
07	ACCSES NJ - Extended Employment	(2,400,000)
07	ACCSES NJ - Extended Employment - Transportation	(1,400,000)
10	NJ Community College Consortium for Workforce and Economic Development	(9,000,000)

10	New Jersey Youth Corps	(2,325,000)
10	African American Chamber of Commerce of New Jersey - Training and Development Institute	(1,000,000)
10	Work First New Jersey Work Activities	(26,751,000)

Notwithstanding the provisions 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 amounts hereinabove appropriated for Vocational Rehabilitation Services, an amount not less than $43,776,000 shall be allocated for the Extended Employment client slots and shall be paid in 12 equal monthly payments of $3,648,000, commencing in July 2022 These funds shall be contracted in July, and the first payment shall be paid to providers in July 2022

The amount hereinabove appropriated for Vocational Rehabilitation Services is conditioned upon the following the rates for Pre-Placement, Supported Employment Intensive Job Coaching, Time-Limited Job Coaching, and Long-Term Follow Along services shall be no less than $63 73 per hour

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for Vocational Rehabilitation Services, there is appropriated $9,114,000 from the Supplemental Workforce Fund for Basic Skills

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

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 which shall be allocated in the same amounts as in Fiscal Year 2020 Further, there is appropriated an additional $5,000,000 from the Workforce Development Partnership Fund, of which $3,600,000 shall be allocated for the Extended Employment client slots, and $1,400,000 shall be allocated for Extended Employment Transportation Further, there is appropriated an additional $10,500,000 from the Workforce Development Partnership Fund for Extended Employment

In addition to the amount hereinabove appropriated for Vocational Rehabilitation Services, an amount not to exceed $2,000,000 to allow for the matching of federal funds made available pursuant to 29 U S C s 730 is hereby appropriated from the Supplemental Workforce Fund for Basic Skills, 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 Employment and Training Services, an amount not to exceed $22,500,000 is appropriated from the Workforce Development Partnership Fund, section 9 of P L 1992, c 43 (C 34 15D-9), for the purpose of funding the NJ Apprenticeship Network, the Career Accelerator

Internship Program, the Workforce Development Policy and Evaluation Lab, the NJ Career Network, and such other priority additional workforce initiatives recommended by the Commissioner of Labor and Workforce 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 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

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amounts hereinabove appropriated for Employment and Training Services, an amount not to exceed $2,000,000 is appropriated from the Workforce Development Partnership Fund for the Parolee Employment Placement Program for parolee employment services from contracted providers, 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 Future of Work 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 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

Of the amount hereinabove appropriated for the New Jersey Youth Corps program, $475,000 is appropriated from the Unemployment Compensation Auxiliary Fund

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

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

In addition to the amount hereinabove appropriated for Vocational Rehabilitation Services, such sums as may be necessary to allow for the matching of federal funds made available pursuant to 29 U S C s 730 are hereby appropriated from the Workforce Development Partnership fund, 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

22-4575 General Administration, Agency Services, Test Development and Analytics	$20,305,000
24-4580 Appeals and Regulatory Affairs	3,422,000
Total Direct State Services Appropriation, General Government Services	$23,727,000

Direct State Services

Personal Services	
Civil Service Commission	($8,000)
Salaries and Wages	(21,434,000)
Materials and Supplies	(188,000)
Services Other Than Personal	(1,320,000)
Maintenance and Fixed Charges	(141,000)
Special Purpose	
22 Test Validation/Police Testing	(434,000)
22 Americans with Disabilities Act	(60,000)
Additions, Improvements and Equipment	(142,000)

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 program, subject to the approval of the Director of the Division of Budget and Accounting

Department of Labor and Workforce Development,

Total State Appropriation	$204,914,000

Summary of Department of Labor and Workforce Development Appropriations
(For Display Purposes Only)

Appropriations by Category	
Direct State Services	$114,472,000
Grants-in-Aid	90,442,000
Appropriations by Fund	
General Fund	$202,718,000
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		$339,555,000
09-1020 Criminal Justice		44,720,000
30-1460 Gaming Enforcement		60,132,000
(From Casino Control Fund	*$60,132,000)*	
99-1200 Administration and Support Services		34,835,000
Total Direct State Services Appropriation, Law Enforcement		$479,242,000
(From General Fund	*$419,110,000)*	
(From Casino Control Fund	*60,132,000)*	
Direct State Services		
Personal Services		
Salaries and Wages	($228,663,000)	
Salaries and Wages (CCF)	(51,927,000)	
Cash in Lieu of Maintenance	(39,150,000)	
Cash in Lieu of Maintenance (CCF)	(939,000)	
Materials and Supplies	(12,474,000)	
Materials and Supplies (CCF)	(350,000)	
Services Other Than Personal	(18,657,000)	
Services Other Than Personal (CCF)	(2,518,000)	
Maintenance and Fixed Charges	(6,333,000)	
Maintenance and Fixed Charges (CCF)	(2,348,000)	
Special Purpose		
06 Nuclear Emergency Response Program	(373,000)	
06 Drunk Driver Fund Program	(350,000)	
06 State Police DNA Laboratory Enhancement	(4,350,000)	

06	Urban Search and Rescue	(1,000,000)
06	Rural Section Policing	(66,063,000)
06	Waterfront Operations	(4,000,000)
06	Expungement Unit	(13,000,000)
06	State Traffic Stop Database Expansion	(500,000)
09	Division of Criminal Justice - State Match	(750,000)
09	Office of Public Integrity & Accountability	(8,517,000)
09	Expenses of State Grand Jury	(356,000)
09	Medicaid Fraud Investigation - State Match	(1,308,000)
09	Victim and Witness Advocacy Fund	(500,000)
30	Gaming Enforcement (CCF)	(1,500,000)
99	Emergency Operations Center and Hamilton TechPlex Maintenance	(3,473,000)
99	N C I C 2000 Project	(1,575,000)
Additions, Improvements and Equipment		(7,718,000)
Additions, Improvements and Equipment (CCF)		(550,000)

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for Criminal Justice salaries, an amount not to exceed $500,000, subject to the approval of the Director of the Division of Budget and Accounting, shall be used for the costs of increased staffing for labor enforcement matters

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amount hereinabove appropriated for Division of Criminal Justice - State Match, an amount not to exceed $600,000 is appropriated to provide State matching funds for the purpose of strengthening and expanding services related to Internet Crimes Against Children cases, 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 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

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

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 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 Driving 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 provision 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 subsection 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 No funds shall be expended to expand services in a manner that duplicates service currently provided The Department of Health and the Division of State Police shall establish performance metrics to ensure the appropriate delivery of State-wide emergency medical helicopter service and that no inefficient duplication of State funded service exists

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

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 $5,000,000, 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 $3,000,000 are appropriated for State Police vehicles, 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 $2,000,000 are appropriated for State Police equipment, 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 $13,305,000 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, 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

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

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	$386,000
Total State Aid Appropriation, Law Enforcement	$386,000

Grants-in-Aid

06 Nuclear Emergency Response Program ($386,000)

Of the amount hereinabove appropriated for the NJ Statewide Body Worn Camera Program, an amount not to exceed $500,000 may be used for administrative purposes, and the unexpended balance 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 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

STATE AID

06-1200 State Police Operations		$3,000,000
(From Property Tax Relief Fund	*$3,000,000)*	
09-1020 Criminal Justice		2,500,000
(From Property Tax Relief Fund	*$2,500,000)*	
Total State Aid Appropriation, Law Enforcement		$5,500,000
(From Property Tax Relief Fund	*$5,500,000)*	
State Aid		
06 Essex Crime Prevention (PTRF)	($3,000,000)	
09 City of Long Branch - Pop-up Party Prevention (PTRF)	(500,000)	
09 Safe and Secure Neighborhoods Program (PTRF)	(2,000,000)	

CAPITAL CONSTRUCTION

06-1200 State Police Operations		$3,500,000
Total Capital Construction Appropriation, Law Enforcement		$3,500,000
Capital Projects		
06 State Police Building 15 Network Power Backup	($3,500,000)	

13 Special Law Enforcement Activities

DIRECT STATE SERVICES

03-1160 Division of Highway Traffic Safety		$598,000
17-1420 Election Law Enforcement		5,467,000
20-1450 Review and Enforcement of Ethical Standards		1,067,000
22-1410 Regulation of Racing Activities		25,000,000
Total Direct State Services Appropriation, Special Law Enforcement Activities		$32,132,000
Direct State Services		
Personal Services		
Salaries and Wages	($5,717,000)	
Materials and Supplies	(65,000)	
Services Other Than Personal	(742,000)	
Maintenance and Fixed Charges	(10,000)	
Special Purpose		

03	Federal Highway Safety	(598,000)
22	Horse Racing Purse Subsidies	(25,000,000)

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

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

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	$30,550,000
35-1505 Institutional Control and Supervision	43,198,000
36-1505 Institutional Care and Treatment	14,571,000
40-1500 Juvenile Parole and Transitional Services	5,959,000
99-1500 Administration and Support Services	19,076,000
Total Direct State Services Appropriation, Juvenile Services	$113,354,000

Direct State Services

Personal Services	
Salaries and Wages	($92,326,000)
Materials and Supplies	(4,819,000)
Services Other Than Personal	(10,677,000)
Maintenance and Fixed Charges	(2,632,000)
Special Purpose	
34 Juvenile Aftercare Programs	(73,000)
34 Juvenile Justice Initiatives	(612,000)
99 Johnstone Facility Maintenance	(457,000)
99 Juvenile Justice - State Matching Funds	(132,000)
99 Custody and Civilian Staff Equipment and Supplies	(186,000)
Additions, Improvements and Equipment	(1,440,000)

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amounts hereinabove appropriated for Juvenile Community Programs, an amount not to exceed $750,000 is appropriated from the Workforce Development Partnership Fund for the cost of administering and operating the Heating/Ventilation/Air Conditioning/Refrigeration (HVACR) Career Education Program for individuals under the supervision of the Juvenile Justice Commission, upon the recommendation of the Executive Director of the Juvenile Justice Commission and subject to the approval of the Director of the Division of Budget and Accounting

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	$24,999,000
Total Grants-in-Aid Appropriation, Juvenile Services	$24,999,000

Grants-in-Aid

34 Restorative and Transformative Justice for Youths and Communities Pilot Program (P L 2021, c 196)	($4,200,000)
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	(12,670,000)
34 Purchase of Services for Juvenile Offenders	(313,000)

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

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

19 Central Planning, Direction and Management

DIRECT STATE SERVICES

13-1005 Homeland Security and Preparedness	$14,154,000
99-1000 Administration and Support Services	19,945,000
Total Direct State Services Appropriation, Central Planning, Direction and Management	$34,099,000

Direct State Services

Personal Services	
Salaries and Wages	($12,838,000)
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	(5,509,000)
13 Cybersecurity and Data Protection	(8,645,000)
99 Prescription Drug Monitoring Program Enhancements	(200,000)
99 Continuing Education for Health Care Professionals	(1,000,000)
99 Operation Helping Hand	(2,200,000)
99 Office of Law Enforcement Professional Standards	(1,436,000)
99 Office of the Attorney General - Honors Program	(1,700,000)
Additions, Improvements and Equipment	(21,000)

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 interest 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 and may be transferred to the Division of State Police 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 $8,900,000, 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

GRANTS-IN-AID

13-1005 Homeland Security and Preparedness	$10,000,000
99-1000 Administration and Support Services	10,000,000
Total Grants-in-Aid Appropriation, Central Planning, Direction and Management	$20,000,000

Grants-in-Aid

13	New Jersey Nonprofit Security Grant Program (P L 2021, c 439)	($5,000,000)
13	Reproductive Health Security Grant Program	(5,000,000)
99	Community-Based Violence Intervention	(10,000,000)

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Community-Based Violence Intervention shall be used to develop violence-intervention programming and provide grants to municipalities, individuals and nonprofit organizations impacted by higher than average rates of violence, pursuant to a competitive process administered by the Office of the Attorney General, subject to the approval of the Director of the Division of Budget and Accounting

Of the amount hereinabove appropriated for the Community-Based Violence Intervention Program, an amount not to exceed five percent of the funds may be used to offset the administrative costs of the 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 "New Jersey Nonprofit Security Grant Program," P L 2021, c 439 (C App A 9-87 et seq) is appropriated for the same purspose, 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 Reproductive Health Security Grant Program shall be used to provide grants to eligible reproductive health care facilities that provide reproductive health care services, pursuant to a process administered by the Director of the Office of Homeland Security and Preparedness to determine facilities that are at a high risk of being the target of unlawful activity, 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 Community-Based Violence Intervention account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting

STATE AID

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	$108,179,000
Subtotal Direct State Services Appropriation, General Government Services	$108,179,000
Less	
Legal Services	**$93,203,000**
Total Income Deductions	**$93,203,000**
Total Direct State Services Appropriation, General Government Services	$14,976,000

Direct State Services

Personal Services	
Salaries and Wages	($12,849,000)
Materials and Supplies	(89,000)
Services Other Than Personal	(462,000)
Maintenance and Fixed Charges	(134,000)
Special Purpose	
12 Legal Services	(93,203,000)
12 Child Welfare Unit	(1,442,000)
Less	
Total Income Deductions	**93,203,000**

In addition to the amount hereinabove appropriated for Legal Services and the 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

Notwithstanding the provisions of any law or regulation to the contrary, dedicated funds received pursuant to judgments and settlements finalized prior to FY 2022 are appropriated and shall be available for use and transfer to the various State departments and agencies to fund programs and services consistent with the terms, conditions, and restrictions set forth in the respective final judgments and settlement agreements, as determined by the Attorney General, 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		$12,857,000
15-1314 Operation of State Professional Boards		37,155,000
(From General Fund	*$37,063,000)*	
(From Casino Revenue Fund	*92,000)*	
16-1350 Protection of Civil Rights		7,140,000
19-1440 Victims of Crime Compensation Office		13,372,000
Total Direct State Services Appropriation, Protection of Citizens' Rights		$70,524,000
(From General Fund	*$70,432,000)*	
(From Casino Revenue Fund	*92,000)*	
Direct State Services		
Personal Services		
Salaries and Wages	($6,734,000)	
Salaries and Wages (CRF)	(75,000)	
Employee Benefits (CRF)	(17,000)	
Materials and Supplies	(101,000)	
Services Other Than Personal	(19,701,000)	
Maintenance and Fixed Charges	(197,000)	
Special Purpose		
14 Prescription Drug Monitoring Program	(500,000)	
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 Registration Program	(556,000)	

14	Professional Licensure Processing Improvements	(5,000,000)
14	OB/GYN Clinical Training Program	(5,000,000)
15	Personal Care Attendants - Background Checks	(500,000)
15	Health Care Professions Fee Waiver	(14,066,000)
19	Claims - Victims of Crime	(13,372,000)

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

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 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, investigations required by law, opioid related expenses, 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

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

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

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 for additional Victims of Crime Compensation Office operational costs, 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 Victims of Crime Compensation Office pursuant to section 2 of P L 1979, c 396

(C 2C 43-3 1) are appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting

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, payment of claims of victims of crime and for Victims of Crime Compensation Office operational 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 and consistent with P L 2015, c 55, restitution payments collected by the Department of Corrections owed to victims of crimes who have not been located by the Department and who have not come forward to claim such payments for a period of two years from when the Department attempts to locate them shall be transferred to the Victims of Crime Compensation Office and are appropriated to satisfy claims pursuant to the provisions of the "Criminal Injuries Compensation Act of 1971," P L 1971, c 317 (C 52 4B-1 et seq)

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	$798,712,000

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 $38,500,000, 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

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

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Summary of Department of Law and Public Safety Appropriations
(For Display Purposes Only)

Appropriations by Category	
Direct State Services	$744,327,000
Grants-in-Aid	45,385,000
State Aid	5,500,000
Capital Construction	3,500,000
Appropriations by Fund	
General Fund	$732,988,000
Property Tax Relief Fund	5,500,000
Casino Control Fund	60,132,000
Casino Revenue Fund	92,000

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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	$4,617,000
60-3600 Joint Training Center Management and Operations	74,000
99-3600 Administration and Support Services	7,562,000
Total Direct State Services Appropriation, Military Services	$12,253,000

Direct State Services

Personal Services	
Salaries and Wages	($8,391,000)
Materials and Supplies	(357,000)
Services Other Than Personal	(1,103,000)
Maintenance and Fixed Charges	(934,000)
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)	(1,105,000)

Additions, Improvements and Equipment	(48,000)

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

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 appropriated 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 account are appropriated for the operation and maintenance of other energy program projects

In addition to the amount hereinabove appropriated for New Jersey National Guard Support Services, funds received for Distance Learning Program use are appropriated for the same purposes, subject to the approval of the Director of the Division of Budget and Accounting

In addition to the amounts hereinabove appropriated for the National Guard-State Active Duty account, there are appropriated such amounts as are determined to be necessary by The Adjutant General to pay for the cost of unanticipated or extraordinary National Guard deployments, 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 USS New Jersey Commissioning Committee account is appropriated

80 Special Government Services
83 Services to Veterans
3610 Veterans' Program Support
DIRECT STATE SERVICES

50-3610 Veterans' Outreach and Assistance		$3,963,000
51-3610 Veterans' Haven		2,540,000
70-3610 Burial Services		2,203,000
Total Direct State Services Appropriation, Veterans' Program Support		$8,706,000
Direct State Services		
Personal Services		
Salaries and Wages	($6,952,000)	
Materials and Supplies	(459,000)	
Services Other Than Personal	(287,000)	
Maintenance and Fixed Charges	(118,000)	
Special Purpose		

50	Payment of Military Leave Benefits	(67,000)
50	Veterans' State Benefits Bureau	(110,000)
50	Maintenance for Memorials	(371,000)
70	Indigent Veteran Burial Assistance	(25,000)
70	Honor Guard Support Services	(317,000)

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

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

Funds collected by and on behalf of the Korean Veterans' Memorial Fund are hereby appropriated for the purposes of the fund

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

GRANTS-IN-AID

50-3610	Veterans' Outreach and Assistance	$2,746,000
	Total Grants-in-Aid Appropriation, Veterans' Program Support	$2,746,000

Grants-in-Aid

50	Support Services for Returning Veterans	($399,000)
50	Vietnam Veterans Memorial Foundation	(250,000)
50	Veterans' Tuition Grants	(4,000)
50	Veterans' Transportation	(335,000)
50	Blind Veterans' Allowances	(41,000)

50	Paraplegic and Hemiplegic Veterans'Allowance	(217,000)
50	Mental Health First Aid for Veterans, Military Members, and Their Families	(200,000)
50	Post Traumatic Stress Disorder	(1,300,000)

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

3630 Menlo Park Veterans' Memorial Home

DIRECT STATE SERVICES

20-3630	Domiciliary and Treatment Services	$20,592,000
99-3630	Administration and Support Services	5,570,000
	Total Direct State Services Appropriation, Menlo Park Veterans' Memorial Home	$26,162,000

Direct State Services

Personal Services	
Salaries and Wages	($22,251,000)
Materials and Supplies	(1,965,000)
Services Other Than Personal	(1,597,000)
Maintenance and Fixed Charges	(235,000)
Additions, Improvements and Equipment	(114,000)

GRANTS-IN-AID

20-3630	Domiciliary and Treatment Services	$49,000
	Total Grants-in-Aid Appropriation, Menlo Park Veterans'Memorial Home	$49,000

Grants-in-Aid

20	Prescription Drug Program	($49,000)

3640 Paramus Veterans' Memorial Home

DIRECT STATE SERVICES

20-3640	Domiciliary and Treatment Services	$20,970,000
99-3640	Administration and Support Services	4,396,000
	Total Direct State Services Appropriation, Paramus Veterans' Memorial Home	$25,366,000

Direct State Services

Personal Services	
Salaries and Wages	($22,412,000)

Materials and Supplies	(1,370,000)	
Services Other Than Personal	(1,383,000)	
Maintenance and Fixed Charges	(162,000)	
Additions, Improvements and Equipment	(39,000)	

GRANTS-IN-AID

20-3640 Domiciliary and Treatment Services		$49,000
Total Grants-in-Aid Appropriation, Paramus Veterans'Memorial Home		$49,000
Grants-in-Aid		
20 Prescription Drug Program	($49,000)	

3650 Vineland Veterans' Memorial Home

DIRECT STATE SERVICES

20-3650 Domiciliary and Treatment Services		$23,248,000
99-3650 Administration and Support Services		5,289,000
Total Direct State Services Appropriation, Vineland Veterans' Memorial Home		$28,537,000
Direct State Services		
Personal Services		
Salaries and Wages	($24,302,000)	
Materials and Supplies	(1,482,000)	
Services Other Than Personal	(2,355,000)	
Maintenance and Fixed Charges	(274,000)	
Additions, Improvements and Equipment	(124,000)	

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

Receipts in excess of anticipated revenues derived from resident contributions and the U S Department of Veterans Affairs 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

GRANTS-IN-AID

20-3650 Domiciliary and Treatment Services		$49,000
Total Grants-in-Aid Appropriation, Vineland Veterans' Memorial Home		$49,000
Grants-in-Aid		
20 Prescription Drug Program	($49,000)	

Department of Military and Veterans' Affairs, Total State Appropriation $103,917,000

Notwithstanding the provisions of any law or regulation to the contrary, lease or licensing payments received by the Department of Military and Veterans' Affairs in connection with the property known as the "Colgate Clock" located on Block 14502, Lot 10 on the Official Tax Map of Jersey City, New Jersey, shall be deposited in the General Fund

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Summary of Department of Military and Veterans' Affairs Appropriations
(For Display Purposes Only)

Appropriations by Category	
Direct State Services	$101,024,000
Grants-in-Aid	2,893,000
Appropriations by Fund	
General Fund	$103,917,000

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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		$9,069,000
81-2400 Educational Opportunity Fund Programs		436,000
Total Direct State Services Appropriation, Higher Educational Services		$9,505,000
Direct State Services		
Personal Services		
Salaries and Wages	($3,216,000)	
Materials and Supplies	(9,000)	
Services Other Than Personal	(218,000)	
Maintenance and Fixed Charges	(12,000)	

Special Purpose

80	State Policy Lab	(1,000,000)
80	Student Success Incentive Funding	(5,000,000)
Additions, Improvements and Equipment		(50,000)

In addition to the amounts hereinabove appropriated for the Statewide Planning and Coordination for Higher Education, there is appropriated an amount not to exceed $500,000 subject to the approval of the Director of the Division of Budget and Accounting, for the purpose of supporting the maintenance of a Statewide longitudinal New Jersey Education to Earnings Data System

GRANTS-IN-AID

80-2400 Statewide Planning and Coordination for Higher Education	$53,600,000
81-2400 Educational Opportunity Fund Programs	4,838,000
Total Grants-in-Aid Appropriation, Higher Educational Services	$108,438,000

Grants-in-Aid

80	College Bound	($2,500,000)
80	College Readiness Now	(1,000,000)
80	Center on Gun Violence Research	(2,000,000)
80	New Jersey Civic Information Consortium	(3,000,000)
80	Governor's School	(100,000)
80	Hunger-Free Campus Program	(1,500,000)
80	Fringe Support for Public Research Institutions of Higher Education	(35,000,000)
80	Some College, No Degree	(3,000,000)
80	County College - Based Adult Centers	(4,500,000)
80	Direct Support Professional Career Development Program (P L 2021, c 421)	(1,000,000)
81	Opportunity Program Grants	(37,329,000)
81	Supplementary Education Program Grants	(17,509,000)

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

Notwithstanding the provisions of any law or regulation to the contrary, the amounts appropriated for the Garden State Guarantee Implementation is subject to the following conditions funding shall be allocated by the Secretary of Higher Education, subject to the approval of the Director of the Division of Budget and Accounting, to senior public institutions to offset the financial effects of declining

enrollment trends and improve college affordability by funding approved applications to supplement the institution's costs of offering financial assistance to New Jersey resident full-time undergraduate students in academic years on or after the fall of 2022 during each student's third and fourth years of enrollment at the institution, as years three and four are defined by the Secretary of Higher Education, to guarantee that (i) all such eligible students with adjusted gross incomes, as such term is defined in section 1 of P L 2021, c 26 (C 18A 71B-111), between $0 to $65,000 will receive enough financial aid from a combination of State, federal, institutional, and other grants or scholarships to eliminate the student's net cost of tuition and mandatory fees, and (ii) all such eligible students with adjusted gross incomes, as such term is defined in section 1 of P L 2021, c 26 (C 18A 71B-111), between $65,001 and $80,000 will receive enough financial aid from a combination of State, federal, institutional and other grants or scholarships to pay a remaining net price of no more than $7,500 in tuition and mandatory fees

In addition to the amounts hereinabove appropriated for the Center on Gun Violence Research, an amount not to exceed $1,000,000, subject to the approval of the Director of the Division of Budget and Accounting, is appropriated to support interdisciplinary research on the causes and consequences of, and solutions to, gun-related violence

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Fringe Support for Public Research Institutions of Higher Education is subject to the following conditions (1) amounts shall be allocated among and distributed to senior research institutions of higher education based on a funding rationale determined by the Secretary of Higher Education and subject to the approval of the Director of the Division of Budget and Accounting, (2) allocations to individual senior research institutions shall be used only to offset fringe benefit costs charged to federally funded programs using the composite fringe benefit rate for the year ending June 30, 2023 established by the Division of Budget and Accounting, and (3) the senior research institutions must demonstrate to the Secretary of Higher Education that they have begun negotiations with the federal government to develop a lower, federally approved rate for the purpose of enabling such institution to direct more grant funding towards eligible research activities

The unexpended balance at the end of the preceding fiscal year in the New Jersey Civic Information Consortium account is appropriated

The unexpended balance at the end of the preceding fiscal year in the Garden State Guarantee Implementation account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting

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		$542,056,000
	Total Grants-in-Aid Appropriation, Higher Education Student Assistance Authority		$542,056,000
Grants-in-Aid			
45	Tuition Aid Grants	($477,887,000)	
45	Part-Time Tuition Aid Grants for County Colleges	(8,737,000)	
45	Part-Time Tuition Aid Grant - EOF Students	(558,000)	
45	Governor's Urban Scholarship Program	(1,095,000)	
45	Community College Opportunity Grant	(35,070,000)	
45	Pay It Forward Fund	(2,500,000)	
45	Community College Opportunity Grant for County Vocational Schools Pilot	(4,000,000)	
45	New Jersey STEM Loan Redemption Program	(100,000)	
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 Practitioners Loan Redemption Program	(1,500,000)	
45	New Jersey Educator Scholarship Program	(1,000,000)	
45	Tuition Assistance, Thomas Edison State University Students	(1,500,000)	
45	Teachers Loan Redemption Program	(1,000,000)	

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 set by the Higher Education Student Assistance Authority

Such amounts as may be necessary are appropriated from Tuition Aid Grants to fund awards for undocumented students as set forth in P L 2018, c 12 (C 18A 71B-2 1) or incarcerated individuals, subject to the approval of the Director of the Division of Budget and Accounting 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

In addition to the amount hereinabove appropriated for Community College Opportunity Grants (CCOG), there are appropriated such amounts as are required to cover the costs of increases in the number of applicants qualifying for CCOG

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

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 program 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 Scholarship program shall be used to fund summer semester NJ STARS scholarship awards

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 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 and thereafter 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 Division 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

Notwithstanding the provisions of section 9 of P L 2009, c 236 (C 18A 71C-58) or any other law or regulation to the contrary, the amount hereinabove appropriated for the Nursing Faculty Loan Redemption Program is subject to the following condition funds, if any, in excess of the amount necessary to satisfy qualifying applications under the Program may be reallocated to the Primary Care

Practitioner Loan Redemption Program upon the recommendation of the Executive Director of the Higher Education Student Assistance Authority, 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, of the amount hereinabove appropriated for Community College Opportunity Grants, the maximum individual grant amount awarded, as established by the Higher Education Student Assistance Authority pursuant to subsection c of section 4 of P L 2021, c 26 (C 18A 71B-114), to qualified students with an annual adjusted gross income, as such term is defined in section 1 of P L 2021, c 26 (C 18A 71B-111), between $65,001 and $80,000, shall not exceed fifty percent of the maximum individual grant amount for students with an annual adjusted gross income between $0 and $65,000

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Community College Opportunity Grant for County Vocational Schools Pilot shall be available to waive tuition of students enrolled in post-secondary career and technical education courses offered by county vocational schools in partnership with a county college provided that such post-secondary career and technical education courses are awarded credits by a county college as part of a curriculum leading to a degree, and further provided that all available grants and employer support have been exhausted The per-pupil amount shall be reduced proportionally if the amount appropriated is insufficient to provide full funding for all eligible enrolled students

2410 Rutgers, The State University - New Brunswick

GRANTS-IN-AID

82-2410 Institutional Support	$3,469,357,000
Subtotal General Operations	$3,469,357,000
Less	
General Services Income . .	**$1,811,531,000**
Auxiliary Funds Income .	**256,259,000**
Special Funds Income	**632,735,000**
Employee Fringe Benefits	**417,491,000**
Total Income Deductions..	**$3,118,016,000**

	Total Grants-in-Aid Appropriation, Rutgers, The State University - New Brunswick		$351,341,000
Grants-in-Aid			
82	Outcomes-Based Allocation	($28,558,000)	
82	The Rutgers Special Needs Dental Treatment Center	(250,000)	
82	New Jersey Center for Civic Education – Middle School and High School Civics Instruction	(300,000)	
82	Rutgers, The State University - New Brunswick	(3,290,546,000)	
82	Cancer Institute of New Jersey	(5,000,000)	
82	Child Health Institute	(1,700,000)	
82	School of Biomedical and Health Sciences	(141,533,000)	
82	State Government Science and Engineering Fellowship Program, Eagleton Institute	(320,000)	
82	Institute of Management and Labor Relations	(150,000)	
82	New Jersey Climate Change Resource Center at Rutgers (P L 2019, c 442)	(1,000,000)	
Less			
	Income Deductions		**$3,118,016,000**

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

2415 Agricultural Experiment Station

GRANTS-IN-AID

82-2415	Institutional Support		$99,030,000
	Subtotal General Operations		$99,030,000
Less			
	General Services Income	**$28,867,000**	
	Special Funds Income	**24,443,000**	
	Federal Research and Extension Funds Income	**7,426,000**	
	Employee Fringe Benefits	**14,268,000**	
	Total Income Deductions	**$75,004,000**	
	Total Grants-in-Aid Appropriation, Agricultural Experiment Station		$24,026,000
Grants-in-Aid			
82	Rutgers Equine Science Center Operating Support	($95,000)	
82	New Jersey Agricultural Experiment Station	(3,000,000)	

82	New Jersey Agricultural Experiment Station - Rutgers University	(95,935,000)
Less		
	Income Deductions	**75,004,000**

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		$248,643,000
	Subtotal General Operations		$248,643,000
Less			
	General Services Income	**$125,671,000**	
	Auxiliary Funds Income	**9,651,000**	
	Special Funds Income	**53,090,000**	
	Employee Fringe Benefits	**25,687,000**	
	Total Income Deductions	**$214,099,000**	
	Total Grants-in-Aid Appropriation, Rutgers, The State University - Camden		$34,544,000
Grants-in-Aid			
82	Clinical Legal Programs for the Poor-Rutgers Law School	($200,000)	
82	Outcomes-Based Allocation	(5,339,000)	
82	Rowan University - Rutgers Camden Board Of Governors, Rutgers-Camden School of Business	(3,000,000)	
82	Rowan University - Rutgers Camden Board of Governors, Health Initiatives	(2,000,000)	
82	Rutgers Camden Business School - Center for Real Estate	(150,000)	
82	Rutgers Camden Law School - Legal Assistance for Tenants	(575,000)	
82	Focus on Student Mental Health and Wellbeing	(420,000)	
82	Civic Engagement Initiative at Rutgers-Camden	(2,000,000)	

82 Student Success Initiatives at Rutgers-Camden (5,000,000)
82 Rutgers, The State University - Camden (229,959,000)
Less
Income Deductions 214,099,000
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 $548,813,000
Subtotal General Operations $548,813,000
Less
General Services Income . . $316,888,000
Auxiliary Funds Income . 20,078,000
Special Funds Income . . 100,360,000
Employee Fringe Benefits . . 54,058,000
Total Income Deductions . . $491,384,000
Total Grants-in-Aid Appropriation, Rutgers, The State University – Newark $57,429,000
Grants-in-Aid
82 Clinical Legal Programs for the Poor - Rutgers Law School ($200,000)
82 Outcomes -Based Allocation (10,678,000)
82 Rutgers Newark Law School - Legal Assistance for Tenants (575,000)
82 Rutgers Newark Business School - Center for Real Estate (350,000)
82 Scholarship and Transformative Education in Prison Program (2,250,000)
82 Center for Local Supply Chain Resiliency (500,000)
82 Center on Law, Inequality, and Metropolitan Equity (750,000)
82 Circulator Buses (10,000,000)
82 Center for Politics and Race in America (500,000)
82 Rutgers, The State University - Newark (523,010,000)
Less
Income Deductions . . 491,384,000
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 $451,094,000

Subtotal General Operations		$451,094,000
Less		
General Services Income	**$137,984,000**	
Auxiliary Funds Income	**14,214,000**	
Special Funds Income	**194,087,000**	
Employee Fringe Benefits	**52,405,000**	
Total Income Deductions	**$398,690,000**	
Total Grants-in-Aid Appropriation, New Jersey Institute of Technology		$52,404,000
Grants-in-Aid		
82 Outcomes-Based Allocation	($8,319,000)	
82 Public Polytechnic Adjustment Aid	(9,500,000)	
82 New Jersey Institute of Technology	(433,275,000)	
Less		
Income Deductions	**398,690,000**	

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 1,313

2440 Thomas Edison State University
GRANTS-IN-AID

82-2440 Institutional Support		$82,380,000
Subtotal General Operations		$82,380,000
Less.		
General Services Income	**$51,717,000**	
Special Funds Income	**3,765,000**	
Employee Fringe Benefits	**14,700,000**	
State-Supported Facilities Costs	**1,670,000**	
Total Income Deductions	**$71,852,000**	
Total Grants-in-Aid Appropriation, Thomas Edison State University		$10,528,000
Grants-in-Aid		
82 Outcomes-Based Allocation	($4,967,000)	
82 Thomas Edison State University	(76,413,000)	
82 National Guard Tuition Waiver Reimbursement	(1,000,000)	
Less		
Income Deductions	**71,852,000**	

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Thomas Edison State University shall be 323

2445 Rowan University
GRANTS-IN-AID

82-2445 Institutional Support	$753,524,000

Subtotal General Operations		$753,524,000
Less		
General Services Income	**$309,473,000**	
Auxiliary Funds Income	**44,035,000**	
Special Funds Income	**173,343,000**	
Employee Fringe Benefits	**85,520,000**	
Total Income Deductions	**$612,371,000**	
Total Grants-in-Aid Appropriation, Rowan University		$141,153,000
Grants-in-Aid		
82 Outcomes-Based Allocation	($11,424,000)	
82 Rowan University	(645,124,000)	
82 Cooper University Hospital - Population Health and Joint Board	(500,000)	
82 Child Abuse Research Education and Service Institute	(2,700,000)	
82 Camden Opioid Research Initiative	(1,000,000)	
82 Cooper Medical School of Rowan University	(11,550,000)	
82 Cooper Medical School - Cooper University Hospital Support	(29,297,000)	
82 School of Osteopathic Medicine	(37,929,000)	
82 School of Veterinarian Medicine	(12,000,000)	
82 Center for Research and Education in Advanced Transportation Engineering Systems	(2,000,000)	
Less.		
Income Deductions	**612,371,000**	

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Rowan University shall be 1,898

For the purpose of implementing the appropriations act for the current fiscal year, the fringe benefits for 105 positions at Cooper Medical School of Rowan University are funded by the State

Of the $37,929,000 appropriated for the Rowan School of Osteopathic Medicine, $2,700,000 million is to be allocated to the Cooper Medical School of Rowan University

2450 New Jersey City University

GRANTS-IN-AID

82-2450 Institutional Support		$167,638,000
Subtotal General Operations		$167,638,000
Less.		
Receipts from Tuition Increase	**$2,433,000**	
General Services Income	**30,398,000**	
A.H Moore Program Receipts	**5,188,000**	
Auxiliary Funds Income	**6,764,000**	
Special Funds Income	**49,702,000**	

Employee Fringe Benefits. . .	**39,240,000**	
Total Income Deductions	**$133,725,000**	
Total Grants-in-Aid Appropriation, New Jersey City University		$33,913,000
Grants-in-Aid		
82 Outcomes-Based Allocation	($7,077,000)	
82 Capital Improvements	(2,250,000)	
82 New Jersey City University	(158,311,000)	
Less		
Income Deductions .. .	**133,725,000**	

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		$292,611,000
Subtotal General Operations		$292,611,000
Less		
General Services Income . .	**$152,303,000**	
Auxiliary Funds Income	**27,116,000**	
Special Funds Income	**22,252,000**	
Employee Fringe Benefits	**40,795,000**	
Total Income Deductions . .	**$242,466,000**	
Total Grants-in-Aid Appropriation, Kean University		$50,145,000
Grants-in-Aid		
82 Urban Policy Institute	($850,000)	
82 Outcomes-Based Allocation	(11,796,000)	
82 Kean University	(279,965,000)	
Less		
Income Deductions	**242,466,000**	

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		$218,905,000
Subtotal General Operations		$218,905,000
Less		
General Services Income . . .	**$69,244,000**	
Auxiliary Funds Income	**14,572,000**	
Special Funds Income **37,753,000**		

Employee Fringe Benefits	**52,116,000**	
Total Income Deductions	**$173,685,000**	
Total Grants-in-Aid Appropriation, William Paterson University of New Jersey		$45,220,000
Grants-in-Aid		
82 Outcomes-Based Allocation	($8,071,000)	
82 Institutional and Workforce Sustainability Plan	(7,500,000)	
82 William Paterson University of New Jersey	(203,334,000)	
Less		
Income Deductions	**173,685,000**	

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		$460,029,000
Subtotal General Operations		$460,029,000
Less		
General Services Income	**$158,465,000**	
Auxiliary Funds Income	**61,870,000**	
Special Funds Income	**108,337,000**	
Employee Fringe Benefits	**61,101,000**	
Total Income Deductions	**$389,773,000**	
Total Grants-in-Aid Appropriation, Montclair State University		$70,256,000
Grants-in-Aid		
82 Outcomes-Based Allocation	($14,776,000)	
82 Montclair State University	(445,253,000)	
Less		
Income Deductions	**389,773,000**	

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		$262,315,000
Subtotal General Operations		$262,315,000
Less		
General Services Income	**$120,083,000**	
Auxiliary Funds Income	**44,544,000**	
Special Funds Income	**23,737,000**	

Employee Fringe Benefits	**42,076,000**	
Total Income Deductions	**$230,440,000**	
Total Grants-in-Aid Appropriation, The College of New Jersey		$31,875,000
Grants-in-Aid		
82 Outcomes-Based Allocation	($3,353,000)	
82 The College of New Jersey	(258,962,000)	
Less		
Income Deductions	**230,440,000**	

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 909

2475 Ramapo College of New Jersey
GRANTS-IN-AID

82-2475 Institutional Support		$160,479,000
Subtotal General Operations		$160,479,000
Less		
General Services Income	**$65,078,000**	
Auxiliary Funds Income	**26,791,000**	
Special Funds Income	**17,336,000**	
Employee Fringe Benefits	**28,440,000**	
Total Income Deductions	**$137,645,000**	
Total Grants-in-Aid Appropriation, Ramapo College of New Jersey		$22,834,000
Grants-in-Aid		
82 Outcomes-Based Allocation	($3,353,000)	
82 Property Disposition Support	(700,000)	
82 Ramapo College of New Jersey	(156,426,000)	
Less		
Income Deductions	**137,645,000**	

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 623

2480 Stockton University
GRANTS-IN-AID

82-2480 Institutional Support		$308,204,000
Subtotal General Operations		$308,204,000
Less		
Receipts from Tuition Increase	**$2,319,000**	
General Services Income	**147,177,000**	
Auxiliary Funds Income	**41,374,000**	

Special Funds Income	**27,000,000**	
Employee Fringe Benefits .	**50,925,000**	
Total Income Deductions .	**$268,795,000**	
Total Grants-in-Aid Appropriation, Stockton University		$39,409,000
Grants-in-Aid		
82 Outcomes-Based Allocation	($6,457,000)	
82 Stockton University	(297,135,000)	
82 Stockton University Atlantic City Campus	(4,612,000)	
Less		
Income Deductions	**268,795,000**	

For the purpose of implementing the appropriations act for the current fiscal year, the number of State funded positions at Stockton University shall be 1,069

2485 University Hospital
GRANTS-IN-AID

82-2485 Institutional Support		$44,745,000
Total Grants-in-Aid Appropriation, University Hospital		$44,745,000
Grants-in-Aid		
82 University Hospital	($42,745,000)	
82 City of Newark Emergency Medical Services	(2,000,000)	

For the purpose of implementing the appropriations act for the current fiscal year, the number of State funded positions at University Hospital shall be 3,500

In addition to the amount hereinabove appropriated for University Hospital, an amount not to exceed $8,000,000 is appropriated to support expenditures related to the Clinical Service Agreement between University Hospital and Rutgers, The State University, subject to the approval of the Director of the Division of Budget and Accounting

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

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 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 equal monthly installments on the last business day of each month

Notwithstanding the provisions 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 the Division 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 the Division 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

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the Outcomes-Based Allocation program in each of the senior public institutions of higher education shall be allocated and distributed to eligible senior public institutions based on a funding rationale determined by the Secretary of Higher Education, in consultation with the presidents of senior public institutions The funding shall be based upon the following criteria along with any other requirements the Secretary determines to be appropriate in order to advance equity and improve student outcomes, subject to the approval of the Director of the Division of Budget and Accounting (1) the total number of degrees awarded by the institution, (2) the number of degrees awarded by the institution to individuals from underrepresented ethnic and racial minority groups, (3) the number of students at the institution with adjusted gross income, as such term is defined in section 1 of P L 2021, c 26 (C 18A 71B-111), between $0 and $65,000, (4) degrees awarded to students with adjusted gross income between $0 and $65,000, (5) degrees awarded to students who transferred to the institution, (6) degrees awarded in the STEM and healthcare fields, and (7) doctoral degrees awarded, provided further, however, that institutions receiving awards shall be required to (a) adopt and publicly offer a net price guarantee to New Jersey resident full-time undergraduate students in the fall of 2022 and subsequent academic years during each such student's third and fourth years of enrollment at the institution, as years three and four are defined by the Secretary of Higher Education, that ensures that each such student with a family adjusted gross income between $0 and $65,000 will receive enough financial aid from a combination of State, federal, institutional, and other grants or scholarships to eliminate the student's net cost of tuition and mandatory fees, and ensures that each such student with a family adjusted gross income between $65,001 and $80,000 will receive enough financial aid from a combination of State, federal, institutional, and other grants or scholarships to pay a remaining net price of no more than $7,500 in tuition and mandatory fees, (b) implement institutional aid maintenance of effort provisions by calculating the aggregate amount of institutional financial aid

awarded in academic year 2020-2021 to students in four adjusted gross income range and awarding per-student amounts of institutional financial aid to students in academic years 2022-2023 and 2023-2024 that are each at least within 5 percent of the per-student amounts of institutional financial aid the institution awarded to each adjusted gross income range of such students in academic year 2020-2021, (c) share program-level spending information to assist in the distribution of future funding, and (d) participate in good faith discussions led by the Secretary to improve future distribution of funding to institutions consistent with State priorities, subject to the approval of the Director of the Division of Budget and Accounting Each four-year institution shall report to the Secretary of Higher Education and the Higher Education Student Assistance Authority, at an individual student unit record level, the amount of federal, State, and institutional financial aid granted to each undergraduate student in academic year 2020-2021 and each subsequent academic semester according to the schedule determined by the Secretary An institution receiving funds through the Outcomes-Based Allocation program shall submit to the Secretary of Higher Education documentation of the institution's academic year 2022-23 costs to implement the net price guarantees as described in subsection (a) of the sentence above and the institution's compliance with the maintenance of effort requirement for academic year 2022-23 as described in subsection (b) of the sentence above For an institution that the Secretary has determined to be in compliance with the maintenance of effort requirement, the Secretary may allocate Garden State Guarantee implementation funds to assist the institution in providing the net price guarantees described in subsection (a) of the sentence above, subject to the approval of the Director of the Division of Budget and Accounting, if the institution's documented implementation costs exceed the sum of the institution's Outcomes-Based Allocation funding for fiscal year 2022 and 2023 that is in support of the Garden State Guarantee In addition to the amounts hereinabove appropriated for the Outcomes-Based Allocation program in each of the senior public institutions of higher education, there are appropriated such additional amounts as are determined to be necessary by the Secretary for Garden State Guarantee implementation, 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 Higher Educational Services - Institutional Support, there is appropriated an amount not to exceed $1,000,000 for institutions participating in the New Jersey Civic Information Consortium to advance research and innovation in the field of media and technology to benefit the State, subject to the approval of the Director of the Division of Budget and Accounting

37 Cultural and Intellectual Development Services
2541 Division of State Library
DIRECT STATE SERVICES

51-2541 Library Services		$6,703,000
Total Direct State Services Appropriation, Division of State Library		$6,703,000
Direct State Services		
Personal Services		
Salaries and Wages	($4,348,000)	
Materials and Supplies	(410,000)	
Services Other Than Personal	(193,000)	
Maintenance and Fixed Charges	(27,000)	
Special Purpose		
51 Supplies and Extended Services	(1,725,000)	

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 equal monthly installments, on the last business day of each month

STATE AID

51-2541 Library Services		$11,139,000
(From General Fund	*$4,299,000)*	
(From Property Tax Relief Fund	*6,840,000)*	
Total State Aid Appropriation, Division of State Library		$11,139,000
(From General Fund	*$4,299,000)*	
(From Property Tax Relief Fund	*6,840,000)*	
State Aid		
51 Per Capita Library Aid (PTRF)	($4,676,000)	
51 Burlington County Library System (PTRF)	(1,000,000)	
51 Trenton Free Public Library - Capital Improvements (PTRF)	(314,000)	
51 Plainsboro Free Public Library - Programming Support (PTRF)	(350,000)	
51 Paramus Library - Capital Improvements (PTRF)	(500,000)	
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	2,387,000
07-2540 Development of Historical Resources	1,428,000

Total Direct State Services Appropriation, Cultural and Intellectual Development Services		$4,220,000
Direct State Services		
Personal Services		
Salaries and Wages	($2,740,000)	
Materials and Supplies	(80,000)	
Services Other Than Personal	(329,000)	
Maintenance and Fixed Charges	(71,000)	
Special Purpose		
07 New Jersey Historical Commission - Celebration of America	(500,000)	
07 COVID-19 Frontline Healthcare Worker Memorial Commission	(500,000)	

GRANTS-IN-AID

05-2530 Support of the Arts		$40,375,000
07-2540 Development of Historical Resources		7,503,000
Total Grants-in-Aid Appropriation, Cultural and Intellectual Development Services		$47,878,000
Grants-in-Aid		
05 Count Basie Center for the Arts	($50,000)	
05 Cultural Projects	(31,900,000)	
05 Newark Symphony Hall Infrastructure Project	(6,000,000)	
05 Capital Philharmonic of New Jersey	(175,000)	
05 The Papermill Playhouse - Capital Improvements	(2,000,000)	
05 Mayo Performing Arts Center	(250,000)	
07 Battleship New Jersey Museum	(1,250,000)	
07 New Jersey Women Vote - Alice Paul Institute	(113,000)	
07 New Jersey Historical Commission - Agency Grants	(5,500,000)	
07 New Jersey Fire Museum and Fallen Firefighters Memorial (P L 2021, c 463)	(200,000)	
07 "Jersey" Joe Walcott Statue, Camden County	(90,000)	
07 Thomas Edison Center - Science and Technology Center	(250,000)	
07 New Jersey Council for the Humanities	(100,000)	

Of the amount hereinabove appropriated for Cultural Projects, an amount not to exceed 5% may be used for administrative purposes, including but not limited to 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 Center for the Arts

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 $300,000 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		$9,186,000
02-2510 Business Action Center		23,268,000
08-2545 State Archives		1,157,000
25-2525 Election Management and Coordination		24,224,000
Total Direct State Services Appropriation, General Government Services		$57,835,000
Direct State Services		
Personal Services		
Salaries and Wages	($7,252,000)	
Materials and Supplies	(273,000)	
Services Other Than Personal	(629,000)	
Maintenance and Fixed Charges	(17,000)	
Special Purpose		
01 Office of Volunteerism	(79,000)	
01 Office of Programs	(717,000)	
01 Martin Luther King, Jr Commemorative Commission	(240,000)	
01 Business Marketing Initiative	(5,000,000)	
01 New Jersey Puerto Rico Commission	(150,000)	
02 Office of Economic Growth	(640,000)	
02 New Jersey Motion Picture Commission	(680,000)	
02 New Jersey Small Business Development Centers	(1,000,000)	

02	Travel and Tourism Advertising and Promotion	(17,600,000)
02	New Jersey Israel Commission	(350,000)
25	Help America Vote Act	(3,208,000)
25	Early Voting Implementation	(20,000,000)

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

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Business Marketing Initiative shall be used to pay for the costs of developing and implementing a marketing program to highlight the benefits of doing business in the State of New Jersey and to encourage national and international business entities to relocate and expand in New Jersey, pursuant to a competitively awarded contract between the Department of State and a non-profit entity with expertise in economic development, subject to the approval of the Director and the Division of Budget and Accounting

An amount equal to 50 percent of the receipts from the per gallon tax imposed on all sales of beer, cider, mead, and liquors during the preceding taxable year pursuant to R S 54 43-1, sold by limited brewery, restricted brewery, cidery and meadery, and craft distillery licensees licensed pursuant to R S 33 1-10, and certified by the Director of the Division of Taxation, is appropriated to the Brewery, Cidery, Meadery, and Distillery Industry Promotion Account in the Department of State to support industry-related research, development, and promotion activities positively impacting the operation and growth of New Jersey's limited brewery, restricted brewery, cidery and meadery, and craft distillery industries

GRANTS-IN-AID

01-2505	Office of the Secretary of State	$5,245,000
02-2510	Business Action Center	2,500,000
	Total Grants-in-Aid Appropriation, General Government Services	$7,745,000

Grants-in-Aid

01	Office of Programs	($1,350,000)

01	Center for Hispanic Policy, Research and Development	(3,175,000)
01	Cultural Trust	(720,000)
02	New Jersey Manufacturing Extension Program, Inc	(2,500,000)

Of the amount hereinabove appropriated for the Office of Programs, an amount not to exceed 10% 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

The unexpended balance at the end of the preceding fiscal year in the Electronic Registration Information Center account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting

STATE AID

25-2525	Election Management and Coordination	$19,030,000
	Total State Aid Appropriation, General Government Services	$19,030,000

State Aid

25	Extended Polling Place Hours	($14,030,000)
25	County Election Boards Mail in Ballots	(5,000,000)

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

In addition to the amount hereinabove appropriated for Early Voting Implementation, there are appropriated such additional amounts as may be required to fulfill the requirements of P L 2021, c 40 (C 19 15A-1 et al), subject to the approval of the Director of the Division of Budget and Accounting Further, the unexpended balance 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

In addition to the amount hereinabove appropriated for Election Management and Coordination, there are appropriated such additional amounts as the Director of the Division of Elections shall determine to be necessary to reimburse a local government unit for costs associated with conducting a special election held on March 22, 2022 necessitated by court proceeding, subject to the approval of the Director of the Division of Budget and Accounting

In addition to the amount hereinabove appropriated for Election Management and Coordination, there are appropriated such additional amounts, not to exceed $20,000,000, as the Director of the Division of Elections shall determine to be necessary to reimburse local government units for the additional direct expenditures necessary to report election results at the district level, pursuant to

P L 2022, c 70 and P L 2022, c 67 (C 19 52-8 et al), subject to the approval of the Director of the Division of Budget and Accounting

Department of State, Total State Appropriation $1,824,371,000

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	$78,263,000
Grants-in-Aid	1,715,939,000
State Aid	30,169,000
Appropriations by Fund	
General Fund	$1,817,531,000
Property Tax Relief Fund	6,840,000

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78 DEPARTMENT OF TRANSPORTATION

10 Public Safety and Criminal Justice

11 Vehicular Safety

DIRECT STATE SERVICES

01 Motor Vehicle Services $32,250,000

Total Direct State Services Appropriation, Vehicular Safety $32,250,000

Direct State Services

Special Purpose

MVC Surcharge Bonds - Debt Service ($10,000,000)

MVC License Renewal Fee Waiver (22,250,000)

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amounts hereinabove appropriated for MVC Surcharge Bonds - Debt Service, there are appropriated such additional amounts, as determined by the Director of the Division of Budget and Accounting, as are required to pay debt service on the bonds issued pursuant to P L 2004, c 70 (C 34 1B-21 23 et seq), as amended

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, $5,800,000 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, $800,000 is appropriated for transfer to the Department of Environmental Protection and $519,000 is appropriated for transfer to the Department of the Treasury for Property Management and Construction - Property Management Services 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

There are appropriated from the "Unsafe Driving Surcharges Fund" established pursuant to section 5 of P L 2004, c 70 (C 34 1B-21 27), all amounts on deposit in such fund as required under the contract between the State Treasurer and the New Jersey Economic Development Authority entered into pursuant to section 7 of P L 2004, c 70 (C 34 1B-21 29)

There are appropriated from the "Division of Motor Vehicles Surcharge Fund" established pursuant to section 12 of P L 1994, c 57 (C 34 1B-21 12), all amounts on deposit in such fund as required under the contract between the State Treasurer and the New Jersey Economic Development Authority entered into pursuant to

section 7 of P L 2004, c 70 (C 34 1B-21 29)

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, an amount not to exceed $33,500,000 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	$36,635,000
08-6120 Physical Plant and Support Services	6,741,000
71-6200 Capital Program Management	25,000,000
Total Direct State Services Appropriation, State and Local Highway Facilities	$68,376,000

Direct State Services

Personal Services	
Salaries and Wages	($21,522,000)
Materials and Supplies	(10,957,000)
Services Other Than Personal	(1,792,000)
Maintenance and Fixed Charges	(7,005,000)
Special Purpose	
71 Staff Augmentation	(25,000,000)
Additions, Improvements and Equipment	(2,100,000)

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 amounts 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

Receipts in excess of the amount anticipated from Casualty Losses are appropriated for transportation purposes, 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

Of the amount hereinabove appropriated for Maintenance and Operations, $10,400,000 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, $1,900,000 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 and litter removal activities, including public service campaigns for graffiti and litter removal, 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

GRANTS-IN-AID

71-6200 Capital Program Management	$20,000,000
Total Grants-in-Aid Appropriation, State and Local Highway Facilities	$20,000,000

Grants-in-Aid

71 Local Aid and Economic Development Grants	($20,000,000)

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Local Aid and Economic Development Grants shall be used to provide funds for the Safe Streets to Transit Program, Bicycle & Pedestrian Facilities/Accommodations, and Transit Village Program, as determined by the Commissioner of Transportation, subject to the approval of the Director of the Division of Budget and Accounting

STATE AID

71-6200 Capital Program Management	$85,400,000
(From Property Tax Relief Fund	*$85,400,000)*
Total State Aid Appropriation, State and Local Highway Facilities	$85,400,000
(From Property Tax Relief Fund	*$85,400,000)*

State Aid

71 Pedestrian Safety Grants (PTRF)	($1,800,000)
71 Local Transportation Projects Fund (PTRF)	(67,500,000)
71 Westside Walkway - Bayonne (PTRF)	(500,000)
71 Brown Avenue/Route 206 Hillsborough - Large Truck Bypass (PTRF)	(500,000)
71 City of Camden - Pedestrian Safety Improvements (PTRF)	(5,000,000)
71 Bergen County - Route 17 Bottleneck Project (PTRF)	(10,000,000)

71 Bergen Arches (PTRF) (100,000)

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Pedestrian Safety Grants shall be used to provide grants to local units for new, improved, or expanded pedestrian safety programs pursuant to a competitive process administered by the Department of Transportation, 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 Local Transportation Projects Fund shall be used to provide grants to local units for transportation projects and pedestrian safety programs pursuant to a process administered by the Department of Transportation, subject to the approval of the Director of the Division of Budget and Accounting

CAPITAL CONSTRUCTION

60-6200 Transportation Trust Fund Authority $1,552,936,000
(From General Fund $1,352,936,000)
(From Property Tax Relief Fund 200,000,000)
Total Capital Construction Appropriation, State and Local Highway Facilities $1,552,936,000
(From General Fund $1,352,936,000)
(From Property Tax Relief Fund 200,000,000)

Capital Projects

60 Transportation Trust Fund – Subaccount for Debt Service for Prior Bonds ($950,350,000)
60 Transportation Trust Fund – Subaccount for Debt Service for Prior Bonds (PTRF) (200,000,000)
60 Transportation Trust Fund –Subaccount for Debt Service for Transportation Program Bonds (402,586,000)

The amount hereinabove appropriated for the Transportation Trust Fund Subaccount for Debt Service for Prior Bonds and the Transportation Trust Fund Subaccount for Debt Service for Transportation Program Bonds shall be provided from the following revenues (i) $480,000,000 from motor fuels taxes, which are hereby appropriated for such purposes pursuant to Article VIII, Section II, paragraph 4 of the State Constitution, (ii) $860,936,000 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) $200,000,000 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 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 for the Transportation Program Bonds or the Prior Bonds shall be reduced by such corresponding amounts

Revenues dedicated for transportation purposes pursuant to Article VIII, Section II, paragraph 4 of the State Constitution in excess of the amounts of such dedicated revenue appropriated to the Transportation Trust Fund Subaccount for Debt Service for Prior Bonds, Transportation Trust Fund Subaccount for Debt Service for Transportation Program Bonds, for bond reserve requirements or for other fiscal obligations of the New Jersey Transportation Trust Fund Authority are hereby appropriated to the Transportation Trust Fund Subaccount for Capital Reserves

Notwithstanding the provisions of any law or regulation to the contrary, the Department of Transportation is authorized to use monies in the Transportation Trust Fund Subaccount for Capital Reserves for 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 Subject to the receipt of federal funds, the Transportation Trust Fund Subaccount for Capital Reserves may be reimbursed for all monies that were transferred to advance federally funded projects, 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 Department of Transportation and the New Jersey Transit Corporation, upon approval of the Director of the Division of Budget and Accounting, may use Special Transportation Fund monies to support contracted Transportation Trust Fund projects until such time as revenues and other funds of the New Jersey Transportation Trust Fund Authority become available for those projects Subject to the receipt of those revenues and other funds of the Authority, the Special

Transportation Fund shall be reimbursed for all the monies that were used to advance Transportation Trust Fund projects

Notwithstanding the provisions of any law or regulation to the contrary, monies deposited into the Transportation Trust Fund Subaccount for Capital Reserves may be transferred to the Transportation Trust Fund Subaccount for Debt Service for Prior Bonds and Transportation Trust Fund Subaccount for Debt Service for Transportation Program Bonds to satisfy current year debt service, bond reserve requirements, and other fiscal obligations of the New Jersey Transportation Trust Fund Authority, 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 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 the DOT and the DEP or other governmental entity, as applicable

Notwithstanding the provisions of P L 1984, c 73 (C 27 1B-1 et seq) or any law or regulation to the contrary, there is appropriated the sum of $1,240,000,000 from the revenues and other funds of the New Jersey Transportation Trust Fund Authority, and from the amounts on deposit in the Transportation Trust Fund

Subaccount for Capital Reserves, for capital purposes as follows

Department of Transportation

Description	County	Amount
Acquisition of Right of Way	Various	($500,000)
ADA Curb Ramp Implementation	Various	(2,000,000)
Aeronautics UAS Program	Various	(500,000)
Airport Improvement Program	Various	(4,000,000)
Betterments, Dams	Various	(100,000)
Betterments, Roadway Preservation	Various	(18,227,000)
Betterments, Safety	Various	(14,581,000)
Bicycle & Pedestrian Facilities/Accommodations	Various	(1,000,000)
Bridge and Structure Inspection, Miscellaneous	Various	(400,000)
Bridge Emergency Repair	Various	(77,464,000)
Bridge Inspection Program, Minor Bridges	Various	(6,288,000)
Bridge Maintenance and Repair, Movable Bridges	Various	(25,973,000)
Bridge Preventive Maintenance	Various	(36,454,000)
Bridge Replacement, Future Projects	Various	(2,000,000)
Bridge Scour Countermeasures	Various	(200,000)
Congestion Relief, Intelligent Transportation System Improvements (Smart Move Program)	Various	(3,000,000)
Construction Inspection	Various	(13,000,000)
Construction Program IT System (TRNS PORT)	Various	(2,400,000)
Culvert Replacement Program	Various	(4,000,000)
Design, Emerging Projects	Various	(17,000,000)
Design, Geotechnical Engineering Tasks	Various	(500,000)
Drainage Rehabilitation and Maintenance, State	Various	(36,454,000)
Duck Island Landfill, Site Remediation	Mercer	(100,000)
Electrical Facilities	Various	(6,379,000)
Electrical Load Center Replacement, Statewide	Various	(5,122,000)
Emergency Management and Transportation Security Support	Various	(1,500,000)
Environmental Investigations	Various	(7,500,000)
Environmental Project Support	Various	(1,200,000)
Equipment (Vehicles, Construction, Safety)	Various	(22,784,000)

Equipment, Snow and Ice Removal	Various	(7,291,000)
Guiderail Upgrade	Various	(1,000,000)
Interstate Service Facilities	Various	(8,141,000)
Job Order Contracting Infrastructure Repairs, Statewide	Various	(27,340,000)
Legal Costs for Right of Way Condemnation	Various	(1,600,000)
Lincoln Tunnel Access Project (LTAP)	Hudson, Essex	(65,000,000)
Local Aid, Infrastructure Fund	Various	(7,500,000)
Local Aid, State Transportation Infrastructure Bank	Various	(22,600,000)
Local Bridges, Future Needs	Various	(47,300,000)
Local County Aid, DVRPC	Various	(32,668,917)
Local County Aid, NJTPA	Various	(105,502,141)
Local County Aid, SJTPO	Various	(23,091,966)
Local Freight Impact Fund	Various	(30,100,000)
Local Municipal Aid, DVRPC	Various	(29,193,208)
Local Municipal Aid, NJTPA	Various	(108,499,116)
Local Municipal Aid, SJTPO	Various	(13,557,676)
Local Municipal Aid, Urban Aid	Various	(10,000,000)
Maritime Transportation System	Various	(15,000,000)
Minority and Women Workforce Training Set Aside	Various	(1,500,000)
Mobility and Systems Engineering Program	Various	(2,500,000)
New Jersey Rail Freight Assistance Program	Various	(25,000,000)
Orphan Bridge Reconstruction	Various	(4,000,000)
Park and Ride/Transportation Demand Management Program	Various	(1,000,000)
Paterson Plank Road (CR 681), Bridge over Route 3 at MP 10 04	Hudson	(100,000)
Physical Plant	Various	(22,784,000)
Planning and Research, State	Various	(1,000,000)
Program Implementation Costs, NJDOT	Various	(110,410,000)
Project Development Concept Development and Preliminary Engineering	Various	(4,557,000)
Rail-Highway Grade Crossing Program, State	Various	(5,000,000)
Regional Action Program	Various	(2,000,000)
Resurfacing Program	Various	(91,134,000)
Right of Way Full-Service Consultant Term Agreements	Various	(50,000)

Route 1, NB Bridge over Raritan River	Middlesex	(4,400,000)
Route 1B, Bridge over Shabakunk Creek	Mercer	(100,000)
Route 10, Chelsea Drive to Kelly Drive	Essex	(200,000)
Route 18 NB, Bridge over Conrail	Middlesex	(2,520,000)
Route 30, Bridge over Duck Thorofare	Atlantic	(500,000)
Route 31, Bridge over Furnace Brook	Warren	(500,000)
Route 36, Bridge over Troutman's Creek	Monmouth	(1,450,000)
Route 46, Bridge over Paulins Kill	Warren	(2,500,000)
Route 70, Bridge over Mount Misery Brook	Burlington	(200,000)
Route 72, Manahawkin Bay Bridges, Contract 5A - Environmental Mitigation	Ocean	(352,000)
Route 94, Bridge over Jacksonburg Creek	Warren	(1,000,000)
Safe Streets to Transit Program	Various	(1,000,000)
Safety Programs	Various	(250,000)
Salt Storage Facilities - Statewide	Various	(7,000,000)
Sign Structure Inspection Program	Various	(2,100,000)
Signs Program, Statewide	Various	(3,470,000)
Smart and Connect Corridors Program	Various	(4,000,000)
Solid and Hazardous Waste Cleanup, Reduction and Disposal	Various	(2,330,000)
South Inlet Transportation Improvement Project	Atlantic	(1,504,000)
Staff Augmentation	Various	(6,500,000)
State Police Enforcement and Safety Services	Various	(11,130,000)
Title VI and Nondiscrimination Supporting Activities	Various	(175,000)
Traffic Monitoring Systems	Various	(1,490,000)
Traffic Signal Replacement	Various	(9,113,000)
Transit Village Program	Various	(1,000,000)
Transportation Research Technology	Various	(1,200,000)
Unanticipated Design, Right of Way and Construction Expenses, State	Various	(34,469,976)
Utility Reconnaissance and Relocation	Various	(2,500,000)

Notwithstanding the provisions of P L 1984, c 73 (C 27 1B-1 et seq) or any law or regulation to the contrary, there is appropriated the sum of $760,000,000 from the revenues and other funds of the New Jersey Transportation Trust Fund Authority, and from the amounts on deposit in the Transportation Trust Fund Subaccount for Capital Reserves, for the specific projects identified as follows

New Jersey Transit Corporation

Description	County	Amount
ADA - Platforms/Stations	Various	($1,000,000)
Bridge and Tunnel Rehabilitation	Various	(98,792,000)
Bus Acquisition Program	Various	(175,177,500)
Bus Passenger Facilities/Park and Ride	Various	(800,000)
Bus Support Facilities and Equipment	Various	(7,325,600)
Bus Vehicle and Facility Maintenance/Capital Maintenance	Various	(100,000)
Capital Program Implementation	Various	(24,080,000)
Claims Support	Various	(100,000)
Environmental Compliance	Various	(3,000,000)
Ferry Program	Various	(6,499,700)
High Speed Track Program	Various	(2,600,000)
Immediate Action Program	Various	(18,386,000)
Light Rail Infrastructure Improvements	Various	(19,630,000)
Locomotive Overhaul	Various	(5,059,900)
Miscellaneous	Various	(500,000)
NEC Improvements	Various	(72,214,100)
Other Rail Station/Terminal Improvements	Various	(40,445,800)
Physical Plant	Various	(4,050,700)
Portal Bridge North	Various	(45,246,500)
Private Carrier Equipment Program	Various	(3,000,000)
Rail Rolling Stock Procurement	Various	(90,131,800)
Rail Support Facilities and Equipment	Various	(15,297,200)
Safety Improvement Program	Various	(3,300,000)
Section 5310 Program	Various	(1,750,000)
Section 5311 Program	Various	(100,000)
Security Improvements	Various	(3,110,000)
Signals and Communications/Electric Traction Systems	Various	(49,991,000)
Small/Special Services Program	Various	(1,473,000)
Study and Development	Various	(9,288,900)
Technology Improvements	Various	(16,836,000)
Track Program	Various	(18,000,000)
Transit Rail Initiatives	Various	(15,214,300)
Walter Rand Transportation Center	Camden	(7,500,000)

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 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

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 improvement 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 Super Storm 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 Rail Freight Assistance Program in FY 2023 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

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated to the Department of Transportation for transportation capital projects 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 Indirect Grant Anticipation Revenue Vehicles (Indirect GARVEE) Bonds Federal funds received in conjunction with transportation capital projects are appropriated to the Authority to pay debt service and other costs related to the Indirect GARVEE Bonds

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for the Local Aid, State Transportation Infrastructure Bank, an amount not to exceed $2,600,000 is appropriated for the payment of operating expenses of the New Jersey Infrastructure Bank for the purpose of administering the New Jersey Transportation Infrastructure Financing Program which provides loan assistance programs for local road projects, subject to the approval of the Director of the Division of Budget and Accounting

62 Public Transportation
GRANTS-IN-AID

04-6050 Railroad and Bus Operations	$2,755,512,000
Subtotal Grants-in-Aid Appropriation, Public Transportation	$2,755,512,000

Less.

Farebox Revenue	**$766,183,000**	
Other Commercial Revenue	**118,675,000**	
Other Reimbursements	**1,770,654,000**	
Total Income Deductions	**$2,655,512,000**	
Total Grants-in-Aid Appropriation, Public Transportation		$100,000,000
Grants-in-Aid		
Personal Services		
Salaries and Wages	($1,675,435,000)	
Materials and Supplies	(356,105,000)	
Services Other Than Personal	(205,411,000)	
Special Purpose		
04 Purchased Transportation	(281,400,000)	
04 Insurance and Claims	(70,825,000)	
04 Tolls, Taxes and Other Operating Expenses	(166,336,000)	
Less		
Income Deductions	**$2,655,512,000**	

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amount hereinabove appropriated for the 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 the New Jersey Transit Corporation, there is appropriated $82,089,000 from the Clean Energy Fund for utility costs, bus electrification, and other clean energy projects associated with New Jersey Transit Corporation operations

STATE AID

04-6050 Railroad and Bus Operations		$33,902,000
(From Property Tax Relief Fund	*$33,902,000)*	
Total State Aid Appropriation, Public Transportation		$33,902,000
(From Property Tax Relief Fund	*$33,902,000)*	

State Aid

04 City of Elizabeth - Train Station Renovation and Plaza Construction (PTRF)	($3,000,000)
04 Transportation Assistance for Senior Citizens and Disabled Residents (PTRF)	(30,902,000)

Notwithstanding the provisions of subsection b of section 4 of P L 1983, c 578 (C 27 25-28) or any other law or regulation to the contrary, the amount hereinabove appropriated for Transportation Assistance for Senior Citizens and

Disabled Residents is appropriated from the Property Tax Relief Fund, subject to the approval of the Director of the Division of Budget and Accounting

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 the 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 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	$801,000

99-6000 Administration and Support Services		735,000
Total Direct State Services Appropriation, Regulation and General Management		$1,536,000
Direct State Services		
Materials and Supplies	($105,000)	
Services Other Than Personal	(713,000)	
Maintenance and Fixed Charges	(5,000)	
Special Purpose		
05 Office of Maritime Resources	(248,000)	
05 Airport Safety Administration	(465,000)	

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 $1,894,400,000

Notwithstanding any law or regulation to the contrary, the Department of Transportation and the New Jersey Transit Corporation are directed and authorized to provide for the restoration and reclamation into open spaces and recreation parkland from functionally obsolescent transportation support facilities and properties, after any and all contamination abatement, environmental remediation, and structural demolition has been completed

Summary of Department of Transportation Appropriations
(For Display Purposes Only)

Appropriations by Category	
Direct State Services	$102,162,000
Grants-in-Aid	120,000,000
State Aid	119,302,000
Capital Construction	1,552,936,000
Appropriations by Fund	
General Fund	$1,575,098,000
Property Tax Relief Fund	319,302,000

82 DEPARTMENT OF THE TREASURY
30 Educational, Cultural and Intellectual Development
36 Higher Educational Services
GRANTS-IN-AID

47-2155	Support to Independent Institutions		$45,965,000
49-2155	Miscellaneous Higher Education Programs		111,614,000
	Total Grants-in-Aid Appropriation, Higher Educational Services		$157,579,000
Grants-in-Aid			
47	Aid to Independent Colleges and Universities	($9,500,000)	
47	Clinical Legal Programs for the Poor - Seton Hall University	(195,000)	
47	Fairleigh Dickinson University - Newark Campus Political Science Program	(250,000)	
47	Caldwell University Art Therapy	(250,000)	
47	Research Under Contract with the Institute of Medical Research, Camden	(2,000,000)	
47	NJ Coastal Consortium for Resilient Communities	(500,000)	
47	Seton Hall - Legal Assistance for Tenants	(850,000)	
47	Bloomfield College - Residential Access Scholarship Program	(492,000)	
47	Seton Hall Student Facility	(2,900,000)	
47	Bloomfield College	(12,500,000)	
47	Stevens Institute of Technology	(750,000)	
47	St Elizabeth University - Santa Maria Hall Modernization	(400,000)	
47	Seton Hall - Health Policy	(200,000)	
47	Seton Hall - Transition Assistance for Individuals with Developmental Disabilities	(100,000)	

47	Seton Hall - Equity in Health Care	(78,000)
47	Monmouth University - Capital Projects	(5,000,000)
47	Felician University - Centers for STEM Learning and Student Services	(10,000,000)
49	Higher Education Capital Improvement Program - Debt Service	(75,210,000)
49	Equipment Leasing Fund - Debt Service	(9,177,000)
49	Higher Education Facilities Trust Fund - Debt Service	(22,483,000)
49	Higher Education Technology Bond - Debt Service	(4,744,000)

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 five State Colleges shall be 31,813 for fiscal year 2023

The amounts hereinabove appropriated for Research Under Contract with the Institute of Medical Research, Camden (Cornell 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

Notwithstanding the provision of any law or regulation to the contrary, in addition to the amount hereinabove appropriated for Aid to Independent Colleges and Universities, there is appropriated an amount not to exceed $1,000,000 subject to requirements determined to be appropriate by the Secretary in accordance with the "Independent College and University Assistance Act," P L 1979, c 132 (C 18A 72B-15 et seq), and subject to the approval of the Director of the Division of Budget and Accounting

The amount appropriated for NJ Coastal Consortium for Resilient Communities is conditioned on the following the consortium shall include Monmouth University as a member school

STATE AID

48-2155 Aid to County Colleges	$255,556,000
(From General Fund	*$18,800,000)*
(From Property Tax Relief Fund	*236,756,000)*
Subtotal State Aid Appropriation, Higher Educational Services	$255,556,000
(From General Fund	*$18,800,000)*
(From Property Tax Relief Fund	*236,756,000)*
Less	
Supplemental Workforce Fund – Basic Skills	**($18,800,000)**
Total Income Deductions	**($18,800,000)**

	Total State Appropriation, Higher Educational Services		$236,756,000
	(From Property Tax Relief Fund	*236,756,000)*	
State Aid			
48	Operational Costs	($18,800,000)	
48	Operational Costs (PTRF)	(130,323,000)	
48	Camden County College - Camden Scholars Program (PTRF)	(300,000)	
48	Debt Service for Chapter 12, P L 1971, c 12 (N J S 18A 64A-22 1) (PTRF)	(38,802,000)	
48	Alternate Benefit Program - Employer Contributions (PTRF)	(20,608,000)	
48	Alternate Benefit Program - Non-contributory Insurance (PTRF)	(2,728,000)	
48	Middlesex County College Capital (PTRF)	(10,000,000)	
48	Teachers' Pension and Annuity Fund - Non-contributory Insurance (PTRF)	(6,000)	
48	Employer Contributions - Teachers' Pension and Annuity Fund (PTRF)	(126,000)	
48	Teachers' Pension and Annuity Fund - Post Retirement Medical (PTRF)	(1,531,000)	
48	Post Retirement Medical Other Than TPAF (PTRF)	(31,482,000)	
48	Employer Contributions - FICA for County College Members of TPAF (PTRF)	(37,000)	
48	Brookdale Community College - Wellness Center (PTRF)	(550,000)	
48	Debt Service on Pension Obligation Bonds (PTRF)	(263,000)	
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

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

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

Notwithstanding the provisions of N J S 18A 64A-22 et seq or any other law or regulation to the contrary, $10,000,000 of the amount hereinabove appropriated for Operational Costs shall be allocated and distributed to the 18 county colleges predicated on the full implementation, without gradual phase-in, of a new funding distribution model for state Operational Costs based on factors including enrollment and completion of students, in consideration of the principles of the State Plan for Higher Education, with a priority given for low-income populations, underrepresented populations, and adults The funding distribution model shall be recommended by the New Jersey Council of County Colleges and subject to approval by the Secretary of Higher Education

50 Economic Planning, Development, and Security
51 Economic Planning and Development
GRANTS-IN-AID

38-2043	Economic Development	$397,532,000
	Total Grants-in-Aid Appropriation, Economic Planning and Development	$397,532,000

Grants-in-Aid

38	Main Street Recovery Fund P L 2020, c 156	($50,250,000)
38	New Jersey Commission on Science, Innovation & Technology	(6,200,000)
38	Small Business Bonding Readiness Assistance Fund, EDA	(1,000,000)
38	Economic Redevelopment and Growth Grants, EDA	(87,048,000)
38	Black and Latino Seed Fund	(10,000,000)
38	Fort Monmouth Infrastructure	(10,000,000)
38	Economic Recovery Fund - Strategic Innovation Centers	(70,000,000)
38	Real Estate Projects Funding, EDA	(70,000,000)

38	Planning Grants, EDA	(1,800,000)
38	Business Attraction and Marketing, EDA	(15,000,000)
38	Child Care Employer Innovation Pilot Program	(12,500,000)
38	Manufacturing Initiative	(35,000,000)
38	Film Industry Strategic Support Fund	(15,000,000)
38	Evergreen Accelerator	(5,000,000)
38	Recovery Grants to Indoor Amusement Parks	(5,000,000)
38	New Jersey Big Data Alliance	(200,000)
38	Brownfield Site Reimbursement Fund	(3,534,000)

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

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Black and Latino Seed Fund shall be deposited in the Economic Recovery Fund established pursuant to section 3 of P L 1992, c 16 (C 34 1B-7 12) for use by the Economic Development Authority to increase access to capital for underrepresented ethnic and minority groups, 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

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Recovery Grants to Indoor Amusement Parks shall be used to provide grants to businesses that are engaged in activities described in Code 713110 or 713120 of the North American Industry Classification System, as that code read on April 1, 2020, and that are able to demonstrate a minimum 50 percent reduction in gross revenues from indoor operations for the 12-month

period beginning April 1, 2019, pursuant to an application process administered by the New Jersey Economic Development Authority, subject to the approval of the Director of the Division of Budget and Accounting

52 Economic Regulation

DIRECT STATE SERVICES

54-2008 Utility Regulation	$6,239,000
55-2004 Regulation of Cable Television	1,899,000
88-2058 Energy Assistance Programs	1,865,000
97-2016 Regulatory Support Services	3,887,000
99-2003 Administration and Support Services	13,909,000
Total Direct State Services Appropriation, Economic Regulation	$27,799,000

Direct State Services

Personal Services	
Salaries and Wages	($23,551,000)
Materials and Supplies	(269,000)
Services Other Than Personal	(2,496,000)
Maintenance and Fixed Charges	(677,000)
Special Purpose	
Wave and Tidal Energy Feasability Study and Pilot Program	(500,000)
Additions, Improvements and Equipment	(306,000)

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) or any other law or regulation 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 appropriated 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 Programs	$63,085,000
Total Grants-in-Aid Appropriation, Economic Regulation	$63,085,000

Grants-in-Aid

88	Payments for Lifeline Credits	($26,901,000)
88	Tenants' Assistance Rebate Program	(36,184,000)

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

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 limited 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

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	$928,000
07-2040 Office of Management and Budget	13,994,000
Total Direct State Services Appropriation, Governmental Review and Oversight	$14,922,000

Direct State Services

Personal Services	
Salaries and Wages	($12,786,000)
Materials and Supplies	(125,000)
Services Other Than Personal	(1,330,000)
Maintenance and Fixed Charges	(6,000)
Special Purpose	
07 Independent Audits	(675,000)

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		$8,920,000
Total Direct State Services Appropriation, Office of the State Comptroller		$8,920,000
Direct State Services		
Personal Services		
Salaries and Wages	($7,458,000)	
Materials and Supplies	(39,000)	
Services Other Than Personal	(1,323,000)	
Maintenance and Fixed Charges	(49,000)	
Additions, Improvements and Equipment	(51,000)	

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		$137,341,000
17-2105 Administration of State Revenues and Enterprise Services		41,391,000
19-2120 Management of State Investments		3,000,000
25-2095 Administration of Casino Gambling		7,957,000
(From Casino Control Fund	*$7,957,000)*	
Total Direct State Services Appropriation, Financial Administration		$189,689,000
(From General Fund	*$181,732,000)*	
(From Casino Control Fund	*7,957,000)*	
Direct State Services		
Personal Services		
Chairman and Commissioners (CCF)	($391,000)	
Salaries and Wages	(131,128,000)	
Salaries and Wages (CCF)	(3,023,000)	
Employee Benefits (CCF)	(2,286,000)	
Materials and Supplies	(2,233,000)	
Materials and Supplies (CCF)	(84,000)	
Services Other Than Personal	(43,670,000)	
Services Other Than Personal (CCF)	(600,000)	
Maintenance and Fixed Charges	(793,000)	
Maintenance and Fixed Charges (CCF)	(1,333,000)	
Special Purpose		
17 Wage Reporting/Temporary Disability Insurance	(800,000)	
19 Secure Choice Savings Program (P L 2019, c 56)	(1,000,000)	

25 Administration of Casino Gambling (CCF) (20,000)
Additions, Improvements and Equipment (2,108,000)
Additions, Improvements and Equipment (CCF) (220,000)

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 appropriated from 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 in accordance with the Taxpayers' Bill of Rights under P L 1992, c 175

Such amounts as are required for the acquisition of equipment, software and necessary services essential to the modernization of processing tax returns, tax payments, fees, and associated documents and transactions 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

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

In addition to the amounts hereinabove appropriated for Taxation Services and Administration, there are appropriated such additional amounts as may be required, not to exceed $30,000,000, as determined by the Director of the Division of Taxation and subject to the approval of the Director of the Division of Budget and Accounting, for the cost of purchasing unused tax credits pursuant to paragraph (4) of subsection d of section 77 of P L 2020, c 156 (C 34 1B-345) and section 89 of P L 2020, c 156 (C 52 18A-263) , and for the administrative costs of purchasing such unused tax credits

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 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) incurred prior to the enactment and implementation of the "Lottery Enterprise Contribution Act," P L 2017, c 98 (C 5 9-22 5 et al)

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

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 $5,800,000 from the New Jersey Motor Vehicle Commission for document processing charges

Receipts in excess of those anticipated from expedited service 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, Family Leave Insurance, the Workforce Development Partnership program, and aligned programs

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 and processing functions 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 $2,000,000, are appropriated for the operations of the microfilm or other storage systems in the Division of Revenue and Enterprise Services within the Department of the Treasury, including the administration of the State's records management and records center operations, 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	9,476,000
10-2062 Public Broadcasting Services	3,380,000
26-2067 Property Management and Construction - Property Management Services	21,326,000
37-2051 Risk Management	5,225,000
Total Direct State Services Appropriation, General Government Services	$39,685,000

Direct State Services

Personal Services	
Salaries and Wages	($22,089,000)
Materials and Supplies	(825,000)
Services Other Than Personal	(6,555,000)
Maintenance and Fixed Charges	(7,886,000)
Special Purpose	
02 Garden State Preservation Trust	(278,000)
09 Chief Diversity Officer	(957,000)
10 Support of Public Broadcasting - NJTV	(1,000,000)
Additions, Improvements and Equipment	(95,000)

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, of the remaining 50% of the total rebates on procurement card purchases, the top three participating State using

agencies with the highest spending will receive 50% of the rebates earned for their respective eligible procurement card spending and the balance is appropriated to the Division of Purchase and Property for costs of the Division, 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 real property are appropriated for the maintenance of State-owned property, subject to the approval of the Director of the Division of Budget and Accounting

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

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 Green Acres Preservation Trust Fund established pursuant to section 19 of P L 1999, c 152 (C 13 8C-19) and the Preserve New Jersey Funds established pursuant to P L 2016, c 12 (C 13 8C-43 et seq), 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 or the Board of Trustees of the Police and Firemen's Retirement System of New Jersey 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

STATE AID

The unexpended balance at the end of the preceding fiscal year in the Trenton Taxation Building account is appropriated for the disposition of the building, 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 Trenton Front Street Garage account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting

2026 Office of Administrative Law

DIRECT STATE SERVICES

45-2026 Adjudication of Administrative Appeals $10,630,000

Total Direct State Services Appropriation, Office of Administrative Law		$10,630,000
Direct State Services		
Personal Services		
Salaries and Wages	($10,618,000)	
Materials and Supplies	(3,000)	
Services Other Than Personal	(1,000)	
Maintenance and Fixed Charges	(8,000)	

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

2034 Office of Information Technology
DIRECT STATE SERVICES

40-2034 Office of Information Technology		$133,584,000
65-2034 Emergency Telecommunication Services		27,822,000
Subtotal Direct State Services Appropriation, Office of Information Technology		$161,406,000
Less		
OIT - Other Resources	**($56,000,000)**	
Total Deductions	**($56,000,000)**	
Total Direct State Services Appropriation, Office of Information Technology		$105,406,000
Direct State Services		
Personal Services		
Salaries and Wages	($29,539,000)	
Materials and Supplies	(207,000)	
Services Other Than Personal	(22,196,000)	

Maintenance and Fixed Charges		(31,000)
Special Purpose		
40	Office of Information Technology	(56,000,000)
40	NJCFS Modernization	(12,200,000)
40	Office of Management and Budget Technology Modernization	(1,000,000)
65	Statewide 9-1-1 Emergency Telecommunication System	(13,822,000)
65	Office of Emergency Telecommunication Services	(4,000,000)
65	Public Safety Answering Point Upgrades and Consolidation	(10,000,000)
Additions, Improvements and Equipment		(12,411,000)
Less		
Deductions		**56,000,000**

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, or municipal governments or agencies, and nonprofit organizations for orthoimagery and parcel data mapping

The amount hereinabove appropriated for Public Safety Answering Point Upgrades and Consolidation shall be used to provide grants to units of local governments for equipment upgrades and consolidation of Public Safety Answering Points, pursuant to a competitive process, by the Chief Technology Officer, and in accordance with grant criteria to be jointly developed by the Office of Emergency Telecommunication Services within the Office of Information Technology and the Department of the Treasury, subject to the Director of the Division of Budget and Accounting

STATE AID

65-2034 Emergency Telecommunication Services		$2,000,000
(From Property Tax Relief Fund	*$2,000,000)*	
Total State Aid Appropriation, Office of Information Technology		$2,000,000
(From Property Tax Relief Fund	*$2,000,000)*	
State Aid		
65 Somerset County - 9-1-1 Emergency Telecommunication System Upgrades (PTRF)	($1,000,000)	
65 Hunterdon County - 9-1-1 Emergency Telecommunication System Upgrades (PTRF)	(1,000,000)	

75 State Subsidies and Financial Aid

GRANTS-IN-AID

33-2077 Homestead Exemptions		$2,200,572,000
(From Property Tax Relief Fund	*$2,200,572,000)*	
Total Grants-in-Aid Appropriation, State Subsidies and Financial Aid		$2,200,572,000
(From Property Tax Relief Fund	*2,200,572,000)*	
Grants-in-Aid		
33 ANCHOR Property Tax Relief Program (PTRF)	($2,000,872,000)	
33 Senior and Disabled Citizens' Property Tax Freeze (PTRF)	(199,700,000)	

In addition to the amount hereinabove appropriated for State Subsidies and Financial Aid, there are appropriated such additional amounts as may be required for payments of Middle Class Tax Rebate Program rebates that have been approved but not paid pursuant to the annual appropriations act for the fiscal year the qualified taxpayer (as defined in section 3 of P L 2020, c 94, (C 54A 9-30)) applied for such rebate, subject to the approval of the Director of the Division of Budget and Accounting

The amount hereinabove appropriated for the ANCHOR Property Tax Relief Program shall be available to provide property tax benefits to eligible homestead owners and tenants on their principal residences, whether owned or rented, 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 (1) homestead owner residents with (a) gross income in excess of $150,000 but not in excess of $250,000 for tax year 2019 are eligible for a benefit in the amount of property taxes paid, but not to exceed the amount of $1,000, (b) gross income not in excess of $150,000 for tax year 2019 are eligible for a benefit in the amount of property taxes paid, but not to exceed $1,500, homestead owner residents with gross income in excess of $250,000 for tax year 2019 are excluded from the program, (11) residents whose homestead is a unit of residential rental property with (a) gross income in excess of $150,000 for tax year 2019 are excluded from the program, and (b) gross income not in excess of $150,000 for tax year 2019 are eligible for a benefit of $450 These benefits listed pursuant to this paragraph will be based on the 2018 property tax amounts assessed or as would have been assessed on the October 1, 2019 principal residence of eligible applicants The 2019 property tax benefit shall be paid as soon as possible, but not later than May as a rebate to all eligible homestead owners and residents whose homestead is a unit of residential rental property, subject to the approval of the Director of the Division of Budget and Accounting If the amount hereinabove appropriated for the ANCHOR Property Tax Relief Program is not sufficient, there are appropriated from the Property Tax Relief Fund such additional amounts as may be required to provide such property tax benefits, subject to the approval of the Director of the Division of Budget and Accounting

From the amount hereinabove appropriated for the ANCHOR Property Tax Relief 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 ANCHOR Property Tax Relief 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 ANCHOR Property Tax Relief 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

Of the amount hereinabove appropriated for Senior and Disabled Citizens' Property Tax Freeze, an amount not to exceed $1,000,000 shall be used for costs associated with automating the application process, subject to the approval of the Director of the Division of Budget and Accounting

STATE AID

27-2085 Other Distributed Taxes		$5,000,000
(From Property Tax Relief Fund	*$5,000,000)*	
28-2078 County Boards of Taxation		2,103,000
29-2078 Locally Provided Assistance		45,250,000
(From General Fund	*36,428,000)*	
(From Property Tax Relief Fund	*8,822,000)*	
34-2077 Senior and Disabled Citizens' and Veterans' Property Tax Deductions		47,700,000
(From Property Tax Relief Fund	*47,700,000)*	
35-2078 Police and Firemen's Retirement System		324,586,000
(From Property Tax Relief Fund	*324,586,000)*	
42-2085 Energy Tax Receipts Property Tax Relief Aid		863,492,000
(From Property Tax Relief Fund	*863,492,000)*	
Total State Aid Appropriation, State Subsidies and Financial Aid		$1,288,131,000
(From General Fund	*$38,531,000)*	
(From Property Tax Relief Fund	*1,249,600,000)*	

State Aid

27	Aid to Counties in Lieu of Insurance Premiums Tax Payments (PTRF)	($5,000,000)
28	County Boards of Taxation	(2,103,000)
29	South Jersey Port Corporation Senior Bonds Debt Service Reserve Fund	(19,278,000)
29	South Jersey Port Corporation Subordinated Bonds Debt Service Reserve Fund	(12,750,000)
29	South Jersey Port Corporation Property Tax Reserve Fund (PTRF)	(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 (PTRF)	(3,721,000)
34	Senior and Disabled Citizens' Property Tax Deductions (PTRF)	(7,200,000)
34	Veterans' Property Tax Deductions (PTRF)	(40,500,000)
35	State Contribution to Consolidated Police and Firemen's Pension Fund (PTRF)	(76,000)
35	Debt Service on Pension Obligation Bonds (PTRF)	(26,512,000)
35	Police and Firemen's Retirement System - Post Retirement Medical (PTRF)	(51,634,000)
35	Police and Firemen's Retirement System (PTRF)	(141,592,000)

35	Police and Firemen's Retirement System (P L 1979, c 109) (PTRF)	(104,772,000)
42	Municipal Relief Fund (PTRF)	(75,000,000)
42	Energy Tax Receipts Property Tax Relief Aid (PTRF)	(788,492,000)

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 - Planning Grants account within the Department of the Treasury and the Administration and Operations of the Highlands Council account within the Department of Environmental Protection, 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

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," P L 2015, c 19 (C 5 10A-1 et seq), 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

Notwithstanding the provisions of P L 1945, c 132 (C 54 18A-1 et seq) or any law or regulation to the contrary, the amount payable to the several counties of the State shall not be distributed and shall be anticipated as revenue in the General Fund for general State purposes

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

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

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Aid to Counties in Lieu of Insurance Premiums Tax Payments shall be paid to the same counties in the same amounts as would be provided in fiscal year 2023 pursuant to the provisions of P L 1945, c 132 (C 54 18A-1 et seq) If the amount hereinabove appropriated for Aid to Counties in Lieu of Insurance Premiums Tax Payments is not sufficient, there are appropriated from the Property Tax Relief Fund such additional amounts as may be required pursuant to the provisions of P L 1945, c 132 (C 54 18A-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 Energy Tax Receipts Property Tax Relief Aid and an amount not to exceed $521,628,000 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 as provided in the previous fiscal year from the Energy Tax Receipts Property Tax Relief Aid account 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 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, provided, however, that notwithstanding the provisions of any law or regulation to the contrary, the Director of Local Government Services, in consultation with the Commissioner of Community Affairs and the State Treasurer, may direct the Director of the Division of Budget and Accounting to provide such payments on an accelerated schedule if necessary to ensure fiscal stability for a municipality

Notwithstanding the provisions of any law or regulation to the contrary, the release of the total annual amount due for the current fiscal year from Energy Tax Receipts 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 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 total annual amount due for the current fiscal year

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Municipal Relief Fund shall be distributed to municipalities on the same schedule as Energy Tax Receipts Property Tax Relief Aid and shall be allocated to municipalities in amounts proportional to the amount

received by a municipality from Energy Tax Receipts Property Tax Relief Aid, including amounts transferred from Consolidated Municipal Property Tax Relief Aid to the Energy Tax Receipts Property Tax Relief Aid account

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

76 Management and Administration

DIRECT STATE SERVICES

92-2063 Cannabis Regulatory Commission	$857,000
99-2000 Administration and Support Services	37,831,000
Total Direct State Services Appropriation, Management and Administration	$38,688,000

Direct State Services

Personal Services	
Salaries and Wages	($11,300,000)
Materials and Supplies	(80,000)
Services Other Than Personal	(853,000)
Maintenance and Fixed Charges	(21,000)
Special Purpose	
92 Cannabis Regulatory Commission	(857,000)
99 Federal Liaison Office, Washington, D C	(16,000)
99 Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families	(546,000)
99 Electric Vehicle Infrastructure	(25,000,000)
Additions, Improvements and Equipment	(15,000)

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

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amounts hereinabove appropriated for the Department of the Treasury, there are appropriated such additional amounts as are necessary to establish the Office of the Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families established pursuant to P L 2017, c 269 (C 30 1AA 9 1 et seq), subject to the approval of the Director of the Division of Budget and Accounting

In addition to the amount hereinabove appropriated for Electric Vehicle Infrastructure, there are appropriated such additional amounts as may be necessary for the purposes of providing State matching funds for federal grants related to the National Electric Vehicle Infrastructure Formula Program, 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

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

Notwithstanding the provisions of P L 1999, c 12 (C 54A 9 25 12 et seq) or any other law or regulation to the contrary, monies received in 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 various departments and agencies that provide substance use disorder treatment and prevention programs to offset the costs of 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, 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

There are appropriated from the Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Fund such amounts to fund the Cannabis Regulatory Commission as determined by the Commission for costs required to implement the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," P L 2021, c 16 (C 24 6I 31 et al) 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 funds received by the New Jersey Infrastructure Bank from any State agency to offset the trust's annual operating expenses are appropriated for the same purpose

GRANTS-IN-AID

99-2000 Administration and Support Services	$10,625,000
Total Grants-in-Aid Appropriation, Management and Administration	$10,625,000

Grants-in-Aid

99	National Center for Civic Innovation Inc	($5,000,000)
99	New Jersey State Interscholastic Athletic Association	(625,000)
99	New Jersey Wind Institute for Innovation and Training, EDA	(5,000,000)

Notwithstanding the provisions of any other law or regulation to the contrary, the amount hereinabove appropriated to the National Center for Civic Innovation, Inc ("NCCI") is subject to the following conditions the appropriated moneys shall be used by NCCI to pay for administrative expenses, including, but not limited to, staff, office, supplies, travel, consultants and technology, and NCCI, in consultation with the State's Chief Innovation Office, shall provide advisory and implementation services to State departments and agencies in the area of modernizing, improving, facilitating, and streamlining government services to individuals and businesses The State Treasurer shall enter into an agreement with NCCI to implement this provision

The amount hereinabove appropriated for the New Jersey State Interscholastic Athletic Association (NJSIAA) is conditioned upon the following the NJSIAA shall agree to publish online their annual audited statement for fiscal years ending June 30, 2021 and June 30, 2022 upon certification by an outside auditor The appropriation shall be used to offset loss of revenue to NJSIAA due to COVID-19 and additional expenses not anticipated due to COVID-19 The NJSIAA shall not use any grant funds for any increases in administrative staff

80 Special Government Services
82 Protection of Citizens' Rights
DIRECT STATE SERVICES

06-2024	Appellate Services to Indigents	$9,411,000
57-2021	Trial Services to Indigents	75,355,000
58-2022	Mental Health Advocacy	7,497,000
66-2021	Office of Law Guardian	25,977,000
67-2021	Office of Parental Representation	19,642,000
99-2025	Administration and Support Services	3,220,000
	Total Direct State Services Appropriation, Protection of Citizens' Rights	$141,102,000

Direct State Services

Personal Services	
Salaries and Wages	($111,032,000)
Materials and Supplies	(1,220,000)
Services Other Than Personal	(25,714,000)
Maintenance and Fixed Charges	(2,051,000)
Additions, Improvements and Equipment	(1,085,000)

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

2048 State Legal Services Office
GRANTS-IN-AID

89-2048 Civil Legal Services for the Poor	$40,018,000
Total Grants-in-Aid Appropriation, State Legal Services Office	$40,018,000
Grants-in-Aid	
89 Legal Services of New Jersey - Legal Assistance in Civil Matters	($40,018,000)

2096 Corrections Ombudsperson
DIRECT STATE SERVICES

51-2096 Corrections Ombudsperson		$2,060,000
Total Direct State Services Appropriation, Corrections Ombudsperson		$2,060,000
Direct State Services		
Personal Services		
Salaries and Wages	($1,962,000)	
Materials and Supplies	(40,000)	
Services Other Than Personal	(43,000)	
Maintenance and Fixed Charges	(15,000)	

2097 Office of the State Long-Term Care Ombudsman
DIRECT STATE SERVICES

81-2097 State Long-Term Care Ombudsman	$4,444,000
Total Direct State Services Appropriation, Office of the State Long-Term Care Ombudsman	$4,444,000
Direct State Services	
Personal Services	

Salaries and Wages	($3,933,000)
Materials and Supplies	(32,000)
Services Other Than Personal	(247,000)
Maintenance and Fixed Charges	(50,000)
Additions, Improvements and Equipment	(182,000)

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 Office of the State Long-Term Care Ombudsman, 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	$7,020,000
Total Direct State Services Appropriation, Division of Rate Counsel	$7,020,000

Direct State Services

Personal Services	
Salaries and Wages	($3,043,000)
Materials and Supplies	(48,000)
Services Other Than Personal	(3,425,000)
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 $4,986,663,000

Summary of Department of the Treasury Appropriations
(For Display Purposes Only)

Appropriations by Category	
Direct State Services	$590,365,000
Grants-in-Aid	2,869,411,000
State Aid	1,526,887,000
Appropriations by Fund	
General Fund	$1,289,778,000
Property Tax Relief Fund	3,688,928,000
Casino Control Fund	7,957,000

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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		$15,000
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		$893,000
Total Direct State Services Appropriation, Delaware River Basin Commission		$893,000
Direct State Services		
Special Purpose		
02 Expenses of the Commission	($893,000)	

70 Government Direction, Management, and Control
72 Government Review and Oversight
9148 Council on Local Mandates
DIRECT STATE SERVICES

92-9148 Council on Local Mandates		$81,000
Total Direct State Services Appropriation, Council On Local Mandates		$81,000
Direct State Services		
Special Purpose		
92 Council on Local Mandates	($81,000)	

The unexpended balance at the end of the preceding fiscal year in this account is appropriated

Miscellaneous Commissions, Total State Appropriation	$989,000

Summary of Miscellaneous Commissions Appropriations
(For Display Purposes Only)

Appropriations by Category	
Direct State Services	$989,000

Appropriations by Fund

General Fund	$989,000

94 INTERDEPARTMENTAL ACCOUNTS
70 Government Direction, Management, and Control
74 General Government Services
DIRECT STATE SERVICES

01-9400 Property Rentals		$297,177,000
02-9400 Insurance and Other Services		141,228,000
06-9400 Utilities and Other Services		61,593,000
Subtotal Direct State Services Appropriation, General Government Services		$499,998,000
Less		
Direct Rent Charges and Charges for Operational Efficiencies	**($98,274,000)**	
Total Deductions	**($98,274,000)**	
Total Direct State Services Appropriation, General Government Services		$401,724,000
Direct State Services		
Property Rentals		
01 Existing and Anticipated Leases	($213,344,000)	
01 Economic Development Authority	(49,394,000)	
01 Other Debt Service Leases and Tax Payments	(34,439,000)	
Less		
Total Deductions	**98,274,000**	
Insurance and Other Services		
02 Tort Claims Liability Fund (C 59 12-1)	(31,000,000)	
02 Workers' Compensation Self-Insurance Fund	(90,191,000)	
02 Property Insurance Premium Payments	(4,024,000)	
02 Casualty Insurance Premium Payments	(677,000)	
02 Special Insurance Policy Premium Payment	(1,211,000)	
02 Medical Malpractice Self-Insurance Fund for Rutgers, Rowan, and University Hospital	(10,000,000)	
02 Vehicle Claims Liability Fund	(2,500,000)	
02 Self-Insurance Deductible Fund	(1,500,000)	
02 Self-Insurance Fund - Foster Parents	(125,000)	
Utilities and Other Services		
06 Utilities and Other Services	(47,500,000)	
06 Public Health, Environmental and Agricultural Laboratory	(5,608,000)	
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

Receipts from the leasing of State surplus real property are appropriated for the maintenance of State surplus real property, 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 implementation 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, 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, for the refunding of fees, court costs and restitution paid by persons charged with, adjudicated delinquent, or convicted of various crimes or offenses whose charges or convictions are later dismissed for various reasons, including on the basis of evidence found to not have been appropriately collected, tested or analyzed and for the direct costs of administering such refunds, all 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

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

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		$148,934,000
(From General Fund	*$134,657,000)*	
(From Property Tax Relief Fund	*14,277,000)*	
Total Grants-in-Aid Appropriation, General Government Services		$148,934,000
(From General Fund	*$134,657,000)*	
(From Property Tax Relief Fund	*14,277,000)*	
Grants-in-Aid		
09 New Jersey Sports and Exposition Authority - Debt Service	($33,001,000)	
09 Liberty Science Center	(11,624,000)	
09 Liberty Science Center - SciTech Scity	(1,000,000)	
09 Municipal Rehabilitation and Economic Recovery, EDA (PTRF)	(14,277,000)	
09 Biomedical Research Bonds, EDA	(3,482,000)	
09 New Jersey Performing Arts Center-		

	Operating Aid	(2,000,000)
09	New Jersey Sports and Exposition Authority - Operations	(53,000,000)
09	New Jersey Sports and Exposition Authority - Meadowlands Environment Center	(100,000)
09	New Jersey Sports and Exposition Authority - Meadowlands Research and Restoration Institute	(100,000)
09	New Jersey Sports and Exposition Authority - Meadowlands Conservation Trust	(350,000)
09	International Event Improvements and Attraction	(30,000,000)

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 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

Notwithstanding the provisions of R S 46 30B-74 and R S 46 30B-75, or any other rule, regulation, or guideline to the contrary, and in addition to the amounts hereinabove appropriated for the New Jersey Sports and Exposition Authority, there is appropriated from the Unclaimed Personal Property Trust Fund such amount as shall be determined by the Director of the Division of Budget and Accounting to be available and necessary for Sports Complex property demolition, clean-up, and roadway improvement costs associated with the Grandstand demolition project

The amounts hereinabove appropriated for debt service payments attributable 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 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

CAPITAL CONSTRUCTION

08-9450 Capital Projects - Statewide		$214,532,000
(From General Fund	*$183,268,000)*	
(From Property Tax Relief Fund	*31,264,000)*	
Total Capital Construction Appropriation, General Government Services		$214,532,000
(From General Fund	*$183,268,000)*	
(From Property Tax Relief Fund	*31,264,000)*	
Capital Projects		
Statewide Capital Projects		
08 Capital Improvements, Capitol Complex	($9,000,000)	
08 Capital Improvements, Contingency	(3,000,000)	
08 Capital Improvements, Statewide	(62,072,000)	
08 Life Safety, Emergency and IT Projects - Statewide	(21,000,000)	
08 Capital Security Projects	(5,000,000)	
08 New Jersey Building Authority	(16,773,000)	
Open Space Preservation Program		
08 Garden State Preservation Trust Fund Account	(66,423,000)	
08 Garden State Preservation Trust Fund Account (PTRF)	(31,264,000)	

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, in order to

provide flexibility in administering the amounts provided for Statewide Fire, Life Safety and Renovations Projects, Capital Improvements, Statewide, Life Safety, Emergency and IT Projects - Statewide, Capital Security Projects, Roof Repairs - Statewide, Americans with Disabilities Act Compliance Projects - Statewide, Fuel Distribution Systems/Underground Storage Tank Replacements - Statewide, Hazardous Materials Removal Projects-Statewide, Statewide Security Projects, and Energy Efficiency 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, 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

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

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

Revenue generated from the sale of Solar Renewable Energy Certificates and Emission Reduction Credits 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

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	$4,460,725,000
	Total Direct State Services Appropriation, Employee Benefits	$4,460,725,000

Direct State Services

Special Purpose

03	Public Employees' Retirement System	($1,480,537,000)
03	Public Employees' Retirement System - Post Retirement Medical	(381,458,000)
03	Public Employees' Retirement System - Non-contributory Insurance	(37,551,000)
03	Police and Firemen's Retirement System	(339,469,000)
03	Police and Firemen's Retirement System - Non-contributory Insurance	(11,816,000)
03	Police and Firemen's Retirement System (P L 1979, c 109)	(6,327,000)
03	Alternate Benefit Program - Employer Contributions	(1,394,000)
03	Alternate Benefit Program - Non-contributory Insurance	(235,000)
03	Defined Contribution Retirement Program	(1,747,000)
03	Defined Contribution Retirement Program - Non-contributory Insurance	(603,000)
03	State Police Retirement System	(204,874,000)
03	State Police Retirement System - Non-contributory Insurance	(3,010,000)
03	Judicial Retirement System	(68,326,000)
03	Judicial Retirement System - Non-contributory Insurance	(1,207,000)
03	Teachers' Pension and Annuity Fund	(5,952,000)
03	Teachers' Pension and Annuity Fund - Post Retirement Medical - State	(2,719,000)
03	Teachers' Pension and Annuity Fund - Non-contributory Insurance	(44,000)
03	Pension Adjustment Program	(355,000)
03	Veterans Act Pensions	(33,000)
03	Debt Service on Pension Obligation Bonds	(199,887,000)
03	Volunteer Emergency Survivor Benefit	(236,000)
03	State Employees' Health Benefits	(918,176,000)
03	Other Pension Systems - Post Retirement Medical	(174,160,000)
03	State Employees' Prescription Drug Program	(204,665,000)

03	State Employees' Dental Program - Shared Cost	(21,587,000)
03	State Employees' Vision Care Program	(500,000)
03	Social Security Tax - State	(379,944,000)
03	Temporary Disability Insurance Liability	(11,460,000)
03	Unemployment Insurance Liability	(2,453,000)

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	$1,315,878,000
	Total Grants-in-Aid Appropriation, Employee Benefits	$1,315,878,000

Grants-in-Aid

03	Public Employees' Retirement System	($147,592,000)
03	Public Employees' Retirement System - Post-Retirement Medical	(61,559,000)
03	Public Employees' Retirement System - Non-contributory Insurance	(7,632,000)
03	Police and Firemen's Retirement System	(17,990,000)
03	Police and Firemen's Retirement System - Non-contributory Insurance	(550,000)
03	Alternate Benefit Program - Employer Contributions	(186,222,000)
03	Alternate Benefit Program - Non-contributory Insurance	(29,649,000)
03	Teachers' Pension and Annuity Fund	(1,156,000)
03	Teachers' Pension and Annuity Fund - Post-Retirement Medical-State	(5,224,000)
03	Teachers' Pension and Annuity Fund - Non-contributory Insurance	(6,000)
03	Debt Service on Pension Obligation Bonds	(11,532,000)
03	State Employees' Health Benefits	(453,117,000)
03	Other Pension Systems-Post Retirement Medical	(51,070,000)

03	State Employees' Prescription Drug Program	(123,019,000)
03	State Employees' Dental Program - Shared Cost	(12,060,000)
03	Social Security Tax - State	(197,048,000)
03	Temporary Disability Insurance Liability	(8,262,000)
03	Unemployment Insurance Liability	(2,190,000)

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	$19,525,000
Total Direct State Services Appropriation, Other Interdepartmental Accounts	$19,525,000

Direct State Services

Special Purpose

04	Governor's Contingency Fund	($375,000)
04	Permit Modernization	(5,000,000)
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	Employee Mileage Reimbursement	(1,500,000)
04	Language Access Funding for State Agencies	(500,000)
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

The amount hereinabove appropriated for the Governor's Contingency Fund is appropriated for allotment to the various departments or agencies, to meet any condition of emergency or necessity

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Permit Modernization shall be used for the purpose of improving the efficiency and effectiveness of State permitting processes, including, but not limited to, engaging expert consulting services to review and recommend improvements to processes across the various departments, including, but not limited, to the Department of Environmental Protection, the Department of Transportation, and the Department of Community Affairs

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

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

Of the amount hereinabove appropriated for Permit Modernization, such amounts as are necessary may be transferred to or from State departments, and the unexpended balance at the end of the preceding fiscal year is appropriated for the same purpose, provided further that such additional amounts as may be necessary for Permit Modernization efforts are appropriated, subject to the approval of the Director of the Division of Budget and Accounting

The amount hereinabove appropriated for Employee Mileage Reimbursement may be provided to the various State departments and agencies for the cost of reimbursing employees traveling by personal automobile on official business as the Director of the Division of Budget and Accounting shall determine

GRANTS-IN-AID

04-9420 Other Interdepartmental Accounts	$43,992,000
Total Grants-In-Aid Appropriation, Other Interdepartmental Accounts	$43,992,000

Grants-In-Aid

04 Direct Support Professional Wage Increase	($43,992,000)

Notwithstanding any other law or regulation to the contrary, the amount hereinabove appropriated for Direct Support Professionals Wage Increase shall be used to provide payments, based upon the wage increase established in Fiscal Year 2020, for each direct support professional who provides children's behavioral health services or assists children or adults with intellectual or developmental disabilities under a provider contract or fee-for-service agreement with the Department of Children and Families, the Division of Developmental Disabilities in the Department of Human Services, or the Division of Vocational Rehabilitation Services in the Department of Labor and Workforce Development Amounts, as determined by the Director of the Division of Budget and Accounting, shall be transferred, as necessary, to departments and divisions contracting with community care providers in order to effectuate this provision

9430 Salary Increases and Other Benefits

DIRECT STATE SERVICES

05-9430 Salary Increases and Other Benefits	$154,526,000
Total Direct State Services Appropriation, Salary Increases and Other Benefits	$154,526,000

Direct State Services

Special Purpose

05	Executive Branch	($120,331,000)
05	Judicial Branch	(23,195,000)
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, or 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	$6,759,836,000

Summary of Interdepartmental Accounts Appropriations
(For Display Purposes Only)

Appropriations by Category	
Direct State Services	$5,036,500,000
Grants-in-Aid	1,508,804,000
Capital Construction	214,532,000
Appropriations by Fund	
General Fund	$6,714,295,000
Property Tax Relief Fund	45,541,000

98 THE JUDICIARY
10 Public Safety and Criminal Justice
15 Judicial Services
DIRECT STATE SERVICES

01-9710 Supreme Court	$7,148,000
02-9715 Superior Court-Appellate Division	22,687,000
03-9720 Civil Courts	113,115,000
04-9725 Criminal Courts	189,574,000
05-9730 Family Courts	122,789,000
06-9735 Municipal Courts	1,596,000
07-9740 Probation Services	137,658,000
08-9745 Court Reporting	8,888,000
09-9750 Public Affairs and Education	2,946,000
10-9755 Information Services	18,058,000
11-9760 Trial Court Services	216,343,000
12-9765 Management and Administration	11,295,000
Total Direct State Services Appropriation, Judicial Services	$852,097,000

Direct State Services

Personal Services	
Chief Justice	($231,000)
Associate Justices	(1,332,000)
Judges	(93,148,000)
Salaries and Wages	(548,851,000)
Materials and Supplies	(7,755,000)
Services Other Than Personal	(32,318,000)
Maintenance and Fixed Charges	(1,852,000)
Special Purpose	
01 Rules Development	(200,000)
03 Landlord Tenant Caseload Management	(500,000)
04 Recovery Court Treatment/Aftercare	(38,858,000)
04 Recovery Court Operations	(25,716,000)

04	Recovery Court Judgeships	(2,662,000)
04	Statewide Pretrial Services Program	(22,000,000)
05	Family Crisis Intervention	(1,076,000)
05	Child Placement Review Advisory Council	(82,000)
05	Kinship Legal Guardianship	(3,793,000)
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	(5,861,000)

The unexpended balances at the end of the preceding fiscal year in the Civil Arbitration Program and Recovery Court program accounts 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 Recovery Court Treatment/Aftercare account shall be transferred to the Department of Human Services to fund treatment, aftercare and administrative services associated with the Recovery Court program, 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 Statewide Pretrial Services Program account are appropriated to the Judiciary, subject to the approval of the Director 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

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, Court Computer Information System Fund, Statewide County Corrections Information System (CCIS), 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

The Judiciary, Total State Appropriation	$852,097,000

Summary of Judiciary Appropriations
(For Display Purposes Only)

Appropriations by Category	
Direct State Services	$852,097,000
Appropriations by Fund	
General Fund	$852,097,000

DEBT SERVICE
42 DEPARTMENT OF ENVIRONMENTAL PROTECTION
40 Community Development and Environmental Management
46 Environmental Planning and Administration

99-4800 Interest on Bonds	$10,645,000
99-4800 Bond Redemption	20,335,000
Total Debt Service Appropriation, Department of Environmental Protection	$30,980,000

Debt Service
Interest

Water Supply Bonds (P L 1981, c 261)	($501,000)

Hazardous Discharge Bonds (P L 1986, c 113)	(502,000)	
New Jersey Open Space Preservation Bonds (P L 1989, c 183)	(141,000)	
Stormwater Management and Combined Sewer Overflow Abatement Bonds (P L 1989, c 181)	(215,000)	
Green Acres, Farmland and Historic Preservation and Blue Acres Bonds (P L 1995, c 204)	(41,000)	
Port of New Jersey Revitalization, Dredging Bonds (P L 1996, c 70)	(1,080,000)	
Dam, Lake, Stream, Water Resources, and Wastewater Treatment Project Bonds (P L 2003, c 162)	(48,000)	
Green Acres, Farmland, Blue Acres, and Historic Preservation Bonds (P L 2007, c 119)	(850,000)	
Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bonds (P L 2009, c 117)	(7,267,000)	
Redemption		
Water Supply Bonds (P L 1981, c 261)	(365,000)	
Pinelands Infrastructure Trust Bonds (P L 1985, c 302)	(205,000)	
Hazardous Discharge Bonds (P L 1986, c 113)	(650,000)	
New Jersey Open Space Preservation Bonds (P L 1989, c 183)	(220,000)	
Stormwater Management and Combined Sewer Overflow Abatement Bonds (P L 1989, c 181)	(250,000)	
Green Acres, Farmland and Historic Preservation and Blue Acres Bonds (P L 1995, c 204)	(145,000)	
Port of New Jersey Revitalization, Dredging Bonds (P L 1996, c 70)	(2,040,000)	
Dam, Lake, Stream, Water Resources, and Wastewater Treatment Project Bonds (P L 2003, c 162)	(170,000)	
Green Acres, Farmland, Blue Acres, and Historic Preservation Bonds (P L 2007, c 119)	(2,085,000)	
Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bonds (P L 2009, c 117)	(14,205,000)	
Total Debt Service Appropriation, Department of Environmental Protection		$30,980,000

82 DEPARTMENT OF THE TREASURY

70 Government Direction, Management, and Control

76 Management and Administration

99-2000 Interest on Bonds	$193,060,000
99-2000 Bond Redemption	396,705,000

Total Debt Service Appropriation, Department of the Treasury	$589,765,000

Debt Service

Interest	
Refunding Bonds (P L 1985, c 74, as amended by P L 1992, c 182)	($1,657,000)
Building our Future Bonds (P L 2012, c 41)	(17,864,000)
New Jersey Library Construction Bonds (P L 2017, c 149)	(2,503,000)
Securing our Children's Future Bonds (P L 2018, c 119)	(4,732,000)
COVID-19 General Obligation Emergency Bonds (P L 2020, c 60)	(166,304,000)
Redemption	
Refunding Bonds (P L 1985, c 74, as amended by P L 1992, c 182)	(39,910,000)
Building our Future Bonds (P L 2012, c 41)	(32,080,000)
New Jersey Library Construction Bonds (P L 2017, c 149)	(2,035,000)
Securing our Children's Future Bonds (P L 2018, c 119)	(27,110,000)
COVID-19 General Obligation Emergency Bonds (P L 2020, c 60)	(295,570,000)

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

Total Debt Service Appropriation, Department of the Treasury	$589,765,000
Total Appropriation, Debt Service	$620,745,000

Summary of Debt Service Appropriations
(For Display Purposes Only)

Appropriations by Category	
Debt Service	$620,745,000
Appropriations by Fund	
General Fund	$620,745,000

Summary of Appropriations – All Departments
(For Display Purposes Only)

Appropriations by Category	
Direct State Services	$10,386,912,000
Grants-in-Aid	16,043,653,000
State Aid	21,644,329,000
Capital Construction	1,944,590,000
Debt Service	620,745,000
Appropriation by Fund	
General Fund	$26,401,102,000
Property Tax Relief Fund	23,705,954,000
Casino Revenue Fund	465,084,000
Casino Control Fund	68,089,000
Gubernatorial Elections Fund	0

Total Appropriation, All State Funds $50,640,229,000

FEDERAL FUNDS
10 DEPARTMENT OF AGRICULTURE
40 Community Development and Environmental Management
49 Agricultural Resources, Planning, and Regulation

01-3310 Animal Disease Control	$2,290,000
02-3320 Plant Pest and Disease Control	3,807,000
05-3350 Food and Nutrition Services	1,285,633,000
06-3360 Marketing and Development Services	4,344,000
08-3380 Farmland Preservation	30,000
Total Appropriation, Agricultural Resources,	

Planning, and Regulation		$1,296,104,000
Personal Services		
Salaries and Wages	($7,642,000)	
Positions Established in Lieu of Appropriated Revenue	(200,000)	
Employee Benefits	(3,683,000)	
Materials and Supplies	(2,431,000)	
Services Other Than Personal	(9,332,000)	
Maintenance and Fixed Charges	(2,665,000)	
Special Purpose		
Child Nutrition Administration	(1,250,000)	
Country of Origin Labeling (COOL)	(31,000)	
State Aid and Grants	(1,266,306,000)	
Additions, Improvements and Equipment	(2,564,000)	
Total Appropriation, Department of Agriculture		$1,296,104,000

16 DEPARTMENT OF CHILDREN AND FAMILIES

50 Economic Planning, Development, and Security

55 Social Services Programs

01-1610 Child Protection and Permanency		$374,672,000
02-1620 Children's System of Care		318,683,000
03-1630 Family and Community Partnerships		38,326,000
04-1600 Education Services		1,200,000
05-1600 Child Welfare Training Academy Services and Operations		2,144,000
06-1600 Safety and Security Services		3,680,000
99-1600 Administration and Support Services		1,575,000
99-1610 Administration and Support Services		15,327,000
99-1620 Administration and Support Services		1,119,000
Total Appropriation, Social Services Programs		$756,726,000
Personal Services		
Salaries and Wages	($283,934,000)	
Materials and Supplies	(7,595,000)	
Services Other Than Personal	(19,120,000)	
Maintenance and Fixed Charges	(17,077,000)	
Special Purpose		
Safety and Security Services - Title IV-E	(3,680,000)	
Safety and Permanency in the Courts	(500,000)	
State Aid and Grants	(415,684,000)	
Additions, Improvements and Equipment	(9,136,000)	
Total Appropriation, Department of Children and Families		$756,726,000

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 Community Development and Environmental Management
41 Community Development Management

02-8020 Housing Services		$334,123,000
06-8015 Uniform Construction Code		30,000
10-8022 Division of Disaster Recovery and Mitigation		230,000,000
Total Appropriation, Community Development Management		$564,153,000
Personal Services		
Salaries and Wages	($18,442,000)	
Employee Benefits	(75,000)	
Materials and Supplies	(247,000)	
Services Other Than Personal	(2,930,000)	
Maintenance and Fixed Charges	(3,000,000)	
Special Purpose		
Family Self Sufficiency Program Coordinator	(20,000)	
National Housing Trust Fund	(6,674,000)	
Mainstream 5	(2,000)	
Continuum of Care Program	(3,000)	
Moderate Rehabilitation Housing Assistance	(28,000)	
Section 8 Housing Voucher Program	(634,000)	
Small Cities Block Grant Program	(11,000)	
Emergency Solutions Grants Program	(11,000)	
National Affordable Housing - HOME Investment Partnerships	(29,000)	
Lead-Based Paint Hazard Control	(8,000)	
Lead Abatement Certification	(2,000)	
Community Development Block Grant - Tropical Storm Ida	(230,000,000)	
State Aid and Grants	(302,037,000)	

50 Economic Planning, Development, and Security
55 Social Services Programs

05-8050 Community Resources		$254,712,000
Total Appropriation, Social Services Programs		$254,712,000
Personal Services		
Salaries and Wages	($2,170,000)	
Employee Benefits	(1,322,000)	
Materials and Supplies	(60,000)	
Services Other Than Personal	(1,378,000)	
Maintenance and Fixed Charges	(22,000)	
Special Purpose		
Weatherization Assistance Program	(32,000)	
Low Income Home Energy Assistance Program	(96,000)	

Community Services Block Grant	(29,000)	
State Aid and Grants	(249,593,000)	
Additions, Improvements and Equipment	(10,000)	
Total Appropriation, Department of Community Affairs		$818,865,000

26 DEPARTMENT OF CORRECTIONS

10 Public Safety and Criminal Justice

16 Detention and Rehabilitation

13-7025 Institutional Program Support		$17,092,000
Total Appropriation, Detention and Rehabilitation		$17,092,000
Personal Services		
Salaries and Wages	($1,242,000)	
Special Purpose		
Prison Rape Elimination Grant	(500,000)	
SSA Incentive Payments	(50,000)	
National Institute of Justice Operations Research	(150,000)	
State Criminal Alien Assistance Program	(4,500,000)	
Special Investigations Division - Intelligence Technology	(450,000)	
Promising Reentry	(750,000)	
Health, Safety and Wellness	(3,000,000)	
Defense Tactical Training	(750,000)	
Anti-Heroin Task Force	(3,000,000)	
Inmate Vocational Certifications	(350,000)	
Technology Enhancements	(500,000)	
Special Operations Tactical Equipment	(200,000)	
Diversity Training	(250,000)	
Offender Reentry	(600,000)	
Body Worn Cameras	(800,000)	

17 Parole

03-7010 Parole		$3,279,000
Total Appropriation, Parole		$3,279,000
Special Purpose		
Comprehensive Opioid, Stimulant and Substance Abuse Program	($3,279,000)	

19 Central Planning, Direction and Management

99-7000 Administration and Support Services		$1,198,000
Total Appropriation, Central Planning,		

Direction and Management		$1,198,000
Personal Services		
Salaries and Wages	($800,000)	
Employee Benefits	(395,000)	
Materials and Supplies	(3,000)	
Total Appropriation, Department of Corrections		$21,569,000

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural, and Intellectual Development

31 Direct Educational Services and Assistance

07-5065 Special Education		$449,755,000
Total Appropriation, Direct Educational Services and Assistance		$449,755,000
Personal Services		
Salaries and Wages	($9,324,000)	
Employee Benefits	(5,692,000)	
Services Other Than Personal	(10,915,000)	
Special Purpose		
State Personnel Development Grant	(1,213,000)	
Individuals with Disabilities Education Act Basic State Grant	(750,000)	
Individuals with Disabilities Education Act Preschool Grants	(275,000)	
IDEA Part B - Discretionary Administration	(1,500,000)	
State Aid and Grants	(420,086,000)	

32 Operation and Support of Educational Institutions

12-5011 Marie H Katzenbach School for the Deaf		$465,000
Total Appropriation, Operation and Support of Educational Institutions		$465,000
Personal Services		
Salaries and Wages	($219,000)	
Employee Benefits	(134,000)	
Services Other Than Personal	(97,000)	
Special Purpose		
Vocational Education Program	(15,000)	

33 Supplemental Education and Training Programs

20-5062 Career Readiness and Technical Education		$27,175,000
Total Appropriation, Supplemental Education and Training Programs		$27,175,000
Personal Services		

Salaries and Wages	($1,440,000)
Employee Benefits	(879,000)
Materials and Supplies	(25,000)
Services Other Than Personal	(150,000)
Special Purpose	
Vocational Education - Basic Grants - Administration	(100,000)
Vocational Education - Title II B Leadership Activities	(300,000)
State Aid and Grants	(24,281,000)

34 Educational Support Services

05-5064 Bilingual Education	$23,976,000
06-5064 Programs for Disadvantaged Youth	397,422,000
30-5063 Standards, Assessments and Curriculum	78,898,000
32-5061 Recruitment, Preparation, Certification and Educator Evaluation	200,000
35-5069 Early Childhood Education	275,000
40-5064 Student Services	27,934,000
Total Appropriation, Educational Support Services	$528,705,000
Personal Services	
Salaries and Wages	($4,138,000)
Employee Benefits	(2,526,000)
Materials and Supplies	(45,000)
Services Other Than Personal	(6,525,000)
Special Purpose	
Language Acquisition Discretionary Administration	(45,000)
Migrant Education - Administration/Discretionary	(85,000)
Migrant Coordination Program	(77,000)
MSix State Data Quality Grants	(100,000)
Bilingual and Compensatory Education - Homeless Children and Youth	(10,000)
Title I School Improvement Accountability Set Aside Administration	(169,000)
Student Support & Academic Enrichment State Grants	(1,000,000)
State Assessments	(80,000)
Supporting Effective Instruction State Grants	(850,000)
National Assessment of Educational Progress State Coordinator	(4,000)
Troops-to-Teachers Program	(100,000)
Head Start Collaboration	(74,000)
21st Century Schools	(510,000)
AIDS Prevention Education	(120,000)
State Aid and Grants	(512,247,000)

35 Education Administration and Management		
41-5092 Performance Management		$294,000
99-5095 Administration and Support Services		5,879,000
Total Appropriation, Education Administration and Management		$6,173,000
Personal Services		
Salaries and Wages	($2,112,000)	
Employee Benefits	(1,289,000)	
Services Other Than Personal	(294,000)	
Special Purpose		
Improving America's Schools Act - Consolidated Administration	(2,478,000)	
Total Appropriation, Department of Education		$1,012,273,000

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

42 Natural Resource Management

11-4870 Forest Resource Management		$9,007,000
12-4875 Parks Management		43,025,000
13-4880 Hunters' and Anglers' License Fund		36,985,000
14-4885 Shellfish and Marine Fisheries Management		20,933,000
20-4880 Wildlife Management		1,070,000
21-4895 Natural Resources Engineering		54,420,000
Total Appropriation, Natural Resource Management		$165,440,000
Personal Services		
Salaries and Wages	($4,933,000)	
Employee Benefits	(3,007,000)	
Special Purpose		
Expansion of Beech Leaf Disease	(10,000)	
Rural Community Fire Protection Program	(375,000)	
Forest Resource Management - Cooperative Forest Fire Control	(1,131,000)	
Gypsy Moth Suppression	(85,000)	
Wildfire Risk Reduction	(374,000)	
Emerald Ash Borer	(40,000)	
UCF Emerald Ash Borer	(40,000)	
Oak Wilt Survey	(40,000)	
Landscape Restoration	(320,000)	
Consolidated Forest Management	(965,000)	
Thousand Cankers Disease Survey	(10,000)	
Forest Action Plan - Forest Health	(372,000)	

Community Wildfire Defense Grant (CWDG)	(5,000,000)
Land and Water Conservation Fund	(5,000,000)
Historic Preservation Survey and Planning	(2,291,000)
Endangered Plant Species Supplemental Funding	(30,000)
Forest Legacy	(4,185,000)
Forest Legacy Administration	(60,000)
National Recreational Trails	(1,828,000)
Body-Worn Cameras	(250,000)
FEMA Port Security Grant LSP	(1,100,000)
DOT Reconstruct Ferry Slips LSP	(6,000,000)
LWCF - City of Trenton Soccer and Fitness Development	(1,000,000)
LWCF - Camden Whitman Park Improvements	(1,000,000)
National Coastal Wetlands Conservation	(3,500,000)
LWCF - Parks Playground Improvement - Southern Region	(1,500,000)
LWCF - Parks Playground Improvement - Central Region	(2,000,000)
LWCF - Parks Playground Improvement - Northern Region	(2,000,000)
Indian King Tavern	(500,000)
Wallace House & Old Dutch Parsonage	(500,000)
National Infrastructure Investments (RAISE)	(7,000,000)
Recovery Land Acquisition	(2,500,000)
Hunters' and Anglers' License Fund	(2,000,000)
Hunter Safety Training	(3,386,000)
NJ Outdoor Heritage Program	(1,171,000)
NJ - GIS Conservation Tools and Technical Guidance	(3,088,000)
Endangered Species	(352,000)
Species of Greater Conservation Need (SGCN) Research	(207,000)
White Nose Syndrome Grants to States	(101,000)
Hunters' & Anglers' License Fund/N J Statewide Fisheries Development Project	(6,268,000)
Northeast Wildlife Teamwork Strategy	(180,000)
Boat Access (Fish and Wildlife)	(1,000,000)
Connecting Habitat Across New Jersey (CHANJ) Assessments	(200,000)
Wildlife Management Area Conservation Program	(2,000,000)
Bog Turtle Project	(150,000)
Atlantic Brant Migration Ecology Study	(429,000)
Wildlife and Sport Fish Restoration Outreach	(318,000)
Fish & Wildlife Input to Activities - Projects of Others	(158,000)

Fish and Wildlife Action Plan	(74,000)
New Jersey's Landscape Project	(539,000)
Statewide Habitat Restoration and Enhancement	(607,000)
Habitat Restoration Monitoring and Evaluation	(340,000)
Wildlife and Sport Fish Restoration Partnership Exhibit Development	(600,000)
Bobcat Hair Snare Study	(416,000)
NJ Fish, Wildlife and Anadromous Fishery Coordination	(246,000)
Research In Freshwater Fisheries Management	(564,000)
Fish Culture and Stocking Project	(1,500,000)
Aquatic Recreational Resource Awareness & Education Project	(633,000)
Wildlife Research and Management	(4,825,000)
WMA Planning Tool Development	(252,000)
Fish and Wildlife Health	(312,000)
Species of Greater Conservation Need - Mammal Research and Management	(264,000)
Marine Fisheries Investigation and Management	(4,607,000)
National Estuary Program - Coastal Watershed Grant Program	(220,000)
National Fish and Wildlife Foundation Delaware River Program	(200,000)
Atlantic Coastal Fisheries	(1,875,000)
Inventory of New Jersey Surf Clam Resources	(1,149,000)
Clean Vessels	(947,000)
Marine Fisheries Law Enforcement	(953,000)
New Jersey Atlantic and Shortnose Sturgeon	(326,000)
Endangered and Nongame Species Program State Wildlife Grants	(933,000)
Community Assistance Program	(420,000)
Climate and Flood Resilience - Rebuild By Design - Meadowlands	(50,000,000)
Cooperative Technical Partnership	(2,567,000)
National Dam Safety Program (FEMA)	(78,000)
High Hazard Dams Grants/Loans	(600,000)
State Aid and Grants	(9,439,000)

43 Science and Technical Programs

05-4840 Water Supply	$336,604,000
07-4850 Water Monitoring and Resource Management	4,699,000
15-4801 Land Use Regulation and Management	29,015,000
15-4890 Land Use Regulation and Management	1,000,000
18-4810 Science and Research	750,000

22-4861 New Jersey Geological Survey		565,000
90-4801 Environmental Policy and Planning		6,339,000
Total Appropriation, Science and Technical Programs		$378,972,000
Personal Services		
Salaries and Wages	($3,442,000)	
Employee Benefits	(2,103,000)	
Services Other Than Personal	(50,000)	
Special Purpose		
Drinking Water State Revolving Fund	(949,000)	
Drinking Water State Revolving Fund	(118,000,000)	
Water Infrastructure Improvements for the Nation	(27,004,000)	
Drinking Water State Revolving Fund (BIL)	(66,500,000)	
Drinking Water State Revolving Fund - Lead Service Line Replacement	(97,026,000)	
Drinking Water State Revolving Fund - Emerging Contaminants (BIL)	(25,874,000)	
Water Pollution Control Program	(1,833,000)	
Water Pollution S106 Enhancements	(400,000)	
Development Compensatory Mitigation Technical Manual and NJ Floristic Quality	(187,000)	
NJ - FRAMES - Monmouth County	(500,000)	
National Oceanic and Atmospheric Administration (IIJA)	(15,150,000)	
Coastal Zone Management Implementation	(1,925,000)	
Readiness & Environmental Protection Integration Infrastructure Resilience & Natural Resource Enhancement	(10,000,000)	
Coastal Zone Management Grant - Section 309	(467,000)	
Coastal Zone Management - Special Merit	(500,000)	
Coastal Zone Management Grant - Section 310	(450,000)	
Multimedia	(450,000)	
New Jersey Statewide Water Use Data	(146,000)	
National Geologic Mapping Program	(171,000)	
Geological and Geophysical Data Preservation USGS	(80,000)	
Water Pollution Control	(49,000)	
Environmental & Health Effects Tracking	(500,000)	
Water Monitoring and Planning	(660,000)	
Nonpoint Source Implementation (319H)	(3,864,000)	
Beach Monitoring and Notification	(692,000)	

44 Site Remediation and Waste Management

19-4815 Publicly-Funded Site Remediation and Response	$5,030,000
23-4815 Solid and Hazardous Waste Management	203,000

23-4910 Solid and Hazardous Waste Management		833,000
27-4815 Remediation Management		11,000,000
Total Appropriation, Site Remediation and Waste Management		$17,066,000
Personal Services		
Salaries and Wages	($1,568,000)	
Employee Benefits	(957,000)	
Special Purpose		
Superfund Core Grant-CPCA	(30,000)	
Superfund Grants	(5,000,000)	
Hazardous Waste - Resource Conservation Recovery Act	(1,036,000)	
Preliminary Assessments/Site Inspections	(570,000)	
Brownfields	(499,000)	
Brownfield - Infrastructure	(2,000,000)	
Remedial Planning Support Agency Assistance	(667,000)	
Underground Storage Tanks	(4,739,000)	

45 Environmental Regulation

01-4820 Radiation Protection and Quality Assurance		$500,000
02-4892 Air Pollution Control		48,550,000
09-4860 Public Wastewater Facilities		327,825,000
16-4891 Water Monitoring and Planning		125,000
Total Appropriation, Environmental Regulation		$377,000,000
Personal Services		
Salaries and Wages	($2,347,000)	
Employee Benefits	(1,433,000)	
Special Purpose		
Radon Program	(326,000)	
Air Pollution Maintenance Program	(5,022,000)	
BioWatch Monitoring	(446,000)	
Particulate Monitoring Grant	(671,000)	
Clean Diesel Retrofit	(500,000)	
Diesel Emissions Reduction Act - Marine Vessel Emission Reduction	(650,000)	
National Electric Vehicle Infrastructure	(37,700,000)	
Clean Water State Revolving Fund	(152,000,000)	
Clean Water State Revolving Fund - (BIL)	(159,215,000)	
Clean Water State Revolving Fund - Emerging Contaminants (BIL)	(12,610,000)	
Clean Water State Revolving Fund - Sewer Overflow and Stormwater Reuse Grants Program	(4,000,000)	
Underground Injection Control	(80,000)	

47 Compliance and Enforcement

02-4855 Air Pollution Control		$2,460,000
04-4835 Pesticide Control		500,000
08-4855 Water Pollution Control		1,150,000
15-4855 Land Use Regulation and Management		600,000
23-4855 Solid and Hazardous Waste Management		3,732,000
Total Appropriation, Compliance and Enforcement		$8,442,000
Personal Services		
Salaries and Wages	($2,765,000)	
Employee Benefits	(1,690,000)	
Special Purpose		
Air Pollution Maintenance Program	(1,162,000)	
Pesticide Control Consolidated	(210,000)	
Underground Storage Tank Program		
Standard Compliance Inspections	(715,000)	
Coastal Zone Management Implementation	(158,000)	
Hazardous Waste - Resource Conservation		
Recovery Act	(1,742,000)	
Total Appropriation, Department of Environmental Protection		$946,920,000

46 DEPARTMENT OF HEALTH

20 Physical and Mental Health

21 Health Services

01-4215 Vital Statistics		$1,498,000
02-4220 Family Health Services		315,886,000
03-4230 Public Health Protection Services		128,862,000
05-4285 Community Health Services		26,407,000
08-4280 Laboratory Services		8,686,000
12-4245 AIDS Services		76,995,000
Total Appropriation, Health Services		$558,334,000
Personal Services		
Salaries and Wages	($40,340,000)	
Employee Benefits	(27,040,000)	
Materials and Supplies	(3,472,000)	
Services Other Than Personal	(32,366,000)	
Maintenance and Fixed Charges	(807,000)	
Special Purpose		
Vital Statistics Component	(79,000)	
Overdose Data - Action	(61,000)	
Maternal and Child Health Block Grant	(1,508,000)	

Maternal, Infant and Early Childhood Home Visiting Program	(29,000)
Supplemental Food Program - Women, Infants, and Children (WIC)	(1,000,000)
Supplemental Food Program - WIC	(737,000)
New Jersey State Maternal Health Innovation Program	(87,000)
Pediatric AIDS Health Care Demonstration Project	(54,000)
Early Intervention for Infants and Toddlers with Disabilities	(334,000)
N J Project Providing a MED Home in a Neighborhood of Services	(50,000)
Women, Infants, and Children (WIC) Farmers' Market Nutrition Program	(3,000,000)
WIC Farmer's Market Food Program	(250,000)
New Jersey Personal Responsibility Education Program	(6,000)
Abstinence Education - Family Health Services (FHS)	(20,000)
Early Hearing Detection and Intervention (EHDI) Tracking, Research	(17,000)
Senior Farmers' Market Nutrition Program	(250,000)
Universal Newborn Hearing Screening	(9,000)
USDA Incentive Program	(600,000)
Rape Prevention and Education Program	(1,300,000)
Maternal and Child Health (MCH) Early Childhood Comprehensive System	(140,000)
Preventative Health & Health Services Block Grant	(991,000)
Venereal Disease Project	(426,000)
COVID-19 Strengthening STD Prevention	(325,000)
Child Nutrition Program - Inspection Services	(97,000)
Tuberculosis Control Program	(76,000)
Building and Strengthening	(42,000)
Epidemiology and Laboratory Capacity - Affordable Care Act	(10,000)
Toxic Substances Control Act	(168,000)
Census of Fatal Occupational Injuries BLS	(16,000)
Environmental Health Education	(583,000)
Federal Lead Abatement Program	(14,000)
Demonstration Program to Conduct Health Assessments	(390,000)
Conformance with the Manufactured Food Regulatory Program Standard	(166,000)
Adult Blood Lead Surveillance	(12,000)

Immunization Project	(1,014,000)
Adult Viral Hepatitis Prevention	(87,000)
New Jersey Plan for Private Well Programs	(150,000)
National Program of Cancer Registries	(110,000)
Public Employees Occupational Safety and Health - State Plan	(111,000)
Viral Hepatitis Surveillance	(26,000)
Bioterrorism Hospital Emergency Preparedness	(221,000)
Emergency Preparedness for Bioterrorism	(1,393,000)
National Violent Death Reporting System	(15,000)
Fundamental & Expanded Occupational Health	(459,000)
Electronic Patient Care	(350,000)
Oral Health Grant	(366,000)
Preventative Health & Health Services Block Grant	(500,000)
State Office of Rural Health	(127,000)
Coordinated Integrated Initiative	(1,649,000)
National Cancer Prevention and Control	(1,773,000)
Breast and Cervical Cancer Early Detection Program	(50,000)
Wisewoman Breast and Cervical Cancer Early Detection	(58,000)
Chronic Disease Prevention and Health Promotion	(15,000)
Prevention and Management of Diabetes, Heart Disease and Stroke	(2,389,000)
Tobacco Age of Sale Enforcement (TASE)	(81,000)
Tuberculosis Control Program	(20,000)
Epidemiology and Laboratory Capacity - Affordable Care Act	(1,000,000)
Lab Biomonitoring Program - Impact of Biohazards on New Jersey	(626,000)
Clinical Laboratory Improvement Amendments Program	(65,000)
Public Health Laboratory Biomonitoring Planning	(1,010,000)
Emergency Preparedness for Bioterrorism - Laboratories	(749,000)
HIV/AIDS Surveillance Grant	(3,218,000)
HIV/AIDS Prevention and Education Grant	(385,000)
Housing Opportunities for Persons with AIDS	(27,000)
Comprehensive AIDS Resources Grant	(279,000)
Partnership Ending HIV in Essex & Hudson	(211,000)
Morbidity and Risk Behavior Surveillance	(190,000)
National HIV/AIDS Behavioral Surveillance	(15,000)
State Aid and Grants	(419,724,000)
Additions, Improvements and Equipment	(2,999,000)

22 Health Planning and Evaluation

06-4260 Health Care Facility Regulation and Oversight		$18,395,000
07-4270 Health Care Systems Analysis		132,400,000
Total Appropriation, Health Planning and Evaluation		$150,795,000
Personal Services		
Salaries and Wages	($8,296,000)	
Employee Benefits	(4,891,000)	
Materials and Supplies	(330,000)	
Services Other Than Personal	(17,000)	
Maintenance and Fixed Charges	(685,000)	
Special Purpose		
Long Term Care - Medicaid	(663,000)	
Implement Patient Safety Act	(200,000)	
Nurse Aide Certification Program	(1,000,000)	
Medicare/Medicaid Inspections of Nursing Facilities	(1,026,000)	
HCSA Medicaid	(1,000,000)	
State Aid and Grants	(132,119,000)	
Additions, Improvements and Equipment	(568,000)	

23 Behavioral Health Services

15-4291 Patient Care and Health Services		$13,460,000
15-4292 Patient Care and Health Services		8,999,000
15-4294 Patient Care and Health Services		13,938,000
99-4291 Administration and Support Services		5,017,000
99-4292 Administration and Support Services		4,319,000
99-4294 Administration and Support Services		7,267,000
Total Appropriation, Behavioral Health Services		$53,000,000
Personal Services		
Salaries and Wages	($18,880,000)	
Materials and Supplies	(3,933,000)	
Services Other Than Personal	(22,717,000)	
Maintenance and Fixed Charges	(5,409,000)	
Special Purpose		
Federal DSH Revenues	(519,000)	
Additions, Improvements and Equipment	(1,542,000)	

25 Health Administration

99-4210 Administration and Support Services		$4,116,000
Total Appropriation, Health Administration		$4,116,000
Personal Services		
Salaries and Wages	($327,000)	

Employee Benefits	(188,000)	
Materials and Supplies	(20,000)	
Services Other Than Personal	(247,000)	
Special Purpose		
Immunization Program	(1,857,000)	
Emergency Preparedness for Bioterrorism	(26,000)	
New Jersey's Reducing Health Disparities Initiative	(160,000)	
State Aid and Grants	(1,291,000)	
Total Appropriation, Department of Health		$766,245,000

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

23 Behavioral Health Services

08-7700 Community Services		$202,287,000
09-7700 Addiction Services		153,120,000
Total Appropriation, Behavioral Health Services		$355,407,000
Personal Services		
Salaries and Wages	($4,517,000)	
Employee Benefits	(2,285,000)	
Materials and Supplies	(30,000)	
Services Other Than Personal	(21,373,000)	
Special Purpose		
Mental Health Preparedness Activities Bioterrorism	(10,000)	
Projects for Assistance in Transition From Homelessness (PATH)	(3,000)	
State Aid and Grants	(327,189,000)	

24 Special Health Services

21-7540 Health Services Administration and Management		$228,109,000
22-7540 General Medical Services		11,273,891,000
Total Appropriation, Special Health Services		$11,502,000,000
Personal Services		
Salaries and Wages	($27,995,000)	
Materials and Supplies	(153,000)	
Services Other Than Personal	(19,768,000)	
Maintenance and Fixed Charges	(1,931,000)	
Special Purpose		
Payment to Fiscal Agents	(140,684,000)	

Professional Standards Review Organization - Utilization Review	(3,000,000)	
Drug Utilization Review Board - Administrative Costs	(23,000)	
NJ KidCare – Administration	(7,265,000)	
NJ KidCare B-C-D – Administration	(10,100,000)	
State Aid and Grants	(11,290,306,000)	
Additions, Improvements and Equipment	(775,000)	

26 Division of Aging Services

20-7530 Medical Services for the Aged		$34,675,000
55-7530 Programs for the Aged		50,499,000
57-7530 Office of the Public Guardian		3,210,000
Total Appropriation, Division of Aging Services		$88,384,000
Personal Services		
Salaries and Wages	($9,942,000)	
Employee Benefits	(5,000,000)	
Materials and Supplies	(935,000)	
Services Other Than Personal	(3,356,000)	
Maintenance and Fixed Charges	(2,200,000)	
Special Purpose		
Administration of US Department of Health and Human Services	(5,580,000)	
ADM DHS Federal Program - SBUM	(2,469,000)	
Managed Long Term Services and Supports	(289,000)	
Preventative Health and Health Services Grant	(46,000)	
Counseling on Health Insurance for Medicare Enrollees	(38,000)	
Older Americans Act - Title III C1	(101,000)	
Elder Abuse - Older Americans Act Title III	(163,000)	
Ombudsman - Older Americans Act Title III	(50,000)	
National Family Caregiver Program	(190,000)	
State Aid and Grants	(57,666,000)	
Additions, Improvements and Equipment	(359,000)	

27 Disability Services

27-7545 Disability Services		$2,346,000
Total Appropriation, Disability Services		$2,346,000
Personal Services		
Salaries and Wages	($750,000)	

Materials and Supplies	(155,000)
Services Other Than Personal	(302,000)
State Aid and Grants	(1,139,000)

30 Educational, Cultural, and Intellectual Development
32 Operation and Support of Educational Institutions

01-7601 Purchased Residential Care	$873,466,000
02-7601 Social Supervision and Consultation	183,431,000
03-7601 Adult Activities	149,574,000
05-7610 Residential Care and Habilitation Services	14,212,000
05-7620 Residential Care and Habilitation Services	30,233,000
05-7640 Residential Care and Habilitation Services	40,498,000
05-7650 Residential Care and Habilitation Services	45,166,000
05-7670 Residential Care and Habilitation Services	51,179,000
08-7601 Community Services	34,466,000
99-7601 Administration and Support Services	28,071,000
99-7610 Administration and Support Services	3,276,000
99-7620 Administration and Support Services	6,285,000
99-7640 Administration and Support Services	9,204,000
99-7650 Administration and Support Services	9,622,000
99-7670 Administration and Support Services	11,089,000
Total Appropriation, Operation and Support of Educational Institutions	$1,489,772,000
Personal Services	
Salaries and Wages	($262,101,000)
Materials and Supplies	(5,961,000)
Services Other Than Personal	(15,327,000)
Maintenance and Fixed Charges	(2,000)
State Aid and Grants	(1,205,981,000)
Additions, Improvements and Equipment	(400,000)

33 Supplemental Education and Training Programs

11-7560 Services for the Blind and Visually Impaired	$12,457,000
99-7560 Administration and Support Services	2,061,000
Total Appropriation, Supplemental Education and Training Programs	$14,518,000
Personal Services	
Salaries and Wages	($8,110,000)
Materials and Supplies	(172,000)
Services Other Than Personal	(405,000)
Maintenance and Fixed Charges	(163,000)
State Aid and Grants	(5,553,000)
Additions, Improvements and Equipment	(115,000)

50 Economic Planning, Development, and Security
53 Economic Assistance and Security

15-7550 Income Maintenance Management		$1,181,741,000
Total Appropriation, Economic Assistance and Security		$1,181,741,000
Personal Services		
Salaries and Wages	($15,364,000)	
Services Other Than Personal	(25,946,000)	
Special Purpose		
Work First New Jersey Technology Investment - Food Stamps	(18,000,000)	
EBT - Operational Food Stamp Match For CWA's	(4,200,000)	
Work First New Jersey - Benefits Transfer - Operational	(210,000)	
Work First New Jersey - Technology Investments	(7,000,000)	
Work First New Jersey - Technology Investment - TANF/CCDF	(4,000,000)	
EBT Operational - Child Care Discretionary	(200,000)	
EBT Operational - Child Care M&M	(600,000)	
EBT Operational - Child Care TANF	(350,000)	
Work First New Jersey - Technology Investments - Title XIX	(14,000,000)	
Work First New Jersey - Technology Investment - Title IV-D	(27,500,000)	
State Aid and Grants	(1,064,371,000)	

70 Government Direction, Management, and Control
76 Management and Administration

99-7500 Administration and Support Services		$32,249,000
Total Appropriation, Management and Administration		$32,249,000
Personal Services		
Salaries and Wages	($10,514,000)	
Services Other Than Personal	(719,000)	
Special Purpose		
Human Services Administration	(844,000)	
Child Support Enforcement Program	(3,000,000)	
Title XIX Medical Assistance	(9,760,000)	
Vocational Rehabilitation Act - Section 120	(581,000)	
Supplemental Nutrition Assistance Program	(3,500,000)	
Temporary Assistance for Needy Families Block Grant	(1,731,000)	
State Aid and Grants	(1,600,000)	

Total Appropriation, Department of Human Services	$14,666,417,000

62 DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

50 Economic Planning, Development, and Security

51 Economic Planning and Development

18-4570 Research and Information		$7,512,000
Total Appropriation, Economic Planning and Development		$7,512,000
Personal Services		
Salaries and Wages	($4,681,000)	
Employee Benefits	(1,746,000)	
Materials and Supplies	(90,000)	
Services Other Than Personal	(343,000)	
Special Purpose		
Reports and Analysis - Unemployment Insurance	(250,000)	
ES 202 Covered Employment & Wages	(50,000)	
Current Employment Statistics	(32,000)	
Local Area Unemployment Statistics	(12,000)	
Occupational Employment Statistics	(40,000)	
ES - Labor Market Information	(91,000)	
Redesigned Occupational Safety and Health	(5,000)	
One Stop Labor Market Information	(130,000)	
Additions, Improvements and Equipment	(42,000)	

53 Economic Assistance and Security

01-4510 Unemployment Insurance		$206,421,000
02-4515 Disability Determination		77,106,000
Total Appropriation, Economic Assistance and Security		$283,527,000
Personal Services		
Salaries and Wages	($118,837,000)	
Employee Benefits	(62,710,000)	
Materials and Supplies	(3,700,000)	
Services Other Than Personal	(47,030,000)	
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	(2,550,000)	
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 Workforce and Employment Services		
07-4535 Vocational Rehabilitation Services		$62,270,000
09-4545 Employment Services		40,888,000
10-4545 Employment and Training Services		153,104,000
12-4550 Workplace Standards		5,863,000
Total Appropriation, Workforce and Employment Services		$262,125,000
Personal Services		
Salaries and Wages	($58,565,000)	
Employee Benefits	(29,490,000)	
Materials and Supplies	(900,000)	
Services Other Than Personal	(12,967,000)	
Maintenance and Fixed Charges	(5,482,000)	
Special Purpose		
Vocational Rehabilitation Act of 1973	(600,000)	
Employment Services	(250,000)	
Disabled Veterans' Outreach Program	(596,000)	
Local Veterans' Employment Representatives	(33,000)	
Trade Adjustment Assistance Project	(25,000)	
Employment Services Grants - Alien Labor Certification	(62,000)	
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)	
Project Reemployment Opportunity System (PROS)	(50,000)	
National Council on Aging - Senior Community Services Employment Project	(10,000)	
Workforce Investment Act - Adult and Continuing Education	(82,000)	
Adult Basic Education Leadership	(1,179,000)	
Adult Basic Education Civics Administration	(150,000)	
Preschool Development	(200,000)	
Occupational Safety Health Act - On-Site Consultation	(461,000)	
Mine Safety Educational Program	(62,000)	
Public Employees Occupational Safety and Health Act	(100,000)	
State Aid and Grants	(150,178,000)	
Additions, Improvements and Equipment	(334,000)	

Total Appropriation, Department of Labor and Workforce Development	$553,164,000

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

10 Public Safety and Criminal Justice

12 Law Enforcement

06-1200 State Police Operations		$97,426,000
09-1020 Criminal Justice		53,632,000
Total Appropriation, Law Enforcement		$151,058,000
Personal Services		
Salaries and Wages	($3,703,000)	
Employee Benefits	(2,500,000)	
Special Purpose		
Fatality Analysis Reporting System (FARS)	(350,000)	
NJSP Training - OHTS Grant	(20,000)	
Paul Coverdell National Forensic Science Improvement (Formula)	(600,000)	
Domestic Marijuana Eradication Suppression Program	(75,000)	
Traffic Officer Field Training Officer	(700,000)	
Flood Mitigation Assistance	(18,000,000)	
Fatal Accident Investigation Equipment	(39,000)	
Recreational Boating Safety	(4,300,000)	
Internet Crimes Against Children	(1,750,000)	
Hazardous Materials Transportation	(1,350,000)	
NIEHS Worker Health Safety Training	(150,000)	
Emergency Management Performance Grant - Non Terrorism	(9,000,000)	
High Priority Hazmat Inspection	(164,000)	
Teen Driver Education Program	(136,000)	
Port Security - New York/New Jersey (North)	(1,500,000)	
Port Security - Delaware Bay (South)	(1,500,000)	
Bicycle Safety Education Grant	(121,000)	
Alcotest 7110 - MAP 21	(462,000)	
Drive Sober or Get Pulled Over - MAP 21	(353,000)	
STOP School Violence Prevention Program	(550,000)	
D W I Training MAP 21	(1,400,000)	
Purchase Evidential Breath Test Project - MAP 21	(67,000)	
Child Safety Seat Education Program - MAP 21	(315,000)	
Click it or Ticket - MAP 21	(122,000)	
Underage Drinking Training & Enforcement Initiative - MAP 21	(186,000)	
Victim Centered Law Enforcement Training	(750,000)	

Troop D Occupant Restraint Grant	(97,000)
Seatbelt Enforcement Initiative - MAP 21	(109,000)
High Priority Commercial Motor Vehicles Grant	(500,000)
Forensic Casework DNA Backlog Reduction	(1,800,000)
Intellectual Property	(450,000)
Presidential Residence Protection Assistance	(500,000)
Community Oriented Policing (COPS) School Violence Prevention	(500,000)
Community Oriented Policing (COPS) Anti-Heroin Task Force Program	(4,000,000)
Community Oriented Policing (COPS) Anti-Gang Initiative	(1,000,000)
Urban Search and Rescue	(7,500,000)
USAR/FEMA Administration	(6,000,000)
Body Cameras	(2,000,000)
Anti-Methamphetamine	(2,000,000)
Internet Crimes Against Children - Wounded Vet Hire	(150,000)
Community Oriented Policing (COPS) Officer Safety & Wellness	(35,000)
Community Oriented Policing (COPS) Law Enforcement Mental Health and Wellness	(360,000)
Paul Coverdell National Forensic Science Improvement (Competitive)	(550,000)
Targeted Violence and Terrorism Prevention	(750,000)
Sexual Assault Kit Initiative	(915,000)
Crime Gun Intelligence Center	(450,000)
Connect and Protect Law Enforcement Behavioral Health Response	(550,000)
Flood Mitigation Assistance Swift Current	(10,000,000)
Kevin & Avonte Program	(250,000)
Sex Offender Registration and Notification Act (SORNA)	(500,000)
Community Oriented Policing (COPS) Hiring Program	(5,000,000)
MCSAP & New Entrant (Combined)	(7,000,000)
Forensic DNA Laboratory Efficiency Improvement and Capacity Enhancement	(500,000)
Medicaid Fraud Unit	(620,000)
Victim Assistance Grants	(33,320,000)
Enhancement of Data Analysis Center	(225,000)
Justice Assistance Grant (JAG)	(4,000,000)
Sex Offender Registration & Notification Act (SORNA) Reallocation 2	(225,000)
Victims of Crime Act - Training Discretionary	(1,000,000)

Training for Juvenile Prosecution	(225,000)
Prosecuting Cold Cases Using DNA	(500,000)
Matthew Shepard and James Byrd Jr Hate Crimes Program	(400,000)
Residential Treatment for Substance Abuse	(454,000)
Byrne Criminal Justice Innovation Program	(1,000,000)
Coverdell Competitive	(250,000)
Justice Info Sharing Solution Implementation Project	(500,000)
State Aid and Grants	(4,710,000)

13 Special Law Enforcement Activities

03-1160 Division of Highway Traffic Safety	$62,125,000
Total Appropriation, Special Law Enforcement Activities	$62,125,000
Special Purpose	
Federal Highway Safety	($800,000)
Highway Safety - Traffic Records	(450,000)
Non-Motorized Safety	(2,200,000)
Federal Highway Traffic Safety Administration	(700,000)
FHWA Program Management	(200,000)
Motorcycle Training Program	(75,000)
Training Grant - Section 402	(200,000)
Pedestrian Safety Grant	(1,000,000)
Selective Enforcement Management	(5,200,000)
Highway Safety Programs	(9,000,000)
National Priority Safety Program	(10,000,000)
Community Traffic Safety	(3,500,000)
Occupant Protection	(4,000,000)
State Traffic Safety Information System Improvement	(4,600,000)
Impaired Driving Countermeasure	(8,000,000)
Distracted Driving Incentive	(8,000,000)
Motorcycle Safety Grant	(600,000)
Graduated Driver Licensing Incentive	(500,000)
Highway Safety - Alcohol Education and Public Awareness Coordinator	(1,000,000)
Highway Safety - Safety Restraints Program Management	(1,500,000)
Paid Advertising	(600,000)

18 Juvenile Services

99-1500 Administration and Support Services	$1,013,000
Total Appropriation, Juvenile Services	$1,013,000

Special Purpose		
Juvenile Justice Delinquency Prevention	($1,013,000)	
19 Central Planning, Direction and Management		
13-1005 Homeland Security Preparedness		$46,539,000
99-1000 Administration and Support Services		13,578,000
Total Appropriation, Central Planning, Direction and Management		$60,117,000
Special Purpose		
Homeland Security Grant Program	($7,692,000)	
Urban Area Security Initiative (UASI)	(19,050,000)	
UASI Nonprofit Security Grant Program (NSGP)	(7,202,000)	
Federal Nonprofit Security Grant Program - State	(2,391,000)	
State and Local Cybersecurity Grant Program	(10,204,000)	
Community Policing Development	(500,000)	
Opioids	(2,500,000)	
Preventing Wrongful Convictions	(250,000)	
Overdose Data to Action	(1,315,000)	
National Criminal History Program - Office of the Attorney General	(667,000)	
Comprehensive Opioid Stimulants & Substance Abuse Program	(6,000,000)	
Postconviction Testing of DNA Evidence	(500,000)	
Opioid State Plan and Opioid Response Team (ORT)	(850,000)	
Opioid Interagency Drug Awareness Dashboard (IDAD)	(996,000)	
80 Special Government Services		
82 Protection of Citizens' Rights		
14-1310 Consumer Affairs		$2,000,000
16-1350 Protection of Civil Rights		625,000
19-1440 Victims of Crime Compensation Office		7,094,000
Total Appropriation, Protection of Citizens' Rights		$9,719,000
Special Purpose		
Prescription Drug Monitoring Program	($2,000,000)	
Equal Employment Opportunity Commission	(300,000)	
Housing and Urban Development	(325,000)	
Victims of Crime Act - Building State Technology	(344,000)	
Advancing the Use of Technology to Assist Victims of Crime	(750,000)	
State Aid and Grants	(6,000,000)	
Total Appropriation, Department of Law and Public Safety		$284,032,000

New Jersey State Library

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS

10 Public Safety and Criminal Justice

14 Military Services

40-3620 New Jersey National Guard Support Services		$89,222,000
99-3600 Administration and Support Services		19,750,000
Total Appropriation, Military Services		$108,972,000
Personal Services		
Salaries and Wages	($16,174,000)	
Employee Benefits	(5,994,000)	
Materials and Supplies	(26,598,000)	
Services Other Than Personal	(3,989,000)	
Maintenance and Fixed Charges	(110,000)	
Special Purpose		
Dining Facility Operations	(400,000)	
Atlantic City SRM 100%	(750,000)	
Natural and Cultural Resources Management	(20,000)	
National Guard Support Services	(6,500,000)	
National Guard Maintenance Shop	(20,000,000)	
Federal Distance Learning Program	(243,000)	
National Guard Yellow Ribbon	(104,000)	
Joint Operation Center (JOC) Rebuild	(239,000)	
Youth Challenge Nutrition Program	(344,000)	
Army Facilities Service Contracts	(434,000)	
McGuire Air Force Base - Service Contract	(81,000)	
Army National Guard Electronic Security System	(350,000)	
Training Site Facilities Maintenance Agreements	(22,000)	
McGuire Air Force Base Environmental	(39,000)	
Atlantic City Air Base Operations and Maintenance	(19,000)	
Atlantic City Air Base Environmental	(9,000)	
Warren Grove Sustainment Restoration & Modernization	(5,000)	
Atlantic City Air Base Sustainment, Restoration and Modernization	(191,000)	
Armory Renovations and Improvements	(5,726,000)	
New Jersey National Guard ChalleNGe Youth Program	(881,000)	
Sea Girt Energy Grid Upgrade	(19,000,000)	
Sea Girt Environmental Issues	(250,000)	
Sea Girt Security Cameras	(500,000)	

80 Special Government Services

83 Services to Veterans

20-3630 Domiciliary and Treatment Services	$4,000,000

20-3640 Domiciliary and Treatment Services		4,000,000
20-3650 Domiciliary and Treatment Services		3,000,000
50-3610 Veterans' Outreach and Assistance		755,000
70-3610 Burial Services		23,535,000
99-3610 Administration and Support Services		5,458,000
99-3630 Administration and Support Services		2,286,000
99-3640 Administration and Support Services		1,319,000
99-3650 Administration and Support Services		1,355,000
Total Appropriation, Services to Veterans		$45,708,000
Personal Services		
Salaries and Wages	($376,000)	
Employee Benefits	(264,000)	
Materials and Supplies	(5,050,000)	
Maintenance and Fixed Charges	(2,888,000)	
Special Purpose		
Medicare Part A Receipts for Resident Care and Operational Costs	(11,000,000)	
Veterans' Education Monitoring	(115,000)	
Fairmount and Arlington Cemetery Upkeep	(460,000)	
Section Z Cemetery Expansion	(18,000,000)	
Soldier Circle	(75,000)	
Veteran Home Transfer Switches	(1,020,000)	
Menlo Grounds Beautification	(389,000)	
Menlo HVAC Renovation	(1,897,000)	
Paramus Grounds Beautification	(389,000)	
Vineland Grounds Beautification	(305,000)	
Paramus Rooftop AC Units	(930,000)	
Vet Haven South Room Renovation	(1,550,000)	
Vineland ESIP	(1,000,000)	
Total Appropriation, Department of Military and Veterans' Affairs		$154,680,000

74 DEPARTMENT OF STATE

30 Educational, Cultural, and Intellectual Development

36 Higher Educational Services

45-2405 Student Assistance Programs		$1,100,000
80-2400 Statewide Planning and Coordination for Higher Education		5,000,000
Total Appropriation, Higher Educational Services		$6,100,000
Personal Services		
Salaries and Wages	($319,000)	

Special Purpose		
National Health Service Corps -		
Student Loan Repayment Program	(1,000,000)	
John R Justice Grant Program	(90,000)	
State Aid and Grants	(4,691,000)	

37 Cultural and Intellectual Development Services

05-2530 Support of the Arts		$1,052,000
Total Appropriation, Cultural and Intellectual Development Services		$1,052,000
Personal Services		
Salaries and Wages	($178,000)	
Employee Benefits	(332,000)	
State Aid and Grants	(542,000)	

70 Government Direction, Management, and Control
74 General Government Services

01-2505 Office of the Secretary of State		$10,369,000
02-2510 Business Action Center		3,250,000
Total Appropriation, General Government Services		$13,619,000
Special Purpose		
Foster Grandparent Program	($1,200,000)	
AMERICOR Competitive Grants	(1,600,000)	
AmeriCorps Grants	(5,000,000)	
State Commission	(900,000)	
Professional Development	(350,000)	
Volunteer Generation Fund	(500,000)	
State Trade and Export Promotion Pilot Grant Program	(3,250,000)	
Public Health Americorps	(594,000)	
American Indian Commission	(225,000)	
Total Appropriation, Department of State		$20,771,000

78 DEPARTMENT OF TRANSPORTATION
10 Public Safety and Criminal Justice
11 Vehicular Safety

01-6400 Motor Vehicle Services		$4,100,000
Total Appropriation, Vehicular Safety		$4,100,000
Special Purpose		
Commercial Bus Inspection Unit	($1,100,000)	
Commercial Drivers' License Program	(3,000,000)	

60 Transportation Programs
61 State and Local Highway Facilities

00-6300 Federal Highway Administration	$1,819,039,950
Total Appropriation, State and Local Highway Facilities	$1,819,039,950

Federal Highway Administration

Description	County	Amount
ADA Central, Contract 2	Monmouth, Somerset, Middlesex, Mercer	($14,450,000)
ADA Curb Ramp Implementation	Various	($1,000,000)
ADA South, Contract 1 with ROW	Atlantic, Burlington	($3,382,000)
ADA South, Contract 4	Camden	($7,603,000)
ADA South, Contract 5	Atlantic, Gloucester	($1,998,000)
Bicycle & Pedestrian Facilities/Accommodations	Various	($2,999,700)
Bordentown Avenue (CR 615), Burlew Place/Kenneth Avenue and Eugene Boulevard Intersections	Middlesex	($1,000,000)
Bridge Deck/Superstructure Replacement Program	Various	($32,004,938)
Bridge Inspection	Various	($34,104,700)
Bridge Maintenance Fender Replacement	Various	($5,967,000)
Bridge Maintenance Scour Countermeasures	Various	($7,908,200)
Bridge Management System	Various	($1,248,400)
Bridge Preventive Maintenance	Various	($35,000,000)
Bridge Replacement, Future Projects	Various	($108,979,829)
Brigantine Avenue (CR 638), 2nd Street South to Terminus	Atlantic	($1,950,000)
Camden County Roadway Safety Improvements	Camden	($600,000)
Camp Meeting Avenue Bridge over Trenton Line, CR 602	Somerset	($2,100,000)
Carbon Reduction Program	Various	($12,596,340)
Chadwick Beach Island Bridge (No 1507-007) over Barnegat Bay	Ocean	($1,000,000)
CMAQ Initiatives, Statewide	Various	($7,320,280)
County 2011 Guide Rail Design Project No 1 (CR 600, CR 613 and CR 623)	Burlington	($500,000)
CR 508 (Bridge Street), Bridge over Passaic River	Essex, Hudson	($7,000,000)

CR 508 (Central Avenue), Bridge over City Subway	Essex	($3,000,000)
CR 510 (Columbia Turnpike), Bridge over Black Brook	Morris	($520,000)
CR 512 (Valley Road), Bridge over Passaic River	Somerset	($1,500,000)
CR 531 (Park Avenue), Bridge over Lehigh Valley Main Line	Middlesex	($650,000)
CR 544 (Evesham Road), NJ 41 to Schubert Avenue	Camden	($3,027,000)
CR 545 (Farnsworth Avenue), Bridge over Robbinsville Secondary Branch (Conrail)	Burlington	($1,500,000)
CR 706 (Cooper Street) Bridge over Almonesson Creek (Bridge 3-K-3)	Gloucester	($500,000)
Culvert Replacement Program	Various	($1,000,000)
Cumberland County Federal Road Program	Cumberland	($2,800,000)
DBE Supportive Services Program	Various	($500,000)
Delaware & Raritan Canal Bridges	Mercer, Hunterdon, Middlesex, Somerset	($7,674,000)
Design, Emerging Projects	Various	($1,000,000)
Disadvantaged Business Enterprise	Various	($100,000)
Drainage Rehabilitation & Improvements	Various	($25,000,000)
DRPA Systemwide Crash Cushion Attenuating Replacement	Camden	($2,100,000)
DVRPC, Future Projects	Various	($3,240,428)
East Anderson Street Bridge (02C0023A) over the Hackensack River	Bergen	($3,000,000)
Electric Vehicle Infrastructure Program	Various	($16,066,742)
Ferry Program	Various	($4,000,000)
Garden State Parkway Interchange 83 Improvements	Ocean	($800,000)
Gloucester County Roadway Safety Improvements	Gloucester	($1,000,000)
Grove Avenue, Bridge over Port Reading RR	Middlesex	($2,750,000)
Guiderail Upgrade	Various	($24,000,000)
Hamilton Road, Bridge over Conrail RR	Somerset	($3,700,000)
High-Mast Light Poles	Various	($2,000,000)

Highway Safety Improvement Program Planning	Various	($9,000,000)
Intelligent Traffic Signal Systems	Various	($19,525,000)
Intelligent Transportation System Resource Center	Various	($3,500,000)
Job Order Contracting Infrastructure Repairs, Statewide	Various	($10,000,000)
Kapkowski Road - North Avenue East Improvement Project	Union	($12,100,000)
Kingsland Avenue, Bridge over Passaic River	Bergen, Essex	($2,500,000)
Local Aid Consultant Services	Various	($400,000)
Local CMAQ Initiatives	Various	($9,588,000)
Local Concept Development Support	Various	($3,625,000)
Local Safety/ High Risk Rural Roads Program	Various	($29,812,000)
Manhattan Avenue Retaining Wall	Hudson	($2,300,000)
Martin Luther King Avenue Bridge (No 1400-118) over the Whippany River	Morris	($1,000,000)
Martin Luther King Jr Boulevard (Mediterranean Avenue to Route 30)	Atlantic	($100,000)
Metropolitan Planning	Various	($34,913,711)
Mill Road, Landis Avenue to CR 540 (Almond Road)	Cumberland	($1,400,000)
Mobility and Systems Engineering Program	Various	($6,237,000)
Motor Vehicle Crash Record Processing	Various	($6,400,000)
Mount Ephraim Avenue Safety Improvements, Ferry Avenue (CR 603) to Haddon Avenue (CR 561)	Camden	($738,000)
New Jersey Regional Signal Retiming Initiative	Burlington, Camden, Gloucester, Mercer	($380,000)
New Jersey Scenic Byways Program	Various	($500,000)
New or Upgraded Traffic Signal Systems at Intersections, Phase 1	Camden	($150,000)
New or Upgraded Traffic Signal Systems at Intersections, Phase 2	Camden	($300,000)
NJTPA, Future Projects	Various	($75,951,027)
Openaki Road Bridge	Morris	($500,000)
Ozone Action Program in New Jersey	Various	($40,000)

Parkway Avenue (CR 634), Scotch Road (CR 611) to Route 31 (Pennington Road)	Mercer	($450,000)
Paterson Plank Road (CR 681), Bridge over Route 3 at MP 10 04	Hudson	($920,976)
Pavement Preservation	Various	($19,250,000)
Pavement Preservation, NJTPA	Various	($53,026,000)
Piaget Avenue, Bridge over Passaic-NY Branch	Passaic	($1,400,000)
Picket Place, CR 567 Bridge (C0609) over South Branch of Raritan River	Somerset	($1,900,000)
Planning and Research, Federal-Aid	Various	($37,426,679)
Portway, Fish House Road/ Pennsylvania Avenue, CR 659	Hudson	($44,400,000)
Pre-Apprenticeship Training Program for Minorities and Women	Various	($500,000)
Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT)	Various	($34,429,494)
Prospect Street, Bridge over Belvidere-Delaware RR (Abandoned)	Mercer	($900,000)
Rail-Highway Grade Crossing Program, Federal	Various	($13,924,188)
Recreational Trails Program	Various	($1,226,757)
Regional Transportation Demand Management (TDM) Program	Various	($50,000)
Restriping Program & Line Reflectivity Management System	Various	($12,732,000)
Resurfacing, Federal	Various	($24,000,000)
Right of Way Full-Service Consultant Term Agreements	Various	($300,000)
Rockfall Mitigation	Various	($4,887,950)
Route 1&9, Interchange at Route I-278	Union	($3,300,000)
Route 1, over Forrestal Road	Middlesex	($1,500,000)
Route 3 & Route 495 Interchange	Hudson	($10,000,000)
Route 4, Bridge over Palisade Avenue, Windsor Road and CSX Railroad	Bergen	($6,000,000)
Route 4, Grand Avenue Bridge	Bergen	($1,750,000)
Route 4, Hackensack River Bridge	Bergen	($2,000,000)
Route 4, Tunbridge Road to Route 9W	Bergen	($8,550,000)
Route 7, Kearny, Drainage Improvements	Hudson	($82,700,000)

Route 9 North, Ramp to Garden State Parkway North	Middlesex	($800,000)
Route 9, Garden State Parkway to CR 559 (Mays Landing Road)	Atlantic	($1,800,000)
Route 9, Throckmorton Lane/Ticetown Road to Poor Farm Road/Hartle Lane	Middlesex	($4,325,000)
Route 9, Tuckahoe Road (CR 631) to Roosevelt Boulevard (CR 623)	Cape May	($520,000)
Route 9, Wrights Lane to Harbor Road	Cape May	($6,025,000)
Route 9/35, Main Street Interchange	Middlesex	($4,100,000)
Route 15, Bridge over Paulins Kill	Sussex	($8,450,000)
Route 17, Bridges over NYS&W RR & RR Spur & Central Avenue (CR 44)	Bergen	($3,500,000)
Route 18 NB, Bridge over Conrail	Middlesex	($500,000)
Route 22, Bridge over NJT Raritan Valley Line	Hunterdon	($400,000)
Route 23, Bridge over Pequannock River / Hamburg Turnpike	Morris, Passaic	($60,111,000)
Route 23, NB Bridge over Pequannock River	Passaic	($5,900,000)
Route 23, Route 80 and Route 46 Interchange	Passaic, Essex	($3,800,000)
Route 27 NB (Cherry Street), Bridge over Conrail	Union	($3,300,000)
Route 28, Route 287 to CR 525 (Thompson Avenue)	Somerset	($2,690,000)
Route 29, Bridge over Copper Creek	Hunterdon	($800,000)
Route 30, Bridge over Duck Thorofare	Atlantic	($2,200,000)
Route 30, Cooper Street to Grove Street	Camden	($11,650,000)
Route 30, CR 542 (Sea Grove Avenue/ Central Avenue) to Weymouth Road (CR 640)	Atlantic	($3,500,000)
Route 31, Church Street (CR 650) to E Main Street/Flemington Junction Road	Hunterdon	($1,400,000)
Route 31, HealthQuest Boulevard to River Road	Hunterdon	($1,200,000)
Route 33 Business, Bridge over Conrail Freehold Secondary Branch	Monmouth	($13,250,000)
Route 34, Bridge over Big Brook	Monmouth	($1,000,000)
Route 34, CR 537 to Washington Avenue, Pavement	Monmouth, Middlesex	($10,605,040)

Route 35 NB, Bridge over Route 36 NB & GSP Ramp G	Monmouth	($2,300,000)
Route 35, Route 66 to White Street/ Obre Place	Monmouth	($500,000)
Route 35, Route 9 to Colonia Boulevard	Middlesex, Union	($10,769,000)
Route 36, Clifton Avenue/James Street to Mountainview Avenue	Monmouth	($8,286,000)
Route 37 On Ramp to Route 35, Missing Move	Ocean	($1,000,000)
Route 38, Nixon Drive to Route 295 Bridge	Burlington	($6,030,000)
Route 40, Hamilton Common Drive to West End Avenue (CR 629)	Atlantic	($13,350,000)
Route 41 and Deptford Center Road	Gloucester	($1,100,000)
Route 42 SB, Leaf Avenue Extension to Creek Road (CR 753)	Camden	($400,000)
Route 42, Kennedy Avenue to Atlantic City Expressway	Gloucester	($57,300,000)
Route 45, Bridge over Woodbury Creek	Gloucester	($520,000)
Route 46, Main Street/Woodstone Road (CR 644) to Route 287, ITS	Morris	($20,200,000)
Route 46, Pequannock Street to CR 513 (West Main Street)	Morris	($2,950,000)
Route 46, Route 80 Exit Ramp to Route 53	Morris	($2,000,000)
Route 46, Route 80 to Walnut Road	Warren	($11,840,000)
Route 47, Bridge over Big Timber Creek	Gloucester, Camden	($51,162,000)
Route 47, Henderson Avenue to High Street	Cumberland	($500,000)
Route 47, Nummytown Mill Pond Dam	Cape May	($600,000)
Route 49, Bridge over Maurice River	Cumberland	($11,898,000)
Route 49, Buckshutem Road, Intersection Improvements (CR 670)	Cumberland	($17,717,000)
Route 53, Pondview Road to Hall Avenue	Morris	($7,104,000)
Route 55, Bridges over Route 47	Cumberland	($1,000,000)
Route 57, Bridge over Branch Lopatcong Creek	Warren	($1,970,114)
Route 57, Bridge over Mill Brook	Warren	($2,500,000)
Route 57, CR 519 Intersection Improvement	Warren	($3,500,000)
Route 57/182/46, Hackettstown Mobility Improvements	Warren, Morris	($5,890,000)

Route 63, Bridge over Fairview Avenue	Bergen	($2,000,000)
Route 64, Bridge over Amtrak	Mercer	($2,700,000)
Route 71, Bridge over NJ Transit (NJCL)	Monmouth	($3,000,000)
Route 71, Bridge over Shark River	Monmouth	($5,000,000)
Route 73, Dutch Road to Route 70	Burlington	($1,500,000)
Route 73, Granite Avenue to Route 41	Burlington	($1,000,000)
Route 76, Bridges over Route 130	Camden	($52,782,000)
Route 76/676 Bridges and Pavement, Contract 3	Camden	($81,700,000)
Route 78, Bridge over Beaver Brook	Hunterdon	($500,000)
Route 78, Route 22 to Drift Road/ Dale Road	Hunterdon, Somerset, Warren	($2,200,000)
Route 80, Bridges over Howard Boulevard (CR 615)	Morris	($28,000,000)
Route 80/15 Interchange	Morris	($1,200,000)
Route 94, Pleasant Valley Drive to Maple Grange Road	Sussex	($1,499,000)
Route 130, Bridge over Main Branch of Newton Creek	Camden	($1,105,000)
Route 130, Bridge over Millstone River	Mercer, Middlesex	($8,300,000)
Route 130, CR 545 (Farnsworth Avenue)	Burlington	($6,520,000)
Route 130, Westfield Avenue to Main Street	Mercer, Middlesex	($22,901,000)
Route 130/206, CR 528 (Crosswicks Road) to Route 206 at Amboy Road	Burlington	($1,500,000)
Route 138, Garden State Parkway to Route 35	Monmouth	($1,000,000)
Route 168, Route 42 to CR 544 (Evesham Road)	Camden, Gloucester	($10,500,000)
Route 173, CR 513 (Pittstown Road) to Beaver Avenue (CR 626)	Hunterdon	($870,000)
Route 179, Bridge over Back Brook (Ringoes Creek)	Hunterdon	($1,200,000)
Route 202, Bridge over North Branch of Raritan River	Somerset	($600,000)
Route 202/206, over Branch of Peter's Brook, Culvert Replacement at MP 27 96	Somerset	($1,000,000)
Route 206, Bridge over Dry Brook	Sussex	($1,800,000)
Route 206, Bridge over Springers Brook	Burlington	($1,000,000)

Route 206, South Broad Street Bridge over Assunpink Creek	Mercer	($7,818,733)
Route 280, WB Ramp over 1st & Orange Streets, Newark Subway & NJ Transit	Essex	($31,100,000)
Route 287 SB, Burnt Mills Road (CR 620) to Baileys Mill Road	Somerset	($7,638,000)
Route 287, River Road & Easton Avenue Interchange Improvements	Middlesex, Somerset	($1,337,500)
Route 295 SB Ramp K to CR 551, Bridge over Route 295 SB	Salem	($1,000,000)
Route 322, Bridge over Great Egg Harbor River	Atlantic	($250,000)
Route 440, Route 95 to Kreil Street	Middlesex	($3,000,000)
Safe Routes to School Program	Various	($9,587,000)
Safety Programs	Various	($24,372,060)
Schalks Crossing Road Bridge, CR 683	Middlesex	($76,777)
School House Road, Bridge over Route 35	Monmouth	($1,000,000)
Sign Structure Rehabilitation/ Replacement Program	Various	($1,000,000)
Sign Structure Replacement Contract 2016-3	Various	($9,500,000)
Sixth Avenue (CR 652), Bridge over Passaic River	Passaic	($3,000,000)
SJTPO, Future Projects	Various	($758,387)
Statewide Traffic Operations and Support Program	Various	($15,816,400)
Storm Water Asset Management	Various	($3,514,800)
Telegraph Road (CR 540), Phase 2	Salem	($1,500,000)
Third Avenue (CR 619), 96th Street (CR 657) to 80th Street	Cape May	($2,110,000)
Traffic Monitoring Systems	Various	($10,544,300)
Training and Employee Development	Various	($1,757,400)
Transportation Alternatives Program	Various	($24,144,100)
Transportation and Community Development Initiative (TCDI) DVRPC	Various	($755,000)
Transportation Management Associations	Various	($6,450,000)
Transportation Operations	Various	($130,000)
Transportation Systems Management and Operations (TSMO)	Various	($166,000)
Trenton Amtrak Bridges	Mercer	($3,200,000)

Union Hill Road, Bridge over Route 9	Monmouth	($1,500,000)
US 322/CR 536 (Swedesboro Road), Woolwich-Harrison Township Line to NJ 55	Gloucester	($6,200,000)
Washington Turnpike, Bridge over West Branch of Wading River	Burlington	($1,200,000)
Weymouth Road (CR 559)	Atlantic	($1,900,000)
Willow Grove Road (CR 639), Perkintown Road (CR 644)	Salem	($150,000)
Youth Employment and TRAC Programs	Various	($350,000)

62 Public Transportation

Federal Highway Administration	$75,000,000
Federal Transit Administration	700,026,900
Total Appropriation, Public Transportation	$775,026,900

Federal Highway Administration

Description	County	Amount
Rail Rolling Stock Procurement	Various	($75,000,000)

Federal Transit Administration

Description	County	Amount
Bus Acquisition Program	Various	($15,597,000)
Bus Support Facilities and Equipment	Various	($500,000)
Cumberland County Bus Program	Cumberland	($1,020,000)
NEC Elizabeth Intermodal Station Improvements	Union	($13,961,000)
NEC Improvements	Various	($49,967,000)
Other Rail Station/Terminal Improvements	Various	($35,340,000)
Portal Bridge North	Various	($100,000,000)
Preventive Maintenance-Bus	Various	($112,690,000)
Preventive Maintenance-Rail	Various	($242,230,900)
Rail Rolling Stock Procurement	Various	($44,165,000)
Section 5310 Program	Various	($7,786,000)
Section 5311 Program	Various	($4,570,000)
Transit Enhancements/ Transportation Alternative Program (TAP)/Alternative Transit Improvements (ATI)	Various	($72,200,000)

60 Transportation Programs		
64 Regulation and General Management		
05-6070 Multimodal Services		$7,277,000
Total Appropriation, Regulation and General Management		$7,277,000
Special Purpose		
Motor Carrier Safety Assistance Program	($1,500,000)	
Development and Implementation Grant - Federal Transit Administration	(1,527,000)	
Airport Fund	(2,000,000)	
Boating Infrastructure Program (New Jersey Maritime Program)	(1,600,000)	
High Priority Innovative Technology Deployment (ITD) Grant	(650,000)	
Total Appropriation, Department of Transportation		$2,605,443,850
82 DEPARTMENT OF THE TREASURY		
50 Economic Planning, Development, and Security		
52 Economic Regulation		
54-2008 Utility Regulation		$12,828,000
54-2019 Utility Regulation		950,000
55-2004 Regulation of Cable Television		16,767,000
56-2014 Energy Resource Management		17,276,000
Total Appropriation, Economic Regulation		$47,821,000
Services Other Than Personal	($46,871,000)	
Special Purpose		
Pipeline Safety	(800,000)	
Damage Prevention Grant Program	(100,000)	
One Call Grant Program	(50,000)	
70 Government Direction, Management, and Control		
72 Governmental Review and Oversight		
08-2066 Office of the State Comptroller		$6,048,000
Total Appropriation, Governmental Review and Oversight		$6,048,000
Personal Services		
Salaries and Wages	($5,571,000)	
Special Purpose		
Medicaid	(477,000)	

80 Special Government Services
82 Protection of Citizens' Rights

58-2022 Mental Health Advocacy		$223,000
81-2097 State Long-Term Care Ombudsman		$1,429,000
Total Appropriation, Protection of Citizens' Rights		$1,652,000
Personal Services		
Salaries and Wages	($720,000)	
Employee Benefits	(370,000)	
Special Purpose		
Medicaid Reimbursement	(223,000)	
Money Follows the Person Program - Elder Advocacy	(339,000)	
Total Appropriation, Department of the Treasury		$55,521,000

98 THE JUDICIARY
10 Public Safety and Criminal Justice
15 Judicial Services

05-9730 Family Courts		$41,771,000
07-9740 Probation Services		77,345,000
11-9760 Trial Court Services		4,793,000
Total Appropriation, Judicial Services		$123,909,000
Personal Services		
Salaries and Wages	($4,793,000)	
Special Purpose		
Child Support and Paternity Program Title IV-D (Family Court)	(40,446,000)	
NJ State Court Improvement Grant	(1,000,000)	
State Access and Visitation Program	(325,000)	
Child Support and Paternity Program Title IV-D (Probation)	(77,345,000)	
Total Appropriation, The Judiciary		$123,909,000
Total Appropriation, Federal Funds		$24,082,639,850

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 $500,000 of unanticipated grant awards plus an additional 25 percent of any remaining award amount that is greater than $500,000, and up to 25 percent 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 percent 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

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, including any unexpended balances of federal Coronavirus State Fiscal Recovery Fund assistance

Notwithstanding the provisions of any law or regulation to the contrary, funding allocated to the State from the federal "Coronavirus State Fiscal Recovery Fund" (SFRF) established pursuant to the federal "American Rescue Plan Act of 2021," Pub L 117-2, and any other similar type of federal law that may be hereafter enacted, are appropriated and are subject to the following conditions

a with regard to individual items of appropriation in this act, that are eligible for SFRF funding, as determined by the Executive Director of the Governor's Disaster Recovery Office, such eligible items may be paid for using SFRF funds, subject to the approval of the Director of the Division of Budget and Accounting,

b with regard to additional programs, projects, and uses of SFRF funds, moneys appropriated by this provision shall be used solely to pay for costs authorized to be paid pursuant to SFRF, which may include, but shall not be limited to, support for the public health response to the COVID-19 Pandemic and the public health emergency and economic distress resulting therefrom, grants to improve ventilation in school facilities and private businesses, responses to the negative economic impacts of the

public health emergency, including rent, mortgage, or utility assistance to households, aid to businesses in impacted industries such as tourism, travel, and hospitality, costs of programs to address health disparities including through the remediation of lead hazards, water, sewer, and broadband infrastructure, costs to address educational disparities, costs to promote healthy childhood environments, including the creation of a child care revitalization fund, support for COVID-19 response, recovery, and improvements at health care facilities and hospitals, and costs to support local governments impacted by the pandemic The determination of eligibility of the specific programs, projects, and uses recommended to be funded by this appropriation shall be made by the Executive Director of the Governor's Disaster Recovery Office, who shall establish an application and review process based on Statewide need, in compliance with federal eligibility requirements, subject to the approval of the Director of the Division of Budget and Accounting Funding recommendations shall be subject to the approval of the Joint Budget Oversight Committee (JBOC), provided, however, there is appropriated $300,000,000 from federal funds provided to the State of New Jersey pursuant to the SFRF, an amount not to exceed $60 million of which may be directly allocated on a one-time basis to pandemic-related programs without JBOC approval and not subject to N J S A 52 14-34 4, and the remainder of which may be directly allocated to pandemic-related programs not to exceed $20,000,000 for each such allocation, without JBOC approval and not subject to N J S A 52 14-34 4, subject to SFRF eligibility rules as determined by the Executive Director of the Governor's Disaster Recovery Office, subject to the approval of the Director of the Division of Budget and Accounting Notice shall be provided to JBOC with respect to each such appropriation With respect to recommended appropriations of more than $20,000,000, except the one-time $60,000,000 allocation authorized herein, and with respect to appropriations exceeding a total of $300,000,000, approval of the Joint Budget Oversight Committee shall be required, provided, however, that all such recommended appropriations submitted by the Executive Director of the Governor's Recovery Office shall be considered by JBOC at a meeting which shall occur not less frequently than quarterly, with the first quarter of the fiscal year beginning on July 1 and ending on September 30 JBOC shall meet during the third month of the first quarter of the fiscal year In the event that JBOC fails to meet during a given quarter, any recommendation submitted to JBOC more than 45 days prior to the last day of the quarter shall be deemed approved Nothing in this paragraph shall be construed to limit the ability of JBOC to meet more than once quarterly

c subject to the approval of the Director of the Division of Budget and Accounting, appropriations shall include necessary administrative costs of the respective agencies in administering the individual programs and for the SFRF grants management costs incurred by the Department of Community Affairs, Division of Disaster Recovery & Mitigation, as the State's designated grants manager, in its oversight of the entire portfolio of funds, consistent with SFRF requirements The administrative costs authorized in this subparagraph for an individual program shall

be no more than 5 percent of the cost of that program In the event that the administrative costs of the agencies and the division administering the programs and projects funded by the SFRF are not permitted to be paid from the federal monies received by the State, there are appropriated from the General Fund such additional sums as are required, subject to the limitations contained in this subparagraph and subject to the approval of the Director of the Division of Budget and Accounting and subject to the approval of the Joint Budget Oversight Committee

Notwithstanding the provisions of any law or regulation to the contrary, moneys are appropriated from the federal "Coronavirus State Fiscal Recovery Fund" (SFRF) established pursuant to the federal "American Rescue Plan Act of 2021," Pub L 117-2, in the following amounts for the following purposes without the additional approval by the Joint Budget Oversight Committee

Program	Agency	Appropriation
TOTAL		**$1,763,447,000**
Rutgers University – Capital Needs	State	$300,000,000
Water Infrastructure	DEP	300,000,000
Home Lead Paint Remediation	DCA	170,000,000
UPK Facilities Fund (SDA)	DOE	120,000,000
Rebuild by Design Hoboken	DEP	100,000,000
Liberty State Park	IDA	50,000,000
Capital Improvements, Statewide	IDA	50,000,000
Enrollment Based Payment Extension	DHS	48,000,000
Resident Services Upgrades	OIT	40,000,000
Railroad and Bus Operations (NJ Transit Improvements)	DOT	40,000,000
Overlook Medical Center – Emergency Department Renovation	DOH	35,000,000
Child Care Facilities Fund	EDA	30,000,000
Real Estate Projects Fund – Property Assemblage	EDA	30,000,000
Revolutionary War State Owned Historic Sites	Treasury	25,000,000
Greenway Planning, Development, and Remediation	DEP	20,000,000
Maternal and Infant Health Center Capital	EDA	20,000,000
Middlesex County College	Treasury	20,000,000
Middlesex County	DCA	

Improvement Authority		20,000,000
Union County	DCA	
Improvement Authority		20,000,000
Kean University Science Buildings	State	20,000,000
Arts Support and Placemaking	EDA	15,000,000
Unemployment Processing	DOL	
Modernization and Improvements		15,000,000
IHE Mental Health Provider Grants	OSHE	15,000,000
State Building Electrification Pilot	Treasury	10,000,000
Increased County Jail	DOC	
Population due to COVID		10,000,000
RWJ Barnabas Health –	DOH	
Mobile Health Division		10,000,000
Gap Financing – Real Estate	EDA	
Projects Funding		10,000,000
Telehealth Mental Health Supports	OSHE	10,000,000
Resident Services Upgrades	MVC	9,000,000
Capital Health – Satellite	DOH	
Emergency Department, Trenton		8,000,000
Paulsboro Port Road Paving	DOT	8,000,000
Virtua Health – Hospital	DOH	
Infrastructure and		
Workforce Education		8,000,000
Ferry Terminal Support – Carteret	NJT	8,000,000
Ferry Terminal Support –	NJT	
South Amboy		8,000,000
Irvington Park	DCA	7,500,000
Neighborhood Revitalization	DCA	
Tax Credit		7,500,000
School Linked Services	DCF	
Federal Revenue Planning		6,500,000
Newark Pedestrianization	DCA	6,500,000
Universal Newborn	DCF	
Home Visitation		6,000,000
Office of Eviction Prevention	DCA	5,500,000
Assertive Community	DCF	
Treatment Pilot		5,000,000
New Jersey Performing Arts	IDA	
Center – Community Center		5,000,000
Centralized Advertising Budget	DHS	5,000,000
South Toms River Landfill	DEP	5,000,000
Elizabeth, Storm Recovery Support	DCA	5,000,000
Atlantic County Airport	DCA	5,000,000

Stormwater Drainage Repair & Replacement – NJ State Prison	DOC	5,000,000
Inspira Health – Hospital Infrastructure and Workforce Education	DOH	5,000,000
Cooper University Hospital – Ronald McDonald House Southern New Jersey	DOH	5,000,000
Carrier Clinic – Inpatient Behavioral Health Expansion	DOH	5,000,000
St Peter's Hospital – Family Health Center	DOH	5,000,000
Coriell Institute for Medical Research – New Research Facility	DOH	5,000,000
Rowan University-Rutgers Camden Board of Governors	State	5,000,000
The New Valley Hospital – Pandemic and Emergency Preparedness	DOH	5,000,000
COVID Respite Services	DCF	4,300,000
County Area Agencies on Aging	DHS	4,000,000
Port Liberte Ferry Terminal	NJT	4,000,000
Developing Resiliency with Engaging Approaches to Maximize Success (DREAMS)	DOE	3,600,000
Educator and Staff Training Initiatives	DOE	3,300,000
Hudson County Jail	DOC	3,200,000
Worker Experience & Service Delivery	OOI	3,200,000
Veterans Haven North HVAC System	MVA	2,930,000
Teen Mental Health First Aid Pilot	DHS	2,700,000
Neighborhood Preservation Program	DCA	2,500,000
Potable Water Treatment Improvements – New Lisbon/ Hunterdon	DHS	2,417,000
Higher Education Peer Counseling	DHS	2,400,000
State Police – Storage Warehouses	LPS	2,200,000
Manufacturing Initiative – Workforce Development	DOL	2,000,000

CareWell Health – Drug and Alcohol Rehabilitation Facility	DCA	2,000,000
United in Care	DCA	1,500,000
Mental Health First Aid	DHS	1,500,000
Society for Prevention of Teen Suicide	DCF	1,200,000
Employer Supports CC&R Agency Support	DHS	1,000,000
IHE MH Professional Development	OSHE	1,000,000
Former State Buildings Planning Study	Treasury	1,000,000

Notwithstanding the provisions of any law or regulation to the contrary, $50,000,000 from funding allocated to the State from the federal "Coronavirus State Fiscal Recovery Fund" established pursuant to the federal "American Rescue Plan Act of 2021," Pub L 117-2 is appropriated to the New Jersey Economic Development Authority to study and plan for new health care facilities at the University Hospital site to meet community health care needs in the City of Newark, and to fund site development and capital construction The study shall take into consideration how new facilities would complement existing health care services and facilities in the region, and shall be submitted to the Governor, the Legislature, and the University Hospital Board of Directors upon completion Funding will be made available subject to a determination by the Executive Director of the Governor's Disaster Recovery Office that the proposed use of the funds is an eligible purpose under the American Rescue Plan Act of 2021, 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, $305,000,000 from funding allocated to the State from the federal "Coronavirus State Fiscal Recovery Fund" established pursuant to the federal "American Rescue Plan Act of 2021," Pub L 117-2 is appropriated for deposit into the affordable housing production fund

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 administering 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 Board of Public Utilities (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 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 percent 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 repaid 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 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 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 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

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of mental health and substance use disorder services, amounts may be transferred to and from the various items of appropriation and within the federal matching funding, within the General Medical Services program classification in the Division of Medical Assistance and Health Services and the Community Services and Addiction Services program classifications in the 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 subsection d of section 21 of P L 1984, c 73 (C 27 1B-21), or any other law or regulation to the contrary, transfers among the Federal Highway Administration and the Federal Transit Administration federal appropriations by project, under the category of Public Transportation, shall not require approval by the Joint Budget Oversight Committee 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

Notwithstanding the provisions of section 2 of PL 2021, c 200 (C 48 3-106 2) or any other law or regulation to the contrary, the unexpended balance at the end of the preceding fiscal year in the School and Small Business Energy Efficiency Stimulus Program Fund may be reallocated for any of the purposes set forth in P L 2021, c 200 as determined by the President of the Board of Public Utilities, subject to the approval of the Director of the Division of Budget and Accounting

GENERAL PROVISIONS

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 judgeships in the Judiciary, and for Clinical Legal Programs for the Poor at Rutgers Law School and Seton Hall University

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, the officer 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 (JBOC) Appropriations referred to JBOC shall be deemed approved, unless a resolution 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 or the New Jersey Community College Consortium for Workforce and Economic Development as if each 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, college, 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 percent 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 percent 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 $ 47 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 Division 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 Chair of the Senate Budget and Appropriations Committee and the Chair 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 $172,000 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 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

52 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

53 Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated from the Universal Service Fund $67,650,000 for transfer to the General Fund as State revenue

54 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

55 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

56 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

57 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

58 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

59 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

60 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

61 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

62 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 (C 52 9H-24 et seq) 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 $120,331,000, there is appropriated sufficient funding to total $120,331,000 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 $120,331,000 shall be deemed a "Base Year Appropriation "

63 The amounts hereinabove appropriated for employee fringe benefits in Interdepartmental 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

64 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

65 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

66 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

67 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

68 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

69 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

70 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 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

71 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

72 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

73 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

74 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, 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 Chairperson 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

75 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

76 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

77 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 (C 48 23-18 et al) 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 (C 48 23-18 et al) consistent with FCC requirements

78 Notwithstanding the provisions of sections 5 and 6 of P L 1990, c 44 (C 52 9H-18 and C 52 9H-19) or any other law or regulation to the contrary, the

balance in the Surplus Revenue Fund may be transferred to the General Fund, subject to the approval of the Director of the Division of Budget and Accounting

79 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 in the Department of Human Services, the Community Services and Addiction Services program classifications in the Division of Mental Health and Addiction Services in the Department of Human Services, the Disability Services program classification in the Division of Disability Services in the Department of Human 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, and the Children's System of Care 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

80 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

81 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 (1) in recognition of the limited continuing availability of federal American Recovery and Reinvestment Act (ARRA), Pub L 111-5, funding 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, the Director of the Division of Budget and Accounting may reserve an amount of excess appropriated State funds

82 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, an amount not to exceed $661,865,000, as determined by the Director of the Division of Budget and Accounting, is appropriated from the Health Care Subsidy Fund to the Division of Medical Assistance and Health Services to fund Medical Coverage - Title XIX Parents and Children in the General Medical Services program classification

83 Notwithstanding the provisions of any law or regulation to the contrary, proceeds received from the sale of surplus State-owned real property 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 deposit into the General Fund as State revenue, subject to the approval of the Director of the Division of Budget and Accounting, proceeds received in connection with asset value optimization initiatives other than the sale of surplus State-owned real property are appropriated to support State obligations to the retirement systems, consistent with federal law and regulation, subject to the approval of the Director of the Division of Budget and Accounting In addition to the amounts hereinabove appropriated for the Department of the Treasury, there are appropriated such additional amounts as are necessary to pay for costs associated with implementing asset value optimization initiatives

84 Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amounts hereinabove appropriated for environmental protection, there are appropriated such additional amounts as the Commissioner of Environmental Protection and the President of the Board of Public Utilities may determine to be necessary to ensure that the State of New Jersey rejoins the Regional Greenhouse Gas Initiative in an expeditious manner, subject to the approval of the Director of the Division of Budget and Accounting

85 Payments to the various State defined pension systems from amounts appropriated herein shall be made on a quarterly basis on the following schedule at least 25 percent by September 30, at least 50 percent by December 31, at least 75 percent by March 31, and at least 100 percent by June 30, and shall be reduced by any increase in the interest on tax and revenue anticipation notes attributable to the need to borrow more for the purpose of making such quarterly installments for transfer to the Interest on Short Term Notes account in the Interdepartmental Accounts

86 Notwithstanding the provisions of section 17 of this act to the contrary, the Director of the Division of Budget and Accounting may establish accounts and transfer amounts appropriated to the Preserve New Jersey Green Acres Fund, Preserve New Jersey Blue Acres Fund, Preserve New Jersey Farmland Preservation Fund, and the Preserve New Jersey Historic Preservation Fund pursuant to the "Preserve New Jersey Act," P L 2016, c 12 (C 13 8C-43 et seq), as amended by P L 2019, c 136, in a manner that is consistent with the provisions of the act and acts appropriating monies to these funds The transfer of amounts shall be subject to the approval or disapproval of the Joint Budget Oversight Committee (JBOC) If JBOC does not disapprove a transfer within ten days of notification, the transfer shall be deemed approved The unexpended balances at the end of the preceding fiscal year in these accounts are appropriated for the same purpose

87 Notwithstanding the provisions of any law or regulation to the contrary, in order to achieve cost savings, improve timeliness, and minimize fraud, State agencies may obtain employment and income information from a third-party commercial consumer reporting agency, in accordance with the federal "Fair Credit Reporting Act," 15 U S C s 1681 et seq , for the purpose of obtaining real-time employment and income information to help determine program eligibility

88 Notwithstanding the provisions of any State bidding or procurement laws to the contrary, except for the provisions of P L 2005, c 51 (C 19 44A-20 13 et seq) and P L 1975, c 127 (C 10 5-31 et seq), and to take advantage of cost-savings and efficiencies, any funds appropriated to any State department that may otherwise be expended on advertising shall be available for the purchase of public education programming, public service announcements, public awareness and education messaging, and advertising from the providers to the same or their non-profit trade associations

89 Notwithstanding the provisions of any law or regulation to the contrary, 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 of commissions, prizes, and expenses of developing and implementing games pursuant to section 7 of P L 1970, c 13 (C 5 9-7) shall be charged to the operations account as established pursuant to subsection c of section 6 of P L 2017, c 98 (C 5 9-22 10) within Common Pension Fund L as established pursuant to subsection a of section 6 of P L 2017, c 98 (C 5 9-22 10) for the term of the lottery contribution authorized pursuant to section 4 of P L 2017, c 98 (C 5 9-22 8)

90 Notwithstanding the provisions of any law or regulation to the contrary, and in furtherance of the purposes of the "Lottery Enterprise Contribution Act," P L 2017, c 98 (C 5 9-22 5 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 to implement the "Lottery Enterprise Contribution Act," including the costs of consultants, professional advisors including lawyers, and any other costs determined to be necessary to implement the "Lottery Enterprise Contribution Act," P L 2017, c 98 (C 5 9-22 5 et al)

91 Notwithstanding the provisions of any law or regulation to the contrary, the Director of the Division of Budget and Accounting, with the approval of the State Treasurer, shall provide that appropriations from the State General Fund be transferred and recorded as appropriations from the Property Tax Relief Fund to reflect the amounts as deemed necessary by the State Treasurer to offset the loss of the proceeds derived from the lottery contribution reallocated pursuant to P L 2017, c 98 (C 5 9-22 5 et al) from the State General Fund to Common Pension Fund L Provided however, that any transfer shall take effect 20 days after written notice thereof is provided to the Joint Budget Oversight Committee, if the committee takes no action disapproving a transfer Any appropriation shifted from the State General Fund to the Property Tax Relief Fund pursuant to this provision shall be appropriated in a manner consistent with the provisions of Article VIII, Section I, paragraph 7 of the New Jersey Constitution and the Director may warrant the necessary payments from the Property Tax Relief Fund, provided further, however, that all available unreserved, undesignated fund balance in the Property Tax Relief Fund as determined by the State Treasurer shall be used to support the appropriations

92 Any funds that may be received by the State of New Jersey from the Environmental Mitigation Trust established in partial settlement of In re Volkswagen "Clean Diesel" Marketing, Sales Practices and Products Liability Litigation, Case No MDL No 2672 CRB (JSC) (N D Cal) are appropriated solely for projects which are eligible mitigation actions consistent with the terms of the trust agreement Such projects shall be selected by the Department of Environmental Protection, as the lead agency previously designated by the Governor and shall be selected from among the categories of eligible mitigation actions described in the Environmental Mitigation Trust Agreement Any funds received from the Trustee for projects to be administered by State departments shall be deposited in a separate non-lapsing fund to be known as the "Volkswagen Environmental Mitigation Fund," and are appropriated solely for projects which are eligible mitigation actions consistent with the terms of the trust agreement and may include administrative costs in such amounts that are consistent with the terms of the trust agreement, subject to the approval of the Director of the Division of Budget and Accounting Any projects administered by State departments which will award grants through new or existing grant programs will award such grants on a competitive basis, using criteria determined by the Department of Environmental Protection

93 Notwithstanding the provisions of any law or regulation to the contrary, amounts deposited into the "Energy Tax Receipts Property Tax Relief Fund" pursuant to P L 1997, c 167 (C 52 27D-438 et al) are appropriated to the General Fund as State revenue

94 The unexpended balances at the end of the preceding fiscal year in the Expanded Addiction Initiatives line item in the Division of Mental Health and Addiction Services in the Department of Human Services and the various accounts in the Departments of Children and Families, Corrections, Community Affairs, Education, Health, Human Services, Labor and Workforce Development, and Law

and Public Safety reallocated from the Expanded Addiction Initiatives line item in the Division of Mental Health and Addiction Services in the Department of Human Services for anti-opioid initiatives, including, but not limited to, Integrated Population Health Data Project, Health Information Technology, Alternatives to Opioid Program, Syringe Access Programs, Single License for Primary Care, and other similar accounts, are appropriated for the same purpose and may be transferred among the same accounts, subject to the approval of the Director of the Division of Budget and Accounting

95 Notwithstanding the provisions of P L 2006, c 43, or any other law or regulation to the contrary, the amount hereinabove appropriated for the Health Care Subsidy Fund is subject to the following condition the assessment on net written premiums received from each health maintenance organization shall be made available to fund any qualified expenditure that can be paid from the Health Care Subsidy Fund

96 Notwithstanding the provisions of any law or regulation to the contrary, and in addition to the amounts hereinabove appropriated for the Department of Banking and Insurance and the Department of the Treasury, the amount necessary to pay for the operational costs incurred by various departments to meet the statutory requirements of P L 2019, c 141 (C 17B 27A-57 et seq) is appropriated from the Health Insurance Exchange Trust Fund, subject to the approval of the Director of the Division of Budget and Accounting

97 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, $20,655,000 is appropriated from the Health Care Subsidy Fund to the Department of Health to fund the Quality Improvement Program - New Jersey

98 In addition to the amounts hereinabove appropriated for programs and services to address the COVID-19 pandemic and any other federally declared emergency, there are appropriated to the various departments and agencies, subject to the approval of the Director of the Division of Budget and Accounting in consultation with the State Treasurer, such amounts as are determined to be necessary to support costs that are not eligible for federal reimbursement or require a State cost share

99 Notwithstanding the provisions of any law or regulation to the contrary, subject to the approval of the Director of the Division of Budget and Accounting, the costs of State department purchases of products in compliance with P L 2020, c 117 (C 13 1E-99 126 et seq), which prohibited the provision or sale of certain single-use carryout bags, plastic straws, and polystyrene foam food service products, are appropriated from the Clean Energy Fund

100 In addition to the amounts hereinabove appropriated for the Cannabis Regulatory Commission, there are appropriated such additional amounts to pay for costs associated with implementing the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," P L 2021, c 16 (C 24 6I-31 et al), and the legalization of medical and personal use cannabis as determined by the Cannabis Regulatory Commission, subject to the approval of the

Director of the Division of Budget and Accounting

101 Notwithstanding any law or regulation to the contrary, the Division of Medical Assistance and Health Services (DMAHS) in the Department of Human Services shall require all Medicaid Managed Care Organizations (MCOs) to annually report the percentage of total medical expenditures paid for primary care services, beginning with 2020 DMAHS shall require the MCOs to use and report on the two uniform definitions of primary care services which are delineated as "broad" and "narrow" as established by the Patient Centered Primary Care Collaborative and Milbank Memorial Fund The data on these two measures shall be published annually, by MCO, on the NJ FamilyCare website In addition, the New Jersey Division of Pensions and Benefits (DPB) shall annually report the data on the same two measures of primary care spending for each of the state funded plans that it administers and publish the information on its website annually Nothing herein shall require DMAHS, DPB, or MCOs to report and publicly disclose any specific rates of reimbursement for any specific primary care services In collaboration with DMAHS and the Department of Banking and Insurance, the Office of the Treasurer, the DPB shall conduct a market scan of State-funded team-based primary care models (including but not limited to the Comprehensive Primary Care initiatives and Patient Centered Medical Home models) currently in use in markets in the State that are funded in any part with State revenue The market scan shall include a detailed description of all the quality, efficiency, and performance measures used in the models and shall be made publicly available on the DPB website The market scan shall be used by the State to develop an aligned high-quality team-based primary care model or models (that emphasize capitation and performance payments over a fee for service reimbursement model) that shall be included in all State-funded health benefits and health insurance programs

102 Any funds that may be received by the State of New Jersey in relation to a legal settlement entered into with, or litigation undertaken against, opioid manufacturers or distributers related to claims arising from the manufacture, marketing, distribution, or dispensing of opioids, shall be deposited in the "Opioid Recovery and Remediation Fund" established pursuant to P L 2022 c 25 (C 30 5B-36 et seq) No funds appropriated by this act shall be drawn from the fund, except as expressly indicated

103 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 Appropriations under this paragraph shall not be available to pay punitive damages and shall not be deemed a waiver of any immunity by the State

104 This act shall take effect July 1, 2022

CHAPTER 50

AN ACT barring extradition of persons under certain circumstances related to actions concerning reproductive health care services and supplementing chapter 160 of Title 2A of the New Jersey Statutes

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

C 2A 160-14 1 Surrender of individuals seeking reproductive health care services lawful in New Jersey, prohibited

1 Notwithstanding the provisions of N J S 2A 160-14, the Governor shall not surrender, on demand of the executive authority of any other state, any person who

a is found in this State,

b was not in the state whose executive authority is making the demand at the time of the commission of the alleged crime and has not fled therefrom, and

c is charged in the state whose executive authority is making the demand with providing, receiving, assisting in providing or receiving, providing material support for, or traveling to obtain reproductive health care services that are permitted under the laws of this State, including on any theory of vicarious, joint, several or conspiracy liability

As used in this section, "reproductive health care services" means all medical, surgical, counseling, or referral services relating to the human reproductive system including, but not limited to, services relating to pregnancy, contraception, or termination of a pregnancy

2 This act shall take effect immediately

Approved July 1, 2022

CHAPTER 51

AN ACT concerning reproductive health care services, supplementing Title 2A of the New Jersey Statutes, and amending P L 1978, c 73

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

C 2A 84A-22 18 Definitions

1 As used in sections 1 and 2 of P L 2022, c 51 (C 2A 84A-22 18 and C 2A 84A-22 19)

"Person" includes an individual, partnership, association, limited liability company, or corporation

"Reproductive health care services" means all medical, surgical, counseling, or referral services relating to the human reproductive system including, but not limited to, services relating to pregnancy, contraception, or termination of a pregnancy

a Except as provided in sections 3 through 7 of P L 1968, c 185 (C 2A 84A-22 3 through 2A 84A-22 7), section 1 of P L 1970, c 313 (C 2A 84A-22 8), section 29 of P L 1968, c 401 (C 45 8B-29), and subsection b of this section, in any civil action or proceeding preliminary thereto or in any probate, legislative or administrative proceeding, a covered entity, as set forth in the medical privacy and security rules pursuant to Parts 160 and 164 of Subchapter C of Subtitle A of Title 45 of the Code of Federal Regulations, established pursuant to the "Health Insurance Portability and Accountability Act of 1996," Pub L 104-191, shall not disclose, unless the patient or that patient's conservator, guardian, or other authorized legal representative explicitly consents in writing to the disclosure

(1) any communication made to the covered entity, or any information obtained by the covered entity from, a patient or the conservator, guardian, or other authorized legal representative of a patient relating to reproductive health care services that are permitted under the laws of this State, or

(2) any information obtained by personal examination of a patient relating to reproductive health care services that are permitted under the laws of this State

A covered entity shall inform the patient or the patient's conservator, guardian, or other authorized legal representative of the patient's right to withhold such written consent at or before the time reproductive health care services are rendered or at such time as the patient discloses any information relating to reproductive health care services that have been previously rendered

b Written consent of the patient or the patient's conservator, guardian, or other authorized legal representative shall not be required for the disclosure of any communication or information

(1) pursuant to the laws of this State or the Rules of Court,

(2) by a covered entity against whom a claim has been made, or there is a reasonable belief will be made, in an action or proceeding, to the covered entity's attorney or professional liability insurer or insurer's agent for use in the defense of the action or proceeding,

(3) to the Commissioner of Health, Human Services, or Banking and Insurance, or any professional licensing board operating under the authority of the Division of Consumer Affairs in the Department of Law and Public Safety for records of a patient of a covered entity in connection with an investigation of a complaint, if the records are related to the complaint, or

(4) if child abuse, abuse of an elderly individual, abuse of an individual who is incapacitated, or abuse of an individual with a physical or mental disability is known or in good faith suspected For the purposes of this paragraph, the provision of or material support for reproductive health care services that are permitted under the laws of this State shall not constitute abuse

Nothing in this subsection shall be construed to conflict with or displace any requirements or conditions for disclosure set forth under 45 C F R ss 160 203 and 164 514

c Nothing in this section shall be construed to impede the lawful sharing of medical records as permitted by State or federal law or the Rules of Court

C 2A 84A-22 19 Disclosure of information, certain, expending of resources, certain, prohibited

2 A public entity of this State or employee, appointee, officer or official or any other person acting on behalf of a public entity shall not provide any information or expend or use time, money, facilities, property, equipment, personnel or other resources in furtherance of any interstate investigation or proceeding seeking to impose civil or criminal liability upon a person or entity for

(1) the provision, receipt, or seeking of, or inquiring or responding to an inquiry about, reproductive health care services, as defined in section 1 of P L 2022, c 51 (C 2A 84A-22 18), that are legal in this State, or

(2) assisting, advising, aiding, abetting, facilitating, soliciting, or conspiring with any person or entity providing, receiving, seeking, or inquiring or responding to an inquiry about, reproductive health care services, as defined in section 1 of P L 2022, c 51 (C 2A 84A-22 18), that are legal in this State

This section shall not apply to any investigation or proceeding when the conduct subject to potential liability under the investigation or proceeding would be subject to liability under the laws of this State if committed in this State This section shall not apply if it is necessary for the agency or person to engage in conduct otherwise prohibited by this section in order to comply with a valid order issued by a court with jurisdiction over the agency or person, or to comply with applicable provisions of State or federal law

3 Section 8 of P L 1978, c 73 (C 45 1-21) is amended to read as follows

C 45 1-21 Refusal to license or renew, grounds

8 A board may refuse to admit a person to an examination or may refuse to issue or may suspend or revoke any certificate, registration or license issued by the board upon proof that the applicant or holder of such certificate, registration or license

a Has obtained a certificate, registration, license or authorization to sit for an examination, as the case may be, through fraud, deception, or misrepresentation,

b Has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense,

c Has engaged in gross negligence, gross malpractice or gross incompetence which damaged or endangered the life, health, welfare, safety or property of any person,

d Has engaged in repeated acts of negligence, malpractice or incompetence,

e Has engaged in professional or occupational misconduct as may be determined by the board,

f Has been convicted of, or engaged in acts constituting, any crime or offense that has a direct or substantial relationship to the activity regulated by the board or is of a nature such that certification, registration or licensure of the person would be inconsistent with the public's health, safety, or welfare, provided that the board shall make this determination in a manner consistent with section 2 of P L 2021, c 81 (C 45 1-21 5) For the purposes of this subsection a judgment of conviction or a plea of guilty, non vult, nolo contendere or any other such disposition of alleged criminal activity shall be deemed a conviction,

g Has had his authority to engage in the activity regulated by the board revoked or suspended by any other state, agency or authority for reasons consistent with this section,

h Has violated or failed to comply with the provisions of any act or regulation administered by the board,

i Is incapable, for medical or any other good cause, of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare,

j Has repeatedly failed to submit completed applications, or parts of, or documentation submitted in conjunction with, such applications, required to be filed with the Department of Environmental Protection,

k Has violated any provision of P L 1983, c 320 (C 17 33A-1 et seq) or any insurance fraud prevention law or act of another jurisdiction or has been adjudicated, in civil or administrative proceedings, of a violation of P L 1983, c 320 (C 17 33A-1 et seq) or has been subject to a final order, entered in civil or administrative proceedings, that imposed civil penalties under that act against the applicant or holder,

l Is presently engaged in drug or alcohol use that is likely to impair the ability to practice the profession or occupation with reasonable skill and safety For purposes of this subsection, the term "presently" means at this time or any time within the previous 365 days,

m Has prescribed or dispensed controlled dangerous substances indiscriminately or without good cause, or where the applicant or holder knew or should have known that the substances were to be used for unauthorized consumption or distribution,

n Has permitted an unlicensed person or entity to perform an act for which a license or certificate of registration or certification is required by the board, or aided and abetted an unlicensed person or entity in performing such an act,

o Advertised fraudulently in any manner

The division is authorized, for purposes of facilitating determinations concerning licensure eligibility, to require the fingerprinting of each applicant in accordance with applicable State and federal laws, rules and regulations Each applicant shall submit the applicant's name, address, and written consent to the director for a criminal history record background check to be performed The division is authorized to receive criminal history record information from the State Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation Upon receipt of such notification, the division shall forward the information to the appropriate board which shall make a determination regarding the issuance of licensure The applicant shall bear the cost for the criminal history record background check, including all costs of administering and processing the check, unless otherwise provided for by an individual enabling act The Division of State Police shall promptly notify the division in the event an applicant or licensee, who was the subject of a criminal history record background check pursuant to this section, is convicted of a crime or offense in this State after the date the background check was performed

Notwithstanding the provisions of any law, rule, or regulation to the contrary, a board shall not refuse to admit a person to an examination and shall not suspend, revoke, or refuse to renew any certificate, registration, or license issued by the board based solely on the applicant's or the certificate,

registration, or license holder's provision of, authorization of, participation in, referral for, or assistance with any health care, medical service, or procedure related to an abortion for a person who resides in a jurisdiction where the provision, authorization, participation, referral, or assistance is illegal, if the provision, authorization, participation, referral, or assistance would not be a basis for refusing to admit a person to an examination or for suspending, revoking, or refusing to renew a certificate, registration, or license in this State

For purposes of this act

"Completed application" means the submission of all of the information designated on the checklist, adopted pursuant to section 1 of P L 1991, c 421 (C 13 1D-101), for the class or category of permit for which application is made

"Permit" has the same meaning as defined in section 1 of P L 1991, c 421 (C 13 1D-101)

4 This act shall take effect immediately

Approved July 1, 2022

CHAPTER 52

AN ACT concerning firearm ownership and amending N J S 2C 58-3

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

1 N J S 2C 58-3 is amended to read as follows

Purchase of firearms

2C 58-3 a Permit to purchase a handgun

(1) No person shall sell, give, transfer, assign or otherwise dispose of, nor receive, purchase, or otherwise acquire a handgun unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or has first secured a permit to purchase a handgun as provided by this section

(2) A person who is not a licensed retail dealer and sells, gives, transfers, assigns, or otherwise disposes of, or receives, purchases or otherwise acquires a handgun pursuant to this section shall conduct the transaction through a licensed retail dealer

The provisions of this paragraph shall not apply if the transaction is

(a) between members of an immediate family as defined in subsection n of this section,

(b) between law enforcement officers,

(c) between collectors of firearms or ammunition as curios or relics as defined in Title 18, U S C section 921 (a) (13) who have in their possession a valid Collector of Curios and Relics License issued by the Bureau of Alcohol, Tobacco, Firearms, and Explosives, or

(d) a temporary transfer pursuant to section 1 of P L 1992, c 74 (C 2C 58-3 1) or section 1 of P L 1997, c 375 (C 2C 58-3 2)

(3) Prior to a transaction conducted pursuant to this subsection, the retail dealer shall complete a National Instant Criminal Background Check of the person acquiring the handgun In addition

(a) the retail dealer shall submit to the Superintendent of State Police, on a form approved by the superintendent, information identifying and confirming the background check,

(b) every retail dealer shall maintain a record of transactions conducted pursuant to this subsection, which shall be maintained at the address displayed on the retail dealer's license for inspection by a law enforcement officer during reasonable hours,

(c) a retail dealer may charge a fee for a transaction conducted pursuant to this subsection, and

(d) any record produced pursuant to this subsection shall not be considered a public record pursuant to P L 1963, c 73 (C 47 1A-1 et seq) or P L 2001, c 404 (C 47 1A-5 et al)

b Firearms purchaser identification card

(1) No person shall sell, give, transfer, assign or otherwise dispose of nor receive, purchase or otherwise acquire an antique cannon or a rifle or shotgun, other than an antique rifle or shotgun, unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or possesses a valid firearms purchaser identification card, and first exhibits the card to the seller, donor, transferor or assignor, and unless the purchaser, assignee, donee, receiver or holder signs a written certification, on a form prescribed by the superintendent, which shall indicate that he presently complies with the requirements of subsection c of this section and shall contain his name, address and firearms purchaser identification card number or dealer's registration number The certification shall be retained by the seller, as provided in paragraph (4) of subsection a of N J S 2C 58-2, or, in the case of a person who is not a dealer, it may be filed with the chief of police of the municipality in which he resides or with the superintendent

(2) A person who is not a licensed retail dealer and sells, gives, transfers, assigns, or otherwise disposes of, or receives, purchases or otherwise acquires an antique cannon or a rifle or shotgun pursuant to this section shall conduct the transaction through a licensed retail dealer

The provisions of this paragraph shall not apply if the transaction is

(a) between members of an immediate family as defined in subsection n of this section,

(b) between law enforcement officers,

(c) between collectors of firearms or ammunition as curios or relics as defined in Title 18, U S C section 921 (a) (13) who have in their possession a valid Collector of Curios and Relics License issued by the Bureau of Alcohol, Tobacco, Firearms, and Explosives, or

(d) a temporary transfer pursuant to section 1 of P L 1992, c 74 (C 2C 58-3 1) and section 1 of P L 1997, c 375 (C 2C 58-3 2)

(3) Prior to a transaction conducted pursuant to this subsection, the retail dealer shall complete a National Instant Criminal Background Check of the person acquiring an antique cannon or a rifle or shotgun In addition

(a) the retail dealer shall submit to the Superintendent of State Police, on a form approved by the superintendent, information identifying and confirming the background check,

(b) every retail dealer shall maintain a record of transactions conducted pursuant to this section which shall be maintained at the address set forth on the retail dealer's license for inspection by a law enforcement officer during reasonable hours,

(c) a retail dealer may charge a fee for a transaction conducted pursuant to this subsection, and

(d) any record produced pursuant to this subsection shall not be considered a public record pursuant to P L 1963, c 73 (C 47 1A-1 et seq) or P L 2001, c 404 (C 47 1A-5 et al)

c Who may obtain No person of good character and good repute in the community in which he lives, and who is not subject to any of the disabilities set forth in this section or other sections of this chapter, shall be denied a permit to purchase a handgun or a firearms purchaser identification card, except as hereinafter set forth No handgun purchase permit or firearms purchaser identification card shall be issued

(1) To any person who has been convicted of any crime, or a disorderly persons offense involving an act of domestic violence as defined in section 3 of P L 1991, c 261 (C 2C 25-19), whether or not armed with or possessing a weapon at the time of the offense,

(2) To any drug-dependent person as defined in section 2 of P L 1970, c 226 (C 24 21-2), to any person who is confined for a mental disorder to a hospital, mental institution or sanitarium, or to any person who is presently an habitual drunkard,

(3) To any person who suffers from a physical defect or disease which would make it unsafe for him to handle firearms, to any person who has ever been confined for a mental disorder, or to any alcoholic unless any of the foregoing persons produces a certificate of a medical doctor or psychiatrist licensed in New Jersey, or other satisfactory proof, that he is no longer suffering from that particular disability in a manner that would interfere with or handicap him in the handling of firearms, to any person who knowingly falsifies any information on the application form for a handgun purchase permit or firearms purchaser identification card,

(4) To any person under the age of 18 years for a firearms purchaser identification card and to any person under the age of 21 years for a permit to purchase a handgun,

(5) To any person where the issuance would not be in the interest of the public health, safety or welfare,

(6) To any person who is subject to a restraining order issued pursuant to the "Prevention of Domestic Violence Act of 1991", P L 1991, c 261 (C 2C 25-17 et seq) prohibiting the person from possessing any firearm,

(7) To any person who as a juvenile was adjudicated delinquent for an offense which, if committed by an adult, would constitute a crime and the offense involved the unlawful use or possession of a weapon, explosive or destructive device or is enumerated in subsection d of section 2 of P L 1997, c 117 (C 2C 43-7 2),

(8) To any person whose firearm is seized pursuant to the "Prevention of Domestic Violence Act of 1991", P L 1991, c 261 (C 2C 25-17 et seq) and whose firearm has not been returned, or

(9) To any person named on the consolidated Terrorist Watchlist maintained by the Terrorist Screening Center administered by the Federal Bureau of Investigation,

(10) To any person who is subject to a court order prohibiting the custody, control, ownership, purchase, possession, or receipt of a firearm or ammunition issued pursuant to the "Extreme Risk Protective Order Act of 2018", P L 2018, c 35 (C 2C 58-20 et al), or

(11) To any person who is subject to a court order prohibiting the custody, control, ownership, purchase, possession, or receipt of a firearm or ammunition issued pursuant to P L 2021, c 327 (C 2C 12-14 et al)

d Issuance The chief of police of an organized full-time police department of the municipality where the applicant resides or the superintendent, in all other cases, shall upon application, issue to any person qualified under the provisions of subsection c of this section a permit to purchase a handgun or a firearms purchaser identification card

Any person aggrieved by the denial of a permit or identification card may request a hearing in the Superior Court of the county in which he resides if he is a resident of New Jersey or in the Superior Court of the county in which his application was filed if he is a nonresident The request for a hearing shall be made in writing within 30 days of the denial of the application for a permit or identification card The applicant shall serve a copy of his request for a hearing upon the chief of police of the municipality in which he resides, if he is a resident of New Jersey, and upon the superintendent in all cases The hearing shall be held and a record made thereof within 30 days of the receipt of the application for a hearing by the judge of the Superior Court No formal pleading and no filing fee shall be required as a preliminary to a hearing Appeals from the results of a hearing shall be in accordance with law

e Applications Applications for permits to purchase a handgun and for firearms purchaser identification cards shall be in the form prescribed by the superintendent and shall set forth the name, residence, place of business, age, date of birth, occupation, sex and physical description, including distinguishing physical characteristics, if any, of the applicant, and shall state whether the applicant is a citizen, whether he is an alcoholic, habitual drunkard, drug-dependent person as defined in section 2 of P L 1970, c 226 (C 24 21-2), whether he has ever been confined or committed to a mental institution or hospital for treatment or observation of a mental or psychiatric condition on a temporary, interim or permanent basis, giving the name and location of the institution or hospital and the dates of confinement or commitment, whether he has been attended, treated or observed by any doctor or psychiatrist or at any hospital or mental institution on an inpatient or outpatient basis for any mental or psychiatric condition, giving the name and location of the doctor, psychiatrist, hospital or institution and the dates of the occurrence, whether he presently or ever has been a member of any organization which advocates or approves the commission of acts of force and violence to overthrow the Government of the United States or of this State, or which seeks to deny others their rights under the Constitution of either the United States or the State of New Jersey, whether he has ever been convicted of a crime or disorderly persons offense, whether the person is subject to a restraining order issued pursuant to the "Prevention of Domestic Violence Act of 1991", P L 1991, c 261 (C 2C 25-17 et seq) prohibiting the person from

possessing any firearm, whether the person is subject to a protective order issued pursuant to the "Extreme Risk Protective Order Act of 2018", P L 2018, c 35 (C 2C 58-20 et al), whether the person is subject to a protective order issued pursuant to P L 2021, c 327 (C 2C 12-14 et al) prohibiting the person from possessing any firearm, and other information as the superintendent shall deem necessary for the proper enforcement of this chapter For the purpose of complying with this subsection, the applicant shall waive any statutory or other right of confidentiality relating to institutional confinement The application shall be signed by the applicant and shall contain as references the names and addresses of two reputable citizens personally acquainted with him

Application blanks shall be obtainable from the superintendent, from any other officer authorized to grant a permit or identification card, and from licensed retail dealers

The chief police officer or the superintendent shall obtain the fingerprints of the applicant and shall have them compared with any and all records of fingerprints in the municipality and county in which the applicant resides and also the records of the State Bureau of Identification and the Federal Bureau of Investigation, provided that an applicant for a handgun purchase permit who possesses a valid firearms purchaser identification card, or who has previously obtained a handgun purchase permit from the same licensing authority for which he was previously fingerprinted, and who provides other reasonably satisfactory proof of his identity, need not be fingerprinted again, however, the chief police officer or the superintendent shall proceed to investigate the application to determine whether or not the applicant has become subject to any of the disabilities set forth in this chapter

f Granting of permit or identification card, fee, term, renewal, revocation The application for the permit to purchase a handgun together with a fee of $2, or the application for the firearms purchaser identification card together with a fee of $5, shall be delivered or forwarded to the licensing authority who shall investigate the same and, unless good cause for the denial thereof appears, shall grant the permit or the identification card, or both, if application has been made therefor, within 30 days from the date of receipt of the application for residents of this State and within 45 days for nonresident applicants A permit to purchase a handgun shall be valid for a period of 90 days from the date of issuance and may be renewed by the issuing authority for good cause for an additional 90 days A firearms purchaser identification card shall be valid until such time as the holder becomes subject to any of the disabilities set forth in subsection c of this section, whereupon the card shall be void and shall be returned within five days by the holder to the

superintendent, who shall then advise the licensing authority Failure of the holder to return the firearms purchaser identification card to the superintendent within the five days shall be an offense under subsection a of N J S 2C 39-10 Any firearms purchaser identification card may be revoked by the Superior Court of the county wherein the card was issued, after hearing upon notice, upon a finding that the holder thereof no longer qualifies for the issuance of the permit The county prosecutor of any county, the chief police officer of any municipality or any citizen may apply to the court at any time for the revocation of the card

There shall be no conditions or requirements added to the form or content of the application, or required by the licensing authority for the issuance of a permit or identification card, other than those that are specifically set forth in this chapter

g Disposition of fees All fees for permits shall be paid to the State Treasury if the permit is issued by the superintendent, to the municipality if issued by the chief of police, and to the county treasurer if issued by the judge of the Superior Court

h Form of permit, quadruplicate, disposition of copies The permit shall be in the form prescribed by the superintendent and shall be issued to the applicant in quadruplicate Prior to the time he receives the handgun from the seller, the applicant shall deliver to the seller the permit in quadruplicate and the seller shall complete all of the information required on the form Within five days of the date of the sale, the seller shall forward the original copy to the superintendent and the second copy to the chief of police of the municipality in which the purchaser resides, except that in a municipality having no chief of police, the copy shall be forwarded to the superintendent The third copy shall then be returned to the purchaser with the pistol or revolver and the fourth copy shall be kept by the seller as a permanent record

i Restriction on number of firearms person may purchase Only one handgun shall be purchased or delivered on each permit and no more than one handgun shall be purchased within any 30-day period, but this limitation shall not apply to

(1) a federal, State, or local law enforcement officer or agency purchasing handguns for use by officers in the actual performance of their law enforcement duties,

(2) a collector of handguns as curios or relics as defined in Title 18, United States Code, section 921 (a) (13) who has in his possession a valid Collector of Curios and Relics License issued by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives,

(3) transfers of handguns among licensed retail dealers, registered wholesale dealers and registered manufacturers,

(4) transfers of handguns from any person to a licensed retail dealer or a registered wholesale dealer or registered manufacturer,

(5) any transaction where the person has purchased a handgun from a licensed retail dealer and has returned that handgun to the dealer in exchange for another handgun within 30 days of the original transaction, provided the retail dealer reports the exchange transaction to the superintendent, or

(6) any transaction where the superintendent issues an exemption from the prohibition in this subsection pursuant to the provisions of section 4 of P L 2009, c 186 (C 2C 58-3 4)

The provisions of this subsection shall not be construed to afford or authorize any other exemption from the regulatory provisions governing firearms set forth in chapter 39 and chapter 58 of Title 2C of the New Jersey Statutes,

A person shall not be restricted as to the number of rifles or shotguns he may purchase, provided he possesses a valid firearms purchaser identification card and provided further that he signs the certification required in subsection b of this section for each transaction

j Firearms passing to heirs or legatees Notwithstanding any other provision of this section concerning the transfer, receipt or acquisition of a firearm, a permit to purchase or a firearms purchaser identification card shall not be required for the passing of a firearm upon the death of an owner thereof to his heir or legatee, whether the same be by testamentary bequest or by the laws of intestacy The person who shall so receive, or acquire the firearm shall, however, be subject to all other provisions of this chapter If the heir or legatee of the firearm does not qualify to possess or carry it, he may retain ownership of the firearm for the purpose of sale for a period not exceeding 180 days, or for a further limited period as may be approved by the chief law enforcement officer of the municipality in which the heir or legatee resides or the superintendent, provided that the firearm is in the custody of the chief law enforcement officer of the municipality or the superintendent during that period

k Sawed-off shotguns Nothing in this section shall be construed to authorize the purchase or possession of any sawed-off shotgun

l Nothing in this section and in N J S 2C 58-2 shall apply to the sale or purchase of a visual distress signalling device approved by the United States Coast Guard, solely for possession on a private or commercial aircraft or any boat, provided, however, that no person under the age of 18 years shall purchase nor shall any person sell to a person under the age of 18 years a visual distress signalling device

m The provisions of subsections a and b of this section and paragraphs (4) and (5) of subsection a of N J S 2C 58-2 shall not apply to the purchase of firearms by a law enforcement agency for use by law enforcement officers in the actual performance of the current or former judge's duties, which purchase may be made directly from a manufacturer or from a licensed dealer located in this State or any other state

n For the purposes of this section, "immediate family" means a spouse, domestic partner as defined in section 3 of P L 2003, c 246 (C 26 8A-3), partner in a civil union couple as defined in section 2 of P L 2006, c 103 (C 37 1-29), parent, stepparent, grandparent, sibling, stepsibling, child, stepchild, and grandchild, as related by blood or by law

o Registration of handguns owned by new residents Any person who becomes a resident of this State following the effective date of P L 2022, c 52 and who transports into this State a firearm that the person owned or acquired while residing in another state shall apply for a firearm purchaser identification card within 60 days of becoming a New Jersey resident, and shall register any handgun so transported into this State within 60 days as provided in this subsection

A person who registers a handgun pursuant to this subsection shall complete a registration statement, which shall be in a form prescribed by the superintendent The information provided in the registration statement shall include, but shall not be limited to, the name and address of the person and the make, model, and serial number of the handgun being registered Each registration statement shall be signed by the person, and the signature shall constitute a representation of the accuracy of the information contained in the registration statement

The registration statement shall be submitted to the law enforcement agency of the municipality in which the person resides or, if the municipality does not have a municipal law enforcement agency, any State Police station

Within 60 days prior to the effective date of P L 2022, c 52, the superintendent shall prepare the form of registration statement as described in this subsection and shall provide a suitable supply of statements to each organized full-time municipal police department and each State Police station

A person who fails to apply for a firearm purchaser identification card or register a handgun as required pursuant to this subsection shall be granted 30 days to comply with the provisions of this subsection If the person does not comply within 30 days, the person shall be liable to a civil penalty of $250 for a first offense and shall be guilty of a disorderly persons offense for a second or subsequent offense

If a person is in possession of multiple firearms or handguns in violation of this subsection, the person shall be guilty of one offense under this subsection provided the violation is a single event

The civil penalty shall be collected pursuant to the "Penalty Enforcement Law of 1999," P L 1999, c 274 (C 2A 58-10 et seq) in a summary proceeding before the municipal court having jurisdiction A law enforcement officer having enforcement authority in that municipality may issue a summons for a violation, and may serve and execute all process with respect to the enforcement of this subsection consistent with the Rules of Court

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

Approved July 5, 2022

CHAPTER 53

AN ACT concerning firearms and amending N J S 2C 39-9

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

1 N J S 2C 39-9 is amended to read as follows

Manufacture, transport, disposition and defacement of weapons and dangerous instruments and appliances

2C 39-9 Manufacture, Transport, Disposition and Defacement of Weapons and Dangerous Instruments and Appliances

a Machine guns Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any machine gun without being registered or licensed to do so as provided in chapter 58 of Title 2C of the New Jersey Statutes is guilty of a crime of the third degree

b Sawed-off shotguns Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any sawed-off shotgun is guilty of a crime of the third degree

c Firearm silencers Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any firearm silencer is guilty of a crime of the fourth degree

d Weapons Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any weapon, including gravity knives,

switchblade knives, ballistic knives, daggers, dirks, stilettos, billies, blackjacks, metal knuckles, sandclubs, slingshots, cesti or similar leather bands studded with metal filings, or, except as otherwise provided in subsection i of this section, in the case of firearms if he is not licensed or registered to do so as provided in chapter 58 of Title 2C of the New Jersey Statutes, is guilty of a crime of the fourth degree Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any weapon or other device which projects, releases or emits tear gas or other substances intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air, which is intended to be used for any purpose other than for authorized military or law enforcement purposes by duly authorized military or law enforcement personnel or the device is for the purpose of personal self-defense, is pocket-sized and contains not more than three-quarters of an ounce of chemical substance not ordinarily capable of lethal use or of inflicting serious bodily injury, or other than to be used by any person permitted to possess such weapon or device under the provisions of subsection d of N J S 2C 39-5, which is intended for use by financial and other business institutions as part of an integrated security system, placed at fixed locations, for the protection of money and property, by the duly authorized personnel of those institutions, is guilty of a crime of the fourth degree

e Defaced firearms Any person who defaces any firearm is guilty of a crime of the third degree Any person who knowingly buys, receives, disposes of or conceals a defaced firearm, except an antique firearm or an antique handgun, is guilty of a crime of the fourth degree

f (1) Any person who manufactures, causes to be manufactured, transports, ships, sells, or disposes of any armor-piercing ammunition, as defined in subsection gg of N J S 2C 39-1, which is intended to be used for any purpose other than for authorized military or law enforcement purposes by duly authorized military or law enforcement personnel, is guilty of a crime of the fourth degree

(2) Nothing in this subsection shall be construed to prevent a licensed collector of ammunition as defined in paragraph (2) of subsection f of N J S 2C 39-3 from transporting the bullets defined in paragraph (1) of this subsection from (a) any licensed retail or wholesale firearms dealer's place of business to the collector's dwelling, premises, or other land owned or possessed by him, or (b) to or from the collector's dwelling, premises or other land owned or possessed by him to any gun show for the purposes of display, sale, trade, or transfer between collectors, or (c) to or from the collector's dwelling, premises or other land owned or possessed by him to any rifle or pistol club

organized in accordance with the rules prescribed by the National Board for the Promotion of Rifle Practice, provided that the club has filed a copy of its charter with the superintendent of the State Police and annually submits a list of its members to the superintendent, and provided further that the ammunition being transported shall be carried not loaded in any firearm and contained in a closed and fastened case, gun box, or locked in the trunk of the automobile in which it is being transported, and the course of travel shall include only such deviations as are reasonably necessary under the circumstances

g Assault firearms Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of an assault firearm without being registered or licensed to do so pursuant to N J S 2C 58-1 et seq is guilty of a crime of the third degree

h Large capacity ammunition magazines Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of a large capacity ammunition magazine which is intended to be used for any purpose other than for authorized military or law enforcement purposes by duly authorized military or law enforcement personnel is guilty of a crime of the fourth degree

i Transporting firearms into this State for an unlawful sale or transfer Any person who knowingly transports, ships or otherwise brings into this State any firearm for the purpose of unlawfully selling, transferring, giving, assigning or otherwise disposing of that firearm to another individual is guilty of a crime of the second degree Any motor vehicle used by a person to transport, ship, or otherwise bring a firearm into this State for unlawful sale or transfer shall be subject to forfeiture in accordance with the provisions of N J S 2C 64-1 et seq , provided however, this forfeiture provision shall not apply to innocent owners, nor shall it affect the rights of a holder of a valid lien

The temporary transfer of a firearm shall not constitute a violation of this subsection if that firearm is transferred

(1) while hunting or target shooting in accordance with the provisions of section 1 of P L 1992, c 74 (C 2C 58-3 1),

(2) for shooting competitions sponsored by a licensed dealer, law enforcement agency, legally recognized military organization, or a rifle or pistol club which has filed a copy of its charter with the superintendent in accordance with the provisions of section 1 of P L 1992, c 74 (C 2C 58-3 1), or

(3) for participation in a training course conducted by a certified instructor in accordance with the provisions of section 1 of P L 1997, c 375 (C 2C 58-3 2)

The transfer of any firearm that uses air or carbon dioxide to expel a projectile, or the transfer of an antique firearm shall not constitute a violation of this subsection

j Any person who manufactures, causes to be manufactured, transports, ships, sells, or disposes of a bump stock as defined in subsection ee of N J S 2C 39-1 or a trigger crank as defined in subsection ff of N J S 2C 39-1 is guilty of a crime of the third degree

k Purchasing firearm parts to manufacture a firearm without a serial number In addition to any other criminal penalties provided under law, a person who, with the purpose to manufacture or otherwise assemble a firearm and without being registered or licensed do so as provided in chapter 58 of Title 2C of the New Jersey Statutes, purchases or otherwise obtains separately or as part of a kit a firearm frame or firearm receiver which is not imprinted with a serial number registered with a federally licensed manufacturer or any combination of parts from which a firearm without a serial number may be readily manufactured or otherwise assembled, but which does not have the capacity to function as a firearm unless manufactured or otherwise assembled is guilty of a crime of the second degree Notwithstanding the provisions of N J S 2C 1-8 or any other law, a conviction under this subsection shall not merge with a conviction for any other criminal offense and the court shall impose separate sentences upon a violation of this subsection and any other criminal offense

As used in this subsection, "firearm frame or firearm receiver" means the part of a firearm that provides housing for the firearm's internal components, such as the hammer, bolt or breechblock, action, and firing mechanism, and includes without limitation any object or part which is not a firearm frame or receiver in finished form but is designed or intended to be used for that purpose and which may readily be made into a firearm frame or receiver through milling or other means

l Manufacturing or facilitating the manufacture of a firearm using a three-dimensional printer In addition to any other criminal penalties provided under law it is a second-degree crime for

(1) a person who is not registered or licensed to do so as a manufacturer as provided in chapter 58 of Title 2C of the New Jersey Statutes, to use a three-dimensional printer or similar device to manufacture or produce a firearm, firearm receiver, magazine, or firearm component, or

(2) a person to distribute by any means, including the Internet, to a person in New Jersey who is not registered or licensed as a manufacturer as provided in chapter 58 of Title 2C of the New Jersey Statutes, digital instructions in the form of computer-aided design files or other code or instructions stored and displayed in electronic format as a digital model that may be used to program a three-dimensional printer to manufacture or produce a firearm, firearm receiver, magazine, or firearm component

As used in this subsection "three-dimensional printer" means a computer or computer-driven machine or device capable of producing a three-dimensional object from a digital model, and "distribute" means to sell, or to manufacture, give, provide, lend, trade, mail, deliver, publish, circulate, disseminate, present, exhibit, display, share, advertise, offer, or make available via the Internet or by any other means, whether for pecuniary gain or not, and includes an agreement or attempt to distribute

m Covert or undetectable firearms Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any covert firearm as defined in subsection hh of N J S 2C 39-1 or any undetectable firearm as defined in subsection ii of N J S 2C 39-1 is guilty of a crime of the second degree

n Transporting a manufactured firearm without a serial number In addition to any other criminal penalties provided under law, a person who transports, ships, sells, or disposes of a firearm manufactured or otherwise assembled using a firearm frame or firearm receiver as defined in subsection k of this section which is not imprinted with a serial number registered with a federally licensed manufacturer, including but not limited to a firearm manufactured or otherwise assembled from parts purchased or otherwise obtained in violation of subsection k of this section, is guilty of a crime of the second degree

2 This act shall take effect immediately

Approved July 5, 2022

CHAPTER 54

AN ACT concerning destructive devices, amending N J S 2C 39-1 and supplementing chapter 39 of 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 39-1 is amended to read as follows

Definitions

2C 39-1 Definitions The following definitions apply to this chapter and to chapter 58

a "Antique firearm" means any rifle or shotgun and "antique cannon" means a destructive device defined in paragraph (3) of subsection c of this section, if the rifle, shotgun or destructive device, or replica thereof, as the case may be, is incapable of being fired or discharged, or which does not fire fixed ammunition, regardless of date of manufacture, or was manufactured before 1898 for which cartridge ammunition is not commercially available, and is possessed as a curiosity or ornament or for its historical significance or value

b "Deface" means to remove, deface, cover, alter or destroy the name of the maker, model designation, manufacturer's serial number or any other distinguishing identification mark or number on any firearm

c "Destructive device" means any device, instrument or object designed to explode or produce uncontrolled combustion, including

(1) any explosive or incendiary bomb, mine or grenade,

(2) any rocket having a propellant charge of more than four ounces or any missile having an explosive or incendiary charge of more than one-quarter of an ounce,

(3) any weapon capable of firing a projectile of a caliber greater than 60 caliber, except a shotgun or shotgun ammunition generally recognized as suitable for sporting purposes,

(4) any Molotov cocktail or other device consisting of a breakable container containing flammable liquid and having a wick or similar device capable of being ignited The term shall not include any device manufactured for the purpose of illumination, distress signaling, line-throwing, safety or similar purposes, or

(5) any center-fire rifle that is capable of firing a 50 BMG cartridge as defined in subsection mm of this section

The provisions of this paragraph shall not apply to any antique firearm as defined in subsection a of this section or any "curio or relic" as defined in 27 CFR 478 11

The provisions of this paragraph also shall not apply to a weapon solely used to fire blank ammunition for the purpose of a living historical reenactment as defined in subsection nn of this section

d "Dispose of" means to give, give away, lease, loan, keep for sale, offer, offer for sale, sell, transfer, or otherwise transfer possession

e "Explosive" means any chemical compound or mixture that is commonly used or is possessed for the purpose of producing an explosion and which contains any oxidizing and combustible materials or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant

gaseous pressures are capable of producing destructive effects on contiguous objects The term shall not include small arms ammunition, or explosives in the form prescribed by the official United States Pharmacopoeia

f "Firearm" means any handgun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectable ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances It shall also include, without limitation, any firearm which is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person

g "Firearm silencer" means any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent, or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearm

h "Gravity knife" means any knife which has a blade which is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force

i "Machine gun" means any firearm, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir, belt or other means of storing and carrying ammunition which can be loaded into the firearm, mechanism or instrument and fired therefrom A machine gun also shall include, without limitation, any firearm with a trigger crank attached

j "Manufacturer" means any person who receives or obtains raw materials or parts and processes them into firearms or finished parts of firearms, except a person who exclusively processes grips, stocks and other nonmetal parts of firearms The term does not include a person who repairs existing firearms or receives new and used raw materials or parts solely for the repair of existing firearms

k "Handgun" means any pistol, revolver or other firearm originally designed or manufactured to be fired by the use of a single hand

l "Retail dealer" means any person including a gunsmith, except a manufacturer or a wholesale dealer, who sells, transfers or assigns for a fee or profit any firearm or parts of firearms or ammunition which he has purchased or obtained with the intention, or for the purpose, of reselling or reassigning to persons who are reasonably understood to be the ultimate consumers, and

ıncludes any person who ıs engaged ın the busıness of repaırıng firearms or who sells any firearm to satısfy a debt secured by the pledge of a firearm

m "Rıfle" means any firearm desıgned to be fired from the shoulder and usıng the energy of the explosıve ın a fixed metallıc cartrıdge to fire a sıngle projectıle through a rıfled bore for each sıngle pull of the trıgger

n "Shotgun" means any firearm desıgned to be fired from the shoulder and usıng the energy of the explosıve ın a fixed shotgun shell to fire through a smooth bore eıther a number of ball shots or a sıngle projectıle for each pull of the trıgger, or any firearm desıgned to be fired from the shoulder whıch does not fire fixed ammunıtıon

o "Sawed-off shotgun" means any shotgun havıng a barrel or barrels of less than 18 ınches ın length measured from the breech to the muzzle, or a rıfle havıng a barrel or barrels of less than 16 ınches ın length measured from the breech to the muzzle, or any firearm made from a rıfle or a shotgun, whether by alteratıon, or otherwıse, ıf such firearm as modıfied has an overall length of less than 26 ınches

p "Swıtchblade knıfe" means any knıfe or sımılar devıce whıch has a blade whıch opens automatıcally by hand pressure applıed to a button, sprıng or other devıce ın the handle of the knıfe

q "Superıntendent" means the Superıntendent of the State Polıce

r "Weapon" means anythıng readıly capable of lethal use or of ınflıctıng serıous bodıly ınjury The term ıncludes, but ıs not lımıted to, all (1) firearms, even though not loaded or lackıng a clıp or other component to render them ımmedıately operable, (2) components whıch can be readıly assembled ınto a weapon, (3) gravıty knıves, swıtchblade knıves, daggers, dırks, stılettos, or other dangerous knıves, bıllıes, blackjacks, bludgeons, metal knuckles, sandclubs, slıngshots, cestı or sımılar leather bands studded wıth metal fılıngs or razor blades ımbedded ın wood, and (4) stun guns, and any weapon or other devıce whıch projects, releases, or emıts tear gas or any other substance ıntended to produce temporary physıcal dıscomfort or permanent ınjury through beıng vaporızed or otherwıse dıspensed ın the aır

s "Wholesale dealer" means any person, except a manufacturer, who sells, transfers, or assıgns firearms, or parts of firearms, to persons who are reasonably understood not to be the ultımate consumers, and ıncludes persons who receıve fınıshed parts of firearms and assemble them ınto completed or partıally completed firearms, ın furtherance of such purpose, except that ıt shall not ınclude those persons dealıng exclusıvely ın grıps, stocks and other nonmetal parts of firearms

t "Stun gun" means any weapon or other device which emits an electrical charge or current intended to temporarily or permanently disable a person

u "Ballistic knife" means any weapon or other device capable of lethal use and which can propel a knife blade

v "Imitation firearm" means an object or device reasonably capable of being mistaken for a firearm

w "Assault firearm" means

(1) The following firearms

Algimec AGM1 type

Any shotgun with a revolving cylinder such as the "Street Sweeper" or "Striker 12"

Armalite AR-180 type

Australian Automatic Arms SAR

Avtomat Kalashnikov type semi-automatic firearms

Beretta AR-70 and BM59 semi-automatic firearms

Bushmaster Assault Rifle

Calico M-900 Assault carbine and M-900

CETME G3

Chartered Industries of Singapore SR-88 type

Colt AR-15 and CAR-15 series

Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types

Demro TAC-1 carbine type

Encom MP-9 and MP-45 carbine types

FAMAS MAS223 types

FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms

Franchi SPAS 12 and LAW 12 shotguns

G3SA type

Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1

Intratec TEC 9 and 22 semi-automatic firearms

M1 carbine type

M14S type

MAC 10, MAC 11, MAC 11-9mm carbine type firearms

PJK M-68 carbine type

Plainfield Machine Company Carbine

Ruger K-Mini-14/5F and Mini-14/5RF

SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types

SKS with detachable magazine type

Spectre Auto carbine type

Springfield Armory BM59 and SAR-48 type

Sterling MK-6, MK-7 and SAR types
Steyr A U G semi-automatic firearms
USAS 12 semi-automatic type shotgun
Uzi type semi-automatic firearms
Valmet M62, M71S, M76, or M78 type semi-automatic firearms
Weaver Arm Nighthawk

(2) Any firearm manufactured under any designation which is substantially identical to any of the firearms listed above

(3) A semi-automatic shotgun with either a magazine capacity exceeding six rounds, a pistol grip, or a folding stock

(4) A semi-automatic rifle with a fixed magazine capacity exceeding 10 rounds "Assault firearm" shall not include a semi-automatic rifle which has an attached tubular device and which is capable of operating only with 22 caliber rimfire ammunition

(5) A part or combination of parts designed or intended to convert a firearm into an assault firearm, or any combination of parts from which an assault firearm may be readily assembled if those parts are in the possession or under the control of the same person

(6) A firearm with a bump stock attached

x "Semi-automatic" means a firearm which fires a single projectile for each single pull of the trigger and is self-reloading or automatically chambers a round, cartridge, or bullet

y "Large capacity ammunition magazine" means a box, drum, tube or other container which is capable of holding more than 10 rounds of ammunition to be fed continuously and directly therefrom into a semi-automatic firearm The term shall not include an attached tubular device which is capable of holding only 22 caliber rimfire ammunition

z "Pistol grip" means a well-defined handle, similar to that found on a handgun, that protrudes conspicuously beneath the action of the weapon, and which permits the shotgun to be held and fired with one hand

aa "Antique handgun" means a handgun manufactured before 1898, or a replica thereof, which is recognized as being historical in nature or of historical significance and either (1) utilizes a match, friction, flint, or percussion ignition, or which utilizes a pin-fire cartridge in which the pin is part of the cartridge or (2) does not fire fixed ammunition or for which cartridge ammunition is not commercially available

bb "Trigger lock" means a commercially available device approved by the Superintendent of State Police which is operated with a key or combination lock that prevents a firearm from being discharged while the device is attached to the

firearm It may include, but need not be limited to, devices that obstruct the barrel or cylinder of the firearm, as well as devices that immobilize the trigger

cc "Trigger locking device" means a device that, if installed on a firearm and secured by means of a key or mechanically, electronically or electromechanically operated combination lock, prevents the firearm from being discharged without first deactivating or removing the device by means of a key or mechanically, electronically or electromechanically operated combination lock

dd "Personalized handgun" means a handgun which incorporates within its design a permanent programmable feature as part of its manufacture that cannot be deactivated and renders the personalized handgun reasonably resistant to being fired except when activated by the lawful owner or other authorized user No make or model of a handgun shall be deemed to be a "personalized handgun" unless the Personalized Handgun Authorization Commission established pursuant to section 1 of P L 2019, c 164 (C 2C 58-2 7) has determined, in accordance with section 2 of P L 2019, c 164 (C 2C 58-2 8), that the personalized handgun meets the performance standards and qualifying criteria established pursuant to section 2 of P L 2019, c 164 (C 2C 58-2 8)

ee "Bump stock" means any device or instrument for a firearm that increases the rate of fire achievable with the firearm by using energy from the recoil of the firearm to generate a reciprocating action that facilitates repeated activation of the trigger

ff "Trigger crank" means any device or instrument to be attached to a firearm that repeatedly activates the trigger of the firearm through the use of a lever or other part that is turned in a circular motion, provided, however, the term shall not include any weapon initially designed and manufactured to fire through the use of a crank or lever

gg "Armor piercing ammunition" means (1) a projectile or projectile core which may be used in a handgun and is constructed entirely, excluding the presence of traces of other substances, from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium, or (2) a full jacketed projectile larger than 22 caliber designed and intended for use in a handgun and whose jacket has a weight of more than 25 percent of the total weight of the projectile "Armor piercing ammunition" shall not include shotgun shot required by federal or State environmental or game regulations for hunting purposes, a frangible projectile designed for target shooting, a projectile which the United States Attorney General finds is primarily intended to be used for sporting purposes, or any other projectile or projectile core which

the United States Attorney General finds is intended to be used for industrial purposes, including a charge used in an oil gas well perforating device

hh "Covert firearm" means any firearm that is constructed in a shape or configuration such that it does not resemble a handgun, rifle, shotgun, or machine gun including, but not limited to, a firearm that resembles a key-chain, pen, cigarette lighter, cigarette package, cellphone, smart phone, wallet, or cane

ii "Undetectable firearm" means a firearm that (1) after removal of all parts other than major components, is not as detectable as the Security Exemplar, by walk-through metal detectors calibrated and operated to detect the Security Exemplar, or (2) includes a major component which, if the firearm were subjected to inspection by the types of detection devices commonly used at airports for security screening, would not generate an image that accurately depicts the shape of the component "Undetectable firearm" shall not be construed to include a firearm subject to the provisions of paragraphs (3) through (6) of subsection (p) of 18 U S C s 922

jj "Major component" means the slide or cylinder or the frame or receiver of a firearm and, in the case of a rifle or shotgun, also includes the barrel

kk "Security Exemplar" means the Security Exemplar fabricated in accordance with subparagraph (C) of paragraph (2) of subsection (p) of 18 U S C s 922

ll "Authorized user" means the lawful owner of a personalized handgun or a person to whom the owner has given consent to use the personalized handgun

mm " 50 BMG cartridge" means a cartridge that is designed and intended to be fired from a center-fire rifle and that meets all of the following criteria

(1) it has an overall length of 5 54 inches from the base to the tip of the bullet,

(2) the bullet diameter for the cartridge is from 510 inches to and including 511 inch,

(3) the case base diameter for the cartridge is from 800 inches to and including 804 inch, and

(4) the cartridge case length is 3 91 inches

nn "Living historical reenactment" means a depiction of historical characters, scenes, historical life, or events for entertainment, education, or historical documentation through the wearing or use of period, historical, antique or vintage clothing, accessories, firearms, weapons, and other implements of the historical period

C 2C 39-21 Prohibited firearm registration, liability, exceptions, certain

2 a A person who lawfully owned a center-fire rifle that is capable of firing a 50 BMG cartridge before the rifle was prohibited under the provisions of paragraph (5) of subsection c of N J S 2C 39-1 by the

enactment of P L 2022, c 54 (C 2C 39-21 et al) shall register that firearm within one year of the enactment of P L 2022, c 54 (C 2C 39-21 et al)

In order to register a prohibited firearm, the owner shall complete a registration statement, in the form to be prescribed by the Superintendent of State Police

b An applicant who resides in a municipality with an organized full-time police department shall register the firearm with the chief law enforcement officer of the municipality All other applicants shall register the firearm with the Superintendent of State Police

c Within 60 days of the effective date of P L 2022, c 54 (C 2C 39-21 et al), the superintendent shall prepare the form of registration statement required under subsection a of this section and shall provide a suitable supply of statements to each organized full-time municipal police department and each State Police station

d One copy of the completed prohibited firearm registration statement shall be returned to the registrant, a second copy shall be sent to the superintendent, and, if the registration takes place at a municipal police department, a third copy shall be retained by that municipal police department

e If the owner of a prohibited firearm that has been registered pursuant to this section dies, the owner's heirs or estate shall, within 90 days, dispose of that firearm in accordance with the provisions of section 3 of P L 2022, c 54 (C 2C 39-22)

f If a prohibited firearm registered pursuant to this section is used in the commission of a crime, the registrant of that prohibited firearm shall be civilly liable for any damages resulting from that crime

The liability imposed by this subsection shall not apply (1) if the firearm used in the commission of that crime was stolen and the registrant reported the theft of the weapon to law enforcement authorities within 36 hours of discovering that the firearm was stolen, or (2) prior to the commission of the crime, the registrant lawfully transferred the firearm to another person

g The provisions of this paragraph shall not apply to any antique firearm, curio or relic, or weapon solely used to fire blank ammunition for the purpose of a living historical reenactment in accordance with the provisions of paragraph (5) of subsection c of N J S 2C 39-1

C 2C 39-22 Unregistered prohibited firearm, procedure, exceptions, certain

3 a A person who lawfully owned a center-fire rifle that is capable of firing a 50 BMG cartridge prohibited under the provisions of paragraph (5) of subsection c of N J S 2C 39-1 on the effective date of P L 2022, c 54

(C 2C 39-21 et al) and does not register it pursuant to section 2 of P L 2022, c 54 (C 2C 39-21) may retain possession of that firearm for a period not to exceed one year from that effective date During that time period, the owner of the prohibited firearm shall either

(1) transfer the prohibited firearm to a person or firm lawfully entitled to own or possess such weapon,

(2) render the prohibited firearm inoperable, or

(3) voluntarily surrender the prohibited firearm pursuant to N J S 2C 39-12

b If the owner of the prohibited firearm elects to render the weapon inoperable, the owner shall file a certification on a form prescribed by the superintendent indicating the date on which the weapon was rendered inoperable This certification shall be filed with either the chief law enforcement officer of the municipality in which the owner resides or, in the case of an owner who resides in a municipality which does not have a full-time police department, with the superintendent

c As used in this section, "inoperable" means that the firearm is altered in such a manner that it cannot be immediately fired and that the owner or possessor of the firearm does not possess or have control over the parts necessary to make the firearm operable

d The provisions of this paragraph shall not apply to any antique firearm, curio or relic, or weapon solely used to fire blank ammunition for purpose of a living historical reenactment in accordance with the provisions of paragraph (5) of subsection c of N J S 2C 39-1

4 This act shall take effect on the first day of the third month next following the date of enactment, but the Superintendent of State Police may take any anticipatory action in advance thereof as shall be necessary for the implementation of this act

Approved July 5, 2022

CHAPTER 55

AN ACT concerning the sale of ammunition, amending N J S 2C 58-1, N J S 2C 58-2, N J S 2C 58-3, and P L 2007, c 318, 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 58-1 is amended to read as follows

Registration of manufacturers and wholesale dealers of firearms

2C 58-1 Registration of manufacturers and wholesale dealers of firearms

a Registration Every manufacturer and wholesale dealer of firearms shall register with the superintendent as provided in this section No person shall engage in the business of, or act as a manufacturer or wholesale dealer of firearms, or manufacture or sell at wholesale any firearm, until he has so registered

Applications for registration shall be made on such forms as shall be prescribed by the superintendent, and the applicant shall furnish such information and other particulars as may be prescribed by law or by any rules or regulations promulgated by the superintendent Each application for registration or renewal shall be accompanied by a fee of $150 00

The superintendent shall prescribe standards and qualifications for the registration of manufacturers and wholesalers of firearms, for the protection of the public safety, health and welfare He shall refuse to register any applicant for registration unless he is satisfied that the applicant can be permitted to engage in business as a manufacturer or wholesale dealer of firearms without any danger to the public safety, health or welfare

The superintendent shall issue a certificate of registration to every person registered under this section, and such certificate shall be valid for a period of 3 years from the date of issuance

b Wholesale dealer's agent Every registered wholesale dealer of firearms shall cause each of his agents or employees actively engaged in the purchase or sale of firearms to be licensed with the superintendent as a wholesale dealer's agent Applications for agents' licenses shall be submitted on such forms as shall be prescribed by the superintendent, and shall be signed by the registered wholesale dealer and by the agent Each application shall be accompanied by a fee of $5 00, and each license shall be valid for so long as the agent or employee remains in the employ of the wholesale dealer and the wholesale dealer remains validly registered under this section The superintendent shall prescribe standards and qualifications for licensed wholesale dealers' agents, for the protection of the public safety, health and welfare

c Revocation of certificate of registration or license

The superintendent may, after reasonable notice to all affected parties and a hearing if requested, revoke any certificate of registration or agent's license if he finds that the registered or licensed person is no longer engaged in the business of manufacturing or wholesaling firearms in this State or that he can no longer be permitted to carry on such business without endangering

the public safety, health or welfare A certificate or license may be canceled at any time at the request of the registered or licensed person

d Appeals Any person aggrieved by the refusal of the superintendent to register him as a manufacturer or wholesale dealer or a wholesale dealer's agent, or by revocation of his certificate or license, may appeal to the Appellate Division of the Superior Court

e Records of sales Every manufacturer and wholesale dealer shall keep a detailed record of each firearm and all handgun ammunition sold by the manufacturer and dealer The firearm record shall include the date of sale, the name and address of the purchaser, a description of each firearm and the firearm's serial number The handgun ammunition record shall be in electronic form and shall contain the date of the transaction, the type, caliber, or gauge of the ammunition, the quantity of ammunition sold, the name and address of the purchaser, and any other information the superintendent shall deem necessary for the proper enforcement of this chapter The records shall be available for inspection at all reasonable times by any law enforcement officer

Every manufacturer and wholesale dealer shall establish a system for maintaining electronic records pursuant to this subsection within 12 months of the effective date of P L 2022, c 55 (C 2C 58-3 3a et al)

2 N J S 2C 58-2 is amended to read as follows

Licensing of retail dealers and their employees

2C 58-2 a Licensing of retail dealers and their employees No retail dealer of firearms nor any employee of a retail dealer shall sell or expose for sale, or possess with the intent of selling, any firearm unless licensed to do so as hereinafter provided The superintendent shall prescribe standards and qualifications for retail dealers of firearms and their employees for the protection of the public safety, health and welfare

Applications shall be made in the form prescribed by the superintendent, accompanied by a fee of $50 payable to the superintendent, and shall be made to a judge of the Superior Court in the county where the applicant maintains his place of business The judge shall grant a license to an applicant if he finds that the applicant meets the standards and qualifications established by the superintendent and that the applicant can be permitted to engage in business as a retail dealer of firearms or employee thereof without any danger to the public safety, health and welfare Each license shall be valid for a period of three years from the date of issuance, and shall authorize the holder to sell firearms at retail in a specified municipality

In addition, every retail dealer shall pay a fee of $5 for each employee actively engaged in the sale or purchase of firearms The superintendent shall issue a license for each employee for whom said fee has been paid, which license shall be valid for so long as the employee remains in the employ of said retail dealer

No license shall be granted to any retail dealer under the age of 21 years or to any employee of a retail dealer under the age of 18 or to any person who could not qualify to obtain a permit to purchase a handgun or a firearms purchaser identification card, or to any corporation, partnership or other business organization in which the actual or equitable controlling interest is held or possessed by such an ineligible person

All licenses shall be granted subject to the following conditions, for breach of any of which the license shall be subject to revocation on the application of any law enforcement officer and after notice and hearing by the issuing court

(1) The business shall be carried on only in the building or buildings designated in the license, provided that repairs may be made by the dealer or his employees outside of such premises

(2) The license or a copy certified by the issuing authority shall be displayed at all times in a conspicuous place on the business premises where it can be easily read

(3) No firearm or imitation thereof shall be placed in any window or in any other part of the premises where it can be readily seen from the outside

(4) No rifle or shotgun, except antique rifles or shotguns, shall be delivered to any person unless such person possesses and exhibits a valid firearms purchaser identification card and furnishes the seller, on the form prescribed by the superintendent, a certification signed by him setting forth his name, permanent address, firearms purchaser identification card number and such other information as the superintendent may by rule or regulation require The certification shall be retained by the dealer and shall be made available for inspection by any law enforcement officer at any reasonable time

(5) No handgun shall be delivered to any person unless

(a) Such person possesses and exhibits a valid permit to purchase a firearm and at least seven days have elapsed since the date of application for the permit,

(b) The person is personally known to the seller or presents evidence of his identity,

(c) The handgun is unloaded and securely wrapped,

(d) The handgun is accompanied by a trigger lock or a locked case, gun box, container or other secure facility, provided, however, this provision shall not apply to antique handguns or personalized handguns included in the

roster pursuant to section 2 of P L 2019, c 164 (C 2C 58-2 8) The exemptions afforded under this subparagraph for antique handguns and personalized handguns shall be narrowly construed, limited solely to the requirements set forth herein and shall not be deemed to afford or authorize any other exemption from the regulatory provisions governing firearms set forth in chapter 39 and chapter 58 of Title 2C of the New Jersey Statutes, and

(e) (Deleted by amendment, P L 2019, c 164)

(6) The dealer shall keep a true record of every handgun sold, given or otherwise delivered or disposed of, in accordance with the provisions of subsections b through e of this section and the record shall note whether a trigger lock, locked case, gun box, container or other secure facility was delivered along with the handgun

(7) A dealer shall not knowingly deliver more than one handgun to any person within any 30-day period This limitation shall not apply to

(a) a federal, State, or local law enforcement officer or agency purchasing handguns for use by officers in the actual performance of their law enforcement duties,

(b) a collector of handguns as curios or relics as defined in Title 18, United States Code, section 921 (a) (13) who has in his possession a valid Collector of Curios and Relics License issued by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives,

(c) transfers of handguns among licensed retail dealers, registered wholesale dealers and registered manufacturers,

(d) any transaction where the person has purchased a handgun from a licensed retail dealer and has returned that handgun to the dealer in exchange for another handgun within 30 days of the original transaction, provided the retail dealer reports the exchange transaction to the superintendent, or

(e) any transaction where the superintendent issues an exemption from the prohibition in this subsection pursuant to the provisions of section 4 of P L 2009, c 186 (C 2C 58-3 4)

b Records (1) Every person engaged in the retail business of selling, leasing or otherwise transferring a handgun, as a retail dealer or otherwise, shall keep a register in which shall be entered the time of the sale, lease or other transfer, the date thereof, the name, age, date of birth, occupation, residence and a physical description including distinguishing physical characteristics, if any, of the purchaser, lessee or transferee, the name and permanent home address of the person making the sale, lease or transfer, the place of the transaction, and the make, model, manufacturer's number, caliber and other marks of identification on such handgun and such other information as the superintendent shall deem necessary for the proper

enforcement of this chapter The register shall be retained by the dealer and shall be made available at all reasonable hours for inspection by any law enforcement officer

(2) Every person engaged in the retail business of selling, leasing, or otherwise transferring handgun ammunition, as a retail dealer or otherwise, shall keep an electronic record in which shall be entered the name of the manufacturer, the date of the transaction, the type, caliber or gauge of the ammunition, the quantity of the ammunition sold, the name, address, and date of birth of the purchaser, the identification used to establish the identity of the purchaser, and any other information the superintendent shall deem necessary for the proper enforcement of this chapter

The electronic records shall be retained by the dealer and shall be made available at all reasonable hours for inspection by any law enforcement officer, and additionally shall be electronically reported to the superintendent in accordance with section 5 of P L 2022, c 55 (C 2C 58-3 3a)

(3) Every retail dealer in the business of selling or otherwise transferring handgun ammunition shall immediately electronically report to the State Police any transaction involving the sale, transfer, assignment, or disposition of 2,000 or more rounds of handgun ammunition and information relating to each transaction in accordance with this subsection

Until the implementation of the electronic record system described in paragraph (2) of subsection b of this section or section 5 of P L 2022, c 55 (C 2C 58-3 3a), the retail dealer shall immediately contact the State Police regarding the sale, transfer, assignment, or disposition of 2,000 or more rounds of handgun ammunition in accordance with guidelines established by the superintendent

c Forms of register

(1) Until the implementation of the electronic record system described in paragraph (2) of subsection b of this section or section 5 of P L 2022, c 55 (C 2C 58-3 3a), the superintendent shall prepare the form of the register as described in paragraph (1) of subsection b of this section and furnish the same in triplicate to each person licensed to be engaged in the business of selling, leasing or otherwise transferring firearms

(2) All retail dealers of handgun ammunition shall establish a system for maintaining electronic records of the sale or transfer of handgun ammunition within 12 months after the effective date of P L 2022, c 55 (C 2C 58-3 3a et al)

d Signatures in register Until the dealer implements an electronic record system as described in paragraph (2) of subsection b of this section or section 5 of P L 2022, c 55 (C 2C 58-3 3a), the purchaser, lessee or transferee of any handgun shall sign, and the dealer shall require him to sign

his name to the register, in triplicate, and the person making the sale, lease or transfer shall affix his name, in triplicate, as a witness to the signature The signatures, or the entry of an electronic signature in the electronic record system pursuant to paragraph (2) of subsection b of this section or section 5 of P L 2022, c 55 (C 2C 58-3 3a), shall constitute a representation of the accuracy of the information contained in the register

e Copies of register entries, delivery to chief of police or county clerk

(1) Except as otherwise provided in paragraph (2) of this subsection, within five days of the date of the sale, assignment or transfer, the dealer shall deliver or mail by certified mail, return receipt requested, legible copies of the register forms to the office of the chief of police of the municipality in which the purchaser resides, or to the office of the captain of the precinct of the municipality in which the purchaser resides, and to the superintendent If hand delivered a receipt shall be given to the dealer therefor

Where a sale, assignment or transfer is made to a purchaser who resides in a municipality having no chief of police, the dealer shall, within five days of the transaction, mail a duplicate copy of the register sheet to the clerk of the county within which the purchaser resides

(2) A dealer shall not be required to use the triplicate form after the dealer establishes an electronic reporting system pursuant to paragraph (2) of subsection b of this section or section 5 of P L 2022, c 55 (C 2C 58-3 3a)

3 N J S 2C 58-3 is amended to read as follows

Purchase of firearms

2C 58-3 a Permit to purchase a handgun

(1) No person shall sell, give, transfer, assign or otherwise dispose of, nor receive, purchase, or otherwise acquire a handgun unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or has first secured a permit to purchase a handgun as provided by this section

(2) A person who is not a licensed retail dealer and sells, gives, transfers, assigns, or otherwise disposes of, or receives, purchases or otherwise acquires a handgun pursuant to this section shall conduct the transaction through a licensed retail dealer

The provisions of this paragraph shall not apply if the transaction is

(a) between members of an immediate family as defined in subsection n of this section,

(b) between law enforcement officers,

(c) between collectors of firearms or ammunition as curios or relics as defined in Title 18, U S C section 921 (a) (13) who have in their possession

a valid Collector of Curios and Relics License issued by the Bureau of Alcohol, Tobacco, Firearms, and Explosives, or

(d) a temporary transfer pursuant to section 1 of P L 1992, c 74 (C 2C 58-3 1) or section 1 of P L 1997, c 375 (C 2C 58-3 2)

(3) Prior to a transaction conducted pursuant to this subsection, the retail dealer shall complete a National Instant Criminal Background Check of the person acquiring the handgun In addition

(a) the retail dealer shall submit to the Superintendent of State Police, on a form approved by the superintendent, information identifying and confirming the background check,

(b) every retail dealer shall maintain a record of transactions conducted pursuant to this subsection, which shall be maintained at the address displayed on the retail dealer's license for inspection by a law enforcement officer during reasonable hours,

(c) a retail dealer may charge a fee for a transaction conducted pursuant to this subsection, and

(d) any record produced pursuant to this subsection shall not be considered a public record pursuant to P L 1963, c 73 (C 47 1A-1 et seq) or P L 2001, c 404 (C 47 1A-5 et al)

b Firearms purchaser identification card

(1) No person shall sell, give, transfer, assign or otherwise dispose of nor receive, purchase or otherwise acquire an antique cannon or a rifle or shotgun, other than an antique rifle or shotgun, unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or possesses a valid firearms purchaser identification card, and first exhibits the card to the seller, donor, transferor or assignor, and unless the purchaser, assignee, donee, receiver or holder signs a written certification, on a form prescribed by the superintendent, which shall indicate that he presently complies with the requirements of subsection c of this section and shall contain his name, address and firearms purchaser identification card number or dealer's registration number The certification shall be retained by the seller, as provided in paragraph (4) of subsection a of N J S 2C 58-2, or, in the case of a person who is not a dealer, it may be filed with the chief of police of the municipality in which he resides or with the superintendent

(2) A person who is not a licensed retail dealer and sells, gives, transfers, assigns, or otherwise disposes of, or receives, purchases or otherwise acquires an antique cannon or a rifle or shotgun pursuant to this section shall conduct the transaction through a licensed retail dealer

The provisions of this paragraph shall not apply if the transaction is

(a) between members of an immediate family as defined in subsection n of this section,

(b) between law enforcement officers,

(c) between collectors of firearms or ammunition as curios or relics as defined in Title 18, U S C section 921 (a) (13) who have in their possession a valid Collector of Curios and Relics License issued by the Bureau of Alcohol, Tobacco, Firearms, and Explosives, or

(d) a temporary transfer pursuant to section 1 of P L 1992, c 74 (C 2C 58-3 1) and section 1 of P L 1997, c 375 (C 2C 58-3 2)

(3) Prior to a transaction conducted pursuant to this subsection, the retail dealer shall complete a National Instant Criminal Background Check of the person acquiring an antique cannon or a rifle or shotgun In addition

(a) the retail dealer shall submit to the Superintendent of State Police, on a form approved by the superintendent, information identifying and confirming the background check,

(b) every retail dealer shall maintain a record of transactions conducted pursuant to this section which shall be maintained at the address set forth on the retail dealer's license for inspection by a law enforcement officer during reasonable hours,

(c) a retail dealer may charge a fee for a transaction conducted pursuant to this subsection, and

(d) any record produced pursuant to this subsection shall not be considered a public record pursuant to P L 1963, c 73 (C 47 1A-1 et seq) or P L 2001, c 404 (C 47 1A-5 et al)

c Who may obtain No person of good character and good repute in the community in which he lives, and who is not subject to any of the disabilities set forth in this section or other sections of this chapter, shall be denied a permit to purchase a handgun or a firearms purchaser identification card, except as hereinafter set forth No handgun purchase permit or firearms purchaser identification card shall be issued

(1) To any person who has been convicted of any crime, or a disorderly persons offense involving an act of domestic violence as defined in section 3 of P L 1991, c 261 (C 2C 25-19), whether or not armed with or possessing a weapon at the time of the offense,

(2) To any drug-dependent person as defined in section 2 of P L 1970, c 226 (C 24 21-2), to any person who is confined for a mental disorder to a hospital, mental institution or sanitarium, or to any person who is presently an habitual drunkard,

(3) To any person who suffers from a physical defect or disease which would make it unsafe for him to handle firearms, to any person who has ever

been confined for a mental disorder, or to any alcoholic unless any of the foregoing persons produces a certificate of a medical doctor or psychiatrist licensed in New Jersey, or other satisfactory proof, that he is no longer suffering from that particular disability in a manner that would interfere with or handicap him in the handling of firearms, to any person who knowingly falsifies any information on the application form for a handgun purchase permit or firearms purchaser identification card,

(4) To any person under the age of 18 years for a firearms purchaser identification card and to any person under the age of 21 years for a permit to purchase a handgun,

(5) To any person where the issuance would not be in the interest of the public health, safety or welfare,

(6) To any person who is subject to a restraining order issued pursuant to the "Prevention of Domestic Violence Act of 1991", P L 1991, c 261 (C 2C 25-17 et seq) prohibiting the person from possessing any firearm,

(7) To any person who as a juvenile was adjudicated delinquent for an offense which, if committed by an adult, would constitute a crime and the offense involved the unlawful use or possession of a weapon, explosive or destructive device or is enumerated in subsection d of section 2 of P L 1997, c 117 (C 2C 43-7 2),

(8) To any person whose firearm is seized pursuant to the "Prevention of Domestic Violence Act of 1991", P L 1991, c 261 (C 2C 25-17 et seq) and whose firearm has not been returned, or

(9) To any person named on the consolidated Terrorist Watchlist maintained by the Terrorist Screening Center administered by the Federal Bureau of Investigation,

(10) To any person who is subject to a court order prohibiting the custody, control, ownership, purchase, possession, or receipt of a firearm or ammunition issued pursuant to the "Extreme Risk Protective Order Act of 2018", P L 2018, c 35 (C 2C 58-20 et al), or

(11) To any person who is subject to a court order prohibiting the custody, control, ownership, purchase, possession, or receipt of a firearm or ammunition issued pursuant to P L 2021, c 327 (C 2C 12-14 et al)

d Issuance The chief of police of an organized full-time police department of the municipality where the applicant resides or the superintendent, in all other cases, shall upon application, issue to any person qualified under the provisions of subsection c of this section a permit to purchase a handgun or a firearms purchaser identification card

Any person aggrieved by the denial of a permit or identification card may request a hearing in the Superior Court of the county in which he resides if he

is a resident of New Jersey or in the Superior Court of the county in which his application was filed if he is a nonresident The request for a hearing shall be made in writing within 30 days of the denial of the application for a permit or identification card The applicant shall serve a copy of his request for a hearing upon the chief of police of the municipality in which he resides, if he is a resident of New Jersey, and upon the superintendent in all cases The hearing shall be held and a record made thereof within 30 days of the receipt of the application for a hearing by the judge of the Superior Court No formal pleading and no filing fee shall be required as a preliminary to a hearing Appeals from the results of a hearing shall be in accordance with law

e Applications Applications for permits to purchase a handgun and for firearms purchaser identification cards shall be in the form prescribed by the superintendent and shall set forth the name, residence, place of business, age, date of birth, occupation, sex and physical description, including distinguishing physical characteristics, if any, of the applicant, and shall state whether the applicant is a citizen, whether he is an alcoholic, habitual drunkard, drug-dependent person as defined in section 2 of P L 1970, c 226 (C 24 21-2), whether he has ever been confined or committed to a mental institution or hospital for treatment or observation of a mental or psychiatric condition on a temporary, interim or permanent basis, giving the name and location of the institution or hospital and the dates of confinement or commitment, whether he has been attended, treated or observed by any doctor or psychiatrist or at any hospital or mental institution on an inpatient or outpatient basis for any mental or psychiatric condition, giving the name and location of the doctor, psychiatrist, hospital or institution and the dates of the occurrence, whether he presently or ever has been a member of any organization which advocates or approves the commission of acts of force and violence to overthrow the Government of the United States or of this State, or which seeks to deny others their rights under the Constitution of either the United States or the State of New Jersey, whether he has ever been convicted of a crime or disorderly persons offense, whether the person is subject to a restraining order issued pursuant to the "Prevention of Domestic Violence Act of 1991", P L 1991, c 261 (C 2C 25-17 et seq) prohibiting the person from possessing any firearm, whether the person is subject to a protective order issued pursuant to the "Extreme Risk Protective Order Act of 2018", P L 2018, c 35 (C 2C 58-20 et al), whether the person is subject to a protective order issued pursuant to P L 2021, c 327 (C 2C 12-14 et al) prohibiting the person from possessing any firearm, and other information as the superintendent shall deem necessary for the proper enforcement of this chapter For the purpose of complying with this subsection, the applicant shall waive any statutory or other right of confidentiality relating to institutional confinement The application

shall be signed by the applicant and shall contain as references the names and addresses of two reputable citizens personally acquainted with him

Application blanks shall be obtainable from the superintendent, from any other officer authorized to grant a permit or identification card, and from licensed retail dealers, or shall be made available through an online process established or made available by the superintendent

The chief police officer or the superintendent shall obtain the fingerprints of the applicant and shall have them compared with any and all records of fingerprints in the municipality and county in which the applicant resides and also the records of the State Bureau of Identification and the Federal Bureau of Investigation, provided that an applicant for a handgun purchase permit who possesses a valid firearms purchaser identification card, or who has previously obtained a handgun purchase permit from the same licensing authority for which he was previously fingerprinted, and who provides other reasonably satisfactory proof of his identity, need not be fingerprinted again, however, the chief police officer or the superintendent shall proceed to investigate the application to determine whether or not the applicant has become subject to any of the disabilities set forth in this chapter

f Granting of permit or identification card, fee, term, renewal, revocation The application for the permit to purchase a handgun together with a fee of $2, or the application for the firearms purchaser identification card together with a fee of $5, shall be delivered or forwarded to the licensing authority who shall investigate the same and, unless good cause for the denial thereof appears, shall grant the permit or the identification card, or both, if application has been made therefor, within 30 days from the date of receipt of the application for residents of this State and within 45 days for nonresident applicants A permit to purchase a handgun shall be valid for a period of 90 days from the date of issuance and may be renewed by the issuing authority for good cause for an additional 90 days A firearms purchaser identification card shall be valid until such time as the holder becomes subject to any of the disabilities set forth in subsection c of this section, whereupon the card shall be void and shall be returned within five days by the holder to the superintendent, who shall then advise the licensing authority Failure of the holder to return the firearms purchaser identification card to the superintendent within the five days shall be an offense under subsection a of N J S 2C 39-10 Any firearms purchaser identification card may be revoked by the Superior Court of the county wherein the card was issued, after hearing upon notice, upon a finding that the holder thereof no longer qualifies for the issuance of the permit The county prosecutor of any county, the chief police

officer of any municipality or any citizen may apply to the court at any time for the revocation of the card

There shall be no conditions or requirements added to the form or content of the application, or required by the licensing authority for the issuance of a permit or identification card, other than those that are specifically set forth in this chapter

g Disposition of fees All fees for permits shall be paid to the State Treasury if the permit is issued by the superintendent, to the municipality if issued by the chief of police, and to the county treasurer if issued by the judge of the Superior Court

h Form of permit, quadruplicate, disposition of copies

(1) Except as otherwise provided in paragraph (2) of this subsection, the permit shall be in the form prescribed by the superintendent and shall be issued to the applicant in quadruplicate Prior to the time he receives the handgun from the seller, the applicant shall deliver to the seller the permit in quadruplicate and the seller shall complete all of the information required on the form Within five days of the date of the sale, the seller shall forward the original copy to the superintendent and the second copy to the chief of police of the municipality in which the purchaser resides, except that in a municipality having no chief of police, the copy shall be forwarded to the superintendent The third copy shall then be returned to the purchaser with the pistol or revolver and the fourth copy shall be kept by the seller as a permanent record

(2) The requirements of this subsection concerning the delivery and form of permit and disposition of copies shall not be applicable when these functions may be completed by utilizing an electronic system as described in paragraph (2) of subsection b of N J S 2C 58-2 or section 5 of P L 2022, c 55 (C 2C 58-3 3a)

i Restriction on number of firearms person may purchase Only one handgun shall be purchased or delivered on each permit and no more than one handgun shall be purchased within any 30-day period, but this limitation shall not apply to

(1) a federal, State, or local law enforcement officer or agency purchasing handguns for use by officers in the actual performance of their law enforcement duties,

(2) a collector of handguns as curios or relics as defined in Title 18, United States Code, section 921 (a) (13) who has in his possession a valid Collector of Curios and Relics License issued by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives,

(3) transfers of handguns among licensed retail dealers, registered wholesale dealers and registered manufacturers,

(4) transfers of handguns from any person to a licensed retail dealer or a registered wholesale dealer or registered manufacturer,

(5) any transaction where the person has purchased a handgun from a licensed retail dealer and has returned that handgun to the dealer in exchange for another handgun within 30 days of the original transaction, provided the retail dealer reports the exchange transaction to the superintendent, or

(6) any transaction where the superintendent issues an exemption from the prohibition in this subsection pursuant to the provisions of section 4 of P L 2009, c 186 (C 2C 58-3 4)

The provisions of this subsection shall not be construed to afford or authorize any other exemption from the regulatory provisions governing firearms set forth in chapter 39 and chapter 58 of Title 2C of the New Jersey Statutes,

A person shall not be restricted as to the number of rifles or shotguns he may purchase, provided he possesses a valid firearms purchaser identification card and provided further that he signs the certification required in subsection b of this section for each transaction

j Firearms passing to heirs or legatees Notwithstanding any other provision of this section concerning the transfer, receipt or acquisition of a firearm, a permit to purchase or a firearms purchaser identification card shall not be required for the passing of a firearm upon the death of an owner thereof to his heir or legatee, whether the same be by testamentary bequest or by the laws of intestacy The person who shall so receive, or acquire the firearm shall, however, be subject to all other provisions of this chapter If the heir or legatee of the firearm does not qualify to possess or carry it, he may retain ownership of the firearm for the purpose of sale for a period not exceeding 180 days, or for a further limited period as may be approved by the chief law enforcement officer of the municipality in which the heir or legatee resides or the superintendent, provided that the firearm is in the custody of the chief law enforcement officer of the municipality or the superintendent during that period

k Sawed-off shotguns Nothing in this section shall be construed to authorize the purchase or possession of any sawed-off shotgun

l Nothing in this section and in N J S 2C 58-2 shall apply to the sale or purchase of a visual distress signalling device approved by the United States Coast Guard, solely for possession on a private or commercial aircraft or any boat, provided, however, that no person under the age of 18 years shall purchase nor shall any person sell to a person under the age of 18 years a visual distress signalling device

m The provisions of subsections a and b of this section and paragraphs (4) and (5) of subsection a of N J S 2C 58-2 shall not apply to the purchase of firearms by a law enforcement agency for use by law enforcement officers in the actual performance of the current or former judge's duties, which purchase may be made directly from a manufacturer or from a licensed dealer located in this State or any other state

n For the purposes of this section, "immediate family" means a spouse, domestic partner as defined in section 3 of P L 2003, c 246 (C 26 8A-3), partner in a civil union couple as defined in section 2 of P L 2006, c 103 (C 37 1-29), parent, stepparent, grandparent, sibling, stepsibling, child, stepchild, and grandchild, as related by blood or by law

o Registration of handguns owned by new residents Any person who becomes a resident of this State following the effective date of P L 2022, c 52 and who transports into this State a firearm that the person owned or acquired while residing in another state shall apply for a firearm purchaser identification card within 60 days of becoming a New Jersey resident, and shall register any handgun so transported into this State within 60 days as provided in this subsection

A person who registers a handgun pursuant to this subsection shall complete a registration statement, which shall be in a form prescribed by the superintendent The information provided in the registration statement shall include, but shall not be limited to, the name and address of the person and the make, model, and serial number of the handgun being registered Each registration statement shall be signed by the person, and the signature shall constitute a representation of the accuracy of the information contained in the registration statement

The registration statement shall be submitted to the law enforcement agency of the municipality in which the person resides or, if the municipality does not have a municipal law enforcement agency, any State Police station

Within 60 days prior to the effective date of P L 2022, c 52, the superintendent shall prepare the form of registration statement as described in this subsection and shall provide a suitable supply of statements to each organized full-time municipal police department and each State Police station

A person who fails to apply for a firearm purchaser identification card or register a handgun as required pursuant to this subsection shall be granted 30 days to comply with the provisions of this subsection If the person does not comply within 30 days, the person shall be liable to a civil penalty of $250 for a first offense and shall be guilty of a disorderly persons offense for a second or subsequent offense

If a person is in possession of multiple firearms or handguns in violation of this subsection, the person shall be guilty of one offense under this subsection provided the violation is a single event

The civil penalty shall be collected pursuant to the "Penalty Enforcement Law of 1999," P L 1999, c 274 (C 2A 58-10 et seq) in a summary proceeding before the municipal court having jurisdiction A law enforcement officer having enforcement authority in that municipality may issue a summons for a violation, and may serve and execute all process with respect to the enforcement of this subsection consistent with the Rules of Court

4 Section 1 of P L 2007, c 318 (C 2C 58-3 3) is amended to read as follows

C 2C 58-3 3 "Handgun ammunition" defined, sale, purchase, etc , regulated, violation, fourth degree crime

1 a As used in this act

"Ammunition" means an object consisting of all of the following components a fixed metallic or nonmetallic hull casing containing a primer, one or more projectiles, one or more bullets, or shot, and gunpowder All of the specified components shall be present for an object to be ammunition As used in this section, ammunition shall not include, without limitation, blank ammunition, air gun pellets, flare gun ammunition, nail gun ammunition, paint ball ammunition, or any non-fixed ammunition

"Handgun ammunition" means ammunition designed such that it may be used in a handgun, including ammunition specifically designed to be used only in a handgun, as well as ammunition intended for use in any other firearm and which may be interchangeable between rifles and handguns "Handgun ammunition" shall not include ammunition specifically designed to be used only in a rifle or shotgun

b A person shall not sell, give, transfer, assign or otherwise dispose of, or receive, purchase, or otherwise acquire handgun ammunition unless the purchaser, assignee, donee, receiver or holder is licensed as a manufacturer, wholesaler, or dealer under this chapter or is the holder of and possesses a valid firearms purchaser identification card, a valid copy of a permit to purchase a handgun, or a valid permit to carry a handgun and first exhibits the card or permit to the seller, donor, transferor, or assignor along with a valid, current driver's license, valid, current nondriver identification card, or other valid, current government-issued form of photo identification

c No person shall sell, give, transfer, assign, or otherwise dispose of handgun ammunition to a person who is under 21 years of age

d The provisions of this section shall not apply to a collector of firearms or ammunition as curios or relics who purchases, receives, acquires, possesses, or transfers handgun ammunition which is recognized as being historical in nature or of historical significance

e A person who violates this section shall be guilty of a crime of the fourth degree, except that nothing contained herein shall be construed to prohibit the sale, transfer, assignment or disposition of handgun ammunition to or the purchase, receipt or acceptance of ammunition by a law enforcement agency or law enforcement official for law enforcement purposes

f Nothing in this section shall be construed to prohibit the transfer of ammunition for use in a lawfully transferred firearm in accordance with the provisions of section 1 of P L 1992, c 74 (C 2C 58-3 1), section 1 of P L 1997, c 375 (C 2C 58-3 2) or section 14 of P L 1979, c 179 (C 2C 58-6 1)

g Nothing in this section shall be construed to prohibit the sale of a de minimis amount of handgun ammunition at a firearms range operated by a licensed dealer, a law enforcement agency, a legally recognized military organization, or a rifle or pistol club which has filed a copy of its charter with the superintendent for immediate use at that range

C 2C 58-3 3a Electronic report, record of transaction involving sale, transfer, assignment, disposition of handgun ammunition, program established

5 a (1) The Superintendent of State Police shall develop a program for retail dealers of handgun ammunition to electronically report a record of any transaction involving the sale, transfer, assignment, or disposition of handgun ammunition and information relating to each transaction The reported information shall include the date of the transaction, the name of the manufacturer, the caliber or gauge, and the quantity of ammunition sold or transferred, the name, address, and date of birth of the purchaser, the identification used to establish the identity of the purchaser, and any other information the superintendent may require

(2) Subject to the time limitations established in paragraph (2) of subsection c of N J S 2C 58-2, every retail dealer of ammunition as defined in section 1 of P L 2007, c 318 (C 2C 58-3 3) shall electronically report to the superintendent a record of any transaction involving the sale, transfer, assignment, or disposition of handgun ammunition by utilizing the program developed pursuant to this subsection

Any transaction involving the sale, transfer, assignment, or disposition of 2,000 or more rounds of handgun ammunition and information relating to each transaction shall be immediately reported to the superintendent in accordance with this section and paragraph (3) of subsection b of N J S 2C 58-2

A retail dealer may charge a fee determined by the superintendent for a transaction electronically reported pursuant to this subsection

b The superintendent shall establish a searchable, electronic database containing the information reported pursuant to subsection a of this section, which shall be available to law enforcement officers The Attorney General shall have access to the information stored in the database which shall be used for law enforcement purposes The superintendent also shall establish security procedures to protect the confidentiality of the information contained in the database, which shall prevent access to the information by any person or entity that is not lawfully entitled to it

c The superintendent shall develop an Internet-based or other electronic system to process or facilitate the processing of any or all of the following application for and issuance of firearms purchaser identification cards, permits to purchase a handgun, or other permits authorized under this chapter

d Any record reported or produced pursuant to this section shall not be considered a public record or government record pursuant to P L 1963, c 73 (C 47 1A-1 et seq) or P L 2001, c 404 (C 47 1A-5 et al)

6 This act shall take effect on the first day of the seventh month next following the date of enactment, except the Attorney General may take such anticipatory administrative action in advance as shall be necessary for the implementation of this act

Approved July 5, 2022

CHAPTER 56

AN ACT concerning public safety and supplementing Title 2C of the New Jersey Statutes

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

C 2C 58-33 Attorney General, statutory cause of action, public nuisance violations, certain

1 a In cases involving the common law tort of public nuisance, New Jersey courts have issued decisions which have limited the ability of public officials to pursue civil actions for abatement, damages, and other relief from the negligent, reckless and, in some cases, illegal conduct of bad actors in the gun industry, whose misconduct results in harm to the public and fuels the

epidemic of gun violence in New Jersey and across the nation Since the passage of Protection of Lawful Commerce in Arms Act (PLCAA), federal law has created an additional barrier to this relief and shielded gun industry members from being held accountable for misconduct

b The practical result of those decisions is that the people of New Jersey have been deprived in many cases of adequate protection from and appropriate redress for injuries to public health and safety resulting from gun violence

c With respect to gun violence, the unavailability of a robust public nuisance statute has limited the State's ability to seek legal redress in situations where firearms manufacturers and retail dealers may have knowingly or recklessly taken actions that have endangered the safety and health of New Jersey residents through the sale, manufacture, distribution, and marketing of lethal, but nonetheless legal, gun-related products Even as manufacturers have incorporated features and technology resulting in more deadly and destructive firearms, some actors in the gun industry have implemented sales, distribution and marketing practices that have contributed to the development of an illegal secondary market for these increasingly dangerous instrumentalities

d Therefore, it is necessary and proper to promote and protect the health, safety, and welfare of the people of New Jersey by requiring gun industry members to establish and implement reasonable procedures, safeguards, and business practices for the sale, manufacture, distribution, importing, and marketing of gun-related products and establishing a statutory cause of action for public nuisance violations available to the Attorney General to address injuries to public health and safety and to seek relief, including but not limited to abatement and other injunctive relief, damages, and attorneys' fees and costs

C 2C 58-34 Definitions

2 As used in this act

"Gun industry member" means a person engaged in the sale, manufacturing, distribution, importing or marketing of a gun-related product, and any officer, agent, employee, or other person authorized to act on behalf of that person or who acts in active concert or participation with one or more such persons

"Gun-related product" means any firearm, ammunition, ammunition magazine, firearm component or part including, but not limited to, a firearm frame and a firearm receiver, or firearm accessory, which product was, or was intended to be, sold, manufactured, distributed, imported, or marketed in this State, or which product was possessed in this State and as to which it was reasonably foreseeable that the product would be possessed or used in this State

"Person" means any natural person, firm, corporation, company, partnership, society, joint stock company, or any other entity or association

"Public nuisance" means any condition which injures, endangers, or threatens to injure or endanger or contributes to the injury or endangerment of the health, safety, peace, comfort, or convenience of others or which otherwise constitutes a public nuisance under common law

"Reasonable controls" means reasonable procedures, safeguards, and business practices that are designed to

(1) prevent the sale or distribution of a gun-related product to a straw purchaser, a firearm trafficker, a person prohibited from possessing a firearm under State or federal law, or a person who the gun industry member has reasonable cause to believe is at substantial risk of using a gun-related product to harm themselves or unlawfully harm another or of unlawfully possessing or using a gun-related product,

(2) prevent the loss of a gun-related product or theft of a gun-related product from a gun industry member,

(3) ensure that a gun industry member complies with all provisions of State and federal law and does not otherwise promote the unlawful sale, manufacture, distribution, importing, marketing, possession, or use of a gun-related product, and

(4) ensure that the gun industry member does not engage in an act or practice in violation of any of the regulatory provisions governing firearms set forth in chapters 39 and 58 of Title 2C of the New Jersey Statutes or engage in conduct that constitutes a violation of P L 1960, c 39 (C 56 8-2) or any regulations promulgated thereunder

"Straw purchaser" means an individual who purchases, or attempts or conspires to purchase, a gun-related product at the request, order, or demand of another or for the purpose of selling or transferring to another person, knowing or reasonably believing that such other person is not authorized to either purchase or possess a gun-related product, or both, by the laws of this State, the United States, or of the state in which the other person resides by virtue of having a conviction of a crime, or for any other reason

C 2C 58-35 Gun industry member, engage in public nuisance, prohibited, consequences, reasonable controls

3 a (1) A gun industry member shall not, by conduct either unlawful in itself or unreasonable under all the circumstances, knowingly or recklessly create, maintain, or contribute to a public nuisance in this State through the sale, manufacturing, distribution, importing, or marketing of a gun-related product

(2) A gun industry member shall establish, implement, and enforce reasonable controls regarding its manufacture, sale, distribution, importing, and marketing of gun-related products (3) It shall be a public nuisance to engage in conduct that violates paragraphs (1) or (2) of this subsection

b Whenever it appears to the Attorney General that a gun industry member has engaged in or is engaging in conduct that violates subsection a of this section, the Attorney General may commence an action to seek and obtain an injunction prohibiting the gun industry member from continuing that conduct or engaging therein or doing any acts in furtherance thereof, an order providing for abatement of the nuisance at the expense of the defendant, restitution, damages, reasonable attorneys' fees, filing fees, and reasonable costs of suit, and any other appropriate relief

c To prevail in an action under this section, the Attorney General shall not be required to demonstrate that the gun industry member acted with the purpose to engage in any public nuisance or otherwise cause harm to the public The Attorney General shall not be required to demonstrate any special injury to be granted the relief authorized by this section

d When it appears to the Attorney General that a gun industry member has engaged in, is engaging in, or is about to engage in conduct that violates subsection a of this section, or when the Attorney General believes it is in the public interest that an investigation should be made to ascertain whether a gun industry member has in fact engaged in, is engaging in, or is about to engage in conduct that violates subsection a of this section, the Attorney General may

(1) require the gun industry member or any other person to file a statement or report in writing under oath or otherwise, as to all the facts and circumstances concerning conduct, and other data and information as the Attorney General deems necessary,

(2) examine under oath any gun industry member or any other person concerning the act or omission,

(3) examine any record, object, book, document, account, or paper as the Attorney General deems necessary, and

(4) pursuant to an order of the Superior Court, impound and retain in the Attorney General's possession any record, book, document, account, object, or paper that is produced in accordance with this act until the completion of all proceedings in connection with impounded items

e To the extent causation is applicable, the conduct of a gun industry member shall be deemed to constitute a proximate cause of the public nuisance if the harm to the public was a reasonably foreseeable effect of such

conduct, notwithstanding any intervening actions, including but not limited to criminal actions by third parties

f The Attorney General may establish or designate within the Department of Law and Public Safety a unit, bureau, office or division to exercise all functions, powers, and duties of the Attorney General established under or deriving from P L 2022, c 56 (C 2C 58-33 et seq) and which may perform such other functions, powers, and duties vested in the Department of Law and Public Safety as the Attorney General may deem appropriate

g Nothing in P L 2022, c 56 (C 2C 58-33 et seq) shall be construed to deny, abrogate, or impair any statutory or common law right, remedy, or prohibition otherwise available to any party, including the Attorney General

C 2C 58-36 Exemptions

4 The provisions of P L 1987, c 197 (C 2A 58C-1 et seq) shall not apply to any public nuisance action brought by the Attorney General pursuant to section 3 of P L 2022, c 56 (C 2C 58-35)

5 This act shall take effect immediately and shall apply to all actions instituted on or after the effective date of this act, and to all proceedings taken subsequent to the effective date of this act in all actions pending on the act's effective date, except that judgments entered or awards made pursuant to law from which no appeal is pending on the act's effective date shall not be affected by the provisions of this act

Approved July 5, 2022

CHAPTER 57

AN ACT concerning microstamping-enabled firearms, and supplementing Title 2C of the New Jersey Statutes and Title 52 of the Revised Statutes

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

C 2C 58-2 13 Definitions

1 a As used in P L 2022, c 57 (C 2C 58-2 13 et al)

"Microstamp" means a unique alphanumeric or geometric code that identifies the make, model, and serial number of a firearm

"Microstamp roster" means the roster of firearms that have been designated as microstamping-enabled firearms, pursuant to section 2 of P.L. 2022, c. 57 (C.2C:58-2.14).

"Microstamping component" means a component of a firearm that will produce a microstamp on at least one location of the expended cartridge case each time the firearm is fired.

"Microstamping-enabled firearm" means a firearm that contains a microstamping component.

b. (1) Within 180 days of the date of enactment of P.L. 2022, c. 57 (C.2C:58-2.13 et al.), the Attorney General or a designee shall establish performance standards and qualifying criteria for determining whether a firearm constitutes a microstamping-enabled firearm, establish a process by which to determine whether a firearm constitutes a microstamping-enabled firearm, and complete the investigation required pursuant to paragraph (2) of this subsection.

(2) Based on the standards, criteria, and process established pursuant to paragraph (1) of this subsection, the Attorney General shall complete an investigation concerning the technological viability of microstamping-enabled firearms. The investigation shall include, but need not be limited to, live-fire testing evidence. At the conclusion of the investigation, the Attorney General shall certify whether viable microstamping-enabled technology exists. If the Attorney General certifies that the technology does not exist, the microstamping examiner designated pursuant to subsection c. of this section shall examine firearms submitted pursuant to subsection e. of this section and make technological viability certification recommendations to the Attorney General until such time as the Attorney General certifies that microstamping-enabled firearms are technologically viable.

c. The Attorney General or a designee shall designate a microstamping examiner. The examiner shall examine firearms submitted pursuant to subsection e. of this section in a manner proscribed by the Attorney General and shall:

(1) make microstamping-enabled technology viability recommendations, pursuant to subsection b. of this section,

(2) following certification by the Attorney General that microstamping-enabled firearms are technologically viable, determine whether a firearm meets the performance standards and qualifying criteria established by the Attorney General to be designated as a microstamping-enabled firearm.

d. Upon designation of the first microstamping-enabled firearm, the examiner shall create a microstamp roster, which shall include each firearm so designated. The roster shall be updated as necessary and shall be published on a website maintained by the New Jersey State Police. A copy

of the roster shall be made available every six months to licensed retail firearms dealers in this State

e Any person seeking to include a firearm on the microstamping roster may apply to the microstamping examiner for a determination of whether the make and model of firearm proposed by the applicant may be designated as a microstamping-enabled firearm

f If one or more firearms are included on the microstamp roster, the Attorney General shall determine the commercial availability of microstamping-enabled firearms Upon certification that microstamping-enabled firearms are commercially available, each licensed retail dealer of firearms shall

(1) make available for purchase at least one firearm included on the roster and display the firearm in a conspicuous manner that makes it easily visible to customers and distinguishable from traditional firearms,

(2) post in one or more locations in the licensed retail dealer's place or places of business in a conspicuous manner that makes them easily visible and accessible to customers

(a) copies of the microstamp roster, and

(b) a sign that includes a clear and conspicuous statement disclosing the features of microstamping-enabled firearms that are not offered by traditional firearms and advising customers that such firearms may be purchased through the licensed retail dealer,

(3) accept and process orders to enable customers to purchase through the licensed retail dealer any firearms included on the microstamp roster,

(4) refrain from claiming that any firearm is a microstamping-enabled firearm if that firearm is not included on the microstamp roster, and

(5) in the event that the licensed retail dealer's inventory of firearms included on the microstamp roster is depleted

(a) place an order for at least one firearm on the microstamp roster within 21 days of the sale of the last firearm on the microstamp roster,

(b) maintain written records of the licensed retail dealer's efforts to place an order and maintain those records on the premises and allow them to be open for inspection at all times, and

(c) post a sign on the premises indicating that microstamping-enabled firearms are sold routinely on the licensed retail dealer's premises and will soon be available for purchase

g If at least one firearm is listed on the microstamp roster, the Superintendent of State Police shall designate officers to inspect the microstamping-enabled firearm inventory and records of all licensed retail dealers of firearms to determine whether a licensed retail dealer is in compliance with the provisions of subsection f of this section The

inspections shall be conducted at least once every two years at any time during the normal business hours of the licensed retail dealer's place of business

C 2C 58-2 14 Violations, penalties

2 a A licensed retail dealer who violates section 1 of P L 2022, c 57 (C 2C 58-2 13) shall be subject to the following penalties

(1) for a first offense, a fine of up to $500,

(2) for a second offense, a fine of up to $1,000, or

(3) for a third or subsequent offense, a six-month license suspension following notice to the licensed retail dealer and opportunity to be heard

b Any person who, without license or privilege to do so, willfully removes, damages, alters, or otherwise tampers with a microstamping enabled firearm to prevent or alter the production of a microstamp shall be guilty of a third degree crime

For the purposes of this subsection, tampering with a microstamping component shall not include replacing a firing pin when the pin is damaged or otherwise in need of replacement for the safe use of the firearm, or replacing a firing pin for a legitimate sporting purpose, provided that the firearm remains a microstamping-enabled firearm

C 2C 58-2 15 Rebate eligibility, necessary forms, record, report participation, sign prominently displayed

3 a A person who purchases a microstamping-enabled firearm pursuant to section 1 of P L 2022, c 57 (C 2C 58-2 13) from a licensed retail dealer shall be eligible for an instant rebate of 10 percent of the purchase price up to a maximum of $30 The licensed retail dealer shall deduct the rebate amount from the price of the microstamping enabled firearm at the point of sale

b The Superintendent of State Police, in conjunction with the Attorney General, may adopt guidelines in accordance with the Administrative Procedure Act, P L 1968, c 410 (C 52 14B-1 et seq), to effectuate the purposes of this section

In addition, the superintendent shall prepare and deliver to each licensed retail dealer in the State the forms necessary to record and report participation in the rebate program established in this section The form shall be in duplicate and set forth the name, address, telephone number, State tax number, and State license number of the licensed retail dealer, the name of the purchaser and the purchaser's firearms purchaser identification card number or permit to purchase a handgun number, the make and model number of the microstamping-enabled firearm purchased, and the date of sale One copy shall be retained by the retail dealer for the retail dealer's

records The other shall be submitted to the Attorney General for reimbursement The reimbursement copies shall be submitted monthly at a time prescribed by the superintendent The submitting retail dealer shall be entitled to a reimbursement of 10 percent of the purchase price of the microstamping-enabled firearm up to a maximum of $30 as part of the rebate program To help defray any administrative costs, each participating retail dealer shall receive, in addition to the reimbursement, $0 50 for each valid reimbursement copy submitted

The superintendent also shall provide each licensed retail dealer with a sign to be prominently displayed at a conspicuous place on the dealer's business premises where firearms are offered for sale The sign shall state substantially the following

"MICROSTAMPING-ENABLED FIREARMS REBATE PROGRAM TO ENCOURAGE NEW JERSEY GUN OWNERS TO PURCHASE MICROSTAMPING-ENABLED FIREARMS, THE STATE IS OFFERING AN INSTANT REBATE WHEN YOU PURCHASE A MICROSTAMPING-ENABLED FIREARM THE REBATE AMOUNT IS 10 PERCENT OF THE PURCHASE PRICE UP TO A MAXIMUM OF $30 "

C 52 17B-4 4a "Microstamp Fund" established

4 a There is created in the Department of the Treasury a nonlapsing fund entitled the "Microstamp Fund " The fund shall be the depository for any State appropriations or other monies provided for the purchase of microstamping-enabled firearms by law enforcement agencies The fund shall be administered by the State Treasurer

b Funds within the Microstamp Fund may be used to purchase firearms on the microstamp roster for the New Jersey State Police or any municipal police department or force

c Any municipality which has a police department or force may apply to the Attorney General or a designee for a grant to purchase firearms on the microstamp roster Application shall be made in a manner prescribed by the Attorney General and shall include information on the intended use and estimated cost of the firearms request The Attorney General or a designee shall select grant recipients Any funds awarded shall be used within one year of receipt or the funds shall be returned

5 This act shall take effect immediately

Approved July 5, 2022

CHAPTER 58

AN ACT concerning firearms and amending N J S 2C 58-3

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

1 N J S 2C 58-3 is amended to read as follows

Purchase of firearms

2C 58-3 a Permit to purchase a handgun

(1) No person shall sell, give, transfer, assign or otherwise dispose of, nor receive, purchase, or otherwise acquire a handgun unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or has first secured a permit to purchase a handgun as provided by this section

(2) A person who is not a licensed retail dealer and sells, gives, transfers, assigns, or otherwise disposes of, or receives, purchases or otherwise acquires a handgun pursuant to this section shall conduct the transaction through a licensed retail dealer

The provisions of this paragraph shall not apply if the transaction is

(a) between members of an immediate family as defined in subsection n of this section,

(b) between law enforcement officers,

(c) between collectors of firearms or ammunition as curios or relics as defined in Title 18, U S C section 921 (a) (13) who have in their possession a valid Collector of Curios and Relics License issued by the Bureau of Alcohol, Tobacco, Firearms, and Explosives, or

(d) a temporary transfer pursuant to section 1 of P L 1992, c 74 (C 2C 58-3 1) or section 1 of P L 1997, c 375 (C 2C 58-3 2)

(3) Prior to a transaction conducted pursuant to this subsection, the retail dealer shall complete a National Instant Criminal Background Check of the person acquiring the handgun In addition

(a) the retail dealer shall submit to the Superintendent of State Police, on a form approved by the superintendent, information identifying and confirming the background check,

(b) every retail dealer shall maintain a record of transactions conducted pursuant to this subsection, which shall be maintained at the address displayed on the retail dealer's license for inspection by a law enforcement officer during reasonable hours,

(c) a retail dealer may charge a fee for a transaction conducted pursuant to this subsection, and

(d) any record produced pursuant to this subsection shall not be considered a public record pursuant to P L 1963, c 73 (C 47 1A-1 et seq) or P L 2001, c 404 (C 47 1A-5 et al)

b Firearms purchaser identification card

(1) No person shall sell, give, transfer, assign or otherwise dispose of nor receive, purchase or otherwise acquire an antique cannon or a rifle or shotgun, other than an antique rifle or shotgun, unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or possesses a valid firearms purchaser identification card, and first exhibits the card to the seller, donor, transferor or assignor, and unless the purchaser, assignee, donee, receiver or holder signs a written certification, on a form prescribed by the superintendent, which shall indicate that he presently complies with the requirements of subsection c of this section and shall contain his name, address and firearms purchaser identification card number or dealer's registration number The certification shall be retained by the seller, as provided in paragraph (4) of subsection a of N J S 2C 58-2, or, in the case of a person who is not a dealer, it may be filed with the chief of police of the municipality in which he resides or with the superintendent

(2) A person who is not a licensed retail dealer and sells, gives, transfers, assigns, or otherwise disposes of, or receives, purchases or otherwise acquires an antique cannon or a rifle or shotgun pursuant to this section shall conduct the transaction through a licensed retail dealer

The provisions of this paragraph shall not apply if the transaction is

(a) between members of an immediate family as defined in subsection n of this section,

(b) between law enforcement officers,

(c) between collectors of firearms or ammunition as curios or relics as defined in Title 18, U S C section 921 (a) (13) who have in their possession a valid Collector of Curios and Relics License issued by the Bureau of Alcohol, Tobacco, Firearms, and Explosives, or

(d) a temporary transfer pursuant to section 1 of P L 1992, c 74 (C 2C 58-3 1) and section 1 of P L 1997, c 375 (C 2C 58-3 2)

(3) Prior to a transaction conducted pursuant to this subsection, the retail dealer shall complete a National Instant Criminal Background Check of the person acquiring an antique cannon or a rifle or shotgun In addition

(a) the retail dealer shall submit to the Superintendent of State Police, on a form approved by the superintendent, information identifying and confirming the background check,

(b) every retail dealer shall maintain a record of transactions conducted pursuant to this section which shall be maintained at the address set forth on the retail dealer's license for inspection by a law enforcement officer during reasonable hours,

(c) a retail dealer may charge a fee for a transaction conducted pursuant to this subsection, and

(d) any record produced pursuant to this subsection shall not be considered a public record pursuant to P L 1963, c 73 (C 47 1A-1 et seq) or P L 2001, c 404 (C 47 1A-5 et al)

c Who may obtain No person of good character and good repute in the community in which he lives, and who is not subject to any of the disabilities set forth in this section or other sections of this chapter, shall be denied a permit to purchase a handgun or a firearms purchaser identification card, except as hereinafter set forth No handgun purchase permit or firearms purchaser identification card shall be issued

(1) To any person who has been convicted of any crime, or a disorderly persons offense involving an act of domestic violence as defined in section 3 of P L 1991, c 261 (C 2C 25-19), whether or not armed with or possessing a weapon at the time of the offense,

(2) To any drug-dependent person as defined in section 2 of P L 1970, c 226 (C 24 21-2), to any person who is confined for a mental disorder to a hospital, mental institution or sanitarium, or to any person who is presently an habitual drunkard,

(3) To any person who suffers from a physical defect or disease which would make it unsafe for him to handle firearms, to any person who has ever been confined for a mental disorder, or to any alcoholic unless any of the foregoing persons produces a certificate of a medical doctor or psychiatrist licensed in New Jersey, or other satisfactory proof, that he is no longer suffering from that particular disability in a manner that would interfere with or handicap him in the handling of firearms, to any person who knowingly falsifies any information on the application form for a handgun purchase permit or firearms purchaser identification card,

(4) To any person under the age of 18 years for a firearms purchaser identification card and to any person under the age of 21 years for a permit to purchase a handgun,

(5) To any person where the issuance would not be in the interest of the public health, safety or welfare,

(6) To any person who is subject to a restraining order issued pursuant to the "Prevention of Domestic Violence Act of 1991", P L 1991, c 261 (C 2C 25-17 et seq) prohibiting the person from possessing any firearm,

(7) To any person who as a juvenile was adjudicated delinquent for an offense which, if committed by an adult, would constitute a crime and the offense involved the unlawful use or possession of a weapon, explosive or destructive device or is enumerated in subsection d of section 2 of P L 1997, c 117 (C 2C 43-7 2),

(8) To any person whose firearm is seized pursuant to the "Prevention of Domestic Violence Act of 1991", P L 1991, c 261 (C 2C 25-17 et seq) and whose firearm has not been returned, or

(9) To any person named on the consolidated Terrorist Watchlist maintained by the Terrorist Screening Center administered by the Federal Bureau of Investigation,

(10) To any person who is subject to a court order prohibiting the custody, control, ownership, purchase, possession, or receipt of a firearm or ammunition issued pursuant to the "Extreme Risk Protective Order Act of 2018", P L 2018, c 35 (C 2C 58-20 et al), or

(11) To any person who is subject to a court order prohibiting the custody, control, ownership, purchase, possession, or receipt of a firearm or ammunition issued pursuant to P L 2021, c 327 (C 2C 12-14 et al)

In order to obtain a permit to purchase a handgun or a firearms purchaser identification card, the applicant shall demonstrate that, within four years prior to the date of the application, the applicant satisfactorily completed a course of instruction approved by the superintendent in the lawful and safe handling and storage of firearms The applicant shall be required to demonstrate completion of a course of instruction only once prior to obtaining either a firearms purchaser identification card or the applicant's first permit to purchase a handgun

The applicant shall not be required to demonstrate completion of a course of instruction in order to obtain any subsequent permit to purchase a handgun, to replace an existing firearms purchaser identification card, or to renew a firearms purchaser identification card

An applicant who is a law enforcement officer who has satisfied the requirements of subsection j of N J S 2C 39-6, a retired law enforcement officer who has satisfied the requirements of subsection l of N J S 2C 39-6, or a veteran who was honorably discharged as a member of the United States Armed Forces or National Guard who received substantially equivalent training shall not be required to complete the course of instruction required pursuant to the provisions of this subsection

A person who obtained a permit to purchase a handgun or a firearms purchaser identification card prior to the effective date of P L 2022, c 58 shall not be required to complete a course of instruction pursuant to this subsection

d Issuance The chief of police of an organized full-time police department of the municipality where the applicant resides or the superintendent, in all other cases, shall upon application, issue to any person qualified under the provisions of subsection c of this section a permit to purchase a handgun or a firearms purchaser identification card

A firearms purchaser identification card issued following the effective date of P L 2022, c 58 shall display a color photograph and a thumb print of the card holder A person who obtained a firearms purchaser identification card prior to the effective date of P L 2022, c 58 shall not be required to obtain a firearm purchaser identification card that displays a color photograph and a thumb print The superintendent shall establish guidelines as necessary to effectuate the issuance of firearms purchaser identification cards that display a color photograph and a thumb print of the card holder

Any person aggrieved by the denial of a permit or identification card may request a hearing in the Superior Court of the county in which he resides if he is a resident of New Jersey or in the Superior Court of the county in which his application was filed if he is a nonresident The request for a hearing shall be made in writing within 30 days of the denial of the application for a permit or identification card The applicant shall serve a copy of his request for a hearing upon the chief of police of the municipality in which he resides, if he is a resident of New Jersey, and upon the superintendent in all cases The hearing shall be held and a record made thereof within 30 days of the receipt of the application for a hearing by the judge of the Superior Court No formal pleading and no filing fee shall be required as a preliminary to a hearing Appeals from the results of a hearing shall be in accordance with law

e Applications Applications for permits to purchase a handgun and for firearms purchaser identification cards shall be in the form prescribed by the superintendent and shall set forth the name, residence, place of business, age, date of birth, occupation, sex and physical description, including distinguishing physical characteristics, if any, of the applicant, and shall state whether the applicant is a citizen, whether he is an alcoholic, habitual drunkard, drug-dependent person as defined in section 2 of P L 1970, c 226 (C 24 21-2), whether he has ever been confined or committed to a mental institution or hospital for treatment or observation of a mental or psychiatric condition on a temporary, interim or permanent basis, giving the name and location of the institution or hospital and the dates of confinement or commitment, whether he has been attended, treated or observed by any doctor or psychiatrist or at any hospital or mental institution on an inpatient or outpatient basis for any mental or psychiatric condition, giving the name and location of the doctor, psychiatrist, hospital or institution and the dates of the

occurrence, whether he presently or ever has been a member of any organization which advocates or approves the commission of acts of force and violence to overthrow the Government of the United States or of this State, or which seeks to deny others their rights under the Constitution of either the United States or the State of New Jersey, whether he has ever been convicted of a crime or disorderly persons offense, whether the person is subject to a restraining order issued pursuant to the "Prevention of Domestic Violence Act of 1991", P L 1991, c 261 (C 2C 25-17 et seq) prohibiting the person from possessing any firearm, whether the person is subject to a protective order issued pursuant to the "Extreme Risk Protective Order Act of 2018", P L 2018, c 35 (C 2C 58-20 et al), whether the person is subject to a protective order issued pursuant to P L 2021, c 327 (C 2C 12-14 et al) prohibiting the person from possessing any firearm, and other information as the superintendent shall deem necessary for the proper enforcement of this chapter For the purpose of complying with this subsection, the applicant shall waive any statutory or other right of confidentiality relating to institutional confinement The application shall be signed by the applicant and shall contain as references the names and addresses of two reputable citizens personally acquainted with him

Application blanks shall be obtainable from the superintendent, from any other officer authorized to grant a permit or identification card, and from licensed retail dealers, or shall be made available through an online process established or made available by the superintendent

The chief police officer or the superintendent shall obtain the fingerprints of the applicant and shall have them compared with any and all records of fingerprints in the municipality and county in which the applicant resides and also the records of the State Bureau of Identification and the Federal Bureau of Investigation, provided that an applicant for a handgun purchase permit who possesses a valid firearms purchaser identification card, or who has previously obtained a handgun purchase permit from the same licensing authority for which he was previously fingerprinted, and who provides other reasonably satisfactory proof of his identity, need not be fingerprinted again, however, the chief police officer or the superintendent shall proceed to investigate the application to determine whether or not the applicant has become subject to any of the disabilities set forth in this chapter

f Granting of permit or identification card, fee, term, renewal, revocation The application for the permit to purchase a handgun together with a fee of $2, or the application for the firearms purchaser identification card together with a fee of $5, shall be delivered or forwarded to the licensing authority who shall investigate the same and, unless good cause for the denial

thereof appears, shall grant the permit or the identification card, or both, if application has been made therefor, within 30 days from the date of receipt of the application for residents of this State and within 45 days for nonresident applicants A permit to purchase a handgun shall be valid for a period of 90 days from the date of issuance and may be renewed by the issuing authority for good cause for an additional 90 days A firearms purchaser identification card issued or renewed after the effective date of P L 2022, c 58 shall expire during the tenth calendar year following its date of issuance and on the same calendar day as the person's date of birth

If the date of birth of the firearms purchaser identification card holder does not correspond to a calendar day of the tenth calendar year, the card shall expire on the last day of the birth month of the card holder

A firearms purchaser identification card issued pursuant to this section may be renewed upon filing of a renewal application and payment of the required fee, provided that the holder is not subject to any of the disabilities set forth in subsection c of this section and complies with all other applicable requirements as set forth in statute and regulation

A firearms purchaser identification card issued prior to the effective date of P L 2022, c 58 shall not expire

A firearms purchaser identification card shall be void if the holder becomes subject to any of the disabilities set forth in subsection c of this section, whereupon the card shall be returned within five days by the holder to the superintendent, who shall then advise the licensing authority Failure of the holder to return the firearms purchaser identification card to the superintendent within the five days shall be an offense under subsection a of N J S 2C 39-10 Any firearms purchaser identification card may be revoked by the Superior Court of the county wherein the card was issued, after hearing upon notice, upon a finding that the holder thereof no longer qualifies for the issuance of the permit The county prosecutor of any county, the chief police officer of any municipality or any citizen may apply to the court at any time for the revocation of the card

There shall be no conditions or requirements added to the form or content of the application, or required by the licensing authority for the issuance or renewal of a permit or identification card, other than those that are specifically set forth in this chapter

g Disposition of fees All fees for permits shall be paid to the State Treasury if the permit is issued by the superintendent, to the municipality if issued by the chief of police, and to the county treasurer if issued by the judge of the Superior Court

h Form of permit, quadruplicate, disposition of copies (1) Except as otherwise provided in paragraph (2) of this subsection, the permit shall be in the form prescribed by the superintendent and shall be issued to the applicant in quadruplicate Prior to the time he receives the handgun from the seller, the applicant shall deliver to the seller the permit in quadruplicate and the seller shall complete all of the information required on the form Within five days of the date of the sale, the seller shall forward the original copy to the superintendent and the second copy to the chief of police of the municipality in which the purchaser resides, except that in a municipality having no chief of police, the copy shall be forwarded to the superintendent The third copy shall then be returned to the purchaser with the pistol or revolver and the fourth copy shall be kept by the seller as a permanent record

(2) The requirements of this subsection concerning the delivery and form of permit and disposition of copies shall not be applicable when these functions may be completed by utilizing an electronic system as described in paragraph (2) of subsection b of N J S 2C 58-2 or section 5 of P L 2022, c 55 (C 2C 58-3 3a)

i Restriction on number of firearms person may purchase Only one handgun shall be purchased or delivered on each permit and no more than one handgun shall be purchased within any 30-day period, but this limitation shall not apply to

(1) a federal, State, or local law enforcement officer or agency purchasing handguns for use by officers in the actual performance of their law enforcement duties,

(2) a collector of handguns as curios or relics as defined in Title 18, United States Code, section 921 (a) (13) who has in his possession a valid Collector of Curios and Relics License issued by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives,

(3) transfers of handguns among licensed retail dealers, registered wholesale dealers and registered manufacturers,

(4) transfers of handguns from any person to a licensed retail dealer or a registered wholesale dealer or registered manufacturer,

(5) any transaction where the person has purchased a handgun from a licensed retail dealer and has returned that handgun to the dealer in exchange for another handgun within 30 days of the original transaction, provided the retail dealer reports the exchange transaction to the superintendent, or

(6) any transaction where the superintendent issues an exemption from the prohibition in this subsection pursuant to the provisions of section 4 of P L 2009, c 186 (C 2C 58-3 4)

The provisions of this subsection shall not be construed to afford or authorize any other exemption from the regulatory provisions governing firearms set forth in chapter 39 and chapter 58 of Title 2C of the New Jersey Statutes,

A person shall not be restricted as to the number of rifles or shotguns he may purchase, provided he possesses a valid firearms purchaser identification card and provided further that he signs the certification required in subsection b of this section for each transaction

j Firearms passing to heirs or legatees Notwithstanding any other provision of this section concerning the transfer, receipt or acquisition of a firearm, a permit to purchase or a firearms purchaser identification card shall not be required for the passing of a firearm upon the death of an owner thereof to his heir or legatee, whether the same be by testamentary bequest or by the laws of intestacy The person who shall so receive, or acquire the firearm shall, however, be subject to all other provisions of this chapter If the heir or legatee of the firearm does not qualify to possess or carry it, he may retain ownership of the firearm for the purpose of sale for a period not exceeding 180 days, or for a further limited period as may be approved by the chief law enforcement officer of the municipality in which the heir or legatee resides or the superintendent, provided that the firearm is in the custody of the chief law enforcement officer of the municipality or the superintendent during that period

k Sawed-off shotguns Nothing in this section shall be construed to authorize the purchase or possession of any sawed-off shotgun

l Nothing in this section and in N J S 2C 58-2 shall apply to the sale or purchase of a visual distress signalling device approved by the United States Coast Guard, solely for possession on a private or commercial aircraft or any boat, provided, however, that no person under the age of 18 years shall purchase nor shall any person sell to a person under the age of 18 years a visual distress signalling device

m The provisions of subsections a and b of this section and paragraphs (4) and (5) of subsection a of N J S 2C 58-2 shall not apply to the purchase of firearms by a law enforcement agency for use by law enforcement officers in the actual performance of the current or former judge's duties, which purchase may be made directly from a manufacturer or from a licensed dealer located in this State or any other state

n For the purposes of this section, "immediate family" means a spouse, domestic partner as defined in section 3 of P L 2003, c 246 (C 26 8A-3), partner in a civil union couple as defined in section 2 of P L 2006, c 103

(C 37 1-29), parent, stepparent, grandparent, sibling, stepsibling, child, stepchild, and grandchild, as related by blood or by law

o Registration of handguns owned by new residents Any person who becomes a resident of this State following the effective date of P L 2022, c 52 and who transports into this State a firearm that the person owned or acquired while residing in another state shall apply for a firearm purchaser identification card within 60 days of becoming a New Jersey resident, and shall register any handgun so transported into this State within 60 days as provided in this subsection

A person who registers a handgun pursuant to this subsection shall complete a registration statement, which shall be in a form prescribed by the superintendent The information provided in the registration statement shall include, but shall not be limited to, the name and address of the person and the make, model, and serial number of the handgun being registered Each registration statement shall be signed by the person, and the signature shall constitute a representation of the accuracy of the information contained in the registration statement

The registration statement shall be submitted to the law enforcement agency of the municipality in which the person resides or, if the municipality does not have a municipal law enforcement agency, any State Police station

Within 60 days prior to the effective date of P L 2022, c 52, the superintendent shall prepare the form of registration statement as described in this subsection and shall provide a suitable supply of statements to each organized full-time municipal police department and each State Police station

A person who fails to apply for a firearm purchaser identification card or register a handgun as required pursuant to this subsection shall be granted 30 days to comply with the provisions of this subsection If the person does not comply within 30 days, the person shall be liable to a civil penalty of $250 for a first offense and shall be guilty of a disorderly persons offense for a second or subsequent offense

If a person is in possession of multiple firearms or handguns in violation of this subsection, the person shall be guilty of one offense under this subsection provided the violation is a single event

The civil penalty shall be collected pursuant to the "Penalty Enforcement Law of 1999," P L 1999, c 274 (C 2A 58-10 et seq) in a summary proceeding before the municipal court having jurisdiction A law enforcement officer having enforcement authority in that municipality may issue a summons for a violation, and may serve and execute all process with respect to the enforcement of this subsection consistent with the Rules of Court

2 This act shall take effect immediately

Approved July 5, 2022

CHAPTER 59

AN ACT concerning identification cards issued by a county clerk or register of deeds and mortgages for a Gold Star Family Member and amending P L 2017, c 289

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

1 Section 1 of P L 2017, c 289 (C 40A 9-78 8) is amended to read as follows

C 40A 9-78 8 Short title

1 Sections 1 through 8 of P L 2017, c 289 (C 40A 9-78 8 et seq) shall be known and may be cited as the "County Identification Cards for Gold Star Families Act "

2 Section 2 of P L 2017, c 289 (C 40A 9-78 9) is amended to read as follows

C 40A 9-78 9 "Gold Star Parent" defined

2 As used in this act, P L 2017, c 289 (C 40A 9-78 8 et seq), "Gold Star Family Member" means a parent, legal guardian or other legal custodian, related by blood or by law to, or a spouse, domestic partner, or partner in civil union of, a member of the Armed Forces of the United States who died while on active duty for the United States, or a child to whom the member was a parent, legal guardian or other legal custodian, whether related by blood or by law

3 Section 3 of P L 2017, c 289 (C 40A 9-78 10) is amended to read as follows

C 40A 9-78 10 Gold Star Parent identification card program

3 A county clerk or register of deeds and mortgages, as appropriate, may establish a Gold Star Family identification card program for the sole purpose of identifying the holder as a Gold Star Family Member when such

identification is required to receive discounts or other courtesies extended to military families

4 Section 4 of P L 2017, c 289 (C 40A 9-78 11) is amended to read as follows

C 40A 9-78 11 Issuance of Gold Star Parent identification card

4 When such a program has been authorized, the county clerk or register of deeds and mortgages, as appropriate, shall issue an identification card to any Gold Star Family Member who is a resident of the county The Gold Star Family identification card shall display the words "Gold Star Family Member," bear the true name and branch of the armed forces in which the person who lost his or her life while on active duty for the United States served, and other identifying information as certified by the applicant for the Gold Star Family identification card Every application for a Gold Star Family identification card shall be signed and certified by the applicant and shall be supported by such documentary evidence as the county clerk or register of deeds and mortgages, as appropriate, may require

5 Section 5 of P L 2017, c 289 (C 40A 9-78 12) is amended to read as follows

C 40A 9-78 12 Application of issuance

5 a Application for issuance of a Gold Star Family identification card shall be made in a manner prescribed by the county clerk or register of deeds and mortgages, as appropriate In order to be deemed complete, an application shall be accompanied by proof satisfactory to the county clerk or register of deeds and mortgages, as appropriate, that the applicant is a family member of a member of the armed forces who died while on active duty for the United States Proof satisfactory may include any or all of the following

(1) a certification of an organization formed for the support of parents or other family members of members of the armed forces who lost their lives while on active duty for the United States that the applicant is, whether of the whole or half blood or by adoption, as applicable, a spouse, domestic partner, partner in a civil union, parent, legal guardian or other legal custodian, or child of a member of the armed forces who died while on active duty for the United States,

(2) the service member's federal DD Form 1300, Report of Casualty, or its succeeding form, which identifies the member of the armed forces who died while on active duty for the United States, and

(3) documentation indicating the applicant's relationship to the service member

The copy of the DD Form 1300 and the application shall be kept confidential and shall not be considered a government record under P L 1963, c 73 (C 47 1A-1 et seq), except that they may be released to another government agency

b The county clerk or register of deeds and mortgages, as appropriate, may consult with a representative of the Department of New Jersey of American Gold Star Mothers, Inc , or any other organization formed for the support of parents or other family members of members of the armed forces who lost their lives while on active duty for the United States or the Adjutant General of the Department of Military and Veterans' Affairs when establishing the documentation that may constitute satisfactory proof of an applicant's relationship to the service member In instances where an applicant is unable to produce documentation deemed acceptable, the Adjutant General shall assist in making a determination of the applicant's eligibility for a Gold Star Family identification card

6 Section 6 of P L 2017, c 289 (C 40A 9-78 13) is amended to read as follows

C 40A 9-78 13 Unlawful actions

6 It shall be unlawful for any person

a To display or cause or permit to be displayed or have in the person's possession any canceled, fictitious, fraudulently altered, or fraudulently obtained Gold Star Family identification card,

b To lend the Gold Star Family identification card to any other person or knowingly permit the use thereof by another,

c To display or represent any Gold Star Family identification card not issued to the person as being the person's card,

d To permit any unlawful use of a Gold Star Family identification card issued to the person,

e To photograph, photostat, duplicate, or in any way reproduce any Gold Star Family identification card or facsimile thereof in such a manner that it could be mistaken for a valid Gold Star Family identification card, or to display or have in the person's possession any such photograph, photostat, duplicate, reproduction, or facsimile, or

f To alter any Gold Star Family identification card in any manner

7 Section 7 of P L 2017, c 289 (C 40A 9-78 14) is amended to read as follows

C 40A 9-78 14 Identification card not deemed official for certain purposes

7 The Gold Star Family identification card issued under P L 2017, c 289 (C 40A 9-78 8 et seq), shall not be deemed sufficient valid proof of identity for official governmental purposes when a statute, regulation, or directive of a governmental entity requires proof of identity

8 This act shall take effect immediately

Approved July 5, 2022

CHAPTER 60

AN ACT concerning administration of graduation assessments for high school students

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

1 a Notwithstanding the provisions of P L 1979, c 241 (C 18A 7C-1 et seq) or of any other law, rule or regulation to the contrary, the State Board of Education, in coordination with the Commissioner of Education, shall administer the New Jersey Graduation Proficiency Assessment required pursuant to section 6 of P L 1979, c 241 (C 18A 7C-6) as a field test for 11th grade students expected to graduate as part of the class of 2023 Under no circumstances shall the results of the field test, a substitute competency test, or any other demonstration of proficiency through techniques and instruments other than a standardized test pursuant to section 3 of P L 1979, c 241 (C 18A 7C-3) be used as a prerequisite for graduation for students expected to graduate as part of the class of 2023

b In conducting field testing of the New Jersey Graduation Proficiency Assessment pursuant to subsection a of this section, the State Board of Education and the Commissioner of Education shall use the results of the test to assist in the development of State graduation proficiency tests for future graduating classes

c Nothing in this section shall be construed to alter or amend local graduation requirements adopted by a board of education

2 This act shall take effect immediately and shall expire on July 1, 2023

Approved July 5, 2022

CHAPTER 61

AN ACT concerning the County Option Hospital Fee Pilot Program and amending P L 2018, c 136

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

1 Section 1 of P L 2018, c 136 (C 30 4D-7r) is amended to read as follows

C 30 4D-7r Short title

1 This act shall be known and may be cited as "The County Option Hospital Fee Program Act "

2 Section 2 of P L 2018, c 136 (C 30 4D-7s) is amended to read as follows

C 30 4D-7s Definitions relative to "The County Option Hospital Fee Program Act "

2 As used in this act

"Commissioner" means the Commissioner of Human Services

"Department" means the Department of Human Services

"Fee" means the local healthcare-related fee authorized pursuant to this act

"Hospital" means a hospital that is licensed pursuant to P L 1971, c 136 (C 26 2H-1 et seq) and is located within the borders of a participating county

"Medicaid program" means the "New Jersey Medical Assistance and Health Services Program" established pursuant to P L 1968, c 413 (C 30 4D-1 et seq)

"Participating county" means, notwithstanding the provisions of any other law or regulation to the contrary, a county that chooses to participate in the program, has a population greater than 250,000, according to the federal decennial census immediately preceding the effective date of P L 2018, c 136 (C 30 4D-7r et seq), and contains a municipality which (1) is classified, pursuant to N J S 40A 6-4, as a First or Second Class municipality, or a Fourth Class municipality whose population exceeds 20,000, and (2) has a Municipal Revitalization Index Distress score, as last calculated by the New Jersey Department of Community Affairs prior to the effective date of P L 2018, c 136 (C 30 4D-7r et seq), that exceeds 60, or, based on the 2019 ACS 5 Year Survey Data, a county that chooses to participate in the program and contains a municipality with a population greater than 30,000 whose 2020 Municipal Revitalization Index Distress score is greater than or equal to 35 (1) excluding

counties with a municipality with a population greater than 125,000, (2) excluding counties with a population less than 150,000, and (3) excluding counties with a median household income greater than $110,000

"Program" means "The County Option Hospital Fee Program" established pursuant to this act

"Proposed fee and expenditure report" means a written report by a participating county that describes how the fee will be imposed in the participating county, how the funds collected from the fee will be used by the participating county, including the amount and services the participating county plans to provide with the funds, and how the plan satisfies paragraph (1) of subsection b of section 3 of this act

3 Section 3 of P L 2018, c 136 (C 30 4D-7t) is amended to read as follows

C 30 4D-7t "County Option Hospital Fee Program "

3 a There is established "The County Option Hospital Fee Program" in the Department of Human Services

b The purpose of the program is

(1) to increase financial resources through the Medicaid program to support local hospitals and to ensure that they continue to provide necessary services to low-income citizens, and

(2) to provide participating counties with new fiscal resources

c Each participating county shall be authorized by the commissioner to impose a local healthcare-related fee on hospitals within its borders

d A participating county shall submit a proposed fee and expenditure report to the commissioner to ensure that the proposed fee and expenditure plan satisfies paragraph (1) of subsection b of this section and subsection e of this section, and does not create a direct or indirect guarantee to hold harmless, as those terms are used in 42 C F R s 433 68(f) The commissioner shall further review the proposed fee and expenditure report to determine whether it complies with relevant rules and regulations Each participating county shall consult with affected hospitals within its jurisdiction to prepare the proposed fee and expenditure report before the report is submitted to the commissioner The commissioner shall make the proposed fee and expenditure report available to the affected hospitals for review and the hospitals shall be permitted to provide comments to the commissioner regarding the report for a period of 21 calendar days from the date the proposed report is made available for review

e The board of County commissioners of a participating county, following the approval of the participating county's proposed fee and expenditure plan by the commissioner, may adopt an ordinance providing for the imposition of a fee on hospitals located within its borders and for appropriate administrative provisions, including, but not limited to, provisions for the collection of interest and penalties

The fee shall be implemented in accordance with the provisions of 42 U S C s 1396b(w)(3)(A), and shall be subject to the maximum aggregate amount that may be assessed pursuant to 42 C F R s 433 68(f)(3), or any subsequent maximum amount as may be established by federal law, and shall be subject to a cap as determined by the commissioner The participating county may exempt a hospital within its jurisdiction from the fee, provided that the exemption complies with the requirements of 42 C F R s 433 68

The fee authorized pursuant to this act may be collected only to the extent that the commissioner determines that the revenues generated qualify as the State share of Medicaid program expenditures eligible for federal financial participation pursuant to 42 C F R s 433 68

f Any subsequent alterations to the fee are subject to the approval of the commissioner prior to implementation Upon approval, the commissioner shall apply for such State plan amendments or waivers as may be necessary to implement the changes and to secure federal financial participation for State Medicaid expenditures under the federal Medicaid program

g Neither the State nor a participating county shall be liable for any amount of a local healthcare-related fee imposed on a hospital pursuant to this act that the hospital fails to pay or does not pay in a timely manner to the assessing county

4 Section 4 of P L 2018, c 136 (C 30 4D-7u) is amended to read as follows

C 30 4D-7u Transfer of funds to commissioner, uses, fees

4 a A participating county may transfer funds collected from the fee imposed pursuant to subsection c of section 3 of this act to the commissioner The commissioner shall use funds transferred from a participating county, and any matching amount of federal Medicaid funds or other federal funds generated therefrom, for the following purposes to increase Medicaid payments to hospitals in the jurisdiction from which the funds are received, for payments to managed care organizations that have contracted with Medicaid serving the jurisdiction from which the funds are received for

increased hospital or hospital-related payments, and for direct costs related to administrative purposes to implement the program

The commissioner shall seek to minimize the length of time between the collection of the fee by the participating county and the distribution of payments pursuant to this subsection

Notwithstanding any other law to the contrary, the commissioner and a participating county are authorized to enter into an intergovernmental transfer agreement as may be necessary to transfer funds under this subsection or to otherwise satisfy the requirements of this act

b A participating county may retain the funds collected from the imposition of the fee, in which case the participating county shall generate the same level of funding, in addition to the funds collected from the imposition of the fee, that would be generated by the department through any matching amount of federal Medicaid funds or other federal funds, and use the total funding amount to satisfy paragraph (1) of subsection b of section 3 of this act

c At least 90 percent of the funds collected from imposition of the fee shall be used by a participating county or the department for the benefit of local hospitals within the participating county's borders to ensure that the hospitals continue to provide necessary services to low-income citizens The participating counties shall transfer at least one percent of funds collected from the imposition of the fee to the department for administration of the program

5 Section 5 of P L 2018, c 136 (C 30 4D-7v) is amended to read as follows

C 30 4D-7v Imposition of fee

5 a The fee imposed pursuant to subsection c of section 3 of this act shall be imposed in relation to health care items or services provided only during the effective period of this act, and shall not be collected until the commissioner notifies the appropriate governmental entities that any State plan amendment or waivers submitted pursuant to section 6 of this act have been approved

b No hospital subject to the fee shall pass on the cost of the fee to any patient, insurer, self-insured employer program, or other responsible party, nor list it separately on any invoice or statement sent to a patient, insurer, self-insured employer program, or other responsible party

c Unless otherwise prohibited by the federal government, no managed care organization operating in the State that has contracted with Medicaid

shall retain any funds generated by the fee, other than to offset any increased administrative costs incurred as a result of the program

d Funds generated by the fee shall not supplant or offset any current or future State funds allocated to a county participating in the program

e Payments distributed to hospitals pursuant to this act shall not supplant or offset any current or future funds paid to hospitals through other State or federal funding mechanisms or pools

6 Section 8 of P L 2018, c 136 is amended to read as follows

8 All proposed fee and expenditure plans are subject to both approval of the commissioner and such actions by the federal government as are necessary to effectuate the purposes of this act

7 This act shall take effect immediately

Approved July 5, 2022

CHAPTER 62

AN ACT authorizing the expenditure of funds by the New Jersey Infrastructure Bank for the purpose of making loans to eligible project sponsors to finance the cost to construct transportation infrastructure projects, and making an appropriation

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

1 As used in this act

"Bank" means the New Jersey Infrastructure Bank, established pursuant to section 4 of P L 1985, c 334 (C 58 11B-4)

"Capitalized interest" means an amount equal to the interest paid on bank transportation bonds that is funded with bank transportation bond proceeds and the earnings thereon

"Debt service reserve fund expenses" means the debt service reserve fund costs associated with reserve capacity expenses

"Issuance expenses" means any costs related to the issuance of bank transportation bonds, including, but not limited to, the costs of financial document printing, bond insurance premiums or other credit enhancement,

underwriters' discount, verification of financial calculations, the services of bond rating agencies and trustees, the employment of accountants, attorneys, financial advisors, loan servicing agents, registrars, and paying agents

"Loan origination fee" means the fee charged by the bank to pay a portion of the costs incurred by the bank and the Department of Transportation in the implementation of the New Jersey Transportation Infrastructure Financing Program

"Project sponsor" means a local government unit receiving a loan from the bank pursuant to this act

"Reserve capacity expenses" means those project costs for reserve capacity which are eligible for loans from the bank in accordance with the requirements of subsection g of section 9 of P.L. 1985, c. 334 (C. 58:11B-9) and any policy statements relating to the Transportation Bank Infrastructure Financing Program to be set forth in the State Fiscal Year 2023 Transportation Infrastructure Financing Program Financial Plan

2. a. The New Jersey Infrastructure Bank, established pursuant to P.L. 1985, c. 334 (C. 58:11B-1 et seq.), is authorized to expend the aggregate sum of $72,558,158 or such amounts as can be supported through balances in the State Transportation Infrastructure Bank Fund, established pursuant to section 34 of P.L. 2016, c. 56 (C. 58:11B-10.4), and via direct appropriation through the State transportation capital program for the purpose of making loans to or on behalf of local government units to finance all or a portion of the cost of construction of transportation infrastructure projects listed in section 4 of this act.

b. The bank is authorized to increase the aggregate sums specified in subsection a. of this section for the bank's costs to acquire lending capital, specifically the:

(1) amounts of capitalized interest and the bond issuance expenses as provided in subsection b. of section 7 of this act,

(2) amounts of reserve capacity expenses and debt service reserve fund requirements as provided in subsection c. of section 7 of this act,

(3) interest earned on amounts deposited for project costs pending their distribution to project sponsors as provided in subsection d. of section 7 of this act, and

(4) amounts of the loan origination fee as provided in subsection e. of section 7 of this act.

3. The New Jersey Infrastructure Bank is authorized to make loans to or on behalf of the project sponsors for the transportation projects listed in subsection a. of section 4 of this act up to the individual amounts indicated

and in the priority stated, except that any such amount may be reduced by the bank pursuant to subsection a of section 7 of this act, or if a project fails to meet the requirements of section 6 of this act The bank is authorized to increase any such amount pursuant to subsection b through subsection e of section 7 or section 8 of this act

4 a The following transportation infrastructure projects shall be known and may be cited as the "State Fiscal Year 2023 Transportation Financing Program Project Eligibility List"

Applicant	Project No	Total Allowable State Loan Amount	Estimated Total Allowable Amount
Bayonne City	TB0901-001	$1,460,615	$2,921,230
Burlington County	TB0300-001	$1,662,500	$3,325,000
Cape May County	TB0500-007	$5,050,000	$10,100,000
Essex County	TB0700-003	$1,125,000	$2,250,000
Wildwood City	TB0514-001	$5,227,500	$10,455,000
Camden County	TB0400-001	$1,250,000	$2,500,000
Orange City	TB0717-001	$4,955,000	$9,910,000
Little Silver Borough	TB1325-002	$1,195,500	$2,391,000
Atlantic County	TB0100-001	$5,807,500	$11,615,000
Hackensack City	TB0223-001	$1,960,890	$3,921,780
Little Silver Borough	TB1325-001	$229,500	$459,000
Somerdale Borough	TB0431-002	$526,775	$1,053,550
Somerdale Borough	TB0431-001	$500,000	$1,000,000
Raritan Township	TB1021-001	$1,411,475	$2,822,950
Flemington Borough	TB1009-001	$835,775	$1,671,550
Raritan Township	TB1021-004	$188,775	$377,550
Bayonne City	TB0901-002	$814,452	$1,628,903
Flemington Borough	TB1009-002	$761,288	$1,522,575
Raritan Township	TB1021-002	$1,316,535	$2,633,070
Total Projects 19		**$36,279,080**	**$72,558,158**

b The bank is authorized to adjust the allowable State loan amount and estimated total allowable loan amount for each project authorized in this section as appropriate, provided that the total amount of loan issuance remains within available funds and that each loan is issued pursuant to the terms and conditions of the financing program from the year in which each construction contract for a project was certified, if subject to an interim financing program loan or, in the absence of an interim financing program loan, the terms and conditions of the State Fiscal Year 2023 Transportation Infrastructure Financing Program

c The bank is authorized to increase the loan amount of projects authorized pursuant to this section in the future to compensate for a refunding of the issue, provided adequate savings are achieved, for the loans issued pursuant to this act

5 In accordance with and subject to the provisions of sections 5, 6, and 23 of P L 1985, c 334 (C 58 11B-5, C 58 11B-6, and C 58 11B-23), and as set forth in the financial plan required pursuant to section 37 of P L 2016, c 56 (C 58 11B-22 3), any proceeds from bonds issued by the bank to make loans for priority transportation infrastructure projects listed in section 4 of this act which are not expended for that purpose may be applied for the payment of all or any part of the principal of, or interest and premium on, the bank transportation bonds whether due at stated maturity, the interest payment dates, or earlier upon redemption A portion of the proceeds from bonds issued by the bank to make loans for priority transportation infrastructure projects pursuant to this act may be applied for the payment of capitalized interest and for the payment of any issuance expenses, for the payment of reserve capacity expenses, for the payment of debt service reserve fund expenses, for the payment of the loan origination fees, and for the payment of increased costs, as defined and determined in accordance with the rules and regulations adopted by the bank pursuant to section 27 of P L 1985, c 334 (C 58 11B-27) and satisfies the requirements of subsection g of section 9 of P L 1985, c 334 (C 58 11B-9) and any policy statements relating to the Transportation Bank Infrastructure Financing Program to be set forth in the State Fiscal Year 2023 Transportation Infrastructure Financing Program Financial Plan

6 Any loan made by the New Jersey Infrastructure Bank pursuant to this act shall be subject to the following requirements

a The chairperson, vice-chairperson, or secretary of the bank shall certify that the project is in compliance with the applicable provisions of P L 1984, c 73, P L 1985, c 334, P L 2016, c 56, and any amendatory and supplementary acts thereto, and any rules and regulations adopted pursuant thereto, as applicable, and satisfies the requirements of subsection g of section 9 of P L 1985, c 334 (C 58 11B-9) and any policy statements relating to the Transportation Bank Infrastructure Financing Program to be set forth in the State Fiscal Year 2023 Transportation Infrastructure Financing Program Financial Plan In making this certification, the chairperson, vice-chairperson or secretary may conclusively rely on the project review conducted by the

Department of Transportation without any independent review thereof by the bank,

b The loan shall be conditioned upon inclusion of the project on a project eligibility list approved pursuant to section 36 of P L 2016, c 56 (C 58 11B-20 2),

c The loan shall be repaid within a period not to exceed 31 years of the making of the loan or, for loans funded pursuant to the "Transportation Infrastructure Finance and Innovation Act" (TIFIA), 23 U S C s 601 et seq , as amended and superseded, not later than the maximum time period allowed by the TIFIA,

d The loan shall not exceed the allowable project cost of the transportation infrastructure project, exclusive of capitalized interest, administrative expenses associated with federal funding programs, if applicable, and issuance expenses as provided in subsection b of section 7 of this act, reserve capacity expenses and the debt service reserve fund expenses as provided in subsection c of section 7 of this act, interest earned on project costs as provided in subsection d of section 7 of this act, the amounts of the loan origination fee as provided in subsection e of section 7 of this act, refunding increases as provided in section 8 of this act, and increased costs as defined and determined in accordance with the rules and regulations adopted by the bank pursuant to section 27 of P L 1985, c 334 (C 58 11B-27) and satisfies the requirements of subsection g of section 9 of P L 1985, c 334 (C 58 11B-9) and any policy statements relating to the Transportation Bank Infrastructure Financing Program to be set forth in the State Fiscal Year 2023 Transportation Infrastructure Financing Program Financial Plan,

e The loan shall bear interest, exclusive of any cost of issuance charges, late charges, or administrative fees payable to the bank pursuant to subsection o of section 5 of P L 1985, c 334 (C 58 11B-5) by the project sponsors receiving bank transportation loans, at or below the interest rate paid by the bank on the bonds issued to make or refund the loans authorized by this act, adjusted for underwriting discount and original issue discount or premium, in accordance with the terms and conditions set forth in the financial plan required pursuant to section 37 of P L 2016, c 56 (C 58 11B-22 3), and

f The loan shall be subject to all other terms and conditions as the bank shall determine to be consistent with the provisions of P L 1985, c 334 (C 58 11B-1 et seq) and any rules and regulations adopted pursuant thereto, the requirements of subsection g of section 9 of P L 1985, c 334 (C 58 11B-9), any policy statements relating to the Transportation Bank Infrastructure Financing Program and with the financial plan required by section 37 of

P L 2016, c 56 (C 58 11B-22 3) The eligibility lists and authorization for the making of loans pursuant to this act shall expire on July 1, 2023, and any project sponsor which has not executed and delivered a loan agreement with the bank for a loan authorized in this act shall no longer be entitled to that loan

7 a The New Jersey Infrastructure Bank is authorized to reduce the individual amount of loan funds made available to or on behalf of project sponsors pursuant to section 4 of this act based upon final building costs defined in and determined in accordance with rules and regulations adopted by the bank pursuant to section 27 of P L 1985, c 334 (C 58 11B-27) and the requirements of subsection g of section 9 of P L 1985, c 334 (C 58 11B-9) and any policy statements relating to the Transportation Bank Infrastructure Financing Program to be set forth in the State Fiscal Year 2023 Transportation Infrastructure Financing Program Financial Plan The bank is authorized to use any such reduction in the loan amount made available to a project sponsor to cover that project sponsor's increased costs due to differing site conditions or other allowable expenses as defined and determined in accordance with the rules and regulations adopted by the bank pursuant to section 27 of P L 1985, c 334 (C 58 11B-27) and the requirements of subsection g of section 9 of P L 1985, c 334 (C 58 11B-9) and any policy statements relating to the Transportation Bank Infrastructure Financing Program to be set forth in the State Fiscal Year 2023 Transportation Infrastructure Financing Program Financial Plan

b The bank is authorized to increase each loan amount authorized in section 4 of this act by the amount of capitalized interest, issuance expenses, and administrative expenses associated with federal funding programs allocable to each loan made by the bank pursuant to this act

c The bank is authorized to increase each loan amount authorized in section 4 of this act by the amount of reserve capacity expenses, and by the debt service reserve fund expenses associated with the costs identified in subsection b of section 2 of this act

d The bank is authorized to increase each loan amount authorized in section 4 of this act by the interest earned on amounts deposited for project costs pending their distribution to project sponsors

e The bank is authorized to increase each loan amount authorized in section 4 of this act by the loan origination fee

8 The New Jersey Infrastructure Bank is authorized to utilize the proceeds from the refunding of bank transportation bonds to increase the individual amount of loan funds made available to project sponsors by the

bank pursuant to this act provided that the amount of the increase is limited to the amount of savings achieved by the refunding of bank transportation bonds issued to make loans authorized by this act

9 The expenditure of funds authorized pursuant to this act is subject to the provisions of P L 1985, c 334 (C 58 11B-1 et seq) as amended and supplemented by P L 2016, c 56, and the requirements of subsection g of section 9 of P L 1985, c 334 (C 58 11B-9) and any policy statements relating to the Transportation Bank Infrastructure Financing Program to be set forth in the State Fiscal Year 2023 Transportation Infrastructure Financing Program Financial Plan, as appropriate

10 a There is appropriated to the New Jersey Infrastructure Bank for deposit in the transportation subaccount of the special fund created and established by the bank for the short-term or temporary loan financing or refinancing under the "Disaster Relief Emergency Financing Program," authorized pursuant to subsection a of section 1 of P L 2013, c 93 (C 58 11B-9 5), such sums as needed consisting of

(1) sums from the "Interim Transportation Financing Program Fund" as needed by the bank to make short-term or temporary loans pursuant to the "Disaster Relief Emergency Financing Program" to any one or more of the project sponsors, for the respective projects thereof, and

(2) such other amounts to be deposited in the "Disaster Relief Emergency Financing Program Fund," established pursuant to subsection a of section 1 of P L 2013, c 93 (C 58 11B-9 5), provided that the amount so appropriated to the bank for deposit in the "Disaster Relief Emergency Financing Program Fund" shall be utilized by the bank to make short-term or temporary loans pursuant to the "Disaster Relief Emergency Financing Program" to any one or more of the project sponsors, for the respective projects thereof Any transportation projects funded by the "Disaster Relief Emergency Financing Program" shall be subject to the approval of the Commissioner of Transportation

b The Transportation Disaster Relief Emergency Financing Program Project Priority List shall be submitted to the Legislature pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1) at least once in each fiscal year Any transportation infrastructure project or the project sponsor thereof not identified in the Transportation Disaster Relief Emergency Financing Program Project Priority List shall not be eligible for a short-term or temporary loan from the Transportation Disaster Relief Emergency Financing Program Fund

11 Notwithstanding the provisions of the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq) to the contrary, the bank shall not be required to adopt rules and regulations governing the issuance of loans under the "Disaster Relief Emergency Financing Program "

12 This act shall take effect immediately

Approved July 5, 2022

CHAPTER 63

AN ACT concerning working hours for minors, amending and supplementing P L 1940, c 153 (C 34 2-21 1 et seq), and repealing sections 7 through 14 of P L 1940, c 153

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

1 Section 1 of P L 1940, c 153 (C 34 2-21 1) is amended to read as follows

C 34 2-21 1 Definitions

1 (a) (Deleted by amendment, P L 2022, c 63)

(b) (Deleted by amendment, P L 2022, c 63)

(c) (Deleted by amendment, P L 2022, c 63)

(d) "School district" means any geographical area having authority over the public schools within that area

(e) "Agriculture" includes farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in subsection (g) of section 15 of the Agricultural Marketing Act, 46 Stat 11 (12 U S C s 141 et seq), as amended), the planting, transplanting and care of trees and shrubs and plants, the raising of livestock, bees, fur-bearing animals or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market, provided that such practices shall be performed in connection with the handling of agricultural or

horticultural commodities the major portion of which have been produced upon the premises of an owning or leasing employer

(f) "Newspaper carrier" means any minor between 12 and 18 years of age who engages in the occupation of delivering, soliciting, selling and collecting for, newspapers outside of school hours on residential routes

(g) "Restaurant" means any establishment or business primarily engaged in the preparation and serving of meals or refreshments, both food and drink, and shall include but not be limited to the following dining establishments, catering establishments, industrial caterers, and drive-in restaurants

(h) "Theatrical production" means and includes stage, motion picture and television performances and rehearsals therefor

(i) "Seasonal amusement" means any exclusively recreational or amusement establishment or business which does not operate more than seven months in any calendar year or which has received during any consecutive six months of the preceding calendar year average receipts equal to or less than 33 1/3% percent of its average receipts for the other six months of that year "Seasonal amusement" includes but is not limited to amusement rides and amusement device ticket sales, and operations of games However, "seasonal amusement" does not include retail, eating or drinking concessions, camps, beach and swimming facilities, movie theatres, theatrical productions, athletic events, professional entertainment, pool and billiard parlors, circuses and outdoor shows, sport activities or centers, country club athletic facilities, bowling alleys, race tracks and like facilities which are not part of a diversified amusement enterprise

"Commissioner" means the Commissioner of Labor and Workforce Development

"Department" means the Department of Labor and Workforce Development

"Caregiver" means a person over 18 years of age who is the biological parent, adoptive parent, foster parent, resource family parent, step-parent, parent-in-law or legal guardian, having a "parent-child relationship" with a child as defined by law, or having sole or joint legal or physical custody, care, guardianship, or visitation with a child, or who became the parent of the child pursuant to a valid written agreement between the parent and a gestational carrier

2 Section 2 of P L 1940, c 153 (C 34 2-21 2) is amended to read as follows

C 34 2-21 2 Minors under 16 not to be employed, exceptions, nonresidents

2 No minor under 16 years of age shall be employed, permitted, or suffered to work in, about, or in connection with any gainful occupation at any time, provided, that minors between 14 and 16 years of age may be employed,

permitted or suffered to work outside school hours and during school vacations but not in or for a factory or in any occupation otherwise prohibited by law or by order or regulation made in pursuance of law, and provided, further, that minors under 16 years of age may engage in professional employment in theatrical productions upon the obtaining of a permit therefor and may engage outside school hours and during school vacations in agricultural pursuits or in street trades and as newspaperboys as defined in this act, in accordance with the provisions of section 15 of this act Minors may also engage in employment in domestic service performed outside of school hours or during school vacations, in a residence other than the minor's own home Nothing in this act shall be construed to apply to the work of a minor engaged in domestic service or agricultural pursuits performed outside of school hours or during school vacations in connection with the minor's own home and directly for his parents or legal guardian

Except as to the employment of a minor for whom a theatrical employment permit has been issued, no minor under 16 years of age not a resident of this State shall be employed, permitted or suffered to work in any occupation or service whatsoever at any time during which the law of the state of his residence required his attendance at school, or at any time during the hours when the public schools in the district in which employment in such occupation or services may be available are in session

3 Section 3 of P L 1940, c 153 (C 34 2-21 3) is amended to read as follows

C 34 2-21 3 Limitations on minors' working hours

3 a Except as provided in section 15 of P L 1940, c 153 (C 34 2-21 15) and except for domestic service or messengers employed by communications companies subject to the supervision and control of the Federal Communications Commission, no minor under 18 years of age shall be employed, permitted, or suffered to work in, about, or in connection with any gainful occupation more than six consecutive days in any one week, or more than 40 hours in any one week, or more than eight hours in any one day, nor shall any minor under 16 years of age be so employed, permitted, or suffered to work before 7 a m or after 7 p m of any day, except that during the school year, a minor who is at least 14 or 15 years of age may work during non-school hours, for no more than three hours on a school day and no more than 18 hours in a school week, and up to eight hours on a non-school day during a school week, and except a minor who is 14 or 15 years of age may work in a restaurant, supermarket or other retail establishment, or in any occupation not

prohibited by the provisions of this act, P L 1940, c 153 (C 34 2-21 1 et seq) or by regulations promulgated by the commissioner pursuant to this act, P L 1940, c 153 (C 34 2-21 1 et seq), up to 40 hours in a week during the period beginning on the last day of a minor's school year and ending on Labor Day of each year until 9 p m of any day, and except a minor who is 14 or 15 years of age may be employed as a little league umpire for little leagues chartered by Little League Baseball, Incorporated, until 9 p m of any day, nor shall any minor between 16 and 18 years of age be so employed, permitted, or suffered to work before 6 a m or after 11 p m of any day, provided that minors between 16 and 18 years of age may be employed after 11 p m during any regular vacation season, and on days which do not precede a regularly scheduled school day, provided that minors between 16 and 18 years of age may be employed in a seasonal amusement or restaurant occupation after 11 p m and following 12 01 a m of the next day, if that employment is a continuation of a workday which began before 11 p m , either during any regular school vacation season, or on workdays which do not begin on a day which precedes a regularly scheduled school day, except that in no case shall minors between 16 and 18 years of age be employed after 3 a m or before 6 a m on a day which precedes a regularly scheduled school day, provided, further, that minors may be employed in a concert or a theatrical performance up to 11 30 p m , and provided, further, that minors not less than 16 years of age and who are attending school may be employed as pinsetters, lane attendants, or busboys in public bowling alleys up to 11 30 p m , and provided, further, that minors between 16 and 18 years of age may not be employed after 10 p m during the regular school vacation seasons in or for a factory or in any occupation otherwise prohibited by law or by order or regulation made in pursuance of law The hours of work of minors under 16 employed outside school hours shall not exceed three hours in any one day when school is in session and shall not exceed in any one week when school is in session the maximum number of hours permitted for that period under the federal "Fair Labor Standards Act of 1938," 29 U S C s 201 et seq , and regulations promulgated pursuant to that federal act

b Notwithstanding the provisions of subsection a of this section, a minor between 16 and 18 years of age may work up to 50 hours in one week and up to 10 hours in one day during the period beginning on the last day of the minor's school year and ending on Labor Day This subsection shall take effect immediately upon the date of enactment

c This section is not applicable to the employment of a minor between 16 and 18 years of age during the months of June, July, August or September by a summer resident camp, conference or retreat operated by a nonprofit or

religious corporation or association, unless the employment is primarily general maintenance work or food service activities

4 Section 4 of P L 1940, c 153 (C 34 2-21 4) is amended to read as follows

C 34 2-21 4 Lunch period for minors under 18

4 No minor under eighteen years of age shall be employed or permitted to work for more than six hours continuously without an interval of at least thirty minutes for a lunch period, and no period of less than thirty minutes shall be deemed to interrupt a continuous period of work

5 Section 15 of P L 1940, c 153 (C 34 2-21 15) is amended to read as follows

C 34 2-21 15 Street trade, agricultural pursuits, ages when permitted, special permits, newspaper carriers

15 Except as hereinafter provided as to newspaper carriers, no minor under 14 years of age may engage in any street trade, which term, for the purpose of this section shall include the selling, offering for sale, soliciting for, collecting for, displaying, or distributing any articles, goods, merchandise, commercial service, posters, circulars, newspapers or magazines or in blacking shoes on any street or other public place or from house to house No minor under 12 years of age may be employed in agricultural pursuits

Whenever a minor has graduated from vocational school, approved by the Commissioner of Education and is 17 years of age, the minor's diploma or certified copy thereof and an employment certificate provided by the Department of Labor and Workforce Development shall be deemed authorization to engage in those pursuits in which the minor majored in said vocational school during those hours permitted for persons 18 years of age and over

Except as hereinafter provided as to newspaper carriers, whenever a minor under 16 years of age desires to work during such times as the schools of the district in which the minor resides are not in session in any street trade or in agricultural pursuits, the minor may register with the Department of Labor and Workforce Development an application for authorization to work Such registration shall show the exact character of the work the minor is to do, and the hours and wages and special conditions under which said work is to be performed

If upon investigation it is found that the facts set forth in the application are true and that the work will not interfere with the minor's health or standing in

school, the Department of Labor and Workforce Development shall issue authorization allowing the minor to work at such times as the public schools in the district are not in session, but such work except in agricultural pursuits, and as newspaper carriers, to be otherwise subject to the maximum hours of labor provisions set for minors under 16 years of age in section 3 of PL 1940, c 153 (C 34 2-21 3), provided, that nothing in PL 1940, c 153 (C 34 2-21 1 et seq) shall prevent newspaper carriers as defined in PL 1940, c 153 (C 34 2-21 1 et seq), between 11 and 14 years of age, from delivering, soliciting, selling and collecting for newspapers on routes in residential neighborhoods between the hours of 6 00 o'clock in the morning and 7 00 o'clock in the evening of any day, and newspaper carriers 14 years of age and older from delivering, soliciting, selling and collecting for newspapers on routes in residential neighborhoods between the hours of 5 30 o'clock in the morning and 8 00 o'clock in the evening of any day, and provided further that no newspaper carrier under the age of 18 years shall be permitted to engage in such occupation beyond the period of time wherein the combined hours devoted to said occupation as a newspaper carrier and the hours in school shall exceed a total of 40 hours per week and not more than 8 hours in any 1 day, and provided, further, that minors engaged in agricultural pursuits may be employed no more than 10 hours per day

Such authorization shall show the name, address, and date of birth of the minor for whom it is issued, the kind of proof of age submitted, the nature of the occupation in which the minor is to engage, and such other information as the Department of Labor and Workforce Development may require

Any authorization for work in agriculture shall be issued and active until the minor is 18 years of age

Upon application by the minor who desires to work as a newspaper carrier as defined in PL 1940, c 153 (C 34 2-21 1 et seq), who is between the ages of 11 and 18 years of age, to the publisher of any newspaper in this State and upon receiving authorization from the Department of Labor and Workforce Development, such publisher may employ such newspaper carrier to deliver, solicit, sell and collect for newspapers outside of the newspaper carrier's school hours on residential routes, and on Sundays and during school vacations

The authorization shall show the name, address and date of birth of the newspaper carrier for whom it is issued, and such other information as the Department of Labor and Workforce Development may require

The authorization shall remain in full force and effect unless and until the minor is 18 years of age

The publisher shall keep a record of the name, address and birth date of each newspaper carrier who is a minor Such records shall be kept on file by

said publisher for a period of two years after the newspaper carrier has ceased delivering newspapers published by said publisher

C 34 2-21 1a Database created, maintained, employment of minors, employer registration, required, rules, regulations

6 a The department shall create and maintain a database for the employment of minors that is accessible by the public and that displays each employer that is required to register under P L 2022, c 63 (C 34 2-21 1a et al)

b The database shall include the name and email address of each employer registered under P L 2022, c 63 (C 34 2-21 1a et al)

c Any minor under the age of 18 years who desires to work, including but not limited to work as a news carrier or work in agriculture, shall complete a one-time registration on the database, but all information pertaining to the minor shall be confidential and shall not be accessible by the public If the minor desires to work for a different employer or for an employer in addition to the employer for which the minor first registered, the minor shall update the minor's registration The minor shall be required to submit documentation, in the form and manner prescribed by the department, sufficient to adequately identify the minor, including but not limited to the social security number of the minor, and confirm the age of the minor, as well as identify the caregiver of the minor The minor shall provide contact information, including email, if available, for the minor's caregiver, as appropriate The registration shall provide any physical limitations of which employers should be aware Upon submission of documentation sufficient to meet the requirements of P L 2022, c 63 (C 34 2-21 1a et al), and the requirements of P L 1940, c 153 (C 34 2-21 1 et seq), the department shall maintain an employment certificate for the minor granting authorization for the minor to work in the occupation or field for which the minor has expressed an interest and provided documentation Except as provided by subsection e of this section, a minor shall not commence work with an employer unless that employer has received confirmation from the department that the minor has authorization to work

d Each employer that hires, employs, or permits any minor under the age of 18 to work in a gainful occupation as permitted by P L 1940, c 153 (C 34 2-21 1 et seq), shall register with the department, in the form and manner prescribed by the department, the following information

(1) The name of the employer,

(2) The email address of the employer,

(3) Any location of the employer's business operations, including any location at which a minor will be working,

(4) The number and names of minors whom the employer has hired, employed, or permitted to work in a gainful occupation, or for seasonal employment, whom the employer expects to hire, and

(5) A certified statement from the employer that the employer is employing minors in only those positions permitted by law to ensure the health, safety and well-being of minors

An employer shall be required to update the employer's registration as to any minor employee who is changing a position from the position for which the minor employee was originally hired to perform to a new position

e Within three days of an employer's or a minor's registration, the department shall cross-check names submitted by employers with minors who are registered on the database and, upon authorization by the minor's caregiver in accordance with subsection f of this section, send an electronic confirmation to employers of the minor's authorization to work If an employer does not receive confirmation from the department within one week of the employer's submission, employment of the minor may commence unless and until the employer receives notification from the department that the minor has not received authorization to work

f Notwithstanding the provisions of any law to the contrary, and except as provided in this subsection, the department shall not approve a minor's registration to work pursuant to subsection c of this section without a caregiver's authorization for the minor to work as specified by the minor in the minor's registration The department shall provide notification to a caregiver of a minor who has registered with the database for the caregiver to provide an authorization or rejection of the minor's registration to work The department shall send the notice by email, to the extent possible, and by certified mail if email is not available, regarding this authorization or rejection within three days of the minor's registration The caregiver shall submit an authorization or rejection electronically through the registration system established pursuant to this section If a caregiver does not submit an authorization or rejection within two weeks of the department's notification, then the department shall approve a minor's registration for work unless and until a caregiver submits a rejection through the registration system If a minor updates the minor's registration to indicate a change in or addition of an employer, the department shall notify the caregiver by email, to the extent possible, and by certified mail if email is not available, of the change in registration The caregiver shall submit an updated authorization or rejection electronically through the registration system established pursuant to this section If a caregiver does not submit an authorization or rejection of the change within two weeks of the department's notification, then the

department shall approve the minor's updated registration for work unless and until a caregiver submits a rejection through the registration system

g The Employment of Minors Advisory Council is established to consult with and provide recommendations to the department for the creation and administration of the database The council shall consist of five members

(1) One representative from the Department of Labor and Workforce Development to be appointed by the Governor,

(2) One representative from the Department of Education to be appointed by the Governor,

(3) Two members who are employers or who represent the interest of employers that employ a significant number of minors, one who shall be appointed by the Senate President and one who shall be appointed by the Speaker of the General Assembly, and

(4) One public member to represent the interests of caregivers of minors, to be appointed by the Senate President and the Speaker of the General Assembly

Any vacancies occurring in the membership shall be filled in the same manner as the original appointments The council shall hold at least two meetings per year to review the implementation and operations of the database

h The department, in consultation with the Employment of Minors Advisory Council and the Department of Education, shall promulgate rules and regulations necessary for the implementation of this act, P L 2022, c 63 (C 34 2-21 1a et al), including but not limited to developing a schedule for the registration of employers and minors in accordance with this act, P L 2022, c 63 (C 34 2-21 1a et al)

Repealer

7 The following sections are repealed

Sections 7 through 14 of P L 1940, c 153 (C 34 2-21 7 through 34 2-21 14)

8 There is appropriated from the General Fund to the Department of Labor and Workforce Development $1,000,000 to effectuate the purposes of this act

9 This act shall take effect on June 1, 2023, except as to subsection b of section 3 and as to section 4 of this act, which shall take effect immediately, and except that the commissioner may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act

Approved July 5, 2022

CHAPTER 64

AN ACT concerning certain soil and fill recycling services and amending P.L. 2019, c. 397

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

1. Section 1 of P.L. 2019, c. 397 (C. 13:1E-127.1) is amended to read as follows:

C. 13:1E-127.1 Soil and fill recycling registration.

1. a. No later than July 14, 2022, any business concern that is not already a licensee pursuant to P.L. 1983, c. 392 (C. 13:1E-126 et seq.), and that actively engages in, or otherwise provides, soil and fill recycling services shall register with the department. The registration shall include, but need not be limited to:

(1) the name of the business concern and its New Jersey corporate filing number;

(2) the address of the business concern and the addresses of any other locations where trucks or equipment used by the business concern are kept;

(3) contact information for the business concern, including, but not limited to, a valid phone number and email address; and

(4) a statement by the business concern that it is actively engaged in soil and fill recycling services at the time of registration.

b. A business concern shall submit the information required pursuant to subsection a. of this section on a registration form prescribed by the department. The business concern shall certify to the truth and accuracy of the information provided in the registration form.

c. No more than 90 days after submission of a registration form pursuant to this section, the department shall issue a soil and fill recycling registration to the business concern. Issuance of a soil and fill recycling registration pursuant to this section shall not preclude the department or the Attorney General from subsequently denying a soil and fill recycling license to the registrant.

d. No more than 30 days after the department adopts, pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), rules and regulations implementing P.L. 2019, c. 397 (C. 13:1E-127.1 et al.), a registrant shall submit a valid and administratively complete application for a soil and fill recycling license with the Attorney General. Registrants may request a 90-day extension to file a soil and fill recycling license application.

pursuant to this section, and the Attorney General may grant the request upon a showing of good cause

e A soil and fill recycling registration issued pursuant to this section shall automatically expire and become invalid upon (1) failure by the registrant to submit a valid and administratively complete application for a soil and fill recycling license within the required timeframe, or (2) a final determination by the department or the Attorney General regarding the registrant's application for a soil and fill recycling license

f A soil and fill recycling registration issued pursuant to this section is non-transferable and shall temporarily authorize the registrant to provide soil and fill recycling services pending the approval or denial of the registrant's application for a soil and fill recycling license

g Any business concern that seeks to engage in soil and fill recycling services after July 14, 2022 that has not submitted a registration form pursuant to subsection a of this section shall file an application for a soil and fill recycling license with the Attorney General

h As used in this section, "registrant" means any person who applies for and is issued a soil and fill recycling registration pursuant to this section

2 Section 13 of P L 2019, c 397 (C 13 1E-135 1) is amended to read as follows

C 13 1E-135 1 Application, license fees

13 a The department shall establish application and license fees, annual fees, and any other fees the department determines necessary to defray the costs of administration, for any license or soil and fill recycling license issued pursuant to P L 1983, c 392 (C 13 1E-126 et seq), or the soil and fill recycling registration issued pursuant to section 1 of P L 2019, c 397 (C 13 1E-127 1) The fees shall be used to pay costs related to consideration of license and soil and fill recycling license applications, investigations, monitoring, enforcement, and related activities, and to reimburse any State agency for expenses incurred by the agency in the performance of pre-licensing investigations, post-licensing compliance monitoring, or any other related activities consistent with the provisions of P L 1983, c 392 (C 13 1E-126 et seq) Annual fees shall be assessed on licensees and the holders of soil and fill recycling licenses based on a percentage their gross operating revenue from intrastate operations during the preceding calendar year Fees collected under this section shall be deposited into a special account, to be administered by the department, and shall be used only for the costs

associated with administering the provisions of P L 1983, c 392 (C 13 1E-126 et seq)

b The department shall, pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq) and no later than one year after the effective date of P L 2022, c 64 (C 13 1E-127 1 et al), adopt rules and regulations to effectuate monitoring and enforcement of P L 1983, c 392 (C 13 1E-126 et seq) and P L 2019, c 397 (C 13 1E-127 1 et al)

c The department shall prepare and submit, pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1), to the Legislature an annual report on the establishment and implementation of the fee schedule adopted pursuant to this section

3 This act shall take effect immediately

Approved July 5, 2022

CHAPTER 65

AN ACT concerning licensing of law enforcement officers by the Police Training Commission, amending, supplementing, and repealing various parts of the statutory law, and making an appropriation

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

1 Section 1 of P L 1961, c 56 (C 52 17B-66) is amended to read as follows

C 52 17B-66 Findings, declarations

1 The Legislature of New Jersey hereby finds and declares that a serious need for improvement in the administration of local and county law enforcement exists in order to better protect the health, safety and welfare of its citizens, that police work, a basic adjunct of law enforcement administration, is professional in nature, and requires proper educational and clinical training in a State whose population is increasing in relation to its physical area, and in a society where greater reliance on better law enforcement through higher standards of efficiency is of paramount need, that the present need for improvement can be substantially met by the creation of a compulsory educational and training program for persons who seek to become permanent

law enforcement officers wherein such persons will be required, while serving in a probationary capacity prior to permanent appointment, to receive efficient training in this profession provided at facilities selected, approved and inspected by a commission created for such purpose, and that by qualifying and becoming proficient in the field of law enforcement such persons shall individually and collectively better insure the health, safety and welfare of the citizens of this State in their respective communities

The Legislature further finds and declares that, in addition to providing proper educational and clinical training to law enforcement officers in this State, it is also important, in order to help protect the health, safety, and welfare of its citizens, that appropriately situated State authorities are accorded the ability and responsibility to monitor and take appropriate action against any law enforcement officer who acts outside the bounds of professionalism or engages in illegal or improper conduct Professional licensure provides the means to help ensure that those individuals who serve as law enforcement officers in this State uphold the public trust by meeting and maintaining appropriately high standards of training and professionalism, in qualifying for the positions, and in performing the duties Therefore, it is necessary and appropriate to establish a Statewide licensure system, through which the Police Training Commission will promulgate and apply uniform standards of professional conduct by law enforcement officers, establish minimum standards for licensure, review and take action on initial and renewal applications of applicants and law enforcement officers and applicants who meet those standards, and deny, revoke, or suspend licenses due to failure to meet or maintain those standards

Nothing in this act is intended to limit in any manner the powers and authority granted to the Attorney General as the chief law enforcement officer of the State pursuant to the Criminal Justice Act of 1970, P L 1970, c 74 (C 52 17B-97 et seq)

2 Section 2 of P L 1961, c 56 (C 52 17B-67) is amended to read as follows

C 52 17B-67 Definitions

2 As used in this act

"Applicant" means an individual who applies to the Police Training Commission to become licensed as a law enforcement officer in accordance with P L 2022, c 65 (C 52 17B-71a et al)

"Approved school" shall mean a school approved and authorized by the Police Training Commission to give police training courses or a training

course for State and county correctional police officers and juvenile detention officers as prescribed in this act

"Commission" shall mean the Police Training Commission or officers or employees thereof acting on its behalf

"County" shall mean any county which within its jurisdiction has or shall have a law enforcement unit as defined in this act

"Discipline subject to appeal" means a removal, disciplinary demotion, suspension, or fine of more than five days, or fewer where the aggregate number of days the employee was suspended or fined in any one calendar year is 15 or more days, or where the employee received more than three suspensions or fines of five days or fewer in one calendar year

"Law enforcement officer" means any person who is employed as a sworn member of any State, county, or municipal law enforcement agency, department, division, or instrumentality of those governments who is statutorily empowered to act for the detection, investigation, arrest, conviction, detention, or rehabilitation of persons violating the criminal laws of the State This term shall include, but is not limited to, sworn members of the New Jersey State Police, the Division of Criminal Justice, and the Juvenile Justice Commission, State correctional police officers pursuant to section 1 of P L 1968, c 427 (C 2A 154-4), county correctional police officers pursuant to N J S 2A 154-3, State Parole officers pursuant to section 1 of P L 1968, c 427 (C 2A 154-4), special law enforcement officers of all classes pursuant to P L 1985, c 439 (C 40A 14-146 8 et seq), humane law enforcement officers appointed pursuant to section 25 of P L 2017, c 331 (C 4 22-14 1) or section 28 of P L 2017, c 331 (C 4 22-14 4), transit police officers appointed by New Jersey Transit pursuant to section 2 of P L 1989 c 291 (C 27 25-15 1), and campus police officers appointed pursuant to P L 1970, c 211 (C 18A 6-4 2 et seq)

"Law enforcement unit" shall mean any State, county or municipal law enforcement agency, department, division, or instrumentality of such government that is statutorily empowered to act for the detection, investigation, arrest, conviction, detention, or rehabilitation of persons violating the criminal laws of the State, and shall include all agencies that employ law enforcement officers as defined in this section

"Licensing committee" means the committee established by the Police Training Commission to perform duties with respect to law enforcement officer licensing as set forth in subsection c of section 9 of P L 2022, c 65 (C 52 17B-71a)

"Municipality" shall mean a city of any class, township, borough, village, or any other type of municipality in this State which, within its jurisdiction, has or shall have a law enforcement unit as defined in this act

"National Decertification Index" shall mean the national registry of law enforcement officer decertification or license revocations maintained by the International Association of Directors of Law Enforcement Standards and Training, or a successor database

"Permanent appointment" shall mean an appointment having permanent status as a law enforcement officer in a law enforcement unit as prescribed by Title 11A of the New Jersey Statutes, Civil Service Commission Rules and Regulations, or of any other law of this State, municipal ordinance, or rules and regulations adopted thereunder

"Police training course" means a training course approved by the Police Training Commission and conducted at an approved school

"Probationary law enforcement license" means a license issued by the Police Training Commission to a person appointed by a law enforcement unit on a probationary or temporary basis which authorizes the person to perform the functions of a permanent law enforcement officer during the person's probationary or temporary appointment term

"Sustained finding" shall mean a determination by an employing law enforcement unit that a law enforcement officer violated a law, regulation, directive, guideline, policy, or procedure issued by the Attorney General or County Prosecutor, agency protocol, standing operating procedure, rule, or training

3 Section 3 of P L 1961, c 56 (C 52 17B-68) is amended to read as follows

C 52 17B-68 Authority to require training of policemen prior to permanent appointment, exception

3 a Every State, county, and municipal agency, with the exception of the New Jersey State Police, that employs law enforcement officers as defined in section 2 of P L 1961, c 56 (C 52 17B-67), as applicable, shall authorize attendance at an approved school by persons holding a probationary appointment as a law enforcement officer, and every agency shall require that no person shall hereafter be given or accept a permanent appointment as a law enforcement officer unless such person has successfully completed a police training course at an approved school, provided, however, that the commission may, in its discretion, except from the requirements of this section any person who demonstrates to the commission's satisfaction that the person has successfully completed a police training course conducted by any Federal, State or other public or private

agency, the requirements of which are substantially equivalent to the requirements of this act

b A law enforcement officer who is terminated from an agency for reasons of economy or efficiency shall be granted an exemption or waiver from retaking the basic training course if, within three years from the date of termination, the law enforcement officer is appointed to a similar law enforcement position in another agency or is reemployed by the agency from which the officer was terminated

4 Section 4 of P L 1961, c 56 (C 52 17B-69) is amended to read as follows

C 52 17B-69 Probationary, temporary appointment of police officer

4 a Notwithstanding the provisions of R S 11 2-6, a probationary or temporary appointment as a law enforcement officer may be made for a total period not exceeding one year for the purpose of enabling a person seeking permanent appointment to take a police training course as prescribed in this act, provided, however, that the time period may exceed one year for those persons enrolled prior to the one-year limit in a police training course scheduled to end subsequent to the one-year limit, and for those persons who, prior to the one-year limit, have been scheduled to attend a police training course which commences subsequent to the one-year limit In no case shall any extension granted for the reasons herein listed exceed six months Every person holding such a probationary or temporary appointment shall enroll in a police training course, and such appointee shall be entitled to a leave of absence with pay during the period of the police training course

b A person holding a probationary or temporary appointment on the effective date of P L 2022, c 65 (C 52 17B-71a et al) shall not be permitted to continue in the probationary or temporary appointment beyond one year after the effective date of P L 2022, c 65 (C 52 17B-71a et al) unless the person enrolls in or completes a basic training course approved by the commission

c A person appointed on a probationary or temporary basis on or after the effective date of P L 2022, c 65 (C 52 17B-71a et al) shall not perform the functions or duties of a permanently appointed law enforcement officer unless the person completes a basic training course approved by the commission Upon successful completion of the basic training course, a person appointed on a probationary or temporary basis on or after the effective date of P L 2022, c 65 (C 52 17B-71a et al) shall receive from the commission a one-year probationary law enforcement license, as defined in section 2 of P L 1961, c 56 (C 52 17B-67), and the person shall be permitted to perform full police

functions or duties during the person's probationary or temporary appointment

d Upon successful completion of a probationary or temporary appointment, a person may apply for licensure as a permanent law enforcement officer in a manner prescribed by the commission pursuant to P L 2022, c 65 (C 52 17B-71a et al) The probationary license shall remain in force and effect until the commission acts upon the application for licensure as a permanent law enforcement officer

5 Section 2 of P L 1998, c 146 (C 52 17B-69 1) is amended to read as follows

C 52 17B-69 1 Enrollment in police training course for persons seeking probationary, temporary appointment

2 a A person who does not hold a probationary or temporary appointment as a law enforcement officer, but who is seeking such an appointment may enroll in a police training course provided that person

(1) meets the general qualifications for a police officer set forth in N J S 40A 14-122 and such other qualifications as the commission may deem appropriate, and

(2) applies to and is accepted by a commission approved school for admission to a police training course

The person may be charged a fee by the commission or approved school, as the case may be, not exceeding that which the commission approved school charges a governmental employer for the training of an employee holding a probationary or temporary appointment

An appointing authority may, at its discretion, reimburse a person who has completed a police training course pursuant to this section for all or part of the costs of training

b The commission, in accordance with the provisions of the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), shall promulgate rules and regulations to effectuate the purposes of this section

6 Section 3 of P L 1998, c 146 (C 52 17B-69 2) is amended to read as follows

C 52 17B-69 2 Eligibility for appointment

3 A person who completes a police training course pursuant to section 2 of P L 1998, c 146 (C 52 17B-69 1) shall only be eligible for appointment as a permanent full-time member of a law enforcement unit or as a Class Two

Special Law Enforcement Officer pursuant to section 4 of P.L. 1985, c. 439 (C. 40A:14-146.11).

7. Section 5 of P.L. 1961, c. 56 (C. 52:17B-70) is amended to read as follows:

C. 52:17B-70 Police training commission established, members, terms.

5. There is hereby established in the Division of Criminal Justice in the Department of Law and Public Safety a Police Training Commission whose membership shall consist of the following persons:

a. Four citizens of this State who shall be appointed by the Governor with the advice and consent of the Senate for terms of three years;

b. The president or other representative designated in accordance with the bylaws of each of the following organizations: the New Jersey State Association of Chiefs of Police, the New Jersey State Policemen's Benevolent Association, Inc., the New Jersey State League of Municipalities, the New Jersey State Lodge, Fraternal Order of Police, the State Troopers Fraternal Association of New Jersey, the County Prosecutors' Association of New Jersey, the Sheriffs' Association of New Jersey, the Police Academy Directors Association, the New Jersey County Jail Wardens Association, the New Jersey Juvenile Detention Association, and the National Organization of Black Law Enforcement Executives;

c. The Attorney General, the Superintendent of State Police, the Commissioner of Education, the Commissioner of Corrections, and the Chairman of the State Parole Board, ex officio, or their designees;

d. The Special Agent in Charge of the State of New Jersey for the Federal Bureau of Investigation or a designated representative.

e. The Police Training Commission shall ensure that all commission members, during their tenure as commissioners, annually complete confidentiality, ethics, and other training as required by the Attorney General's Office. The commission shall also ensure that all newly appointed public members of the commission complete a course designed to familiarize the members with relevant law enforcement training concepts, including but not limited to the use of force policy and internal affairs policy and procedures to help the members carry out their duties under P.L. 2022, c. 65 (C. 52:17B-71a et al.).

8. Section 6 of P.L. 1961, c. 56 (C. 52:17B-71) is amended to read as follows:

C 52 17B-71 Powers, responsibilities, duties of commission

6 The commission shall establish requisite standards for the training of law enforcement officers and oversee the implementation of those standards

The commission shall have the authority

a To prescribe standards for the approval and continuation of approval of schools at which police training courses authorized by this act and in-service police training courses shall be conducted, including but not limited to currently existing regional, county, municipal, and police chief association police training schools or at which basic training courses and in-service training courses shall be conducted for State and county juvenile and adult correctional police officers and juvenile detention officers,

b To approve and issue certificates of approval to these schools, to inspect the schools from time to time, and to revoke any approval or certificate issued to the schools,

c To prescribe the curriculum, the minimum courses of study, attendance requirements, equipment and facilities, and standards of operation for these schools and prescribe psychological and psychiatric examinations for police recruits,

d To prescribe minimum qualifications for instructors at these schools and to certify, as qualified, instructors for approved police training schools and to issue appropriate certificates to the instructors,

e To certify law enforcement officers who have satisfactorily completed training programs and to issue appropriate certificates to the officers,

f To advise and consent in the appointment of an administrator of police services by the Attorney General pursuant to section 8 of P L 1961, c 56 (C 52 17B-73),

g (Deleted by amendment, P L 1985, c 491)

h To make rules and regulations as may be reasonably necessary or appropriate to accomplish the purposes and objectives of this act,

i To make a continuous study of police training methods and training methods for law enforcement officers and to consult and accept the cooperation of any recognized federal or State law enforcement agency or educational institution,

j To consult and cooperate with universities, colleges, and institutes in the State for the development of specialized courses of study for law enforcement officers in police science and police administration,

k To consult and cooperate with other departments and agencies of the State concerned with police training or the training of law enforcement officers,

l To participate in unified programs and projects relating to police training and the training of law enforcement officers sponsored by any federal, State, or other public or private agency,

m To perform other acts as may be necessary or appropriate to carry out its functions and duties as set forth in this act,

n To extend the time limit for satisfactory completion of police training programs or programs for the training of law enforcement officers upon a finding that health, extraordinary workload, or other factors have, singly or in combination, effected a delay in the satisfactory completion of the training program,

o (1) To furnish approved schools, for inclusion in their regular police training courses and curriculum, with information concerning the advisability of high-speed chases, the risk caused by them, and the benefits resulting from them, and to include any other relevant police training courses that will assist the commission in providing efficient training,

(2) To consult the New Jersey State Police with respect to its administration of police training courses or programs for the training of law enforcement officers to be certified as a Drug Recognition Expert for detecting, identifying, and apprehending drug-impaired motor vehicle operators, and to consult with the Cannabis Regulatory Commission established by 31 of P L 2019, c 153 (C 24 6I-24) with respect to any aspects of the course curricula that focus on impairment from the use of cannabis items as defined by section 3 of P L 2021, c 16 (C 24 6I-33) or marijuana

p (Deleted by amendment, P L 2022, c 65)

q To administer and distribute the monies in the Law Enforcement Officers Training and Equipment Fund established by section 9 of P L 1996, c 115 (C 2C 43-3 3) and make rules and regulations for the administration and distribution of the monies as may be necessary or appropriate to accomplish the purpose for which the fund was established

C 52 17B-71a Licensing process established, powers, responsibilities, duties

9 The commission shall establish the process by which law enforcement officers shall be licensed and the implementation of that process The commission is vested with the power, responsibility, and duty

a to prescribe minimum standards and requirements for the licensure for law enforcement officers and to maintain the status as a licensed law enforcement officer for the purpose of promoting and assuring integrity, competence, professionalism, and fitness for duty The minimum standards shall include, but not be limited to

(1) minimum pre-employment qualifications for law enforcement officer applicants, including but not limited to, age requirements, residency requirements, background investigations, psychological examinations, and educational requirements,

(2) minimum post-academy training and educational requirements, including but not limited to required field training hours for recent academy graduates and required continuing educational courses for law enforcement officers, and

(3) minimum standards of professional conduct,

b to establish a licensure process and applicable criteria for license issuance, renewal, suspension, revocation, or denial, and

c to perform or cause to be performed through the licensing committee the following activities related to law enforcement officer licensing

(1) review applications for and, if warranted, issue initial law enforcement officer licenses to qualified applicants,

(2) review and act upon matters related to law enforcement officer license renewal, suspension, revocation, or denial,

(3) conduct license renewal, suspension, revocation, or denial hearings, and

(4) suspend, revoke, place conditions upon, or deny a license in the event an individual does not meet any standard or requirement prescribed by the commission

d The commission shall establish a licensing committee to assist it in exercising the authority provided under this act, including duties with respect to law enforcement officer licensing as set forth in subsection c of this section and section 19 of P L 2022, c 65 (C 52 17B-71f), and including but not limited to, making recommendations for licensure to be considered by the full commission

The composition, membership, terms of membership, and procedures applicable to the function and operations of the licensing committee shall be determined by the commission, provided that the membership of the licensing committee shall include the Attorney General's designee and no less than one public member

C 52 17B-67 1 Valid, active license required for law enforcement officer employment

10 A person shall not be employed as a law enforcement officer, as defined in section 2 of P L 1961, c 56 (C 52 17B-67), in this State unless the person holds a valid, active license as a law enforcement officer issued in accordance with P L 2022, c 65 (C 52 17B-71a et al) A person shall not act as a law enforcement officer, as defined in section 2 of P L 1961, c 56 (C 52 17B-67), in this State beyond the scope of the authorization provided pursuant to any designations to the license approved by the Police Training Commission

11 Section 4 of P L 2008, c 80 (C 52 17B-71 9) is amended to read as follows

C 52 17B-71 9 Adoption of training course by Police Training Commission

4 a The Police Training Commission in the Department of Law and Public Safety shall adopt a training course regarding the risks associated with autism or an intellectual or other developmental disability and appropriate recognition and response techniques concerning these disabilities based on the curriculum developed by the Departments of Health and Senior Services and Human Services pursuant to subsection a of section 2 of P L 2008, c 80 (C 26 2-190) The training course shall be administered by the employing agency as part of the in-service training provided to each local police officer in each law enforcement unit operating in this State

b Prior to being appointed to permanent status as a local law enforcement officer in a law enforcement unit, an individual shall be required to complete the training course adopted under subsection a of this section Every local law enforcement officer appointed prior to the effective date of P L 2022, c 65 (C 52 17B-71a et al) shall, within 36 months of the effective date of P L 2022, c 65 (C 52 17B-71a et al), satisfactorily complete a training course in recognition and response techniques concerning these disabilities

c The Police Training Commission shall adopt rules and regulations, pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), to effectuate the purposes of this act

12 Section 7 of P L 1961, c 56 (C 52 17B-72) is amended to read as follows

C 52 17B-72 Effect of act upon powers and duties of municipalities and counties and civil service

7 a Except as expressly provided in P L 1961, c 56 (C 52 17B-66 et seq), nothing herein contained shall be deemed to limit the powers, rights, duties or responsibilities of municipal or county governments, nor to affect provisions of Title 11 of the Revised Statutes, provided that a determination by the Civil Service Commission that an individual is eligible for appointment as a law enforcement officer shall not be construed to affect or limit the commission's ability to take any action authorized under P L 2022, c 65 (C 52 17B-71a et al) with respect to an applicant or licensee

b Notwithstanding the provisions of any statute, rule, regulation or collective bargaining agreement to the contrary, the commission shall have the sole authority to establish training standards and certification for

approved schools, and the licensure requirements for a law enforcement officer as defined in section 2 of P L 1961, c 56 (C 52 17B-67)

13 Section 10 of P L 1961 c 56 (C 52 17B-75) is amended to read as follows

C 52 17B-75 Reimbursement for expenses

10 The members of the commission shall receive no salary but all members except those designated in subsection c of section 5 of this act shall be reimbursed for their reasonable expenses lawfully incurred in the performance of their official functions The members of the commission who are employed by the State, a county, a municipality or any State, county, or local governmental entity shall not be subject to loss of pay or accrued time due to attending commission meetings or otherwise performing the official commission functions

C 52 17B-71b License requirements

14 a The applicant for an initial law enforcement license or a probationary license shall have the burden of demonstrating to the satisfaction of the commission that the applicant meets all requirements for the issuance of a law enforcement license The requirements for an initial license and a probationary license shall include, but not be limited to, that an applicant

(1) be at least 18 years of age,

(2) be a citizen of the United States, if required for the position for which licensure is sought,

(3) be at least a high school graduate or have earned a General Educational Development (GED) diploma,

(4) be fingerprinted in accordance with the standards established by the commission,

(5) have passed a medical examination by a licensed physician, physician assistant, or licensed advanced practice registered nurse, based on specifications established by the commission,

(6) have passed a psychological examination by a licensed psychologist or psychiatrist based on specifications established by the commission,

(7) be of good moral character as determined by a background investigation conducted under the procedures established by the commission and successfully pass a criminal background records check in accordance with the Prison Rape Elimination Act (PREA), 28 C F R 115 317, if applicable,

(8) successfully meet and complete all required basic physical and educational training courses as required by the commission,

(9) successfully pass a drug screening test as prescribed by the commission,

(10) possess a valid driver's license,

(11) not have received a dishonorable discharge from military service,

(12) successfully complete any probationary period prescribed by the commission,

(13) not have been convicted of any of the following

(a) a crime in this State or any other state, territory, country, or of the United States, including a conviction of an offense which if committed in this State would be deemed a crime under either State or federal law without regard to its designation elsewhere,

(b) an act of domestic violence pursuant to P L 1991, c 261 (C 2C 25-17 et seq),

(c) an offense that would preclude an applicant from carrying a firearm as defined by N J S 2C 39-1,

(d) a disorderly persons offense or petty disorderly persons offense involving dishonesty, fraud, or a lack of good moral character, unless the commission determines the offense to be de minimis in nature or inconsequential to the applicant's ability to meet the standards expected of a law enforcement officer,

(e) two or more motor vehicle offenses for operating a motor vehicle while under the influence of drugs or alcohol pursuant to R S 39 4-50 or two or more motor vehicle offenses for reckless driving pursuant to R S 39 4-96, or

(f) any offense listed in (b) through (e) of this paragraph committed in violation of the laws of another state, territory, country, or the United States,

(14) not be the subject of or had a domestic violence restraining order pursuant to P L 1991, c 261 (C 2C 25-17 et seq), an extreme risk protective order, or a temporary extreme risk protective order pursuant to P L 2018, c 35 (C 2C 58-20 et seq) issued against the applicant,

(15) not be an active member of a group or organization that advocates for, espouses, or promotes the overthrow of a local, state, or federal government or discrimination or violence against or hatred or bias toward individuals or groups based on race, creed, color, national origin, ancestry, age, sex, marital status, sexual orientation, gender identity or expression, or any other protected characteristic under the "Law Against Discrimination," P L 1945, c 169 (C 10 5-1 et seq), or knowingly engage in any activity, conduct, or behavior relating to such group or organization with the intent to support, endorse or advocate for, or which the applicant knows or should know will have the effect of supporting, furthering, or advocating for, the

goals of such group or organization, where active membership or knowing engagement would undermine public confidence in the ability of the individual law enforcement officer or the employing law enforcement agency to carry out the public safety mission, or where active membership or knowing engagement would cause substantial disruption to proper law enforcement functioning,

(16) not have engaged in conduct or behavior in the applicant's personal or professional life, including, but not limited to, making statements, posting, sharing, or commenting in support of any posting, on social media or otherwise, that demonstrates, espouses, advocates, or supports discrimination or violence against, or hatred or bias toward, individuals or groups based on race, creed, color, national origin, ancestry, age, sex, marital status, sexual orientation, gender identity or expression, or any other protected characteristic under the "Law Against Discrimination," P L 1945, c 169 (C 10 5-1 et seq), where the conduct or behavior would undermine public confidence in the ability of the individual law enforcement officer or the employing law enforcement agency to carry out the public safety mission, or where the conduct or behavior would cause substantial disruption to proper law enforcement functioning,

(17) provide to the commission and the applicant's employing law enforcement unit a complete list of all social media accounts maintained by the applicant and grant to the commission and the applicant's employing law enforcement unit access to all outwardly facing activity and publicly accessible components of the accounts,

(18) not currently be listed on the National Decertification Index as being decertified as a law enforcement officer or having the license or certification as a law enforcement officer revoked or denied,

(19) pay or cause to be paid any fees, if applicable, established by the commission, and

(20) any other requirements established by the commission

b The commission may waive the requirements of subparagraphs (d) and (e) of paragraph (13) of subsection a of this section if the applicant demonstrates to the licensing committee's satisfaction that

(1) the applicant's conviction or convictions occurred five or more years prior to submission of an application for licensure as a law enforcement officer,

(2) the applicant has taken rehabilitative steps since the applicant's conviction or convictions to become a law-abiding citizen through actions, including but not limited to continuing education, maintaining gainful employment, and having no further convictions, and

(3) the applicant is currently of good moral character and submits at least three letters of recommendation from members of the applicant's community detailing the applicant's good moral character

c An applicant for licensure shall provide to the commission or the applicant's employing law enforcement unit documented proof, in a form and manner as required by the commission, that the applicant is in compliance with paragraphs (1) through (20) of subsection a of this section The commission shall promulgate in its rules and regulations the form, manner, and substance of documents required by the commission to provide sufficient proof of the qualifications required by this section An application for initial licensure or license renewal of a person employed as full-time sworn member of any State, county, or municipal law enforcement agency or department, division or instrumentality of those governments on the effective date of P L 2022, c 65 (C 52 17B-71a et al) shall not be denied based solely on consideration of disciplinary actions based on conduct occurring prior to the date of enactment of P L 2022, c 65 (C 52 17B-71a et al)

d The commission shall have the authority to issue a license for employment as a law enforcement officer if an applicant satisfies all licensing requirements A license issued pursuant to this section shall expire three years after its date of issuance, before which time the law enforcement officer shall be required to apply for a license renewal pursuant to section 17 of P L 2022, c 65 (C 52 17B-71d)

e Law enforcement officers from jurisdictions outside of New Jersey and federal law enforcement officers applying for licensure in this State shall be required to meet all of the requirements set forth in this section and also shall be required to complete a waiver form that allows the commission and any hiring law enforcement unit to review the officer's internal affairs records from any and all prior law enforcement positions

f A person appointed as a permanent law enforcement officer prior to the effective date of P L 2022, c 65 (C 52 17B-71a et al) shall apply for a law enforcement license in accordance with section 17 of P L 2022, c 65 (C 52 17B-71d) The commission shall devise a process and schedule for submission of a law enforcement license application for the officers

g At the discretion of the commission, licenses issued pursuant to this section may serve as authorization for a licensee to serve in one of the following positions, provided the licensee meets the requisite qualifications for that status a full-time permanent law enforcement officer, a Class One, Class Two, or Class Three special law enforcement officer, or a probationary law enforcement officer

h In all situations where a law enforcement officer has been convicted of an offense set forth in subparagraph (a), (b), or (c) of paragraph (13) of subsection a of this section, the commission shall deny the issuance of a license to an applicant

i Any decision to deny a license shall be accompanied by a written statement in a form to be prescribed by the commission

C 52 17B-71c Employing law enforcement unit responsible for collection, verification, maintenance of qualification documents

15 a An employing law enforcement unit shall be responsible for the collection, verification, and maintenance of documentation establishing that an applicant meets the minimum qualifications for employment as a law enforcement officer

b When all of the documentation concerning an applicant is obtained, the employing law enforcement unit shall submit the documentation to the commission for verification and review in a manner prescribed by the commission

c The commission shall adopt rules and regulations establishing the procedure to submit licensing application documents

d The commission shall review an applicant's documentation submitted for licensure to determine eligibility for the issuance of a law enforcement license

C 52 17B-77 16a Notification of appointment, employment, separation, suspension, certain sustained findings

16 a The chief law enforcement officer of an employing law enforcement unit shall notify the commission in writing, on a form prescribed by the commission, of a law enforcement officer's appointment to or employment with the law enforcement unit, which shall include the commencement date of such appointment or employment

b The chief law enforcement officer of an employing law enforcement unit shall notify the commission, in writing, on a form prescribed by the commission, of the following employment actions concerning a law enforcement officer

(1) the separation from appointment or employment with the law enforcement unit, which includes any firing, termination, resignation, retirement, or voluntary or involuntary extended leave of absence, which notice shall include the date of separation,

(2) the imposition of any discipline subject to appeal,

(3) any suspension of more than five days or 40 hours duration, imposed pending investigation or disciplinary action,

(4) any sustained finding that a law enforcement officer used excessive force,

(5) any pending criminal charge or conviction of any crime, disorderly persons, petty disorderly persons, or driving while intoxicated offense,

(6) any sustained finding that a law enforcement officer is unfit for duty,

(7) any sustained finding that the law enforcement officer filed a false report or submitted a false certification in any criminal, administrative, employment, financial, or insurance matter in the officer's professional or personal life,

(8) any sustained finding that the law enforcement officer mishandled or destroyed evidence,

(9) any sustained finding that the law enforcement officer was untruthful or demonstrated a lack of candor, and

(10) any sustained finding that the law enforcement officer is biased against a particular class of people based on race, creed, color, national origin, ancestry, sex, marital status, sexual orientation, gender identity or expression, or any other protected characteristic under the "Law Against Discrimination," P L 1945, c 169 (C 10 5-1 et seq)

In addition to the completed form, the employing law enforcement unit shall provide additional supporting information and documentation as may be required by the commission The employing law enforcement unit shall maintain the original form and submit, or electronically transmit, the information required under this subsection to the commission within two business days of the employment action Notwithstanding any other provision of law, the completed forms and information submitted to the commission pursuant to this section shall not, by virtue of having been required pursuant to this section, constitute a public record under P L 1963, c 73 (C 47 1A-1 et seq) or a government record subject to access pursuant to P L 2001, c 404 (C 47 1A-5 et seq), but shall be accessible when otherwise required to be disclosed by law

c In a case of separation from employment, the employing law enforcement unit shall execute and maintain a form adopted by the commission, setting forth in detail the facts and reasons for the separation The information contained in the form shall be submitted, or electronically transmitted, to the commission within two business days If the officer is separated for the officer's failure to comply with the provisions of P L 2022, c 65 (C 52 17B-71a et al), the notice shall specify this Any law enforcement officer who has separated from employment for cause shall be permitted to respond to the separation, in writing, to the commission, setting forth the facts and reasons for the separation as the

officer understands them The response shall be submitted to the commission within two business days of the separation

d Before employing a licensed law enforcement officer, a subsequent employing law enforcement unit shall contact the commission to inquire as to the facts and reasons an officer was separated from any previous employing unit The commission shall, upon request and without prejudice, provide to the subsequent employing law enforcement unit all information that is required under subsections a , b , and c of this section that is in its possession Notwithstanding this provision, a law enforcement unit seeking to hire a law enforcement officer shall comply with the provisions of section 1 of P L 2020, c 52 (C 52 17B-247) and request that officer's internal affairs and personnel files from the officer's previous employing law enforcement units

e Whenever a law enforcement officer voluntarily separates from employment with a law enforcement unit to commence employment at another unit, the chief law enforcement officer of the former law enforcement unit shall notify the commission in writing in advance, if possible, but no later than two business days after the officer's departure Upon separation from employment, the law enforcement officer's license shall be placed on inactive status, unless the commission has previously acted to approve the officer's active status at the new employing law enforcement unit The chief law enforcement officer of that unit shall make application to the commission, in a manner prescribed by the commission, through its regulations, prior to or within two business days of the officer's appointment date to restore the officer's license to active status The commission shall consider the application and render a decision concerning the reactivation of the officer's license

f It shall be unlawful for any State, county, or municipal agency, law enforcement unit, or licensed law enforcement officer to enter into any non-disclosure agreement which seeks to conceal or prevent public review of the circumstances under which the officer separated from or was terminated or fired from employment by the law enforcement unit or State, county, or municipal agency

C 52 17B-71d Law enforcement license renewal, process

17 a A law enforcement officer required to renew the officer's license or a person appointed as a permanent law enforcement officer prior to the effective date of P L 2022, c 65 (C 52 17B-71a et al) shall submit an application for law enforcement license renewal through the officer's employing law enforcement unit to the commission The application for law enforcement license renewal shall be on a form adopted by the commission and shall require the law

enforcement officer and the chief law enforcement officer of the officer's employing law enforcement unit to certify that the officer

(1) is of good moral character as determined by a background investigation conducted under the procedures established by the commission,

(2) successfully meets and has completed all commission required physical and educational training courses,

(3) has not been convicted of

(a) a crime in this State or any other state, territory, country, or of the United States, including a conviction of an offense which if committed in this State would be deemed a crime under either state or federal law without regard to its designation elsewhere,

(b) an act of domestic violence pursuant to P L 1991, c 261 (C 2C 25-17 et seq),

(c) an offense that would preclude an applicant from carrying a firearm as defined by N J S 2C 39-1,

(d) a disorderly persons offense or petty disorderly persons offense involving dishonesty, fraud, or a lack of good moral character, unless the commission determines the offense to be de minimis in nature or inconsequential to the applicant's ability to meet the standards expected of a law enforcement officer,

(e) two or more motor vehicle offenses for operating a motor vehicle while under the influence of drugs or alcohol pursuant to R S 39 4-50 or two of more motor vehicle offenses for reckless driving pursuant to R S 39 4-96, or

(f) any offense listed in subparagraph (b) through (e) of this paragraph committed in violation of the laws of another state, territory, country, or the United States

(4) is not an active member of a group or organization that advocates for, espouses or promotes the overthrow of a local, state or federal government or discrimination or violence against or hatred or bias toward individuals or groups based on race, creed, color, national origin, ancestry, sex, marital status, sexual orientation, gender identity or expression, or any other protected characteristic under the "Law Against Discrimination," P L 1945, c 169 (C 10 5-1 et seq), and has not knowingly engaged in any activity, conduct, or behavior relating to the group or organization with the intent to support, endorse or advocate for, or which the officer knows or should know will have the effect of supporting, furthering, or advocating for, the goals of the group or organization, where active membership or knowing engagement undermines or tends to undermine public confidence in the ability of the individual law enforcement officer or the employing law enforcement agency to carry out the public safety mission, or where active membership or knowing engagement

causes or threatens to cause substantial disruption to proper law enforcement functioning, and

(5) has not engaged in conduct or behavior in the officer's personal or professional life, including but not limited to, making statements, posting, sharing, or commenting in support of any posting on social media or otherwise that demonstrates, espouses, advocates or supports discrimination or violence against, or hatred or bias toward individuals or groups based on race, creed, color, national origin, ancestry, sex, marital status, sexual orientation, gender identity or expression, or any other protected characteristic under the "Law Against Discrimination," P L 1945, c 169 (C 10 5-1 et seq), where the conduct or behavior would undermine public confidence in the ability of the individual law enforcement officer or the employing law enforcement agency to carry out the public safety mission, or where the conduct or behavior would cause substantial disruption to proper law enforcement functioning

b A law enforcement officer who is unable to certify to any item enumerated in subsection a of this section shall disclose to the commission the reason the officer cannot make the certification The commission shall consider this information in determining whether the officer's license shall be renewed

c In addition to the information contained in the law enforcement license renewal application form, the commission may request any additional information it deems relevant to determine whether a law enforcement officer's license should be renewed The information may include a summary of a law enforcement officer's internal affairs file, or the entire file as the commission deems necessary An employing law enforcement unit or the law enforcement officer shall provide all additional information requested by the commission

d A license issued pursuant to section 14 of P L 2022, c 65 (C 52 17B-71b) may be renewed administratively, under terms and conditions established by the commission, without requiring review by the licensing committee pursuant to subsection d of section 9 of P L 2022, c 65 (C 52 17B-71a) or conducting a hearing pursuant to section 19 of P L 2022, c 65 (C 52 17B-71f), if the licensee and the licensee's employing law enforcement unit submit the certifications required pursuant to subsection a of this section and if a notice of an employment action concerning the licensee has not been submitted to or is not required to be submitted to the commission in accordance with subsection b of section 16 of P L 2022, c 65 (C 52 17B-77 16a)

e The license of a law enforcement officer who is active and in good standing and who has timely submitted a completed renewal application which the commission fails to act upon prior to the license expiration date shall be deemed in force and effect until the time as the commission acts upon the

renewal application, provided that nothing in this subsection shall be construed to preclude the commission from exercising the authority provided under section 18 of P L 2022, c 65 (C 52 17B-71e) during that interval or thereafter

f Any decision to deny a license renewal shall be accompanied by a written statement in a form to be prescribed by the commission

C 52 17B-71e Adverse license action, repercussions

18 a The commission shall have authority to impose an adverse license action as set forth in subsection b of this section if the applicant or officer has

(1) failed to demonstrate or adhere to the minimum qualifications under section 14 of P L 2022, c 65 (C 52 17B-71b), or in the rules and regulations of the commission when applying for a license or license renewal,

(2) knowingly made misleading, deceptive, untrue, or fraudulent representations in the practice of being a law enforcement officer or in any document connected therewith or practiced fraud or deceit or intentionally made any false statement in obtaining a license to be an officer,

(3) been convicted of a crime in this State or any other state, territory, country, or of the United States As used in this paragraph, the term "convicted of a crime" shall include a conviction of an offense which if committed in this State would be deemed a crime under either state or federal law without regard to its designation elsewhere,

(4) committed a crime involving moral turpitude, without regard to conviction The conviction of a crime involving moral turpitude shall be conclusive of the commission of the crime,

(5) been convicted of an act of domestic violence as defined by section 1 of P L 1991, c 261 (C 2C 25-17 et seq),

(6) had the officer's law enforcement license revoked, suspended, or annulled by any lawful certifying or licensing authority, had other disciplinary action taken against the officer by any lawful certifying or licensing authority, or was denied a license by any lawful certifying or licensing authority,

(7) engaged in any unprofessional, unethical, deceptive, or deleterious conduct or practice harmful to the public, the conduct or practice need not have resulted in actual injury to any person As used in this paragraph, the term "unprofessional conduct" shall include any departure from, or failure to conform to, the minimal standards of acceptable and prevailing practice of an officer as prescribed by the commission As used in this paragraph the term "deceptive conduct" shall include but not be limited to

(a) a sustained finding that a law enforcement officer filed a false report or submitted a false certification in any criminal, administrative, employment, financial, or insurance matter in the professional or personal life of the officer,

(b) a sustained finding that the law enforcement officer was untruthful or demonstrated a lack of candor,

(c) a sustained finding that the law enforcement officer mishandled or destroyed evidence, or

(d) a sustained finding that a law enforcement officer has engaged in conduct demonstrating discrimination, hatred or bias against individuals or groups based on race, creed, color, national origin, ancestry, sex, marital status, sexual orientation, gender identity or expression, or any other protected characteristic under the "Law Against Discrimination," P L 1945, c 169 (C 10 5-1 et seq),

(8) been adjudged mentally incompetent by a court of competent jurisdiction, within or outside this State,

(9) become unable to perform as an officer with reasonable skill and safety to citizens by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition,

(10) been the subject of or had a domestic violence restraining order pursuant to P L 1991, c 261 (C 2C 25-17 et seq), an extreme risk protective order or a temporary extreme risk protective order pursuant to P L 2018, c 35 (C 2C 58-20 et seq) issued against the applicant or officer, or

(11) been suspended or discharged by the officer's employing law enforcement unit for disciplinary reasons

b If the commission finds, based on its own review or a recommendation of the licensing committee, that any person has engaged in the conduct described in subsection a of this section, the commission may take any of the following actions

(1) suspend any license for a definite period,

(2) place limitations or restrictions on a license,

(3) revoke a license,

(4) condition a penalty, or withhold formal disposition, upon the officer's completing care, counseling, or treatment, as directed by the commission, or

(5) place the officer's license on inactive status

c In addition to and in conjunction with the foregoing actions, the commission may make a finding adverse to the applicant or law enforcement officer, but withhold imposition of judgment or it may impose the judgment but suspend enforcement thereof and place the officer on probation, which

may be vacated upon noncompliance with reasonable terms as the commission may impose

d In its discretion, the commission may restore and reissue a license issued under this act and, as a condition thereof, may impose any corrective measure prescribed by the commission

e In all situations where a law enforcement officer has been convicted of an offense set forth in subparagraph (a), (b), or (c) of paragraph (13) of subsection a of section 14 of P L 2022, c 65 (C 52 17B-71b), the commission shall revoke a law enforcement officer's license

f Any decision to revoke or suspend a license shall be accompanied by a written statement in a form to be prescribed by the commission

g Decisions of the commission authorized under this section shall be final agency decisions subject to appeal to the Superior Court

h The commission shall report all final decisions to revoke or deny licensure issued under this act to the National Decertification Index

C 52 17B-71f Hearing over denial of initial, renewal license

19 a Except under circumstances set forth in subsection h of section 14 of P L 2022, c 65 (C 52 17B-71b) or subsection e of section 18 of P L 2022, c 65 (C 52 17B-71e), in all situations involving the imposition of an adverse license action by the commission as set forth in subsection b of section 18 of P L 2022, c 65 (C 52 17B-71e) or the denial of an initial or renewal license, the law enforcement officer shall, if requested by the officer, be entitled to a hearing in a manner prescribed in this subsection and in regulations as may be promulgated by the commission

(1) The licensing committee may hear the matter or refer the matter to a hearing officer for fact finding and a recommended disposition,

(2) If the matter is referred to a hearing officer, the officer shall conduct a hearing and provide a written report to the licensing committee detailing the facts revealed and providing a recommended disposition, and

(3) The licensing committee shall review the hearing officer's report, vote on the proposed disposition, and make a recommendation to the full commission, which shall render a decision in writing to the law enforcement officer, or any other party participating in the hearing

b Any ruling of the commission adverse to the law enforcement officer or any party participating in the hearing may be appealed to the Superior Court within 45 days of receipt of the commission's decision on appeal Absent an appeal to the Superior Court, all findings of the commission shall become final upon the expiration of the appeal deadline Upon review on appeal to the Superior Court, the commission's decisions shall be upheld unless the court

finds the commission's decision was arbitrary, capricious, or unreasonable, or the record was unsupported by substantial credible evidence

c The commission shall promulgate rules and regulations detailing the manner of the hearing and appeal process The processes shall include, but not be limited to, the manner in which a hearing and appeal are initiated and the manner in which the hearing shall be conducted

C 52 17B-71g Continuing officer education training requirement

20 a The commission shall, by regulation, require all law enforcement officers, as a condition of continued employment or appointment as an officer, to receive periodic commission-approved continuing officer education training The training or education shall be mandated and prescribed by the commission Every law enforcement unit shall provide a reasonable opportunity for its officers to complete training

b The law enforcement officer shall submit proof of all required training to the chief law enforcement officer of the officer's employing law enforcement unit, who shall in turn, submit the documentation to the commission in a manner to be proscribed by the commission's regulations

C 52 17B-71h Fees for training, other services provided by commission

21 a The commission shall, by rule or regulation, establish, prescribe, or modify fees for training or other services provided by the commission pursuant to the provisions of this act The fees may include, but are not limited to, fees for academy recruits and fees for each academy Any fees established pursuant to this subsection shall be dedicated to the costs of providing the training or other services provided by the commission, as the case may be

b The commission may, by rule or regulation, establish, prescribe, or modify fees for application for and issuance of an initial license pursuant to the provisions of this act for applicants or law enforcement officers not employed as full-time sworn members of any State, county, or municipal law enforcement agency or department or division of those governments on the effective date of this act, provided that a fee may not be charged for application for and issuance of initial licenses for law enforcement officers employed as full-time sworn members of any State, county, or municipal law enforcement agency, department, or division of those governments on the effective date of this act, or for application for and issuance of law enforcement license renewals for law enforcement officers employed as full-time sworn members of any State, county, or municipal law enforcement agency, department, or division of those governments on or after the effective date of this act

c The commission shall be authorized to accept payment of fees established pursuant to this section from an applicant or licensee or on behalf of an applicant or licensee from a law enforcement unit employing or proposing to employ the applicant or officer, from any other governmental entity, or from funds made available by the State for this purpose

22 There is hereby appropriated from the General Fund to the Department of Law and Public Safety the sum of $6,000,000 to carry out the purposes of this act for the fiscal period ending June 30, 2023

Repealer

23 The following sections are repealed

Section 5 of P L 1988, c 176 (C 52 17B-68 1),

Section 3 of P L 1967, c 252 (C 52 17B-71 1), and

Sections 1 through 6 of P L 1968, c 265 (C 52 17B-71 2 through C 52 17B-71 7)

24 This act shall take effect on the first day of the eighteenth month after enactment, however paragraph (2) of subsection o of section 8 shall take effect immediately The Police Training Commission may take such anticipatory actions in advance of that date as may be necessary to effectuate the provisions of this act

Approved July 21, 2022

CHAPTER 66

AN ACT allowing minors to serve as election workers and amending P L 1940, c 153

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

1 Section 3 of P L 1940, c 153 (C 34 2-21 3) is amended to read as follows

C 34 2-21 3 Limitations on minors' working hours

3 a Except as provided in section 15 of P L 1940, c 153 (C 34 2-21 15) and except for domestic service or messengers employed by communications

companies subject to the supervision and control of the Federal Communications Commission, no minor under 18 years of age shall be employed, permitted, or suffered to work in, about, or in connection with any gainful occupation more than six consecutive days in any one week, or more than 40 hours in any one week, or more than eight hours in any one day, nor shall any minor under 16 years of age be so employed, permitted, or suffered to work before 7 a m or after 7 p m of any day, except that during the school year, a minor who is at least 14 or 15 years of age may work during non-school hours, for no more than three hours on a school day and no more than 18 hours in a school week, and up to eight hours on a non-school day during a school week, and except a minor who is 14 or 15 years of age may work in a restaurant, supermarket or other retail establishment, or in any occupation not prohibited by the provisions of this act, P L 1940, c 153 (C 34 2-21 1 et seq) or by regulations promulgated by the commissioner pursuant to this act, P L 1940, c 153 (C 34 2-21 1 et seq), up to 40 hours in a week during the period beginning on the last day of a minor's school year and ending on Labor Day of each year until 9 p m of any day, and except a minor who is 14 or 15 years of age may be employed as a little league umpire for little leagues chartered by Little League Baseball, Incorporated, until 9 p m of any day, nor shall any minor between 16 and 18 years of age be so employed, permitted, or suffered to work before 6 a m or after 11 p m of any day, provided that minors between 16 and 18 years of age may be employed after 11 p m during any regular vacation season, and on days which do not precede a regularly scheduled school day, provided that minors between 16 and 18 years of age may be employed in a seasonal amusement or restaurant occupation after 11 p m and following 12 01 a m of the next day, if that employment is a continuation of a workday which began before 11 p m , either during any regular school vacation season, or on workdays which do not begin on a day which precedes a regularly scheduled school day, except that in no case shall minors between 16 and 18 years of age be employed after 3 a m or before 6 a m on a day which precedes a regularly scheduled school day, provided, further, that minors may be employed in a concert or a theatrical performance up to 11 30 p m , provided, further, that minors between 16 and 18 years of age may serve at an election pursuant to R S 19 6-2, between the hours of 5 30 a m and 9 00 p m on a day that the election is held, and provided, further, that minors not less than 16 years of age and who are attending school may be employed as pinsetters, lane attendants, or busboys in public bowling alleys up to 11 30 p m , and provided, further, that minors between 16 and 18 years of age may not be employed after 10 p m during the regular school vacation seasons in or for a factory or in any occupation otherwise prohibited

by law or by order or regulation made in pursuance of law The hours of work of minors under 16 employed outside school hours shall not exceed three hours in any one day when school is in session and shall not exceed in any one week when school is in session the maximum number of hours permitted for that period under the federal "Fair Labor Standards Act of 1938," 29 U S C s 201 et seq , and regulations promulgated pursuant to that federal act

b Notwithstanding the provisions of subsection a of this section, a minor between 16 and 18 years of age may work up to 50 hours in one week and up to 10 hours in one day during the period beginning on the last day of the minor's school year and ending on Labor Day This subsection shall take effect immediately upon the date of enactment

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

2 This act shall take effect immediately

Approved July 28, 2022

CHAPTER 67

AN ACT concerning certain in-person, early voting, and vote by mail practices and procedures, and the manner of updating the name and address of a registered voter on an existing voter registration record, and amending various parts of the statutory law and supplementing chapter 31 and chapter 52 of Title 19 of the Revised Statutes

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

C 19 52-8 Voter security, paper ballots, privacy sleeves, screens, shield, curtain

1 In a manner consistent with the requirement for voting machines to secure the voter's secrecy in the act of voting as required under R S 19 48-1, and for electronic voting systems to provide for the secrecy of a voter's vote under sections 3 and 6 of P L 1973, c 82 (C 19 53A-3 and C 19 53A-6)

a In all counties wherein voters use hand-marked paper ballots to cast the voter's vote, a privacy sleeve into which the voted ballot can be inserted and fully shielded from view shall be provided to the voter

b In all counties wherein ballot scanning machines are used to cast hand-marked paper ballots, the county shall ensure that privacy is maintained as the voter inserts the voted ballot into the ballot scanning machine

c In all counties wherein voters use a direct recording electronic voting machine to cast the voter's vote, the direct recording electronic voting machine shall contain a privacy screen, shield, or curtain so that privacy is maintained as the voter casts the voter's vote

2 R S 19 8-7 is amended to read as follows

Booths, size, doors or curtains, shelf, privacy sleeves, folders

19 8-7 The booths shall be sufficiently large to enable the voter to conveniently prepare the voter's ballot as provided for and shall have swinging doors or privacy screens, shields, or curtains so that privacy is maintained as the voter prepares the voter's ballot in secret and screened from the observation of others

The swinging doors or privacy screens, shields, or curtains shall be so arranged that some part of the person of the voters present in the booths may be seen from the outside thereof when the door or curtains are closed or when the voter is present behind the screens or shields

Each booth shall contain a counter or shelf suitably placed to enable voters to place their ballots thereon while preparing the same for voting Each booth shall also contain privacy sleeves or folders into which the voter may insert the voted ballot to fully shield it from view while walking the ballot outside the booth to be scanned or cast, as the case may be

3 R S 19 15-26 is amended to read as follows

Ballots marked secretly in booth, violation disorderly persons offense

19 15-26 Every voter to whom a ballot is given shall thereupon retire into the polling booth Each booth in a polling place shall be arranged in accordance with the provisions of R S 19 8-7 Not more than one voter, except as hereinafter provided, shall be permitted to enter or be in the same booth, at one time The voter shall prepare the voter's ballot in the booth secretly and screened from the observation of others

Any person or voter who shall violate the provisions of this section shall be deemed guilty of a disorderly persons offense

4 Section 4 of P L 2021, c 40 (C 19 15A-4) is amended to read as follows

C 19 15A-4 Early votes canvassed after closing of polls on day of election

4 a An early vote cast in an election, as provided for in this act, P L 2021, c 40 (C 19 15A-1 et al), shall not be canvassed prior to the closing of the polls on the day of an election

Every provisional ballot voted in each such election and determined by a county board to be valid shall be counted and shall be part of the official tally of the results of the election

b Each early vote cast, canvassed, and tallied in an election under subsection a of this section shall be reported in the results for the election district in which the voter resides The provisions of this subsection shall not be interpreted to change the manner in which each provisional ballot cast, canvassed, and tallied in each election is reported as part of the official tally of the results of the election in a manner that preserves the privacy of the voter's vote Whenever the reporting requirement of this subsection would cause a voter's privacy to be violated, the election results shall be reported in a manner that maintains the privacy of the vote, provided that the election results posted on the respective websites shall contain a disclosure stating that the results reported for some individual districts reflect measures to protect the privacy of the vote while the general tally accurately reflects the results, and provided further that the reports for those individual districts shall not be subject to disclosure under the provisions of P L 1963, c 73 (C 47 1A-1 et seq), commonly known as the open public records act

5 R S 19 23-45 is amended to read as follows

Requirements for voting in primary elections, affiliation

19 23-45 No voter shall be allowed to vote at the primary election unless his name appears in the signature copy register

A voter who votes in a primary election of a political party or who signs and files with the municipal clerk or the county commissioner of registration a declaration that he desires to vote in the primary election of a political party, or who indicates on a voter registration form the voter's choice of political party affiliation and submits the form to the commissioner of registration of the county wherein the voter resides, to the employees or agents of a public agency, as defined in subsection a of section 15 of P L 1974, c 30 (C 19 31-6 3), or a voter registration agency, as defined in subsection a of section 26 of P L 1994, c 182 (C 19 31-6 11), or to the Secretary of State, either on a paper form or an electronic form using the online voter registration system

established under section 1 of P L 2019, c 382 (C 19 31-6 4c), shall be deemed to be a member of that party until the voter signs and files with the municipal clerk or the commissioner of registration a declaration that he desires to vote in the primary election of another political party at which time he shall be deemed to be a member of such other political party The Secretary of State shall cause to be prepared political party affiliation declaration forms and shall provide such forms to the commissioners of registration of the several counties and to the clerks of the municipalities within such counties

No voter, except a newly registered voter at the first primary at which he is eligible to vote, or a voter who has not previously voted in a primary election, may vote in a primary election of a political party unless he was deemed to be a member of that party on the 55th day next preceding such primary election

A member of the county committee of a political party and a public official or public employee holding any office or public employment to which he has been elected or appointed as a member of a political party shall be deemed a member of such political party

A voter may declare the voter's party affiliation or change the voter's party affiliation, or declare that the voter is unaffiliated with any party regardless of any previously declared party affiliation, by so indicating on a political party declaration form filed with the municipal clerk or the county commissioner of registration A voter may also indicate that the voter wishes to declare a political party affiliation or that the voter does not want to declare a political party affiliation on a voter registration form filed at the time of initial registration A voter may declare the voter's party affiliation, or make changes to that affiliation, either on a paper form or an electronic form using the online voter registration system established under section 1 of P L 2019, c 382 (C 19 31-6 4c)

Any person voting in the primary ballot box of any political party in any primary election in contravention of the election law shall be guilty of a disorderly persons offense, and any person who aids or assists any such person in such violation by means of public proclamation or order, or by means of any public or private direction or suggestions, or by means of any help or assistance or cooperation, shall likewise be guilty of a disorderly persons offense

6 Section 2 of P L 1976, c 16 (C 19 23-45 1) is amended to read as follows

C 19 23-45 1 Notice of requirements for voting in primary elections, publication

2 a The county commissioner of registration in each of the several counties shall cause a notice to be published in each municipality of their respective counties in a newspaper or newspapers circulating therein The

notice to be so published shall be published once during each of the two calendar weeks next preceding the week in which the 55th day next preceding the primary election of a political party occurs

b The notice required to be published by the preceding paragraph shall inform the reader thereof that no voter, except a newly registered voter at the first primary at which he is eligible to vote, or a voter who has not previously voted in a primary election may vote in a primary election of a political party unless he was deemed to be a member of that party on the 55th day next preceding such primary election It shall further inform the reader thereof that a voter who votes in the primary election of a political party, or who signs and files with the municipal clerk or the county commissioner of registration a declaration that he desires to vote in the primary election of a political party, or who indicates on a voter registration form the voter's choice of political party affiliation and submits the form to the commissioner of registration of the county wherein the voter resides, to the employees or agents of a public agency, as defined in subsection a of section 15 of P L 1974, c 30 (C 19 31-6 3), or a voter registration agency, as defined in subsection a of section 26 of P L 1994, c 182 (C 19 31-6 11) or to the Secretary of State, either on a paper form or an electronic form using the online voter registration system established under section 1 of P L 2019, c 382 (C 19 31-6 4c), shall be deemed to be a member of that party until the voter signs and files with the municipal clerk or the commissioner of registration a declaration that he desires to vote in the primary election of another political party, at which time he shall be deemed to be a member of such other political party, or that the voter chooses not to be affiliated with any political party The notice shall also state the time and location where a person may obtain political party affiliation declaration forms or voter registration forms

7 Section 1 of P L 2019, c 382 (C 19 31-6 4c) is amended to read as follows

C 19 31-6 4c Electronic submission of voter registration form

1 Notwithstanding any other provision of law to the contrary, a person who is qualified to register to vote may submit a voter registration form electronically on a secure Internet website maintained by the Secretary of State, if the applicant has an email address and provides a valid New Jersey driver's license number, a valid New Jersey nondriver identification card number, or the last four digits of the applicant's Social Security number The voter registration form shall contain substantively the same information required to be contained on a paper voter registration form pursuant to section 16 of P L 1974, c 30 (C 19 31-6 4) The voter registration form

available electronically shall also enable a person who is qualified to register to vote, and a person who is registered to vote, to declare a political party affiliation and to make changes to that affiliation, with an option to indicate no affiliation with any political party, by updating the online voter registration form Beginning on January 1, 2026 and thereafter, the voter registration form available electronically shall enable a person who is qualified to register to vote, and a person who is registered to vote, to apply for and receive a mail-in ballot as provided under section 3 of P L 2009, c 79 (C 19 63-3), until the voter requests otherwise

a The Secretary of State shall apply the same voter registration deadline applicable under current law for paper voter registration forms to an online voter registration form submitted by an applicant pursuant to this section

b The applicant completing the form shall affirmatively attest to the truth of the information provided in the form

c For voter registration purposes, the applicant shall affirmatively assent to the use of his or her signature from his or her driver's license or non-driver identification card or the applicant's digitized or electronic signature

d For each online voter registration form, the Secretary of State shall obtain either an electronic copy of the applicant's signature from his or her driver's license or non-driver identification card directly from the New Jersey Motor Vehicle Commission, or the applicant's digitized or electronic signature

e Upon submission of an online voter registration form pursuant to this section, the electronic voter registration system shall automatically acknowledge that the online voter registration form has been submitted successfully, and provide instructions on how the person completing the voter registration form may follow-up on the status of the submission either online or by contacting the appropriate county commissioner of registration If a person submits more than one online voter registration form with identical information, the county commissioner of registration of the county in which the voter resides may process and adjudicate only the first online voter registration form submitted by the person through the system

f The Secretary of State shall employ security measures to ensure the accuracy and integrity of voter registration forms submitted electronically pursuant to this section

g The New Jersey Motor Vehicle Commission and the Secretary of State shall jointly develop a process and the infrastructure to allow the electronic copy of the applicant's signature and other information required under this section that is in the possession of the commission to be transferred to the Secretary of State and to the appropriate county election officials to allow a person who is qualified to register to vote in New Jersey to register to vote under this section

h If an applicant cannot electronically submit the information required pursuant to this section, the applicant shall nevertheless be able to complete the online voter registration form electronically on the Secretary of State's Internet website, print a paper copy of the completed form, and mail or deliver the paper copy of the completed form to the Secretary of State or the appropriate county election official For the purposes of this subsection, the applicant shall be required to provide the same documents required to be provided with a paper voter registration form pursuant to R S 19 31-5

8 Section 6 of P L 1973, c 82 (C 19 53A-6) is amended to read as follows

C 19 53A-6 Preparation for elections, ballot cards, secrecy while marking ballot

6 a Prior to any election at which electronic voting devices are used the county board of elections shall have the voting devices prepared for the election and shall provide the district election officers with voting devices, voting booths, ballot boxes, ballot cards, "write-in" ballots and other records and supplies as required

b Ballot cards shall be of the size, design and stock suitable for processing by automatic data processing machines Each ballot card shall have an attached numbered perforated stub, which shall be removed by an election officer before it is deposited in the ballot box In primary elections the ballot cards of each political party shall be distinctly marked or shall be of a different color or tint so that the ballot cards of each political party are readily distinguishable

c Unless the voting device enables the voter to mark the voter's choices in secret, the board of elections shall provide a sufficient number of voting booths for each election district in a polling place, which shall be of a size and design in accordance with the provisions of R S 19 8-7 so as to enable the voter to mark the voter's ballot in secret

9 Section 10 of P L 1999, c 232 (C 19 53C-4) is amended to read as follows

C 19 53C-4 Designated area for marking provisional ballot, affirmation statement

10 The district board shall designate an area within the polling place, which may be a voting booth, for the voter to mark the provisional ballot and affirmation statement If the district board designates a voting booth for the voter to mark the provisional ballot and affirmation statement, the voting booth shall be arranged in accordance with the provisions of R S 19 8-7 If a voting booth is not used, the area designated for voters to mark the provisional ballot and affirmation statement shall have swinging doors or

privacy screens, shields, or curtains so that privacy is maintained as the voter prepares the provisional ballot and affirmation statement in secret and screened from the observation of others No provisional ballot and envelope with an affirmation statement shall be handed to a voter until the area designated for voters to mark the provisional ballot and affirmation statement is ready

A district board member shall instruct the voter how to complete the affirmation statement and place the voted provisional ballot into the envelope

If for any reason provisional ballots and envelopes with affirmation statements are not ready or available for distribution at any polling place, the district board member in charge shall notify the appropriate authority that additional ballots and affirmation statements are required

10 Section 3 of P L 2009, c 79 (C 19 63-3) is amended to read as follows

C 19 63-3 Procedure for use of mail-in ballot

3 a A qualified voter shall be entitled to vote using a mail-in ballot

(1) in all future elections, including general elections, held in this State, in which the voter is eligible to vote, or

(2) in any single election held in this State

The qualified voter who chooses the option to vote using a mail-in ballot in all future elections shall be furnished with such a ballot by the county clerk without further request on the part of the voter and until the voter requests in writing that the voter no longer be sent a mail-in ballot

The mail-in ballot application form prepared by the Secretary of State shall present the two options in the order provided above The mail-in ballot application shall also provide spaces for the voter's telephone number and email address, including language informing the voter that this contact information will be used to contact the voter concerning the acceptance or rejection of the ballot, and how the voter may cure a defect A voter's telephone number and email address shall not be subject to public disclosure and shall not be considered a government record

The additional direct expenditures required for the implementation of the provisions of this subsection as amended by section 1 of P L 2018, c 72 shall be offset pursuant to section 1 of P L 2019, c 459 (C 19 63-29)

b (1) Not less than seven days before an election in which a voter wants to vote by mail, the voter may apply to the person designated in section 5 of P L 2009, c 79 (C 19 63-5), for a mail-in ballot The application shall be in writing, shall be signed by the applicant and shall state the applicant's place of voting residence and the address to which the ballot shall be sent The

Secretary of State shall prepare a mail-in application form and shall have the authority to promulgate any rules and regulations the secretary deems necessary to effectuate the purposes of this subsection

(2) Beginning on January 1, 2026 and thereafter, not less than seven days before an election in which a voter wants to vote by mail, instead of submitting an application under paragraph (1) of this subsection, the voter may apply for a mail-in ballot electronically through the voter registration website established by the Secretary of State pursuant to section 1 of P L 2019, c 382 (C 19 31-6 4c), which application shall be electronically submitted to the person designated by the Secretary of State The application shall be in electronic form, shall be signed by the applicant using the applicant's electronic signature in the Statewide Voter Registration System, and shall state the applicant's place of voting residence and the address to which the ballot shall be sent The Secretary of State shall prepare a mail-in ballot electronic application form and shall have the authority to promulgate any guidance, guidelines, rules and regulations the secretary deems necessary to effectuate the purposes of this subsection The rules and regulations shall ensure the security of the online mail-in ballot application form and the use of verifiable signatures, including a process for the resolution of signature discrepancies and the validation of the information provided by the applicant

c Any voter wanting to vote by mail in any election may apply to the person designated in section 5 of P L 2009, c 79 (C 19 63-5) for a mail-in ballot to be sent to the voter A voter who is a member of the armed forces of the United States may use a federal postcard application form to apply for a mail-in ballot

d Any voter who fails to apply for a mail-in ballot before the seven-day period prescribed in subsection b of this section may apply in person to the county clerk for a mail-in ballot up to 3 p m of the day before the election

e A person voting by mail-in ballot who registered by mail after January 1, 2003, who did not provide personal identification information when registering pursuant to section 16 of P L 1974, c 30 (C 19 31-6 4) 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 Failure to include such information with the mail-in ballot shall result in its rejection

f The county clerk shall not transmit a mail-in ballot for any election to any person who is deemed by a county commissioner of registration to be an inactive voter, or notifies the clerk in writing that the person no longer wishes to receive such a ballot for any election, or is no longer eligible to vote and whose registration file has been transferred to the deleted file pursuant to R S 19 31-19

g Any mail-in ballot that is sent to a qualified voter and that is returned to the county clerk for any reason shall be forwarded to the commissioner of registration, who shall so note the return in the voter record of that voter

11 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, countywide 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), the following applies

You must complete the application form below and send it to the county clerk where you reside or write or apply in person to the county clerk where you reside to request a mail-in ballot Instead, you may complete the application form electronically on the Secretary of State's website

The name, address, and signature of any person who has assisted you to complete the mail-in ballot application must be provided on the application, and you must sign and date the application

No person may serve as an authorized messenger or bearer for more than three qualified voters in an election, but a person may serve as such for up to five qualified voters in an election if those voters are immediate family members residing in the same household as the messenger or bearer

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 serve as an authorized messenger or bearer

A person who applies for a mail-in ballot must submit his or her application at least seven days before the election, but such person may 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 by mail in all future elections will, after their initial request and without further action on their part, be provided with a mail-in ballot until the voter requests otherwise in writing

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 government 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

12 R S 19 31-11 is amended to read as follows

Change of residence notice

19 31-11 a In all counties within the State, change of residence notices shall be made (1) by a written request, signed by the registrant, forwarded to the commissioner by mail, and actually received by the commissioner, (2) by calling in person at the office of the commissioner or the municipal clerk, or (3) by completing and submitting a change of residence notice online as provided by the Secretary of State The commissioner shall provide change of residence notices in card form for the use of any registered voter moving to another address within the same election district, to another election district within the same county, or to another election district in another county for processing as provided under subsection c of this section Copies of these notices shall also be available at the office of the municipal clerk in each municipality Each municipal clerk shall transmit daily to the commissioner all the filled out change of residence notices that may be in the municipal clerk's office at the time These notices shall be printed upon cards, shall contain a blank form showing where the applicant last resided and the address and exact location to which the applicant has moved and shall have a line for the applicant's signature, printed name and date of birth Upon receipt of such change of residence notice the commissioner shall cause the signature to be compared with the registration forms of the applicant and, if such signature appears to be of and by one and the same legal voter, the commissioner shall cause the entry of the change of residence to be made on those registration forms and the registrant shall thereupon be qualified to vote

in the election district to which the registrant shall have so moved If the commissioner is not satisfied as to the signature on the request for a change of residence, a confirmation notice as prescribed by subsection d of R S 19 31-15 shall be sent by mail with postage prepaid to the registrant at the new address

The application for change of residence shall be filed with the commissioner or municipal clerk, as the case may be, on or before the 21st day preceding any election

b In any county any voter who, prior to an election, shall move within the same county after the time above prescribed for filing an application for change of residence without having made application for change of residence, or who has not returned a confirmation notice sent to the voter by the commissioner of registration of the county, if such a notice has been sent to the voter, or who has not moved since the previous election but whose registration information is missing or otherwise deficient, or has otherwise failed to notify the commissioner of registration of the voter's change of address within the county, shall be permitted to vote in that election in the district to which the voter has moved, upon making a written affirmation regarding the change of address at the polling place of the district in which the voter resides on the day of the election No identifying document shall be required from the voter for this affirmation A district board member shall provide the voter with a provisional ballot, and an envelope with an affirmation statement that conforms with the requirements for such documents contained in subsection b of section 7 of P L 1999, c 232 (C 19 53C-1) The voter shall complete the provisional ballot and affirmation statement, place the ballot in the envelope, seal and return it to the district board member The board member shall review the information in the affirmation statement for completeness before forwarding it for inspection, tabulation and notation by the county board of elections, as provided for by sections 7 through 26 of P L 1999, c 232 (C 19 53C-1 through C 19 53C-20) The affirmation statement shall constitute a transfer to the registrant's new residence for any subsequent election However, if the voter has moved from one residence to another within the same election district at any time, the voter shall be permitted to vote in such election district at any election in the same manner as other voters at the polling place upon written affirmation by the registrant to the district board member of the registrant's change of address

c A voter who moves from an election district in one county to an election district in another county prior to the close of registration preceding an election shall register in the new county of residence, in accordance with

the provisions of R S 19 31-6, or shall file a change of residence notice with the commissioner of either county or complete and submit that notice online as provided by the Secretary of State, in order to be permitted to vote A change of residence notice filed by a voter pursuant to this subsection shall cause the commissioners of the county of previous residence and the county of new residence to update the voter registration record of that voter The commissioner of the county of new residence shall notify the voter by mail that the voter is now registered to vote in that county or, if the notice submitted by the voter is incomplete, to request any additional information or documentation necessary to finalize the change of residence notice Nothing in this subsection shall be interpreted to waive the requirement specified under R S 19 31-5 that the voter shall have been a resident of the county of new residence for at least 30 days prior to being eligible to vote in any election in that county

13 R S 19 31-13 is amended to read as follows

Change in registration due to name change

19 31-13 Whenever the registrant after his or her original registration shall change his or her name due to marriage, divorce, or by judgment of court, the registrant shall in person or by mail submit to the commissioner of registration a written statement notifying the commissioner of the change, which statement shall take such form, and be printed on a postal card suitable for mailing of such design, as the Attorney General shall prescribe and shall be signed by the registrant A registrant may complete the form online as provided by the Secretary of State The commissioner, upon receipt of such a notice of change of name, shall revise accordingly the name of the registrant as it appears among the items of information concerning the registrant included on the registrant's registration forms, shall make a photographic copy of the notice of name change submitted by the registrant, and shall affix the original notice so submitted to the registrant's original registration form and the photographic copy of that notice to the registrant's duplicate registration record

When notice of such change in name has not been received by or filed with the commissioner prior to the 21st day preceding any election, such person may be permitted to vote under the name under which the person was registered prior to that change at the first election following such change in name at which the person shall appear to vote, after signing the signature copy register with both the registered name and his or her new name The commissioner shall then revise accordingly the name of the registrant as it appears on the registrant's registration forms, make a photographic copy of

the notice, and affix the original and copy of the notice to the registrant's permanent registration forms as hereinabove prescribed

C 19 31-11a Secretary of State, website, electronic form submission, change of residence, name notice

14 The Secretary of State shall develop and make available on its website a form to allow a registered voter to electronically complete a change of residence notice, change of name notice, or both, and to electronically submit that form to the appropriate county commissioner of registration If the voter is reporting a change of residence from one county to another, the form shall be submitted to both the commissioner of the previous county of residence and the new county of residence The form shall contain substantively the same information required to be submitted by a registered voter on a paper version of a change of residence and change of name form pursuant to R S 19 31-11 and R S 19 31-13 The form shall contain any additional information deemed necessary by the secretary

15 This act shall take effect on January 1 next following the date of enactment, except that sections 12 and 13 shall take effect on January 1 next following the date of enactment or on the first day of the 12th month next following the date of enactment, whichever is later

Approved July 28, 2022

CHAPTER 68

AN ACT concerning mail-in ballots and amending various parts of the statutory law, supplementing Title 19 of the New Jersey Statutes, and making an appropriation

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

1 Section 3 of P L 2009, c 79 (C 19 63-3) is amended to read as follows

C 19 63-3 Procedure for use of mail-in ballot

3 a A qualified voter shall be entitled to vote using a mail-in ballot

(1) in all future elections, including general elections, held in this State, in which the voter is eligible to vote, or

(2) in any single election held in this State

The qualified voter who chooses the option to vote using a mail-in ballot in all future elections shall be furnished with such a ballot by the county clerk without further request on the part of the voter and until the voter requests in writing that the voter no longer be sent a mail-in ballot, or beginning with the 2020 general election cycle, if the voter does not vote by mail in four consecutive years, then the voter shall no longer be furnished with a mail-in ballot for future elections and the voter shall be notified in writing of the change

The mail-in ballot application form prepared by the Secretary of State shall present the two options in the order provided above The mail-in ballot application shall also provide spaces for the voter's telephone number and email address, including language informing the voter that this contact information will be used to contact the voter concerning the acceptance or rejection of the ballot, and how the voter may cure a defect A voter's telephone number and email address shall not be subject to public disclosure and shall not be considered a government record

The additional direct expenditures required for the implementation of the provisions of this subsection as amended by section 1 of P L 2018, c 72 shall be offset pursuant to section 1 of P L 2019, c 459 (C 19 63-29)

b (1) Not less than seven days before an election in which a voter wants to vote by mail, the voter may apply to the person designated in section 5 of P L 2009, c 79 (C 19 63-5), for a mail-in ballot The application shall be in writing, shall be signed by the applicant and shall state the applicant's place of voting residence and the address to which the ballot shall be sent In the case of a voter choosing to have their mail-in ballot sent to a secondary address, if the ballot is returned or marked undeliverable for two consecutive general elections, then future mail-in ballots shall be mailed to the voter's address where they are registered to vote and the voter shall be notified in writing of the change The Secretary of State shall prepare a mail-in application form and shall have the authority to promulgate any rules and regulations the secretary deems necessary to effectuate the purposes of this subsection

(2) Beginning on January 1, 2026 and thereafter, not less than seven days before an election in which a voter wants to vote by mail, instead of submitting an application under paragraph (1) of this subsection, the voter may apply for a mail-in ballot electronically through the voter registration website established by the Secretary of State pursuant to section 1 of P L 2019, c 382 (C 19 31-6 4c), which application shall be electronically submitted to the person designated by the Secretary of State The application shall be in electronic form, shall be signed by the applicant using the applicant's electronic signature in the Statewide Voter Registration System, and shall state the applicant's place of voting residence and the address to

which the ballot shall be sent The Secretary of State shall prepare a mail-in ballot electronic application form and shall have the authority to promulgate any guidance, guidelines, rules and regulations the secretary deems necessary to effectuate the purposes of this subsection The rules and regulations shall ensure the security of the online mail-in ballot application form and the use of verifiable signatures, including a process for the resolution of signature discrepancies and the validation of the information provided by the applicant

c Any voter wanting to vote by mail in any election may apply to the person designated in section 5 of P L 2009, c 79 (C 19 63-5) for a mail-in ballot to be sent to the voter A voter who is a member of the armed forces of the United States may use a federal postcard application form to apply for a mail-in ballot

d Any voter who fails to apply for a mail-in ballot before the seven-day period prescribed in subsection b of this section may apply in person to the county clerk for a mail-in ballot up to 3 p m of the day before the election

e A person voting by mail-in ballot who registered by mail after January 1, 2003, who did not provide personal identification information when registering pursuant to section 16 of P L 1974, c 30 (C 19 31-6 4) 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 Failure to include such information with the mail-in ballot shall result in its rejection

f The county clerk shall not transmit a mail-in ballot for any election to any person who is deemed by a county commissioner of registration to be an inactive voter, or notifies the clerk in writing that the person no longer wishes to receive such a ballot for any election, or is no longer eligible to vote and whose registration file has been transferred to the deleted file pursuant to R S 19 31-19

g Any mail-in ballot that is sent to a qualified voter and that is returned to the county clerk for any reason shall be forwarded to the commissioner of registration, who shall so note the return in the voter record of that voter

2 Section 14 of P L 2018, c 72 (C 19 63-3 1) is amended to read as follows

C 19 63-3 1 Additions to list of mail-in voters

14 a The clerk of each county shall add to the list of registered voters receiving a mail-in ballot for all future elections without further request each

voter in the county who requested and received a mail-in ballot for the 2016 general election, and each voter who requested and received a mail-in ballot for any election in 2017 and 2018 by filing a mail-in ballot application following the deadline for applying for a 2016 general election mail-in ballot Each voter so added to the list shall have the option to inform the clerk in writing that the voter does not wish to receive a mail-in ballot automatically for all future elections

b The county clerks shall transmit to each voter who will automatically receive such a ballot for all future elections pursuant to subsection a of this section a notice informing the voter that he or she will automatically receive a mail-in ballot for all future elections unless the voter informs the clerk in writing that he or she does not wish to receive a mail-in ballot for all future elections, or beginning with the 2020 general election cycle, if the voter does not vote by mail in four consecutive years, then the voter shall no longer be furnished with a mail-in ballot for future elections and the voter shall be notified in writing of the change

c The additional direct expenditures required for the implementation of this section shall be offset pursuant to section 1 of P L 2019, c 459 (C 19 63-29)

3 Section 5 of P L 2009, c 79 (C 19 63-5) is amended to read as follows

C 19 63-5 Application for mail-in ballot to county clerk

5 In the case of any election, the application for a mail-in ballot shall be made to the county clerk The county clerk shall stamp thereon the date on which the application was received in the clerk's office

In the case of applications for overseas federal election voter ballots, as provided for in P L 1976, c 23 (C 19 59-1 et seq), no application shall be refused on the grounds that it was submitted too early

In the case of voter registration forms that include a selected vote by mail option, a copy of each such form shall be transmitted to and received by the appropriate county clerk, who shall be responsible for providing mail-in ballots to each qualified voter requesting such ballots for future elections, until the voter requests otherwise in writing, or beginning with the 2020 general election cycle, if the voter does not vote by mail in four consecutive years, then the voter shall no longer be furnished with a mail-in ballot for future elections and the voter shall be notified in writing of the change

4 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, countywide 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), the following applies

You must complete the application form below and send it to the county clerk where you reside or write or apply in person to the county clerk where you reside to request a mail-in ballot Instead, you may complete the application form electronically on the Secretary of State's website

The name, address, and signature of any person who has assisted you to complete the mail-in ballot application must be provided on the application, and you must sign and date the application

No person may serve as an authorized messenger or bearer for more than three qualified voters in an election, but a person may serve as such for up to five qualified voters in an election if those voters are immediate family members residing in the same household as the messenger or bearer

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 serve as an authorized messenger or bearer

A person who applies for a mail-in ballot must submit his or her application at least seven days before the election, but such person may 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 by mail in all future elections will, after their initial request and without further action on their part, be provided with a mail-in ballot until the voter requests otherwise in writing, or beginning with the 2020 general election cycle, if the voter does not vote by mail in four consecutive years, then the voter shall no longer be furnished with a mail-in ballot for future elections and the voter shall be notified in writing of the change

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 government 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

5 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, but a person may serve as such for up to five qualified voters in an election if those voters are immediate family members residing in the same household as the messenger Ballots that have not been hand delivered shall be addressed to the voter at the forwarding address given in the application In the case of a voter choosing to have their mail-in ballot sent to a secondary address, if the ballot is returned or marked undeliverable for two consecutive general elections, then future mail-in ballots shall be mailed to the voter's address where they are registered to vote and the voter shall be notified in writing of the change

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, when such elections are held at a time other than the time of the general election, 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)

C 19 63-6 1 Voter education campaign, vote by mail status, removal, change, potential

6 Each county shall undertake a voter education campaign, through existing media such as television or newspapers, through online platforms, or by mail addressed to registered voters with vote by mail status, to inform voters about the potential of removal from permanent vote by mail status and the potential change in where a mail-in ballot is sent as provided by P L 2022, c 68 (C 19 63-6 1 et al) The Division of Elections within the Department of State shall establish guidelines to be distributed to the counties for the counties to follow for the purpose of carrying out the voter education campaign

7 There is appropriated from the State General Fund to the Department of State $5 million for the purpose of providing grants to counties to implement the requirements of section 6 of P L 2022, c 68 (C 19 63-6 1)

8 This act shall take effect immediately

Approved July 28, 2022

CHAPTER 69

AN ACT concerning unaffiliated mail-in voters during a primary election, political affiliation or designation on mail-in ballot envelopes, 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 19 23-45 is amended to read as follows

Requirements for voting in primary elections, affiliation

19 23-45 No voter shall be allowed to vote at the primary election unless his name appears in the signature copy register

A voter who votes in a primary election of a political party or who signs and files with the municipal clerk or the county commissioner of registration a declaration that the voter desires to vote in the primary election of a political party, or who indicates on a voter registration form the voter's choice of political party affiliation and submits the form to the commissioner of registration of the county wherein the voter resides, to the employees or agents of a public agency, as defined in subsection a of section 15 of P L 1974, c 30 (C 19 31-6 3), or a voter registration agency, as defined in subsection a of section 26 of P L 1994, c 182 (C 19 31-6 11), or to the Secretary of State, either on a paper form or an electronic form using the online voter registration system established under section 1 of P L 2019, c 382 (C 19 31-6 4c), shall be deemed to be a member of that party until the voter signs and files with the municipal clerk or the commissioner of registration a declaration that the voter desires to vote in the primary election of another political party at which time the voter shall be deemed to be a member of such other political party The Secretary of State shall cause to be prepared political party affiliation declaration forms and shall provide such forms to the commissioners of registration of the several counties and to the clerks of the municipalities within such counties

No voter, except a newly registered voter at the first primary at which the voter is eligible to vote, or a voter who has not previously voted in a primary election, may vote in a primary election of a political party unless the voter was deemed to be a member of that party on the 55th day next preceding such primary election

Notwithstanding the provisions of this section, or any law, rule, or regulation to the contrary, a voter who is listed to receive mail-in ballots for all future elections, pursuant to the provisions of section 3 of P L 2009, c 79 (C 19 63-3) or section 14 of P L 2018, c 72 (C 19 63-3 1), and who is not affiliated with any political party, shall not receive a mail-in ballot for a primary election Such unaffiliated mail-in voters shall receive a political party affiliation declaration form and information concerning how to affiliate with a political party and how to vote in person at a polling place on the day of a primary election The Secretary of State shall cause to be prepared uniform language for such notifications The commissioners of registration and the county clerks of the several counties and the clerks of the municipalities within such counties shall distribute such forms and information to such registered voters

A member of the county committee of a political party and a public official or public employee holding any office or public employment to which the person has been elected or appointed as a member of a political party shall be deemed a member of such political party

A voter may declare the voter's party affiliation or change the voter's party affiliation, or declare that the voter is unaffiliated with any party regardless of any previously declared party affiliation, by so indicating on a political party declaration form filed with the municipal clerk or the county commissioner of registration A voter may also indicate that the voter wishes to declare a political party affiliation or that the voter does not want to declare a political party affiliation on a voter registration form filed at the time of initial registration A voter may declare the voter's party affiliation, or make changes to that affiliation, either on a paper form or an electronic form using the online voter registration system established under section 1 of P L 2019, c 382 (C 19 31-6 4c)

Any person voting in the primary ballot box of any political party in any primary election in contravention of the election law shall be guilty of a disorderly persons offense, and any person who aids or assists any such person in such violation by means of public proclamation or order, or by means of any public or private direction or suggestions, or by means of any help or assistance or cooperation, shall likewise be guilty of a disorderly persons offense

2 Section 2 of P L 1976, c 16 (C 19 23-45 1) is amended to read as follows

C 19 23-45 1 Notice of requirements for voting in primary elections, publication

2 a The county commissioner of registration in each of the several counties shall cause a notice to be published in each municipality of their respective counties in a newspaper or newspapers circulating therein The notice to be so published shall be published once during each of the two calendar weeks next preceding the week in which the 55th day next preceding the primary election of a political party occurs

b (1) The notice required to be published by the preceding paragraph shall inform the reader thereof that

(a) no voter, except a newly registered voter at the first primary at which the voter is eligible to vote, or a voter who has not previously voted in a primary election may vote in a primary election of a political party unless the voter was deemed to be a member of that party on the 55th day next preceding such primary election,

(b) a voter who is listed to receive mail-in ballots for all future elections, pursuant to the provisions of section 3 of P L 2009, c 79 (C 19 63-3) or section 14 of P L 2018, c 72 (C 19 63-3 1), and who is not affiliated with any political party shall not receive a mail-in ballot for a primary election Such unaffiliated mail-in voters shall receive a political party affiliation declaration form and

information concerning how to affiliate with a political party and how to vote in person at a polling place on the day of a primary election, and

(c) a voter who votes in the primary election of a political party, or who signs and files with the municipal clerk or the county commissioner of registration a declaration that the voter desires to vote in the primary election of a political party, or who indicates on a voter registration form the voter's choice of political party affiliation and submits the form to the commissioner of registration of the county wherein the voter resides, to the employees or agents of a public agency, as defined in subsection a of section 15 of P L 1974, c 30 (C 19 31-6 3), or a voter registration agency, as defined in subsection a of section 26 of P L 1994, c 182 (C 19 31-6 11) or to the Secretary of State, either on a paper form or an electronic form using the online voter registration system established under section 1 of P L 2019, c 382 (C 19 31-6 4c), shall be deemed to be a member of that party until the voter signs and files with the municipal clerk or the commissioner of registration a declaration that the voter desires to vote in the primary election of another political party, at which time the voter shall be deemed to be a member of such other political party, or that the voter chooses not to be affiliated with any political party

(2) The notice shall also state the time and location where a person may obtain political party affiliation declaration forms or voter registration forms

3 Section 2 of P L 2005, c 148 (C 19 62-2) is amended to read as follows

C 19 62-2 Election by mail, duties of county clerk

2 If an election by mail is authorized pursuant to section 1 of this act, P L 2005, c 148 (C 19 62-1), the county clerk shall

a publish, in advance of the election and pursuant to rules and regulations promulgated by the Secretary of State, official notice that the election shall be conducted by mail together with such other information regarding the conduct of the election as shall be deemed necessary by the Secretary of State,

b mail a ballot, including an outer envelope and an inner envelope substantially similar to the envelopes provided for mail-in ballots pursuant to sections 12 and 13 of P L 2009, c 79 (C 19 63-12 and C 19 63-13), not sooner than the 20th day prior to the day of the election nor later than the 14th day prior to the day of the election, to each person registered to vote in the municipality at that election, ensuring that, except for a primary election for the general election, the delivery envelope, which is the envelope that is used to mail the blank ballot,

the outer envelope, and the inner envelope to each voter shall not contain any political affiliation or designation visible to the public on the envelope's exterior,

c designate the county clerk's office or the municipal clerk's office as the places to obtain a replacement ballot pursuant to section 5 of P L 2005, c 148 (C 19 62-5),

d designate, after consultation with the county board of elections and pursuant to criteria established by the Secretary of State, places within the county or municipality that shall be available for the deposit of voted ballots for the election,

e make a provisional ballot available at the office of the county clerk and the office of the municipal clerk so that each person who has been a resident of the county or municipality in which the person seeks to register and vote at least 21 days prior to the day of the election and has moved to a location within the municipality after that 21st day and prior to the day of the election may vote,

f suspend distribution to each registered voter in the municipality of samples of the official ballot of any election, but distribute to each registered voter in the municipality with each ballot a copy of the voter information notice provided for in section 1 of P L 2005, c 149 (C 19 12-7 1) as modified and supplemented by the Secretary of State as deemed appropriate for use in municipalities conducting elections by mail, and such instruction about the completion of the ballot as deemed necessary by the Secretary of State,

g make certain that all qualified voters in the municipality requesting a mail-in ballot between the 45th day and the 21st day prior to the day of an election receive such ballot after the 20th day prior to the day of an election and voters requesting a ballot on or before the seventh day prior to the date of the election shall receive a ballot authorized pursuant to this section, and

h establish, after consultation with the county board of elections and in accordance with rules and regulations adopted by the Secretary of State, the time by which all ballots must be received by the board on the day of an election to be considered valid and counted

4 Section 7 of P L 2009, c 79 (C 19 63-7) is amended to read as follows

C 19 63-7 Printing of mail-in ballots

7 a Each county clerk shall have printed sufficient mail-in ballots for each primary election for the general election, and for the general election Along with such ballots the clerk shall also furnish inner and outer envelopes and printed directions for the preparation and transmitting of such ballots used in the election in the county Except for any primary election for the general election, each county clerk shall ensure that the delivery envelope,

which is the envelope that is used to mail the blank ballot, the outer envelope, and the inner envelope to each voter shall not contain any political affiliation or designation visible to the public on the envelope's exterior

b The mail-in ballots shall be printed on paper of a different color from that used for any primary or general election ballot, but in all other respects, shall be as nearly as possible facsimiles of the election ballot to be voted at the election

5 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 ballot, free-access system

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 directions prepared by the Secretary of State shall inform the voter that the status of the voter's mail-in ballot may be checked using the free-access system provided in section 5 of P L 2004, c 88 (C 19 61-5) Except for a primary election for the general election, each county clerk shall ensure that the delivery envelope, which is the envelope that is used to mail the blank ballot, the outer envelope, and the inner envelope to each voter shall not contain any political affiliation or designation visible to the public on the envelope's exterior

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, BUT A PERSON MAY SERVE AS SUCH FOR UP TO FIVE QUALIFIED VOTERS IN AN ELECTION IF THOSE VOTERS ARE IMMEDIATE FAMILY MEMBERS RESIDING IN THE SAME HOUSEHOLD AS THE BEARER

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 secrecy of

voting, tampers with ballots or election documents or helps another person to do so

6 Section 13 of P L 2009, c 79 (C 19 63-13) is amended to read as follows

C 19 63-13 Certificate of mail-in voter

13 a On the margin of the flap on the inner envelopes to be sent to mail-in voters there shall be printed a certificate in the following form

CERTIFICATE OF MAIL-IN VOTER

I, , whose home address is ,
(print your name clearly) (street address or R D number) (municipality)
DO HEREBY CERTIFY, subject to the penalties for fraudulent voting, that I am the person who applied for the enclosed ballot I MARKED AND SEALED THIS BALLOT AND CERTIFICATE IN SECRET However, a family member may assist me in doing so

(signature of voter)

Any person providing assistance shall complete the following

I do hereby certify that I am the person who provided assistance to this voter and declare that I will maintain the secrecy of this ballot

(signature of person providing assistance)

(printed name of person providing assistance)

(address of person providing assistance)

b On the margin of the flap on the inner envelope forwarded with any mail-in ballot intended to be voted in any primary election for the general election, as the case may be, there shall be printed a certificate in the following form

CERTIFICATE OF MAIL-IN VOTER

I, , whose home address is ,
(print your name clearly) (street address or R D number) (municipality)
DO HEREBY CERTIFY, subject to the penalties for fraudulent voting, that I am the person who applied for the enclosed ballot for the primary election of the political party I MARKED AND SEALED THIS BALLOT

AND CERTIFICATE IN SECRET However, a family member may assist me in doing so

(signature of voter)

Any person providing assistance shall complete the following

I do hereby certify that I am the person who provided assistance to this voter and declare that I will maintain the secrecy of this ballot

(signature of person providing assistance)

(printed name of person providing assistance)

(address of person providing assistance)

c The clerk of each county shall be permitted to print on or affix to the margin of the flap on the inner envelope of the mail-in ballot transmitted thereby to a mail-in ballot voter an alternative certificate, substantially similar to the certificate provided for by subsection a or b of this section, that permits the voter to certify the correctness of the voter's name, street, mailing address or R D number, and municipality as it appears on the label of the mail-in ballot received by the voter

d The certificates specified under subsections a , b , and c of this section shall also provide spaces for the voter's telephone number and email address, including language informing the voter that this contact information will be used to contact the voter concerning the acceptance or rejection of the ballot, and how the voter may cure a defect A voter's telephone number and email address shall not be subject to public disclosure and shall not be considered a public record

e Except for a primary election for the general election, each county clerk shall ensure that any political affiliation or designation on the inner envelope provided to each voter shall not be visible to the public on the outer envelope's exterior

7 Sections 1 and 2 of this act shall take effect immediately and sections 3 through 6 shall take effect on January 1 next following the date of enactment

Approved July 28, 2022

CHAPTER 70

AN ACT concerning the conduct of elections 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 19 14-1 is amended to read as follows

Copy for printer

19 14-1 Every county clerk shall have ready for the printer on or before the 45th day prior to the primary election a copy of the contents of official ballots as hereinafter required to be printed for use at such election, except that every county clerk shall have ready for the printer on or before the 50th day prior to a federal primary election or any general election in this State a copy of the contents of the official ballots for use in such election The county clerk shall also on or before that time place another copy of such contents on file in the county clerk's office and keep the same open to public inspection until the sample ballots hereinafter provided to be printed shall have been distributed

Nothing in this section, as amended by P L 2022, c 70, shall be construed to hinder, limit, or interfere with the ability of a county clerk to comply with the federal "Uniformed and Overseas Citizens Absentee Voting Act" (52 U S C s 20301 et seq)

2 R S 19 23-14 is amended to read as follows

Certification by municipal clerk

19 23-14 Petitions addressed to the Secretary of State, the county clerks, or the municipal clerks shall be filed with such officers, respectively, before 4 00 p m of the 71st day next preceding the day of the holding of the primary election for the general election

Not later than noon of the 61st day preceding the primary election for the general election, the municipal clerk shall certify to the county clerk the full and correct names and addresses of all candidates for nomination for public and party office and the name of the political party of which such persons are candidates together with their slogan and designation The county clerk shall transmit this information to the Election Law Enforcement Commission in the form and manner prescribed by the commission and shall notify the commission immediately upon the withdrawal of a petition of nomination

3 Section 2 of P L 2005, c 148 (C 19 62-2) is amended to read as follows

C 19 62-2 Election by mail, duties of county clerk

2 If an election by mail is authorized pursuant to section 1 of this act, P L 2005, c 148 (C 19 62-1), the county clerk shall

a publish, in advance of the election and pursuant to rules and regulations promulgated by the Secretary of State, official notice that the election shall be conducted by mail together with such other information regarding the conduct of the election as shall be deemed necessary by the Secretary of State,

b mail a ballot, including an outer envelope and an inner envelope substantially similar to the envelopes provided for mail-in ballots pursuant to sections 12 and 13 of P L 2009, c 79 (C 19 63-12 and C 19 63-13), not sooner than the 20th day prior to the day of the election nor later than the 14th day prior to the day of the election, to each person registered to vote in the municipality at that election, ensuring that, except for a primary election for the general election, the delivery envelope, which is the envelope that is used to mail the blank ballot, the outer envelope, and the inner envelope to each voter shall not contain any political affiliation or designation visible to the public on the envelope's exterior,

c designate the county clerk's office or the municipal clerk's office as the places to obtain a replacement ballot pursuant to section 5 of P L 2005, c 148 (C 19 62-5),

d designate, after consultation with the county board of elections and pursuant to criteria established by the Secretary of State, places within the county or municipality that shall be available for the deposit of voted ballots for the election,

e make a provisional ballot available at the office of the county clerk and the office of the municipal clerk so that each person who has been a resident of the county or municipality in which the person seeks to register and vote at least 21 days prior to the day of the election and has moved to a location within the municipality after that 21st day and prior to the day of the election may vote,

f suspend distribution to each registered voter in the municipality of samples of the official ballot of any election, but distribute to each registered voter in the municipality with each ballot a copy of the voter information notice provided for in section 1 of P L 2005, c 149 (C 19 12-7 1) as modified and supplemented by the Secretary of State as deemed appropriate for use in municipalities conducting elections by mail, and such instruction about the completion of the ballot as deemed necessary by the Secretary of State,

g make certain that all qualified voters in the municipality requesting a mail-in ballot between the 45th day and the 21st day prior to the day of an election receive such ballot after the 20th day prior to the day of an election and voters requesting a ballot on or before the seventh day prior to the date of the election shall receive a ballot authorized pursuant to this section, and

h establish, after consultation with the county board of elections and in accordance with rules and regulations adopted by the Secretary of State, the time by which all ballots must be received by the board on the day of an election to be considered valid and counted

4 Section 1 of P L 2020, c 72 (C 19 63-16 1) is amended to read as follows

C 19 63-16 1 Options for delivery of mail-in ballot by voter

1 a In addition to delivering a voted mail-in ballot by mail or in person as provided under "The Vote By Mail Law," P L 2009, c 79 (C 19 63-1 et seq), a mail-in voter shall be entitled to deposit the voter's completed mail-in ballot in a ballot drop box established by the county board of elections as provided under this section Each mail-in ballot deposited in a ballot drop box by the time designated under current law for the closing of the polls for that election shall be considered valid and shall be canvassed If, at the closing of the polls, a voter deposits a mail-in ballot at a ballot drop box in a county in which the voter does not reside, the county board of elections, upon discovering that fact, shall notify and timely deliver the ballot to the county board of elections of the county in which the voter resides, who shall accept the ballot for processing The limitations and prohibitions applicable to mail-in ballot bearers under "The Vote By Mail Law," P L 2009, c 79 (C 19 63-1 et seq) shall apply under this section

b (1) For any election, the county board of elections in each county shall establish ballot drop boxes where voters may deposit their voted mail-in ballots at least 45 days before the election The ballot drop boxes shall be located throughout the county in a manner specified under paragraph (2) of this subsection The county board of elections may establish a pickup schedule to retrieve mail-in ballots deposited in ballot drop boxes, consistent with the guidelines established by the Secretary of State pursuant to subparagraph (c) of paragraph (2) of this subsection

(2) (a) A ballot drop box shall mean a secured drop box that is not required to be within view of a live person for monitoring All ballot drop boxes shall be available for use by a voter 24 hours a day and shall be placed at locations equipped with security cameras that allow for surveillance of the ballot drop box

(b) Beginning with the 2021 general election, at least one ballot drop box shall be located at any county government building in which the main office of the county clerk is located, in each municipality with a population larger than 5,000 residents, at the main campus of each State college or university, and the main campus of each independent four-year college or university with enrollments larger than 5,000 students Notwithstanding the locational criteria established by this subparagraph, whenever two or more ballot drop box locations are separated by a distance of less than 2,000 feet, the board of elections in each county shall determine secondary locations for those ballot drop boxes in compliance with the requirements of this section The secondary ballot drop box locations shall be located within the municipality where those ballot drop boxes were originally located and shall be approved by a majority vote of the members of the board of elections However, in the event of a tie in the votes cast by the members of the board of elections, the county clerk shall cast the deciding vote Whenever possible, at least one ballot drop box shall be located in a municipality with an average per capita income or a median family income at or below 250% of the federal poverty guideline according to the most recent federal American Community Survey

(c) The board of elections in each county shall establish no fewer than 10 ballot drop boxes To the best of their ability, the board of elections of every county shall place secure ballot drop boxes based on geographic location and population density to best serve the voters of each county in compliance with the guidelines adopted pursuant to subsection c of this section The Secretary of State shall establish guidelines for the placement of the ballot drop boxes, the security of the ballot drop boxes, and the schedule for ballot pickup from the ballot boxes

(d) All ballot drop box locations shall be on sites that meet the accessibility requirements applicable to polling places under R S 19 8-2 and shall be subject to the same compliance oversight applicable to polling places under section 3 of P L 1991, c 429 (C 19 8-3 3) A ballot drop box site shall be considered accessible if it is in compliance with the federal "Americans with Disabilities Act of 1990" (42 U S C s 12101 et seq)

(e) Except as otherwise provided herein, no ballot drop box shall be located inside, or within 100 feet of an entrance or exit, of a State, county, or municipal police station

Notwithstanding the provisions of this subparagraph, a ballot drop box that has already been installed and permanently affixed prior to the effective date of this act, P L 2021, c 459, at any of the following locations may remain at that location notwithstanding that the ballot drop box is within 100 feet of an entrance or exit of a State, county, or municipal police station if the county commissioners

approve the continued presence at that location by a majority vote of the commissioners and with the reasons therefor subject to public disclosure

any county government building in which the main office of the county clerk is located, any municipal government building in which the main office of the municipal clerk is located in municipalities with populations larger than 5,000 residents, the main campus of a county community college, the main campus of a State college or university, and the main campus of an independent four-year college or university with enrollments larger than 5,000 students

(f) Except as otherwise permitted herein, no State, county, or municipal police officer shall remain or stand within 100 feet of a ballot drop box in use during the conduct of an election Nothing herein shall be interpreted to prohibit the police officer from

voting at that ballot drop box in a personal capacity,

traveling to and from, or remaining within, their personal residence if that residence is within 100 feet of a ballot drop box,

investigating, addressing, or removing any cause for a disturbance, or otherwise responding to a request for assistance, on or around the premises of the location of that ballot drop box, or

escorting to or from, or both, a ballot drop box or the premise on which it is located any person who may require the assistance of the officer

(g) No person shall wear, display, sell, give, or provide any political or campaign slogan, badge, button, or other insignia associated with any political party or candidate within 100 feet of a ballot drop box in use during the conduct of an election, except with respect to the badge furnished by the county board as provided by law A person violating the provisions of this subparagraph shall be guilty of a disorderly persons offense

c The Secretary of State, in consultation with county boards of elections, shall establish the guidelines necessary to ensure the secure and successful implementation of the mail-in ballot drop boxes required by this section to ensure adequate access in various geographic areas of the county In determining the ballot drop box locations, the secretary and county boards of elections shall consider, at a minimum, concentrations of population, geographic areas, voter convenience, proximity to public transportation, community-based locations, travel time to the location, proximity to other voting locations and ballot drop boxes, commuter traffic patterns, and security The guidelines shall include, but may not be limited to, criteria for each county board of elections to

(1) determine the number of ballot drop boxes required per voter population, considering both the number of registered voters and the number of registered mail-in voters in each county before each election,

(2) select the geographic location of each ballot drop box, ensuring an equitable distribution of ballot drop boxes across the county to maximize convenience to voters,

(3) ensure the accessibility of ballot drop boxes and drop box locations to persons with disabilities, and

(4) maintain the security of ballot drop boxes and of the ballots deposited therein, including standards and procedures for ballot retrieval by authorized persons only, and for ensuring the proper chain of custody and safe storage of voted mail-in ballots before each election

d Each county clerk shall include the locations of the ballot drop boxes established in the county along with the instructions furnished with the mail-in ballot package sent to each mail-in voter pursuant to section 7 of P L 2009, c 79 (C 19 63-7) At least 45 days before each election, each county board of elections shall cause to be published on their respective websites the location of the ballot drop boxes in each county, and shall provide this information to the Secretary of State for publishing the same on the Division of Elections website

e Whenever a municipal, school, or special election is held, the board shall, at a minimum, open the ballot drop box located geographically closest to the municipal government building in which the main office of the municipal clerk is located and the ballot drop box located at the board of elections or county office, if one is placed at that location When a school election encompasses more than one municipality, the board shall be responsible for the selection of the ballot drop box location with respect to each municipality

5 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 Except as provided in subsection d of this section, 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, but a person may serve as such for up to five qualified voters in an election if those voters are immediate family members residing in the same household as the messenger Ballots that have not been hand delivered shall

be addressed to the voter at the forwarding address given in the application In the case of a voter choosing to have their mail-in ballot sent to a secondary address, if the ballot is returned or marked undeliverable for two consecutive general elections, then future mail-in ballots shall be mailed to the voter's address where they are registered to vote and the voter shall be notified in writing of the change

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, when such elections are held at a time other than the time of the general election, 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)

d Each uniformed and overseas mail-in voter, as defined by the federal "Uniformed and Overseas Citizens Absentee Voting Act" (52 U S C s 20301 et seq), or any general election voter in this State whose request for a mail-in ballot has been approved, shall be forwarded by the county clerk a mail-in ballot by first-class postage or hand delivery no later than the 45th day before the day of a federal election Whenever the county clerk forwards a mail-in ballot by mail to a uniformed or overseas mail-in voter or a State general election voter between the 45th day and the 13th day before the day of a federal election, the ballot shall be transmitted within three business days of the receipt of the application Nothing in this section, as amended by P L 2022, c 70, shall be construed to be inconsistent with the federal "Uniformed and Overseas Citizens Absentee Voting Act" (52 U S C s 20301 et seq)

6 Section 24 of P L 1994, c 182 (C 39 2-3 2) is amended to read as follows

C 39 2-3 2 Cooperation by New Jersey Motor Vehicle Commission to register voters

24 a The Secretary of State, with the assistance of the Chief Administrator of the New Jersey Motor Vehicle Commission, shall provide for an eligible applicant to simultaneously apply for a motor vehicle driver's license, an examination permit, a probationary driver's license, or a non-driver identification card, as applicable, and be automatically registered to vote, or have an existing voter registration updated, in a manner which satisfies both the requirements necessary to receive a license to operate a motor vehicle, pursuant to R S 39 3-10, or an examination permit, a probationary driver's license, or a non-driver identification card, as applicable, and to register to vote, pursuant to R S 19 4-1 The applicant shall be offered an opportunity to decline the automatic voter registration under this section If an applicant changes the applicant's party affiliation when updating an existing voter registration under this section, the applicant shall be sent a confirmation notice by the county commissioner of registration noting that change

b (1) Pursuant to subsection a of this section, for every application for a motor vehicle driver's license, an examination permit, a probationary driver's license, or a non-driver identification card, and each related update, renewal, or change of address, except as provided in paragraphs (2) and (3) of this subsection, the Chief Administrator shall ensure that the information necessary for voter registration is collected from the application and promptly transmitted electronically to the Secretary of State The Chief Administrator shall ensure that electronic records are not transmitted to the Secretary of State for any applicant who has declined registration The Commissioner of Registration shall register to vote or update an existing registration for any eligible applicant who has not declined voter registration

(2) Voter registration information from an application received online for the renewal of a motor vehicle driver's license or non-driver identification card shall be collected and promptly transmitted electronically to the Secretary of State upon the implementation by the Secretary of State of online voter registration Subsection c of this section shall be inapplicable to such applications until that time

(3) Voter registration information from an application received through the mail for the renewal of a motor vehicle driver's license or non-driver identification card shall be exempt from collection and electronic transmission to the Secretary of State until such time as the Chief Administrator determines that the prompt electronic transmission of the information is practicable Subsection c of this section shall be inapplicable to such applications until that time Following the effective date of P L 2018, c 6, the Chief Administrator

shall inform the Governor and the Legislature every six months of the practicability of collecting and transmitting to the Secretary of State voter registration information from such applications This paragraph shall not be construed to preclude the Motor Vehicle Commission from processing voter registration applications received in the manner in which such applications were processed in connection with such renewals prior to the effective date of P L 2018, c 6

c The Chief Administrator shall provide for the following notices to be provided with every application for a motor vehicle driver's license, an examination permit, a probationary driver's license, or a non-driver identification card and every related update, renewal, or change of address

(1) a notice that the applicant will be registered to vote, if eligible, unless the applicant specifically declines the automatic voter registration,

(2) a notice of the voter eligibility requirements under R S 19 4-1 and the penalties for false registration and illegal voting under Title 19 of the Revised Statutes, which notice shall contain an affirmation that the applicant meets each such requirement and shall require the signature of the applicant, under penalty of law, and

(3) a notice that an applicant who is a victim of domestic violence or stalking may decline the automatic voter registration and register to vote without disclosing the applicant's street address pursuant to section 1 of P L 1994, c 148 (C 19 31-3 2)

d For each applicant already registered to vote, any change of address notification submitted to the Chief Administrator for the purpose of maintaining current information on an applicant shall be promptly reported to the Secretary of State A change of address notification received by the Chief Administrator in paper format shall be reported to the Secretary of State no later than the 10th day following its receipt by the Chief Administrator The Commissioner of Registration shall use the change of address notification to update an existing voter registration unless the applicant declines the automatic voter registration pursuant to this section and indicates that the change of address is not for voter registration purposes A change of address notification submitted to the commission, which is used for voter registration purposes, shall be subject to the provisions of section 1 of P L 1994, c 148 (C 19 31-3 2) if the person submitting the change of address notification previously registered to vote in accordance with that section

e If a person who is not entitled to vote becomes registered to vote pursuant to this section, that person's registration shall be presumed to have been effected with official authorization, and the person shall not be deemed to have committed a crime under R S 19 34-1 This subsection shall not

apply to a person who knowingly and willfully makes a false statement to effectuate voter registration

f The Secretary of State, with the assistance of the Chief Administrator, shall take appropriate measures to educate the public about voter registration under this section

For the purposes of this section, "eligible applicant" means a person submitting to the commission an application for a motor vehicle driver's license, an examination permit, a probationary driver's license, or a non-driver identification card who meets all requirements for eligibility to vote under R S 19 4-1

7 Section 22 of P L 2009, c 79 (C 19 63-22) is amended to read as follows

C 19 63-22 Opening of mail-in ballot

22 a On the day of each election, or as provided under subsection b of this section, each county board of elections shall open in the presence of the commissioner of registration, or the designee thereof, the inner envelopes that contain the mail-in ballots with the votes cast for the election The inner envelopes containing the ballots that the board or the Superior Court has rejected shall not be so opened, but shall be retained as provided for by this act The board shall then proceed to canvass the votes cast on the mail-in ballots, but no such ballot shall be counted in any primary election for the general election if the ballot of the political party marked for voting thereon differs from the designation of the political party in the primary election of which such ballot is intended to be voted as marked on the envelope by the county board of elections

Every mail-in ballot that bears a postmark date before or of the day of the election and that is received by the county board within 144 hours after the time of the closing of the polls for the election that the ballot was prepared shall be considered valid and shall be canvassed Every mail-in ballot that does not bear a postmark date but that is received by the county board by delivery of the United States Postal Service before, or within 48 hours after, the time of the closing of the polls for the election for which the ballot was prepared shall be considered valid and shall be canvassed

b A county board of elections may begin opening the inner envelopes for each mail-in ballot and canvassing each mail-in ballot from the inner envelope no earlier than five days prior to the day of the election The Secretary of State shall establish guidelines concerning the early canvassing process If a county board of elections begins opening the inner envelopes and canvassing the mail-in ballots from the inner envelopes prior to the day

of the election, the county board shall implement the measures necessary to ensure the security and secrecy of the mail-in ballots The contents of the mail-in ballots and the results of the ballot canvassing shall remain confidential and shall be disclosed only in accordance with the provisions of Title 19 of the Revised Statutes, regulations and guidelines concerning the disclosure of election results, and in no circumstances disclosed prior to the close of polls on the day of the election In addition to the guidelines concerning the early canvassing process, the Secretary of State shall promulgate regulations to ensure that any county board of elections that begins opening the inner envelopes and canvassing the mail-in ballots from the inner envelopes prior to the closing of the polls on election day shall do so in a manner that prevents any person, including any person who is authorized to receive and canvass completed mail-in ballots, from obtaining knowledge of the unofficial results of ballots cast for any candidate for public office or any public question submitted to the voters until after the closing of the polls on election day No tally or tabulation of results shall occur prior to the opening of polls on election day As provided under R S 19 34-13, any person who is authorized to receive and canvass completed mail-in-ballots who knowingly discloses to the public the contents of a mail-in ballot prior to the time designated by law for the closing of the polls for each election shall be guilty of a crime of the third degree

c Immediately after the canvass is completed, the respective county boards of election shall certify the result of the canvass to the county clerk or the municipal or district clerk or other appropriate officer, as the case may be, showing the result of the canvass by municipality and ward The votes thus canvassed shall be counted in determining the result of the election

The county board of elections shall, immediately after the canvass is completed for any primary election, certify the results of the votes cast for members of the county committees to the respective municipal clerks, and those votes shall be counted in determining the result of the election

Each mail-in ballot cast, canvassed, and tallied in an election under this section, excluding a fire district election, shall be reported in the results for the election district in which the voter resides Whenever the reporting requirement of this subsection would cause a voter's privacy to be violated, the election results shall be reported in a manner that maintains the privacy of the vote

8 The Secretary of State may adopt regulations necessary to effectuate the purposes of this act, which regulations shall be effective immediately upon filing with the Office of Administrative Law for a period not to exceed

18 months, and may, thereafter, be amended, adopted or readopted in accordance with the provisions of the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq)

9 This act shall take effect immediately, except that section 6 thereof shall take effect on the first day of the fourth month next following the date of enactment The Secretary of State and Chief Administrator of the New Jersey Motor Vehicle Commission may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act

Approved July 28, 2022

CHAPTER 71

AN ACT concerning the review of death records prior to an election, instructional sessions for certain election workers, and election worker compensation, amending various parts of the statutory law, and supplementing Title 54A of the New Jersey Statutes

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

1 R S 19 31-16 is amended to read as follows

Data on eligible voters' deaths filed by health officer

19 31-16 a (1) Except as prescribed in paragraph (2) of this subsection, the health officer or other officer in charge of records of death in each municipality shall file with the commissioner of registration for the county in which the municipality is located once each month, during the first five days thereof, the age, date of death, and the names and addresses of all persons 18 years of age or older who have died within such municipality during the previous month Within 30 days after the receipt of such list, the commissioner shall make and complete such investigation as is necessary to establish to his satisfaction that such deceased person is registered as a voter in the county If such fact is so established, the commissioner shall cause the registration and record of voting forms of the deceased registrant to be transferred to the death file as soon as possible If the deceased person was not so registered in the county, but the person maintained a residence in another county of this State, the officer in charge of records of death in the

municipality in which the decedent died shall forward a copy of the notice of death to the officer in charge of records of death in the municipality in which the decedent resided That officer having received the notice shall notify the commissioner of the county in which that municipality is located of the death of the person Any commissioner who receives such notification shall undertake the procedures prescribed herein with respect to the registration in that county of the decedent

(2) During the two months immediately preceding a primary or general election, the health officer or other officer in charge of records of death in each municipality shall file with the commissioner of registration for the county in which the municipality is located once every two weeks, during the first three days thereof, the age, date of death, and the names and addresses of all persons 18 years of age or older who died within such municipality during the previous two weeks Within 10 days after the receipt of such list, the commissioner shall undertake the procedures prescribed pursuant to paragraph (1) of this subsection

b The State registrar of vital statistics shall file with the commissioner of registration of each county no later than May 1 of each year an alphabetized list of the name, address, and date of birth, if available, of each resident of the county 18 years of age or older who died during the previous year Within 30 days after the receipt of the list the commissioner shall undertake and complete such investigation as is necessary to establish that each person on the list is not registered as a voter in the county The commissioner shall cause the registration and record of voting forms of any deceased registrant found on the list to be transferred to the death file as soon as possible

2 R S 19 50-1 is amended to read as follows

Instructional sessions for district board members

19 50-1 a Within 30 days before each election, the county board of elections shall cause new members of the district boards who are to serve in election districts to be instructed in the conduct of elections, and in their duties in connection therewith All district board members shall be required to attend said instructional sessions for each election at least once every two years The instructional sessions shall be conducted in person except that instructional sessions may be offered remotely, by electronic means, to any district board member who has completed the instructional session within the last four years and provided that the county board of elections shall implement procedures to conduct such remote sessions Such procedures shall be approved by the Secretary of State and reviewed and approved once every two years The county board of elections shall cause to be given to each member of each district board

who has received such instruction and is fully qualified to properly conduct the election, a certificate to that effect For the purpose of giving such instruction the county board of elections shall call such meeting or meetings of the district boards as shall be necessary The content of said meeting or meetings shall be limited solely to the instruction of district board members, lobbying or the advancement of political ends shall be prohibited The members of the district board of each election district shall attend such meeting or meetings as shall be called for the purpose of receiving such instruction concerning their duties as shall be necessary for the proper conduct of the election No member of any district board shall serve in any election unless the member shall have received such instruction as herein provided and is fully qualified to perform the duties in connection with the election, and has received a certificate to that effect from the county board of elections, but this shall not prevent the appointment of a person as a member of the district board to fill a vacancy in an emergency, as now provided by law In addition to the foregoing, the county board of elections shall design, prepare and distribute training manuals for district board members, pursuant to guidelines established by the Secretary of State The county board of elections shall also make the training manual available on its Internet site and on the Internet site of the Division of Elections in the Department of State

b The Secretary of State shall establish guidelines for the design of training manuals for members of district boards of election, and shall design, prepare and distribute training manuals for members of county boards of election, and county clerks The Secretary of State shall also make training manuals available on the Internet site of the Division of Elections

C 54A 6-33 Gross income, not including compensation for services performed, district board of elections

3 Gross income, for the purposes of the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq , shall not include any compensation received pursuant to R S 19 6-9 1 and R S 19 45-6 for the services performed by a member of a district board of elections or for such services performed pursuant to subsection d of section 1 of P L 2021, c 40 (C 19 15A-1)

4 R S 43 21-19 is amended to read as follows

Definitions

43 21-19 Definitions As used in this chapter (R S 43 21-1 et seq), unless the context clearly requires otherwise

(a) (1) "Annual payroll" means the total amount of wages paid during a calendar year (regardless of when earned) by an employer for employment

(2) "Average annual payroll" means the average of the annual payrolls of any employer for the last three or five preceding calendar years, whichever average is higher, except that any year or years throughout which an employer has had no "annual payroll" because of military service shall be deleted from the reckoning, the "average annual payroll" in such case is to be determined on the basis of the prior three or five calendar years in each of which the employer had an "annual payroll" in the operation of his business, if the employer resumes his business within 12 months after separation, discharge or release from such service, under conditions other than dishonorable, and makes application to have his "average annual payroll" determined on the basis of such deletion within 12 months after he resumes his business, provided, however, that "average annual payroll" solely for the purposes of paragraph (3) of subsection (e) of R S 43 21-7 means the average of the annual payrolls of any employer on which he paid contributions to the State disability benefits fund for the last three or five preceding calendar years, whichever average is higher, provided further that only those wages be included on which employer contributions have been paid on or before January 31 (or the next succeeding day if such January 31 is a Saturday or Sunday) immediately preceding the beginning of the 12-month period for which the employer's contribution rate is computed

(b) "Benefits" means the money payments payable to an individual, as provided in this chapter (R S 43 21-1 et seq), with respect to his unemployment

(c) (1) "Base year" with respect to benefit years commencing on or after July 1, 1986, shall mean the first four of the last five completed calendar quarters immediately preceding an individual's benefit year

With respect to a benefit year commencing on or after July 1, 1995, if an individual does not have sufficient qualifying weeks or wages in his base year to qualify for benefits, the individual shall have the option of designating that his base year shall be the "alternative base year," which means the last four completed calendar quarters immediately preceding the individual's benefit year, except that, with respect to a benefit year commencing on or after October 1, 1995, if the individual also does not have sufficient qualifying weeks or wages in the last four completed calendar quarters immediately preceding his benefit year to qualify for benefits, "alternative base year" means the last three completed calendar quarters immediately preceding his benefit year and, of the calendar quarter in which the benefit year commences, the portion of the quarter which occurs before the commencing of the benefit year

The division shall inform the individual of his options under this section as amended by P L 1995, c 234 If information regarding weeks and wages for the calendar quarter or quarters immediately preceding the benefit year is

not available to the division from the regular quarterly reports of wage information and the division is not able to obtain the information using other means pursuant to State or federal law, the division may base the determination of eligibility for benefits on the affidavit of an individual with respect to weeks and wages for that calendar quarter The individual shall furnish payroll documentation, if available, in support of the affidavit A determination of benefits based on an alternative base year shall be adjusted when the quarterly report of wage information from the employer is received if that information causes a change in the determination

(2) With respect to a benefit year commencing on or after June 1, 1990 for an individual who immediately preceding the benefit year was subject to a disability compensable under the provisions of the "Temporary Disability Benefits Law," P L 1948, c 110 (C 43 21-25 et seq), "base year" shall mean the first four of the last five completed calendar quarters immediately preceding the individual's period of disability, if the employment held by the individual immediately preceding the period of disability is no longer available at the conclusion of that period and the individual files a valid claim for unemployment benefits after the conclusion of that period For the purposes of this paragraph, "period of disability" means the period defined as a period of disability by section 3 of the "Temporary Disability Benefits Law," P L 1948, c 110 (C 43 21-27) An individual who files a claim under the provisions of this paragraph (2) shall not be regarded as having left work voluntarily for the purposes of subsection (a) of R S 43 21-5

(3) With respect to a benefit year commencing on or after June 1, 1990 for an individual who immediately preceding the benefit year was subject to a disability compensable under the provisions of the workers' compensation law (chapter 15 of Title 34 of the Revised Statutes), "base year" shall mean the first four of the last five completed calendar quarters immediately preceding the individual's period of disability, if the period of disability was not longer than two years, if the employment held by the individual immediately preceding the period of disability is no longer available at the conclusion of that period and if the individual files a valid claim for unemployment benefits after the conclusion of that period For the purposes of this paragraph, "period of disability" means the period from the time at which the individual becomes unable to work because of the compensable disability until the time that the individual becomes able to resume work and continue work on a permanent basis An individual who files a claim under the provisions of this paragraph (3) shall not be regarded as having left work voluntarily for the purposes of subsection (a) of R S 43 21-5

(d) "Benefit year" with respect to any individual means the 364 consecutive calendar days beginning with the day on, or as of, which he first files a valid claim for benefits, and thereafter beginning with the day on, or as of, which the individual next files a valid claim for benefits after the termination of his last preceding benefit year Any claim for benefits made in accordance with subsection (a) of R S 43 21-6 shall be deemed to be a "valid claim" for the purpose of this subsection if (1) he is unemployed for the week in which, or as of which, he files a claim for benefits, and (2) he has fulfilled the conditions imposed by subsection (e) of R S 43 21-4

(e) (1) "Division" means the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Workforce Development, and any transaction or exercise of authority by the director of the division thereunder, or under this chapter (R S 43 21-1 et seq), shall be deemed to be performed by the division

(2) "Controller" means the Office of the Assistant Commissioner for Finance and Controller of the Department of Labor and Workforce Development, established by the 1982 Reorganization Plan of the Department of Labor

(f) "Contributions" means the money payments to the State Unemployment Compensation Fund, required by R S 43 21-7 "Payments in lieu of contributions" means the money payments to the State Unemployment Compensation Fund by employers electing or required to make payments in lieu of contributions, as provided in section 3 or section 4 of P L 1971, c 346 (C 43 21-7 2 or 43 21-7 3)

(g) "Employing unit" means the State or any of its instrumentalities or any political subdivision thereof or any of its instrumentalities or any instrumentality of more than one of the foregoing or any instrumentality of any of the foregoing and one or more other states or political subdivisions or any individual or type of organization, any partnership, association, trust, estate, joint-stock company, insurance company or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has or subsequent to January 1, 1936, had in its employ one or more individuals performing services for it within this State All individuals performing services within this State for any employing unit which maintains two or more separate establishments within this State shall be deemed to be employed by a single employing unit for all the purposes of this chapter (R S 43 21-1 et seq) Each individual employed to perform or to assist in performing the work of any agent or employee of an employing unit shall be deemed to be employed by such employing unit for all the purposes of this

chapter (R S 43 21-1 et seq), whether such individual was hired or paid directly by such employing unit or by such agent or employee, provided the employing unit had actual or constructive knowledge of the work

(h) "Employer" means

(1) Any employing unit which in either the current or the preceding calendar year paid remuneration for employment in the amount of $1,000 00 or more,

(2) Any employing unit (whether or not an employing unit at the time of acquisition) which acquired the organization, trade or business, or substantially all the assets thereof, of another which, at the time of such acquisition, was an employer subject to this chapter (R S 43 21-1 et seq),

(3) Any employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another employing unit and which, if treated as a single unit with such other employing unit, would be an employer under paragraph (1) of this subsection,

(4) Any employing unit which together with one or more other employing units is owned or controlled (by legally enforceable means or otherwise), directly or indirectly by the same interests, or which owns or controls one or more other employing units (by legally enforceable means or otherwise), and which, if treated as a single unit with such other employing unit or interest, would be an employer under paragraph (1) of this subsection,

(5) Any employing unit for which service in employment as defined in R S 43 21-19 (i) (1) (B) (i) is performed after December 31, 1971, and as defined in R S 43 21-19 (i) (1) (B) (ii) is performed after December 31, 1977,

(6) Any employing unit for which service in employment as defined in R S 43 21-19 (i) (1) (c) is performed after December 31, 1971 and which in either the current or the preceding calendar year paid remuneration for employment in the amount of $1,000 00 or more,

(7) Any employing unit not an employer by reason of any other paragraph of this subsection (h) for which, within either the current or preceding calendar year, service is or was performed with respect to which such employing unit is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment fund, or which, as a condition for approval of the "unemployment compensation law" for full tax credit against the tax imposed by the Federal Unemployment Tax Act, is required pursuant to such act to be an employer under this chapter (R S 43 21-1 et seq),

(8) (Deleted by amendment, P L 1977, c 307)

(9) (Deleted by amendment, P L 1977, c 307)

(10) (Deleted by amendment, P L 1977, c 307)

(11) Any employing unit subject to the provisions of the Federal Unemployment Tax Act within either the current or the preceding calendar year, except for employment hereinafter excluded under paragraph (7) of subsection (i) of this section,

(12) Any employing unit for which agricultural labor in employment as defined in R S 43 21-19 (i) (1) (I) is performed after December 31, 1977,

(13) Any employing unit for which domestic service in employment as defined in R S 43 21-19 (i) (1) (J) is performed after December 31, 1977,

(14) Any employing unit which having become an employer under the "unemployment compensation law" (R S 43 21-1 et seq), has not under R S 43 21-8 ceased to be an employer, or for the effective period of its election pursuant to R S 43 21-8, any other employing unit which has elected to become fully subject to this chapter (R S 43 21-1 et seq)

(i) (1) "Employment" means

(A) Any service performed prior to January 1, 1972, which was employment as defined in the "unemployment compensation law" (R S 43 21-1 et seq) prior to such date, and, subject to the other provisions of this subsection, service performed on or after January 1, 1972, including service in interstate commerce, performed for remuneration or under any contract of hire, written or oral, express or implied

(B) (i) Service performed after December 31, 1971 by an individual in the employ of this State or any of its instrumentalities or in the employ of this State and one or more other states or their instrumentalities for a hospital or institution of higher education located in this State, if such service is not excluded from "employment" under paragraph (D) below

(ii) Service performed after December 31, 1977, in the employ of this State or any of its instrumentalities or any political subdivision thereof or any of its instrumentalities or any instrumentality of more than one of the foregoing or any instrumentality of the foregoing and one or more other states or political subdivisions, if such service is not excluded from "employment" under paragraph (D) below

(C) Service performed after December 31, 1971 by an individual in the employ of a religious, charitable, educational, or other organization, which is excluded from "employment" as defined in the Federal Unemployment Tax Act, solely by reason of section 3306 (c)(8) of that act, if such service is not excluded from "employment" under paragraph (D) below

(D) For the purposes of paragraphs (B) and (C), the term "employment" does not apply to services performed

(i) In the employ of (I) a church or convention or association of churches, or (II) an organization, or school which is operated primarily for religious

purposes and which is operated, supervised, controlled or principally supported by a church or convention or association of churches,

(ii) By a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order,

(iii) Prior to January 1, 1978, in the employ of a school which is not an institution of higher education, and after December 31, 1977, in the employ of a governmental entity referred to in R S 43 21-19 (i) (1) (B), if such service is performed by an individual in the exercise of duties

(aa) as an elected official,

(bb) as a member of a legislative body, or a member of the judiciary, of a state or political subdivision,

(cc) as a member of the State National Guard or Air National Guard,

(dd) as an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency,

(ee) in a position which, under or pursuant to the laws of this State, is designated as a major nontenured policy making or advisory position, or a policy making or advisory position, the performance of the duties of which ordinarily does not require more than eight hours per week, or

(iv) By an individual receiving rehabilitation or remunerative work in a facility conducted for the purpose of carrying out a program of rehabilitation of individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market,

(v) By an individual receiving work-relief or work-training as part of an unemployment work-relief or work-training program assisted in whole or in part by any federal agency or an agency of a state or political subdivision thereof, or

(vi) Prior to January 1, 1978, for a hospital in a State prison or other State correctional institution by an inmate of the prison or correctional institution and after December 31, 1977, by an inmate of a custodial or penal institution

(E) The term "employment" shall include the services of an individual who is a citizen of the United States, performed outside the United States after December 31, 1971 (except in Canada and in the case of the Virgin Islands, after December 31, 1971) and prior to January 1 of the year following the year in which the U S Secretary of Labor approves the unemployment compensation law of the Virgin Islands, under section 3304 (a) of the Internal Revenue Code of 1986 (26 U S C s 3304 (a)) in the employ of an American employer (other than the service which is deemed

employment under the provisions of R S 43 21-19 (i) (2) or (5) or the parallel provisions of another state's unemployment compensation law), if

(i) The American employer's principal place of business in the United States is located in this State, or

(ii) The American employer has no place of business in the United States, but (I) the American employer is an individual who is a resident of this State, or (II) the American employer is a corporation which is organized under the laws of this State, or (III) the American employer is a partnership or trust and the number of partners or trustees who are residents of this State is greater than the number who are residents of another state, or

(iii) None of the criteria of divisions (i) and (ii) of this subparagraph (E) is met but the American employer has elected to become an employer subject to the "unemployment compensation law" (R S 43 21-1 et seq) in this State, or the American employer having failed to elect to become an employer in any state, the individual has filed a claim for benefits, based on such service, under the law of this State,

(iv) An "American employer," for the purposes of this subparagraph (E), means (I) an individual who is a resident of the United States, or (II) a partnership, if two-thirds or more of the partners are residents of the United States, or (III) a trust, if all the trustees are residents of the United States, or (IV) a corporation organized under the laws of the United States or of any state

(F) Notwithstanding R S 43 21-19 (i) (2), all service performed after January 1, 1972 by an officer or member of the crew of an American vessel or American aircraft on or in connection with such vessel or aircraft, if the operating office from which the operations of such vessel or aircraft operating within, or within and without, the United States are ordinarily and regularly supervised, managed, directed, and controlled, is within this State

(G) Notwithstanding any other provision of this subsection, service in this State with respect to which the taxes required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund or which as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act is required to be covered under the "unemployment compensation law" (R S 43 21-1 et seq)

(H) The term "United States" when used in a geographical sense in subsection R S 43 21-19 (i) includes the states, the District of Columbia, the Commonwealth of Puerto Rico and, effective on the day after the day on which the U S Secretary of Labor approves for the first time under section 3304 (a) of the Internal Revenue Code of 1986 (26 U S C s 3304 (a)) an

unemployment compensation law submitted to the Secretary by the Virgin Islands for such approval, the Virgin Islands

(I) (i) Service performed after December 31, 1977 in agricultural labor in a calendar year for an entity which is an employer as defined in the "unemployment compensation law," (R S 43 21-1 et seq) as of January 1 of such year, or for an employing unit which

(aa) during any calendar quarter in either the current or the preceding calendar year paid remuneration in cash of $20,000 00 or more for individuals employed in agricultural labor, or

(bb) for some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, employed in agricultural labor 10 or more individuals, regardless of whether they were employed at the same moment in time

(ii) for the purposes of this subsection any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other entity shall be treated as an employee of such crew leader

(aa) if such crew leader holds a certification of registration under the Migrant and Seasonal Agricultural Worker Protection Act, Pub L 97-470 (29 U S C s 1801 et seq), or P L 1971, c 192 (C 34 8A-7 et seq), or substantially all the members of such crew operate or maintain tractors, mechanized harvesting or cropdusting equipment, or any other mechanized equipment, which is provided by such crew leader, and

(bb) if such individual is not an employee of such other person for whom services were performed

(iii) For the purposes of subparagraph (I) (i) in the case of any individual who is furnished by a crew leader to perform service in agricultural labor or any other entity and who is not treated as an employee of such crew leader under (I) (ii)

(aa) such other entity and not the crew leader shall be treated as the employer of such individual, and

(bb) such other entity shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader (either on his own behalf or on behalf of such other entity) for the service in agricultural labor performed for such other entity

(iv) For the purpose of subparagraph (I)(ii), the term "crew leader" means an individual who

(aa) furnishes individuals to perform service in agricultural labor for any other entity,

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(bb) pays (either on his own behalf or on behalf of such other entity) the individuals so furnished by him for the service in agricultural labor performed by them, and

(cc) has not entered into a written agreement with such other entity under which such individual is designated as an employee of such other entity

(J) Domestic service after December 31, 1977 performed in the private home of an employing unit which paid cash remuneration of $1,000 00 or more to one or more individuals for such domestic service in any calendar quarter in the current or preceding calendar year

(2) The term "employment" shall include an individual's entire service performed within or both within and without this State if

(A) The service is localized in this State, or

(B) The service is not localized in any state but some of the service is performed in this State, and (i) the base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this State, or (ii) the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this State

(3) Services performed within this State but not covered under paragraph (2) of this subsection shall be deemed to be employment subject to this chapter (R S 43 21-1 et seq) if contributions are not required and paid with respect to such services under an unemployment compensation law of any other state or of the federal government

(4) Services not covered under paragraph (2) of this subsection and performed entirely without this State, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the federal government, shall be deemed to be employment subject to this chapter (R S 43 21-1 et seq) if the individual performing such services is a resident of this State and the employing unit for whom such services are performed files with the division an election that the entire service of such individual shall be deemed to be employment subject to this chapter (R S 43 21-1 et seq)

(5) Service shall be deemed to be localized within a state if

(A) The service is performed entirely within such state, or

(B) The service is performed both within and without such state, but the service performed without such state is incidental to the individual's service within the state, for example, is temporary or transitory in nature or consists of isolated transactions

(6) Services performed by an individual for remuneration shall be deemed to be employment subject to this chapter (R S 43 21-1 et seq) unless and until it is shown to the satisfaction of the division that

(A) Such individual has been and will continue to be free from control or direction over the performance of such service, both under his contract of service and in fact, and

(B) Such service is either outside the usual course of the business for which such service is performed, or that such service is performed outside of all the places of business of the enterprise for which such service is performed, and

(C) Such individual is customarily engaged in an independently established trade, occupation, profession or business

(7) Provided that such services are also exempt under the Federal Unemployment Tax Act, as amended, or that contributions with respect to such services are not required to be paid into a state unemployment fund as a condition for a tax offset credit against the tax imposed by the Federal Unemployment Tax Act, as amended, the term "employment" shall not include

(A) Agricultural labor performed prior to January 1, 1978, and after December 31, 1977, only if performed in a calendar year for an entity which is not an employer as defined in the "unemployment compensation law," (R S 43 21-1 et seq) as of January 1 of such calendar year, or unless performed for an employing unit which

(i) during a calendar quarter in either the current or the preceding calendar year paid remuneration in cash of $20,000 00 or more to individuals employed in agricultural labor, or

(ii) for some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, employed in agricultural labor 10 or more individuals, regardless of whether they were employed at the same moment in time,

(B) Domestic service in a private home performed prior to January 1, 1978, and after December 31, 1977, unless performed in the private home of an employing unit which paid cash remuneration of $1,000 00 or more to one or more individuals for such domestic service in any calendar quarter in the current or preceding calendar year,

(C) Service performed by an individual in the employ of his son, daughter or spouse, and service performed by a child under the age of 18 in the employ of his father or mother,

(D) Service performed prior to January 1, 1978, in the employ of this State or of any political subdivision thereof or of any instrumentality of this State or its political subdivisions, except as provided in R S 43 21-19 (i) (1)

(B) above, and service in the employ of the South Jersey Port Corporation or its successors,

(E) Service performed in the employ of any other state or its political subdivisions or of an instrumentality of any other state or states or their political subdivisions to the extent that such instrumentality is with respect to such service exempt under the Constitution of the United States from the tax imposed under the Federal Unemployment Tax Act, as amended, except as provided in R S 43 21-19 (i) (1) (B) above,

(F) Service performed in the employ of the United States Government or of any instrumentality of the United States exempt under the Constitution of the United States from the contributions imposed by the "unemployment compensation law," except that to the extent that the Congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation law, all of the provisions of this act shall be applicable to such instrumentalities, and to service performed for such instrumentalities, in the same manner, to the same extent and on the same terms as to all other employers, employing units, individuals and services, provided that if this State shall not be certified for any year by the Secretary of Labor of the United States under section 3304 of the federal Internal Revenue Code of 1986 (26 U S C s 3304), the payments required of such instrumentalities with respect to such year shall be refunded by the division from the fund in the same manner and within the same period as is provided in R S 43 21-14 (f) with respect to contributions erroneously paid to or collected by the division,

(G) Services performed in the employ of fraternal beneficiary societies, orders, or associations operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system and providing for the payment of life, sick, accident, or other benefits to the members of such society, order, or association, or their dependents,

(H) Services performed as a member of the board of directors, a board of trustees, a board of managers, or a committee of any bank, building and loan, or savings and loan association, incorporated or organized under the laws of this State or of the United States, where such services do not constitute the principal employment of the individual,

(I) Service with respect to which unemployment insurance is payable under an unemployment insurance program established by an Act of Congress,

(J) Service performed by agents of mutual fund brokers or dealers in the sale of mutual funds or other securities, by agents of insurance companies, exclusive of industrial insurance agents or by agents of investment companies, if the compensation to such agents for such services is wholly on a commission basis,

(K) Services performed by real estate salesmen or brokers who are compensated wholly on a commission basis,

(L) Services performed in the employ of any veterans' organization chartered by Act of Congress or of any auxiliary thereof, no part of the net earnings of which organization, or auxiliary thereof, inures to the benefit of any private shareholder or individual,

(M) Service performed for or in behalf of the owner or operator of any theater, ballroom, amusement hall or other place of entertainment, not in excess of 10 weeks in any calendar year for the same owner or operator, by any leader or musician of a band or orchestra, commonly called a "name band," entertainer, vaudeville artist, actor, actress, singer or other entertainer,

(N) Services performed after January 1, 1973 by an individual for a labor union organization, known and recognized as a union local, as a member of a committee or committees reimbursed by the union local for time lost from regular employment, or as a part-time officer of a union local and the remuneration for such services is less than $1,000 00 in a calendar year,

(O) Services performed in the sale or distribution of merchandise by home-to-home salespersons or in-the-home demonstrators whose remuneration consists wholly of commissions or commissions and bonuses,

(P) Service performed in the employ of a foreign government, including service as a consular, nondiplomatic representative, or other officer or employee,

(Q) Service performed in the employ of an instrumentality wholly owned by a foreign government if (i) the service is of a character similar to that performed in foreign countries by employees of the United States Government or of an instrumentality thereof, and (ii) the division finds that the United States Secretary of State has certified to the United States Secretary of the Treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar services performed in the foreign country by employees of the United States Government and of instrumentalities thereof,

(R) Service in the employ of an international organization entitled to enjoy the privileges, exemptions and immunities under the International Organizations Immunities Act (22 U S C s 288 et seq),

(S) Service covered by an election duly approved by an agency charged with the administration of any other state or federal unemployment compensation or employment security law, in accordance with an arrangement pursuant to R S 43 21-21 during the effective period of such election,

(T) Service performed in the employ of a school, college, or university if such service is performed (i) by a student enrolled at such school, college, or university on a full-time basis in an educational program or completing

such educational program leading to a degree at any of the severally recognized levels, or (ii) by the spouse of such a student, if such spouse is advised at the time such spouse commences to perform such service that (I) the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university, and (II) such employment will not be covered by any program of unemployment insurance,

(U) Service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this subparagraph shall not apply to service performed in a program established for or on behalf of an employer or group of employers,

(V) Service performed in the employ of a hospital, if such service is performed by a patient of the hospital, service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and regularly attending classes in a nurses' training school approved under the laws of this State,

(W) Services performed after the effective date of this amendatory act by agents of mutual benefit associations if the compensation to such agents for such services is wholly on a commission basis,

(X) Services performed by operators of motor vehicles weighing 18,000 pounds or more, licensed for commercial use and used for the highway movement of motor freight, who own their equipment or who lease or finance the purchase of their equipment through an entity which is not owned or controlled directly or indirectly by the entity for which the services were performed and who were compensated by receiving a percentage of the gross revenue generated by the transportation move or by a schedule of payment based on the distance and weight of the transportation move,

(Y) (Deleted by amendment, P L 2009, c 211)

(Z) Services performed, using facilities provided by a travel agent, by a person, commonly known as an outside travel agent, who acts as an independent contractor, is paid on a commission basis, sets his own work schedule and receives no benefits, sick leave, vacation or other leave from the travel agent owning the facilities

(AA) Services provided by a commercial fisherman whose compensation is comprised solely of a percentage of fish caught or a percentage of the proceeds from the sale of the catch

(8) If one-half or more of the services in any pay period performed by an individual for an employing unit constitutes employment, all the services of such individual shall be deemed to be employment, but if more than one-half of the service in any pay period performed by an individual for an employing unit does not constitute employment, then none of the service of such individual shall be deemed to be employment As used in this paragraph, the term "pay period" means a period of not more than 31 consecutive days for which a payment for service is ordinarily made by an employing unit to individuals in its employ

(9) Services performed by the owner of a limousine franchise (franchisee) shall not be deemed to be employment subject to the "unemployment compensation law," R S 43 21-1 et seq , with regard to the franchisor if

(A) The limousine franchisee is incorporated,

(B) The franchisee is subject to regulation by the Interstate Commerce Commission,

(C) The limousine franchise exists pursuant to a written franchise arrangement between the franchisee and the franchisor as defined by section 3 of P L 1971, c 356 (C 56 10-3), and

(D) The franchisee registers with the Department of Labor and Workforce Development and receives an employer registration number

(10) Services performed by a legal transcriber, or certified court reporter certified pursuant to P L 1940, c 175 (C 45 15B-1 et seq), shall not be deemed to be employment subject to the "unemployment compensation law," R S 43 21-1 et seq , if those services are provided to a third party by the transcriber or reporter who is referred to the third party pursuant to an agreement with another legal transcriber or legal transcription service, or certified court reporter or court reporting service, on a freelance basis, compensation for which is based upon a fee per transcript page, flat attendance fee, or other flat minimum fee, or combination thereof, set forth in the agreement

For purposes of this paragraph (10) "legal transcription service" and "legal transcribing" mean making use, by audio, video or voice recording, of a verbatim record of court proceedings, depositions, other judicial proceedings, meetings of boards, agencies, corporations, or other bodies or groups, and causing that record to be printed in readable form or produced on a computer screen in readable form, and "legal transcriber" means a person who engages in "legal transcribing "

(j) "Employment office" means a free public employment office, or branch thereof operated by this State or maintained as a part of a State-controlled system of public employment offices

(k) (Deleted by amendment, P L 1984, c 24)

(l) "State" includes, in addition to the states of the United States of America, the District of Columbia, the Virgin Islands and Puerto Rico

(m) "Unemployment "

(1) An individual shall be deemed "unemployed" for any week during which

(A) The individual is not engaged in full-time work and with respect to which his remuneration is less than his weekly benefit rate, including any week during which he is on vacation without pay, provided such vacation is not the result of the individual's voluntary action, except that for benefit years commencing on or after July 1, 1984, an officer of a corporation, or a person who has more than a 5% equitable or debt interest in the corporation, whose claim for benefits is based on wages with that corporation shall not be deemed to be unemployed in any week during the individual's term of office or ownership in the corporation, or

(B) The individual is eligible for and receiving a self-employment assistance allowance pursuant to the requirements of P L 1995, c 394 (C 43 21-67 et al)

(2) The term "remuneration" with respect to any individual for benefit years commencing on or after July 1, 1961, and as used in this subsection, shall include only that part of the same which in any week exceeds 20% of his weekly benefit rate (fractional parts of a dollar omitted) or $5 00, whichever is the larger, and shall not include any moneys paid to an individual by a county board of elections for work as a board worker on an election day or for work pursuant to subsection d of section 1 of P L 2021, c 40 (C 19 15A-1) during the early voting period

(3) An individual's week of unemployment shall be deemed to commence only after the individual has filed a claim at an unemployment insurance claims office, except as the division may by regulation otherwise prescribe

(n) "Unemployment compensation administration fund" means the unemployment compensation administration fund established by this chapter (R S 43 21-1 et seq), from which administrative expenses under this chapter (R S 43 21-1 et seq) shall be paid

(o) "Wages" means remuneration paid by employers for employment If a worker receives gratuities regularly in the course of his employment from other than his employer, his "wages" shall also include the gratuities so received, if reported in writing to his employer in accordance with regulations of the division, and if not so reported, his "wages" shall be determined in accordance with the minimum wage rates prescribed under any labor law or

regulation of this State or of the United States, or the amount of remuneration actually received by the employee from his employer, whichever is the higher

(p) "Remuneration" means all compensation for personal services, including commission and bonuses and the cash value of all compensation in any medium other than cash

(q) "Week" means for benefit years commencing on or after October 1, 1984, the calendar week ending at midnight Saturday, or as the division may by regulation prescribe

(r) "Calendar quarter" means the period of three consecutive calendar months ending March 31, June 30, September 30, or December 31

(s) "Investment company" means any company as defined in subsection a of section 1 of P L 1938, c 322 (C 17 16A-1)

(t) (1) (Deleted by amendment, P L 2001, c 17)

(2) "Base week," commencing on or after January 1, 1996 and before January 1, 2001, means

(A) Any calendar week during which the individual earned in employment from an employer remuneration not less than an amount which is 20% of the Statewide average weekly remuneration defined in subsection (c) of R S 43 21-3 which amount shall be adjusted to the next higher multiple of $1 00 if not already a multiple thereof, except that if in any calendar week an individual subject to this subparagraph (A) is in employment with more than one employer, the individual may in that calendar week establish a base week with respect to each of the employers from whom the individual earns remuneration equal to not less than the amount defined in this subparagraph (A) during that week, or

(B) If the individual does not establish in his base year 20 or more base weeks as defined in subparagraph (A) of this paragraph (2), any calendar week of an individual's base year during which the individual earned in employment from an employer remuneration not less than an amount 20 times the minimum wage in effect pursuant to section 5 of P L 1966, c 113 (C 34 11-56a4) on October 1 of the calendar year preceding the calendar year in which the benefit year commences, which amount shall be adjusted to the next higher multiple of $1 00 if not already a multiple thereof, except that if in any calendar week an individual subject to this subparagraph (B) is in employment with more than one employer, the individual may in that calendar week establish a base week with respect to each of the employers from whom the individual earns remuneration not less than the amount defined in this subparagraph (B) during that week

(3) "Base week," commencing on or after January 1, 2001, means any calendar week during which the individual earned in employment from an employer remuneration not less than an amount 20 times the minimum wage in effect pursuant to section 5 of P L 1966, c 113 (C 34 11-56a4) on October

1 of the calendar year preceding the calendar year in which the benefit year commences, which amount shall be adjusted to the next higher multiple of $1 00 if not already a multiple thereof, except that if in any calendar week an individual subject to this paragraph (3) is in employment with more than one employer, the individual may in that calendar week establish a base week with respect to each of the employers from whom the individual earns remuneration equal to not less than the amount defined in this paragraph (3) during that week

(u) "Average weekly wage" means the amount derived by dividing an individual's total wages received during his base year base weeks (as defined in subsection (t) of this section) from that most recent base year employer with whom he has established at least 20 base weeks, by the number of base weeks in which such wages were earned In the event that such claimant had no employer in his base year with whom he had established at least 20 base weeks, then such individual's average weekly wage shall be computed as if all of his base week wages were received from one employer and as if all his base weeks of employment had been performed in the employ of one employer

For the purpose of computing the average weekly wage, the monetary alternative in subparagraph (B) of paragraph (2) of subsection (e) of R S 43 21-4 shall only apply in those instances where the individual did not have at least 20 base weeks in the base year For benefit years commencing on or after July 1, 1986, "average weekly wage" means the amount derived by dividing an individual's total base year wages by the number of base weeks worked by the individual during the base year, provided that for the purpose of computing the average weekly wage, the maximum number of base weeks used in the divisor shall be 52

(v) "Initial determination" means, subject to the provisions of R S 43 21-6(b)(2) and (3), a determination of benefit rights as measured by an eligible individual's base year employment with a single employer covering all periods of employment with that employer during the base year

(w) "Last date of employment" means the last calendar day in the base year of an individual on which he performed services in employment for a given employer

(x) "Most recent base year employer" means that employer with whom the individual most recently, in point of time, performed service in employment in the base year

(y) (1) "Educational institution" means any public or other nonprofit institution (including an institution of higher education)

(A) In which participants, trainees, or students are offered an organized course of study or training designed to transfer to them knowledge, skills,

information, doctrines, attitudes or abilities from, by or under the guidance of an instructor or teacher,

(B) Which is approved, licensed or issued a permit to operate as a school by the State Department of Education or other government agency that is authorized within the State to approve, license or issue a permit for the operation of a school, and

(C) Which offers courses of study or training which may be academic, technical, trade, or preparation for gainful employment in a recognized occupation

(2) "Institution of higher education" means an educational institution which

(A) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate,

(B) Is legally authorized in this State to provide a program of education beyond high school,

(C) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, a program of post-graduate or post-doctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation, and

(D) Is a public or other nonprofit institution

Notwithstanding any of the foregoing provisions of this subsection, all colleges and universities in this State are institutions of higher education for purposes of this section

(z) "Hospital" means an institution which has been licensed, certified or approved under the law of this State as a hospital

5 This act shall take effect immediately

Approved July 28, 2022

CHAPTER 72

AN ACT concerning voting in New Jersey elections while residing overseas and amending various parts of the statutory law

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

1 Section 2 of P L 1976, c 23 (C 19 59-2) is amended to read as follows

C 19 59-2 Definitions

2 As used in this act

a "United States" means each of the several states, the District of Columbia, Commonwealth of Puerto Rico, Guam, American Samoa and the United States Virgin Islands, the term does not mean or include the Canal Zone or any other territory or possession of the United States

b "Residing abroad" means residing outside the United States

c "Federal election" means any general, special or primary held for the purpose of nominating or electing any candidate for the office of President or Vice President of the United States, Presidential elector, United States Senator or member of the United States House of Representatives

d "Election" shall have the same meaning as defined in R S 19 1-1, and include any federal, State, or local election, and any public question placed before the voters

e "Overseas voter" means any person in military service, or that person's spouse, partner in civil union, domestic partner, or dependent, who, by reason of the person's active duty or service, is, in the case of the person, absent on the date of an election from the place of residence in New Jersey where the person is or would be qualified to vote, or in the case of the person's spouse, partner in civil union, domestic partner, or dependent, absent on the date of an election from the place of residence in New Jersey where that spouse, partner in civil union, domestic partner, or dependent, is or would be qualified to vote

The term also means any citizen of the United States temporarily residing abroad who (1) immediately prior to departure from the United States was domiciled in New Jersey and (a) was last registered to vote, or last eligible to register and vote, in New Jersey, or (b) would have been eligible to register and vote in New Jersey except that the citizen had not attained 18 years of age the requirement of which has since been met, or (c) would have been eligible to register and vote in New Jersey except that the citizen had not met the residency requirement, (2) is not registered or qualified to vote elsewhere in the United States, (3) holds a valid passport or passport card or other proof of citizenship issued under authority of the Secretary of State of the United States, (4) does not establish permanent residency in any other state or country, and (5) has the intent to return to New Jersey

f "Overseas federal election voter" means any citizen of the United States who was born outside of the United States, is not an "overseas voter" under subsection e of this section or an "overseas State and federal voter" under subsection l of this section, and, except for the residency requirement of New Jersey, otherwise satisfies the State's voter eligibility requirements, if the last place where a parent, legal guardian, spouse, partner in civil union,

or domestic partner of the voter was, or under P L 1976, c 23 (C 19 59-1 et seq) would have been, eligible to register and vote before departure from the United States is within New Jersey and the voter has not previously registered to vote elsewhere in the United States

g "Electronic means" means any transmission made by an electronic telefacsimile machine or a similar device or by any other form of electronic transmission including, but not exclusive to electronic mail, that transports an authentic copy of a document from one user to another

h "Dependent" means an individual recognized as a dependent by a military service

i "Federal postcard application" means the application prescribed under section 101 of Pub L 99-410 (42 U S C s 1973ff(b)(2))

j "Federal write-in absentee ballot" means the ballot described under section 103 of Pub L 99-410 (42 U S C s 1973ff-2)

k "Military service" means the active and reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States, the Merchant Marine, the commissioned corps of the Public Health Service or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States, or the National Guard or State militia

l "Overseas State and federal voter" means any citizen of the United States residing abroad who does not intend to return or whose intent to return is uncertain and who (1) immediately prior to departure from the United States was domiciled in New Jersey and (a) was last registered to vote, or last eligible to register and vote, in New Jersey, or (b) would have been eligible to register and vote in New Jersey except that the citizen had not attained 18 years of age the requirement of which has since been met, or (c) would have been eligible to register and vote in New Jersey except that the citizen had not met the residency requirement, (2) is not registered or qualified to vote elsewhere in the United States, and (3) holds a valid passport or passport card or other proof of citizenship issued under authority of the Secretary of State of the United States

m "State election" means any general, special, or primary election held for the purpose of nominating or electing the office of the Governor, Lieutenant Governor, New Jersey State Senator, or a member of the New Jersey General Assembly, or a State public question placed before all voters of the State "State election" shall not include any local election or any local public question placed before less than all voters of the State

2 Section 3 of P L 1976, c 23 (C 19 59-3) is amended to read as follows

C 19 59-3 Registration of overseas voter, oversea federal election voter

3 Upon compliance with the provisions of this act, PL 1976, c 23 (C 19 59-1 et seq), as amended by PL 2017, c 39 a any person meeting the qualifications of an overseas voter may register to vote and may apply for and vote by mail-in ballot in any election held in the election district of this State in which the voter was formerly domiciled, b any person meeting the qualifications of an overseas federal election voter may register to vote and may apply for and vote by mail-in ballot in any federal election held in the election district of this State in which the voter, or in the case of an overseas federal election voter who was born outside of the United States described in subsection f of section 2 of PL 1976, c 23 (C 19 59-2), in which the voter's parent, legal guardian, spouse, partner in civil union, or domestic partner was formerly domiciled, and c any person meeting the qualifications of an overseas State and federal voter as described in subsection l of section 2 of PL 1976, c 23 (C 19 59-2) may register to vote and may apply for and vote by mail in a State election described in subsection m of section 2 of PL 1976, c 23 (C 19 59-2) and a federal election described in subsection c of section 2 of PL 1976, c 23 (C 19 59-2) held in the election district of this State in which the voter was formerly domiciled

3 Section 4 of PL 1976, c 23 (C 19 59-4) is amended to read as follows

C 19 59-4 Request for application, qualification to vote

4 a Requests for an application to vote in any election as an overseas voter or a federal election as an overseas federal election voter or a State election or federal election as an overseas State and federal election voter may be made by or on behalf of an applicant to the county clerk of the county in which the applicant, or in the case of an overseas federal election voter who was born outside of the United States described in subsection f of section 2 of PL 1976, c 23 (C 19 59-2), in which the voter's parent, legal guardian, spouse, partner in civil union, or domestic partner, was formerly domiciled, or to the Secretary of State of New Jersey if the applicant does not know the county of former domicile All such applications shall be forwarded to such voters by air mail or electronic means, if so requested by the voter Any overseas voter or overseas federal election voter or overseas State and federal voter requesting that an application for a ballot be sent to that voter by electronic means shall supply in the request to the Secretary of State or the county clerk, as appropriate, the telephone number and location to which the application is to be sent or the electronic address of the voter, as may be appropriate, and, if known, the address where the voter, or the voter's parent, legal guardian,

spouse, partner in civil union, or domestic partner, as appropriate, was domiciled before departure from the United States To qualify for a ballot to be sent by air mail, the applicant's completed application shall be received by the appropriate county clerk or the Secretary of State on or before the thirtieth day preceding the election To qualify for a ballot to be distributed by electronic means, the applicant's completed application shall be received by the appropriate county clerk or the Secretary of State on or before the fourth day preceding the election

b An overseas voter or overseas federal election voter or overseas State and federal voter may use the federal postcard application form to register to vote or to apply for an overseas ballot for any election in which the voter is eligible to vote The voter may send the form by air mail or electronic means to either the appropriate county clerk or the Secretary of State and, in the case of the use of a federal postcard application for a ballot, may request that the ballot be sent by air mail or electronic means Any federal postcard application for a ballot sent by an overseas voter or overseas federal election voter or overseas State and federal voter and received by a county clerk or the Secretary of State shall also be considered a request for registration if that voter is not already registered

4 Section 5 of P L 1976, c 23 (C 19 59-5) is amended to read as follows

C 19 59-5 Application form

5 a Other than a federal postcard application, an application for a ballot by an overseas voter or overseas federal election voter or overseas State and federal election voter shall be in substantially the following form

I the undersigned, certify the following as a basis for an application as citizen of the United States residing outside the United States to receive a ballot to be voted at the election to be held on (date of election) for (fill in elected office or public question, or both)

1 I am a citizen of the United States,

2 I presently reside at (if mail should be addressed other than to my residence, also provide address for mail),

3 I was born on (month, day, year)

4 I hold a

a valid U S Passport # , dated , or

b valid U S Passport Card # , dated , or

c valid Certificate of Citizenship, dated , or

d other valid form of identification recognized as such under federal or state law (form of identification), dated

5 a Immediately prior to taking up residence abroad I was domiciled in New Jersey and resided at (street address), (municipality), (county) (If formerly registered to vote from that address check here ( )), or

b I was born outside of the United States and my parent, legal guardian, spouse, partner in civil union, or domestic partner, before leaving the United States, was last domiciled in New Jersey, residing at (street address), (municipality), (county)

6 I am not registered, entitled or applying to vote in any state other than New Jersey

7 I understand that any false statement knowingly made in this application subjects me to the penalties provided by law for fraudulent voting

Applicant

(Signature)

Dated Applicant

(Print or type name)

b There shall also be sent to the applicant by air mail or electronic means such instructions and portions of the law or regulations as the Secretary of State shall direct

c Any overseas voter or overseas federal election voter or overseas State and federal election voter requesting that a ballot be sent to that voter by electronic means shall indicate on the application for the ballot the telephone number and location to which the ballot is to be sent or the electronic address of the voter, as may be appropriate

5 Section 6 of P L 1976, c 23 (C 19 59-6) is amended to read as follows

C 19 59-6 Approval, lists, inspection, delivery to county board

6 Each county clerk, upon receipt of an application for a ballot by an overseas voter or overseas federal election voter or overseas State and federal election voter, including a federal postcard application, shall determine whether or not the applicant is qualified to vote such a ballot, make a list of those applications approved and disapproved, which list shall be open to inspection by election officials and the public, and shall forward an overseas ballot to each person whose application is approved For each voter whose application is approved, the county clerk shall deliver to the county board of elections the completed application form for retention by the board for signature comparison with that on the certificate on the inner envelope containing the ballot upon its receipt

6 Section 7 of P L 1976, c 23 (C 19 59-7) is amended to read as follows

C 19 59-7 Form of ballot

7 The county clerk shall prescribe the form of the ballot for overseas voters and overseas federal election voters and overseas State and federal election voters

7 Section 8 of P L 1976, c 23 (C 19 59-8) is amended to read as follows

C 19 59-8 Instructions for completion, return of ballots, notice

8 a Each county clerk shall send by air mail, with each ballot for an overseas voter or overseas federal election voter or overseas State and federal election voter transmitted by such means, appropriate printed instructions for its completion and return, together with an inner and outer envelope similar to that required as to civilian vote by mail ballots with a legend on the inner envelope stating "Ballot for Overseas Voter," "Ballot for Overseas Federal Election Voter," or "Ballot for Overseas State and Federal Election Voter," as appropriate

b Each county clerk shall send to each overseas voter or overseas federal election voter or overseas State and federal election voter requesting that a ballot be sent to that voter by electronic means all appropriate printed instructions for its completion and return The printed instructions sent to each such voter shall include a certificate substantially the same as provided for in section 9 of P L 1976, c 23 (C 19 59-9)

c The printed instructions sent with each ballot to an overseas voter or overseas federal election voter or overseas State and federal election voter, including instructions sent by electronic means, shall include a copy of the following notice

PENALTY FOR FRAUDULENT VOTING

Any person who knowingly violates any of the provisions of the Overseas Residents Absentee Voting Law, 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, shall be guilty of an indictable offense, and upon conviction thereof shall be subject, in addition to such other penalties as are authorized by law, to disenfranchisement while serving a sentence of incarceration unless and until pardoned or restored by law to the right of suffrage

8 Section 12 of P L 1993, c 73 (C 19 59-8 1) is amended to read as follows

C 19 59-8 1 Processing overseas voter, overseas federal election voter requests, transmittal by electronic means

12 Whenever a county clerk receives a request by electronic means from an overseas voter or overseas federal election voter or overseas State and federal election voter that a ballot be sent to that person by electronic means, the county clerk shall verify the voter's eligibility to vote as an overseas voter or overseas federal election voter or overseas State and federal election voter in the State and the county desired If the overseas voter or overseas federal election voter or overseas State and federal election voter is eligible to vote therein, the county clerk shall send the appropriate ballot to the voter at least 45 days before the day of the election and thereafter by electronic means using the telephone number or electronic address supplied by the voter for that purpose If the overseas voter or overseas federal election voter or overseas State and federal election voter is not eligible to vote in the State or the county desired, notice of noneligibility shall be provided to the voter by electronic means as soon as practicable after the receipt of the request

9 Section 9 of P L 1976, c 23 (C 19 59-9) is amended to read as follows

C 19 59-9 Printing of certificate upon margin of flap of inner envelope

9 Upon the margin of the flap of the inner envelope to be sent to an overseas voter or overseas federal election voter or overseas State and federal election voter shall be printed a certificate substantially as follows

I, the undersigned, residing at am the person who applied for, received and voted the enclosed Ballot
Dated

Voter (SIGNATURE)
Voter (PRINT or type name)

10 Section 10 of P L 1976, c 23 (C 19 59-10) is amended to read as follows

C 19 59-10 Completion, transmittal of ballot

10 a For ballots sent to overseas voters or overseas federal election voters or overseas State and federal election voters, other than such ballots sent to the voter by electronic means, the procedure for completing the ballot shall be as follows

Upon completion of the ballot by indicating the voter's choice of candidates for the offices named or the voter's choice regarding a public question, or both, the ballot shall be placed in the inner envelope and sealed Upon completion and signing in the voter's handwriting the certificate

attached to the inner envelope, the inner envelope shall be placed in the outer envelope, which when sealed shall be mailed postage prepaid to the county board of elections whose address is printed thereon

b For ballots sent to overseas voters or overseas federal election voters or overseas State and federal election voters by electronic means, the procedure for completing the ballot shall be as follows

After the ballot is received and completed by the voter by indicating that person's choice of candidates for the offices named or that person's choice regarding a public question, or both, the ballot shall be placed in a secure envelope Upon completion and signing in the voter's handwriting of the certificate sent to the voter pursuant to section 8 of P L 1976, c 23 (C 19 59-8), it shall be placed in the same envelope as the voted ballot The envelope shall then be sealed securely and sent immediately by air mail to the appropriate county board of elections in this State

c Notwithstanding the provisions of subsections a and b of this section, a copy of an overseas voter's or overseas federal election voter's or overseas State and federal election voter's ballot may be transmitted by electronic means to the appropriate county board of elections in this State Such a ballot shall be subject to the provisions of sections 3 and 4 of P L 1995, c 195 (C 19 59-14 and C 19 59-15)

11 Section 11 of P L 1976, c 23 (C 19 59-11) is amended to read as follows

C 19 59-11 Receiving and handling of ballots

11 Upon receipt of each ballot from an overseas voter or overseas federal election voter or overseas State and federal election voter, other than a ballot which had been sent by electronic means to an overseas voter or overseas federal election voter or overseas State and federal election voter, the signature on the certificate on the inner envelope shall be compared to that on the person's application All ballots, whether originally sent to an overseas voter or overseas federal election voter or overseas State and federal election voter by air mail or electronic means, shall be approved, disapproved, processed, counted and disputes in connection therewith shall be handled in the same manner as is applicable to other vote by mail ballots No ballot received after the time designated for the closing of the polls shall be counted

12 Section 12 of P L 1976, c 23 (C 19 59-12) is amended to read as follows

C 19 59-12 Request for ballots, transmittal

12 An overseas voter or overseas federal election voter or overseas State and federal election voter may request, on any application form used, a ballot for all elections held during the calendar year in which the request is made and in which the voter is eligible to vote Any instructions sent to an applicant pursuant to section 5 of P L 1976, c 23 (C 19 59-5) shall inform the applicant that such a request may be made If such a request is made, a ballot shall be sent in a timely manner to the voter for all such elections in which the voter is eligible to vote and by the transmission method first requested by the voter unless the voter instructs otherwise

13 Section 3 of P L 1995, c 195 (C 19 59-14) is amended to read as follows

C 19 59-14 Validity of voted overseas ballot transmitted by electronic means

3 Notwithstanding any law, rule or regulation to the contrary, a copy of an overseas voter's or overseas federal election voter's or overseas State and federal election voter's voted ballot, or a voted federal write-in absentee ballot, which is transmitted by electronic means to the appropriate county board of elections in this State shall be considered valid and counted if it

a is from a qualified voter,

b has been transmitted to the appropriate county board of elections no later than the time designated by law for the closing of the polls on that day, and

c is accompanied by the following statement, which shall be certified by the voter's signature "I understand that by transmitting by electronic means a copy of my voted ballot I am voluntarily waiving my right to a secret ballot At the same time, I pledge to place the original voted ballot in a secure envelope, together with any other required certification, and send the documents immediately by air mail to the appropriate county board of elections "

14 Section 4 of P L 1995, c 195 (C 19 59-15) is amended to read as follows

C 19 59-15 Procedure relative to ballot transmission by electronic means

4 a Immediately after a copy of an overseas voter's or overseas federal election voter's or overseas State and federal election voter's voted ballot, or a voted federal write-in absentee ballot, has been transmitted by electronic means to the appropriate county board of elections, as permitted pursuant to section 3 of P L 1995, c 195 (C 19 59-14), the overseas voter or overseas federal election voter or overseas State and federal election voter shall place the original voted ballot in a secure envelope, together with a certificate

substantially the same as provided for in section 9 of P L 1976, c 23 (C 19 59-9), and send the documents by air mail to the appropriate county board of elections

b All copies of voted ballots received by electronic means shall be approved, disapproved, processed and counted, and disputes in connection therewith shall be handled, in the same manner as is applicable to other vote by mail ballots No ballot received after the time designated for the closing of the polls shall be counted

c The county board of elections shall take all necessary precautions to preserve the security of the ballot materials and specifically shall ensure that the vote cast by a voter using a ballot transmitted by electronic means is not revealed, except to the extent necessary by law or judicial determination Upon the completion of all inspections of a ballot transmitted by electronic means required by law, the board or any employee thereof acting under its direction shall promptly separate the waiver certification from the ballot transmitted by electronic means Any person handling such a ballot shall not identify the votes cast by any voter, except upon judicial determination

d Prior to certification of the results of the election, the county board shall

(1) compare the information on the copy transmitted by electronic means of each voted ballot with the same on the original voted ballot sent by air mail by the voter who transmitted to the county board a copy of the voted ballot by electronic means, and the signature on the statement received by electronic means with the signature on the certificate received by air mail, and

(2) ascertain whether an original voted ballot has been received for each copy of a voted ballot received by electronic means and counted

Whenever the particulars of the copy of a voted ballot transmitted by electronic means do not conform exactly with the particulars of the original voted ballot sent by air mail to the county board afterwards by that voter and whenever an original voted ballot has not been received which corresponds to a copy of a voted ballot transmitted by electronic means which has been received and counted by the county board, those ballots and all other pertinent documents and information relative to those ballots shall be turned over to the superintendent of elections in counties having a superintendent and the prosecutor in all other counties for further investigation and action

e Within 30 days after the election, the county board shall gather and keep together the copy of the voted ballot transmitted by electronic means, the certified statement and the original voted ballot sent by air mail of each voter who transmitted a copy of a voted ballot by electronic means Those ballots needed for an investigation conducted by the superintendent of elections or the county prosecutor, as the case may be, or by any other law

enforcement official shall be returned to the county board as soon as practicable after the conclusion of the investigation All ballots and documents relative to a copy of a voted ballot transmitted by electronic means and received by the county board shall be retained by it for a period of one year following the day of the election The superintendent of elections in counties having a superintendent and the prosecutor in all other counties shall have the authority to impound all such documents whenever the superintendent or prosecutor shall deem such action necessary

15 Section 26 of P L 2011, c 37 (C 19 59-16) is amended to read as follows

C 19 59-16 Information provided to overseas voters, overseas federal elections voters

26 For the purpose of complying with the federal "Uniformed and Overseas Citizens Absentee Voting Act," 52 U S C s 20301 et seq , the office of the Secretary of State shall

a be designated as the single State office responsible for providing information to all overseas voters and overseas federal election voters and overseas State and federal election voters who wish to register to vote or vote in any jurisdiction in the State with respect to voter registration procedures and vote by mail procedures to be used by overseas voters and overseas federal election voters or overseas State and federal election voters for all elections in which the voter is eligible to vote,

b work with the federal Election Assistance Commission and the federal Department of Defense to develop standards to report data on the number of ballots transmitted and received by mail or electronic means by overseas voters or overseas federal election voters or overseas State and federal election voters pursuant to the "Overseas Residents Absentee Voting Law," P L 1976, c 23 (C 19 59-1 et seq) and section 7 of P L 2004, c 88 (C 19 61-7), and

c provide such additional information relating to voting by overseas voters and overseas federal election voters and overseas State and federal election voters from this State as the Department of Defense determines is necessary

16 R S 19 31-6 is amended to read as follows

Registration places, time, requirements

19 31-6 Any person qualified to vote in an election shall be entitled to vote in the election if the person shall have registered to vote on or before the 21st day preceding the election by

a registering in person at any offices designated by the commissioner of registration for providing and receiving registration forms,

b completing a voter registration form while applying for a motor vehicle driver's license from an agent of the New Jersey Motor Vehicle Commission, as provided for in section 24 of P L 1994, c 182 (C 39 2-3 2),

c completing and returning to the Secretary of State or having returned thereto a voter registration form received from a voter registration agency, as defined in subsection a of section 26 of P L 1994, c 182 (C 19 31-6 11), while applying for services or assistance or seeking a recertification, renewal or change of address at an office of that agency,

d completing and returning to the Secretary of State a voter registration form obtained from a public agency, as defined in subsection a of section 15 of P L 1974, c 30 (C 19 31-6 3),

e completing and returning to the Secretary of State or having returned thereto a voter registration form received from a door-to-door canvass or mobile registration drive, as provided for in section 19 of P L 1974, c 30 (C 19 31-6 7),

f completing and returning to the Secretary of State a federal mail voter registration form, as prescribed in subsection (b) of section 9 of the "National Voter Registration Act of 1993," (42 U S C s 1973gg et seq),

g completing and returning to the Secretary of State or the appropriate county clerk an application for a federal postcard application form to register to vote, as permitted pursuant to the federal "Uniform and Overseas Citizens Absentee Voting Act" 52 U S C s 120301 et seq) and section 4 of P L 1976, c 23 (C 19 59-4),

h completing a provisional ballot affirmation statement and voting the provisional ballot in the previous election, if the person who submitted the provisional ballot in that election is determined not to be a registered voter, or

i completing and submitting an online voter registration form available on the Secretary of State's Internet website, as provided under section 1 of P L 2019, c 382 (C 19 31-6 4c)

When the commissioner has designated a place or places other than his office for receiving registrations, the commissioner shall cause to be published a notice in a newspaper circulated in the municipality wherein such place or places of registration shall be located Such notice shall be published pursuant to R S 19 12-7

Any office designated by the commissioner of registration for receiving registration forms shall have displayed, in a conspicuous location, registration and voting instructions These instructions shall be the same as those provided for polling places under R S 19 9-2 and shall be provided by the commissioner

17 This act shall take effect immediately but shall apply only to applicable elections occurring on or after November 8, 2022

Approved July 28, 2022

CHAPTER 73

AN ACT establishing the "COVID-19 Frontline and Healthcare Worker Memorial Commission "

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

1 The Legislature finds and declares that the coronavirus disease 2019 ("COVID-19") pandemic has exacted a terrible toll on the global community, the country, and this State This global pandemic has claimed millions of lives worldwide, including the lives of frontline and healthcare workers who have displayed tremendous courage and dedication in their efforts to treat and support patients affected by COVID-19 Many of these frontline and healthcare workers, including those providing healthcare services in police and fire departments, went beyond their usual scope of duties to combat multiple surges in the number of COVID-19 cases, often with limited healthcare resources As one of the early epicenters of the COVID-19 pandemic, it is important for this State to memorialize the tragic consequences of the pandemic and recognize the immense loss of life suffered by this State

The Legislature therefore determines that it is fitting and proper to establish a commission, to be known as the COVID-19 Frontline and Healthcare Worker Memorial Commission, to design and oversee the construction of a memorial dedicated to the frontline and healthcare workers who have lost their lives treating and supporting patients during the COVID-19 pandemic

2 a There is established in, but not of, the Department of State, a commission to be known as the "COVID-19 Frontline and Healthcare Worker Memorial Commission " The purpose of the commission shall be to design and oversee the construction of a memorial that honors and recognizes the frontline and healthcare workers who lost their lives in the fight against the COVID-19 pandemic

b The commission shall consist of nine public members, who shall be residents of the State and representative of frontline and healthcare workers,

including frontline and healthcare workers in police and fire departments, individuals with knowledge in erecting monuments or other general experience in construction or architecture, individuals with experience in grant funding or in business administration, and any other expertise as determined by the Governor The Governor shall appoint three public members to the commission, shall appoint three members to the commission upon recommendation of the Speaker of the General Assembly, and shall appoint three members to the commission upon recommendation of the President of the Senate

c Any vacancy in the membership of the commission shall be filled in the same manner as is provided for the original appointments

d The members of the commission shall serve without compensation

e The commission shall organize as soon as practicable after the appointment of a majority of its members and shall elect from among its members a chairperson The presence of five members of the commission shall constitute a quorum

f The commission shall meet at least twice per year at times and places determined by the commission, as well as at the call of the chairperson or a majority of commission's membership

g All meetings of the commission shall be open to the public Agendas, minutes, documents, and testimony from all meetings shall be posted by the commission on the webpage established for the commission, a link to which shall be posted on the Department of State's Internet website

h The commission may request the assistance and services of the employees of any State, county or municipal department, board, bureau, commission, task force or agency as it may require and as may be available to it for its purposes The commission may, subject to available funds, hire staff as are necessary to effectuate the purposes of this act, including to provide clerical and administrative staff The commission shall hire at least one individual to provide clerical support to the commission

3 a The commission shall select a suitable design and location for the construction of a memorial dedicated to the frontline and healthcare workers who lost their lives during the COVID-19 pandemic, and shall determine appropriate methods of financing the construction and maintenance of the memorial Following the selection of a design and specific location for the memorial and the receipt of sufficient funding, the commission shall oversee the construction of the memorial

b The commission may initiate fundraising measures and may receive monetary donations for the design, construction, and maintenance of the

memorial Any money received by the commission for these purposes shall be deposited in the fund established pursuant to section 4 of this act

c Not later than 18 months following the effective date of this act, the commission shall prepare and submit a final report to the Governor and, pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1), to the Legislature, which report shall include the final design selected for the memorial, the exact location selected for the memorial, and the amount of funding necessary for construction and maintenance of the memorial

C 52 18A-218 4 "COVID-19 Frontline and Healthcare Worker Memorial Fund" established

4 There is established in the Department of the Treasury a non-lapsing fund to be known as the "COVID-19 Frontline and Healthcare Worker Memorial Fund " The fund shall be credited with any moneys received by the COVID-19 Frontline and Healthcare Worker Memorial Commission as donations pursuant to subsection b of section 3 of this act and any moneys as may thereafter be donated or appropriated to the fund All interest earned on moneys in the fund shall be credited to the fund The moneys in the fund shall be administered by the State Treasurer and held in the fund until appropriated by law No later than one year following the effective date of this act, and annually thereafter, the State Treasurer shall certify to the Governor, the Legislature, and the Secretary of State the total amount of moneys in the fund

5 The act shall take effect immediately, and sections 1 through 3 of this act shall expire on the first day of the sixth month next following the completion of the COVID-19 Frontline and Healthcare Worker Memorial

Approved July 29, 2022

CHAPTER 74

AN ACT revising the out-of-network arbitration process and amending P L 2018, c 32

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

1 Section 9 of P L 2018, c 32 (C 26 2SS-9) is amended to read as follows

C 26 2SS-9 Responsibilities of carrier relative to inadvertent out-of-network services

9 Notwithstanding any law, rule, or regulation to the contrary

a With respect to a carrier, if a covered person receives inadvertent out-of-network services, or services at an in-network or out-of-network health care facility on an emergency or urgent basis, the carrier shall ensure that the covered person incurs no greater out-of-pocket costs than the covered person would have incurred with an in-network health care provider for covered services Pursuant to sections 7 and 8 of this act, the out-of-network provider shall not bill the covered person, except for applicable deductible, copayment, or coinsurance amounts that would apply if the covered person utilized an in-network health care provider for the covered services In the case of services provided to a member of a self-funded plan that does not elect to be subject to the provisions of this section, the provider shall be permitted to bill the covered person in excess of the applicable deductible, copayment, or coinsurance amounts

b (1) With respect to inadvertent out-of-network services, or services at an in-network or out-of-network health care facility on an emergency or urgent basis, benefits provided by a carrier that the covered person receives for health care services shall be assigned to the out-of-network health care provider, which shall require no action on the part of the covered person Once the benefit is assigned as provided in this subsection

(a) any reimbursement paid by the carrier shall be paid directly to the out-of-network provider, and

(b) the carrier shall provide the out-of-network provider with a written remittance of payment that specifies the proposed reimbursement and the applicable deductible, copayment, or coinsurance amounts owed by the covered person

(2) An entity providing or administering a self-funded health benefits plan that elects to participate in this section pursuant to subsection d of this section, shall comply with the provisions of paragraph (1) of this subsection

c If inadvertent out-of-network services or services provided at an in-network or out-of-network health care facility on an emergency or urgent basis are performed in accordance with subsection a of this section, the out-of-network provider may bill the carrier for the services rendered The carrier may pay the billed amount or the carrier shall determine within 20 days from the date of the receipt of the claim for the services whether the carrier considers the claim to be excessive, and if so, the carrier shall notify the provider of this determination within 20 days of the receipt of the claim If the carrier provides this notification, the carrier and the provider shall have 60 days from the date of this notification to negotiate a settlement The carrier may attempt to negotiate a final reimbursement amount with the out-of-network health care

provider which differs from the amount paid by the carrier pursuant to this subsection If there is no settlement reached after the 60 days, the carrier shall pay the provider their final offer for the services If the carrier and provider cannot agree on the final offer as a reimbursement rate for these services, the carrier, provider, or covered person, as applicable, may initiate binding arbitration within 60 days of the final offer, pursuant to section 10 or 11 of this act In addition, in the event that arbitration is initiated pursuant to section 10 of this act, the payment shall be subject to the binding arbitration provisions of paragraphs (4) and (5) of subsection b of section 10 of this act

d With respect to an entity providing or administering a self-funded health benefits plan and its plan members, this section shall only apply if the plan elects to be subject to the provisions of this section To elect to be subject to the provisions of this section, the self-funded plan shall provide notice, on an annual basis, to the department, on a form and in a manner prescribed by the department, attesting to the plan's participation and agreeing to be bound by the provisions of this section The self-funded plan shall amend the employee benefit plan, coverage policies, contracts and any other plan documents to reflect that the benefits of this section shall apply to the plan's members

2 Section 10 of P L 2018, c 32 (C 26 2SS-10) is amended to read as follows

C 26 2SS-10 Payment disputes, binding arbitration

10 a If attempts to negotiate reimbursement for services provided by an out-of-network health care provider, pursuant to subsection c of section 9 of this act, do not result in a resolution of the payment dispute, and the difference between the carrier's and the provider's final offers is not less than $1,000, the carrier or out-of-network health care provider may initiate binding arbitration to determine payment for the services

b The binding arbitration shall adhere to the following requirements

(1) The party requesting arbitration shall notify the other party that arbitration has been initiated and state its final offer before arbitration, which in the case of the carrier shall be the amount paid pursuant to subsection c of section 9 of this act In response to this notice, the out-of-network provider shall inform the carrier of its final offer before the arbitration occurs,

(2) Arbitration shall be initiated by filing a request with the department,

(3) The department shall contract, through the request for proposal process, every three years, with one or more entities that have experience in health care pricing arbitration The department may initially utilize the entity engaged under the "Health Claims Authorization, Processing, and Payment

Act," P L 2005, c 352 (C 17B 30-48 et seq), for arbitration under this act, however, after a period of one year from the effective date of this act, the selection of the arbitration entity shall be through the Request for Proposal process Claims that are subject to arbitration pursuant to the provisions of this act, which previously would be subject to arbitration pursuant to the "Health Claims Authorization, Processing, and Payment Act," shall instead be subject to this act,

(4) The arbitration shall consist of a review of the written submissions by both parties, which shall include the final offer for the payment by the carrier for the out-of-network health care provider's fee made pursuant to subsection c of section 9 of this act and the final offer by the out-of-network provider for the fee the provider will accept as payment from the carrier, and

(5) The arbitrator's decision shall be one of the two amounts submitted by the parties as their final offers and shall be binding on both parties The decision of the arbitrator shall include detailed written findings and shall be issued within 30 days after the request is filed with the department The detailed written findings shall be an analysis of the decision including, but not limited to, information concerning any databases, previous awards, or other documentation or arguments that contributed to the arbitrator's decision The arbitrator's expenses and fees shall be split equally among the parties except in situations in which the arbitrator determines that the payment made by the carrier was not made in good faith, in which case the carrier shall be responsible for all of the arbitrator's expenses and fees Each party shall be responsible for its own costs and fees, including legal fees if any

c (1) The amount awarded by the arbitrator that is in excess of any payment already made pursuant to subsection c of section 9 of this act shall be paid within 20 days of the arbitrator's decision as provided in subsection b of this section

(2) The interest charges for overdue payments, pursuant to P L 1999, c 154 (C 17B 30-23 et al), shall not apply during the pendency of a decision under subsection b of this section and any interest required to be paid a provider pursuant to P L 1999, c 154 (C 17B 30-23 et al) shall not accrue until after 20 days following an arbitrator's decision as provided in subsection b of this section, but in no circumstances longer than 150 days from the date that the out-of-network provider billed the carrier for services rendered, unless both parties agree to a longer period of time

d This section shall apply only if the covered person complies with any applicable preauthorization or review requirements of the health benefits plan regarding the determination of medical necessity to access in-network inpatient or outpatient benefits

e This section shall not apply to a covered person who knowingly, voluntarily, and specifically selected an out-of-network provider for health care services

f In the event an entity providing or administering a self-funded health benefits plan elects to be subject to the provisions of section 9 of this act, as provided in subsection d of that section, the provisions of this section shall apply to a self-funded plan in the same manner as the provisions of this section apply to a carrier If a self-funded plan does not elect to be subject to the provision of section 9 of this act, a member of that plan may initiate binding arbitration as provided in section 11 of this act

3 This act shall take effect on the 90th day next following the date of enactment, except that the Commissioner of Banking and Insurance may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act

Approved July 29, 2022

CHAPTER 75

AN ACT concerning the Economic Redevelopment and Growth Grant program and amending and supplementing 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, public electric vehicle charging stations, 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 all areas within the boundaries of the "Atlantic City International Airport," established pursuant to section 24 of P L 1991, c 252 (C 27 25A-24), and the Federal Aviation Administration William J Hughes Technical Center and the area within a one-mile radius of the outermost boundary of the "Atlantic City International Airport" and the Federal Aviation Administration William J Hughes Technical Center

"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 assignees, 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 or Rutgers, the State University of New Jersey

"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

"Electric vehicle charging station" means an electric component assembly or cluster of component assemblies designed specifically to charge

batteries within electric vehicles by permitting the transfer of electric energy to a battery or other storage device in an electric vehicle

"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 the 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), 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, or an aviation district

"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, including public electric vehicle charging stations, 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 the structures, improvements or projects, or any costs of remediation associated with the 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, 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 of 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 The parking component, which may include enclosed pedestrian walkways or a skybridge, may be in the same structure as all the non-parking components or may be in a structure with some non-parking components with the remaining non-parking components in an adjacent or nearby structure that is no more than one third of a mile from the parking components

"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 In the case of a mixed use parking project that is undertaken by a municipal redeveloper and that did not commence construction before the declaration of the COVID-19 public health emergency on March 9, 2020, project costs may include, in the discretion of the chief executive officer of the authority consistent with applicable law, the cost or value of land, demolition, and equity contributions, as well as any particular costs for which the project has received 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

"Public electric vehicle charging station" means an electric vehicle charging station located at a publicly available parking space

"Public hydrogen fueling station" means publicly available equipment to store and dispense hydrogen fuel to vehicles according to industry codes and standards

"Publicly available parking space" means a parking space that is available to, and accessible by, the public and may include on-street parking spaces and parking spaces in surface lots or parking garages, but shall not include a parking space that is part of, or associated with, a private residence, or a parking space that is reserved for the exclusive use of an individual driver or vehicle or for a group of drivers or vehicles, such as employees, tenants, visitors, residents of a common interest development, or residents of an adjacent building

"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, rural development area zoned for industrial use as of the effective date of P L 2016, c 75, 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 C 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 the 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 "redevelopment 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 C 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) A redevelopment project may include the development of zero-emission vehicle fueling and charging infrastructure

"Redevelopment utility" means a self-liquidating fund created by a municipality pursuant to section 12 of P L 2009, c 90 (C 52 27D-489l) 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 proceeding 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 situated

"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

"University infrastructure" means any of the following located on the campus of Rutgers, the State University of New Jersey

a buildings and structures, such as academic buildings, recreation centers, indoor athletic facilities, public works garages, and water and sewer treatment and pumping facilities,

b open space with improvements, such as athletic fields and other outdoor athletic facilities, planned commons, and parks, and

c transportation facilities, such as bus shelters and parking facilities

"Urban transit hub" means an urban transit hub, as defined in section 2 of P L 2007, c 346 (C 34 1B-208), that is located within an eligible municipality, as defined in section 2 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

"Zero-emission vehicle" means a vehicle certified as a zero emission vehicle pursuant to the California Air Resources Board zero emission vehicle standards for the applicable model year, including but not limited to, battery electric-powered vehicles and hydrogen fuel cell vehicles

"Zero-emission vehicle fueling and charging infrastructure" means infrastructure to charge or fuel zero-emission vehicles, including but not limited to, public electric vehicle charging stations and public hydrogen fueling stations

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 any 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 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

Public 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 developers, such that these will be considered a unified project for the purposes of the incentives provided under this section

b (1) (a) 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

(b) State incentive grants not to exceed an aggregate total value of $75,000,000 shall be made available by the authority for applications submitted after the effective date of P L 2020, c 156, but prior to December 31, 2021, for projects that are predominantly commercial and contain 100,000 or more square feet of office and retail space, or industrial space for purchase or lease, and may include a parking component The developer of

a project seeking an award of credits for a project restricted under this subparagraph shall submit an incentive grant application prior to December 31, 2021, and if approved after the effective date of P L 2020, c 156, shall submit a temporary certificate of occupancy for the project no later than December 31, 2024 In addition to the requirements for an incentive award set forth in P L 2009, c 90 (C 52 27D-489a et al), a developer shall be eligible to receive an award of credits for a project restricted under this subparagraph only if the developer demonstrates to the authority at that time of application that (i) the project shall comply with minimum environmental and sustainability standards, (ii) the project shall comply with the authority's affirmative action requirements, adopted pursuant to section 4 of P L 1979, c 303 (C 34 1B-5 4), (iii) each worker employed by the developer, or subcontractor of a developer working at the project, shall be paid not less than $15 per hour or 120 percent of the minimum wage fixed under subsection a of section 5 of P L 1966, c 113 (C 34 11-56a4), whichever is higher, and (iv) during the eligibility period, each worker employed to perform construction work or building services work at the project shall be paid not less than the prevailing wage rate for the worker's craft or trade, as determined by the Commissioner of Labor and Workforce Development pursuant to P L 1963, c 150 (C 34 11-56 25 et seq) and P L 2005, c 379 (C 34 11-56 58 et seq)

(2) In the case of a qualified residential project or a project involving university infrastructure, 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 the incremental revenues, 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 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 the incremental revenues, the developer 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 paragraphs (2) and (3) of this subsection shall not exceed $993,000,000, 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 the 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, and (ii) mixed use parking projects located in a Garden State Growth Zone or urban transit hub located within the aforementioned counties, (iii) and $75,000,000 of the 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) $440,000,000 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, (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, (vi) $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, (vii) $40,000,000 of credits shall be restricted to qualified residential projects that include a theater venue for the performing arts and do not qualify under subparagraph (a) of this paragraph, which projects are located in a municipality with a population of less than 100,000 according to the latest federal decennial census, and within which municipality is located an urban transit hub and a campus of a public research university, as defined in section 1 of P.L. 2009, c. 308 (C. 18A:3B-46), and (viii) $150,000,000 of credits shall be restricted to qualified residential projects and mixed use parking projects in Garden State Growth Zones having a population in excess of 125,000 and do not qualify under subparagraph (a) of this paragraph,

(c) $87,000,000 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, and which are used by an independent institution of higher education, a school of medicine, a nonprofit hospital system, or any combination thereof, provided, however, that $20,000,000 of the $87,000,000 shall be allocated to mixed use parking projects that do not qualify under subparagraph (a) or (b) of this paragraph,

(d) (i) $16,000,000 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, and

(ii) an additional $50,000,000 shall be restricted to qualified residential projects which, as of the effective date of P L 2016, c 51, are located in a city of the first class with a population in excess of 270,000, are subject to a Renewal Contract for a Section 8 Mark-Up-To-Market Project from the United States Department of Housing and Urban Development, and for which an application for the award of tax credits under this subsection was submitted prior to January 1, 2016,

(e) $25,000,000 shall be restricted to projects involving university infrastructure, and

(f) (Deleted by amendment, P L 2021, c 160)

(g) $125,000,000 shall be restricted to applications submitted after the effective date of P L 2020, c 156 (C 34 1B-269 et al) for residential projects in any county of the State

(h) 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 September 18, 2013, the effective date of P L 2013, c 161 (C 52 27D-489p et al) shall submit a temporary certificate of occupancy for the project no later than December 31, 2023 The developer of a mixed use parking project seeking an award of credits towards the funding of its incentive grant pursuant to subparagraph (c) of this paragraph and if approved after the effective date of P L 2015, c 217, shall submit a temporary certificate of occupancy for the project no later than December 31, 2023 The developer of a qualified residential project or a mixed use parking project seeking an award of credits toward the funding of its incentive grant for a project restricted under categories (vi) and (viii) of subparagraph (b) of this paragraph shall submit an incentive grant application prior to July 1, 2019 or, in the case of a project

restricted under category (viii) of subparagraph (b) of this paragraph, December 31, 2021, and if approved after the effective date of P L 2017, c 59, shall submit a temporary certificate of occupancy for the project no later than June 30, 2026 provided that the municipality in which the project is located shall have submitted to the chief executive officer of the authority a letter of support identifying up to six projects prior to July 1, 2018 The letter of support is to contain a project scope for each of the projects and may be supplemented or amended from time to time until July 1, 2019 or, in the case of a project restricted under categories (vi) and (viii) of subparagraph (b) of this paragraph, December 31, 2022 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 the 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

(i) The developer of a project seeking an award of credits for a project restricted under subparagraph (g) of this paragraph shall submit an incentive grant application prior to December 31, 2021, and if approved after the effective date of P L 2020, c 156 (C 34 1B-269 et al), shall submit a temporary certificate of occupancy for the project no later than December 31, 2024 In addition to the requirements for an award of credits set forth in P L 2009, c 90 (C 52 27D-489a et al), a developer shall be eligible to receive an award of credits for a project restricted under subparagraph (g) of this paragraph only if the developer demonstrates to the authority at that time of application that (i) the project shall comply with minimum environmental and sustainability standards, (ii) the project shall comply with the authority's affirmative action requirements, adopted pursuant to section 4 of P L 1979, c 303 (C 34 1B-5 4), (iii) each worker employed by the developer or subcontractor of a developer working at the project shall be paid not less than $15 per hour or 120 percent of the minimum wage fixed under subsection a of section 5 of P L 1966, c 113 (C 34 11-56a4), whichever is higher, and (iv)

during the eligibility period, each worker employed to perform construction work or building services work at the project shall be paid not less than the prevailing wage rate for the worker's craft or trade, as determined by the Commissioner of Labor and Workforce Development pursuant to P L 1963, c 150 (C 34 11-56 25 et seq) and P L 2005, c 379 (C 34 11-56 58 et seq)

Prior to the board considering an application submitted by a developer for a project restricted under subparagraph (g) of this paragraph, the authority shall confirm with the Department of Labor and Workforce Development, the Department of Environmental Protection, and the Department of the Treasury whether the developer is in substantial good standing with the respective department, or has entered into an agreement with the respective department that includes a practical corrective action plan for the developer The developer, or an authorized agent of the developer, shall certify to the authority that all factual assertions made in the developer's application are true under the penalty of perjury If at any time the authority determines that the developer made a material misrepresentation on the developer's application, the developer shall forfeit the award of credits and the authority shall recapture any tax credits awarded to the developer

(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 who 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 C 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 information necessary to facilitate grants under this program and remit that information in order to assist in the calculation of incremental revenue

C 52 27D-489i1 Provisions applied to mixed used parking project

3 Notwithstanding any provision of the "New Jersey Economic Stimulus Act of 2009," P L 2009, c 90 (C 52 27D-489a et al) to the contrary, the following provisions shall apply to a mixed use parking project that is restricted under categories (vi) or (viii) of subparagraph (b) of paragraph (3) of subsection b of section 6 of P L 2009, c 90 (C 52 27D-489f) and undertaken by a municipal redeveloper after the effective date of P L 2022, c 75 (C 52 27D-489i1 et al), for which a redevelopment incentive grant is awarded

a A municipal redeveloper shall submit a temporary certificate of occupancy for such proposed mixed use parking project no later than June 30, 2026

b (1) Except as provided in paragraph (2) of this subsection, a redevelopment incentive grant award shall be equal to 100 percent of the total project costs allocated to the parking component of the project and 40 percent of the total project costs allocated to the non-parking component of a proposed mixed use parking project

(2) A redevelopment incentive grant award shall be equal to 100 percent of the total project costs allocated to the parking component of the project and 80 percent of the total project costs allocated to the non-parking component of the mixed use parking project if the mixed use parking project is

(a) constructed upon all or a portion of a project site that was previously the subject of an award of tax credits pursuant to the "Urban Transit Hub Tax Credit Act," P L 2007, c 346 (C 34 1B-207 et seq) or the "New Jersey Economic Stimulus Act of 2009," P L 2009, c 90 (C 52 27D-489a et al), but the tax credits were not issued,

(b) an entertainment venue with seating capacity in excess of 5,000, or

(c) constructed to be utilized by a visitor center or youth center within or adjacent to a national historic park

c The terms of any approval, granted by the authority, for a proposed mixed use parking project undertaken by a municipal redeveloper, which has not yet commenced construction activities other than demolition or site work, may be modified to reflect the terms established pursuant to P L 2022, c 75 (C 52 27D-489 11 et al), upon application to the authority for review and approval, provided, however, the developer shall not be required to pay any fee that may be established under law or regulation related to the application for modification All dates of required action by a municipal redeveloper contained in an approval, granted by the authority, shall be automatically extended by the thirty-month period corresponding to the temporary certificate of occupancy submission date established by subsection a of this section

d All proposed mixed use parking projects shall comply with Leadership in Energy and Environmental Design (LEED) standards, to the extent that the United States Green Building Council shall have promulgated standards for the project type proposed

4 This act shall take effect immediately

Approved July 29, 2022

CHAPTER 76

AN ACT concerning career-oriented programs of study at institutions of higher education, degree-granting proprietary institutions, and private career schools, and supplementing P L 2009, c 197 (C 18A 3B-44 et seq) and P L 2005, c 354 (C 34 15C-10 1)

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

C 18A 3B-45 1 Performance quality standard, established, Secretary of Higher Education, career-oriented programs of study, rules, regulations

1 a As used in this section, "career-oriented program of study" means a program that provides occupation-specific knowledge and technical skill proficiency that culminates in the attainment of a license for a specific occupation or is represented by the institution as preparing students for employment in a specific occupation "Career-oriented program of study" shall not include a program dedicated primarily to the education or training of ministers, priests, rabbis or other professional persons in the field of religion

b Within 12 months of the effective date of P L 2022, c 76 (C 18A 3B-45 1 et al), the Secretary of Higher Education shall establish a performance quality standard for career-oriented programs of study offered by institutions of higher education and degree-granting proprietary institutions In establishing the standard, the secretary shall consider the ratio of the tuition and fees charged to students in the career-oriented program net of any institutional grant aid to the average earnings of New Jersey workers employed in the specific occupation for which the career-oriented program prepares students

c The secretary shall ensure that career-oriented programs of study offered by institutions of higher education and degree-granting proprietary institutions meet a minimum acceptable level of performance, as determined by the secretary In the event that the secretary determines that a program does not meet the minimum acceptable level of performance, the secretary shall suspend or terminate that program and take additional action to suspend or revoke the institution's license to award academic degrees

d An institution of higher education or degree-granting proprietary institution shall submit to the secretary the clear identification of the institution's career-oriented programs of study in a form and in a manner as determined by the secretary

e The secretary shall adopt, in accordance with the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), rules and regulations as may be necessary to implement the provisions of this section

C 34 15C-10 1a Performance quality standards, established, Commissioner of Labor and Workforce Development, rules, regulations

2 a Within 12 months of the effective date of P L 2022, c 76 (C 18A 3B-45 1 et al), the Commissioner of Labor and Workforce Development shall establish performance quality standards for

(1) private career schools, referred to and defined as "qualifying schools" under section 4 of P L 1989, c 293 (C 34 15C-1), authorized jointly under section 13 of P L 2005, c 354 (C 34 15C-10 1) by the Commissioner of Labor and Workforce Development and the Commissioner of Education to operate in New Jersey, and

(2) private career schools authorized by a professional or occupational board established within the Division of Consumer Affairs, in the Department of Law and Public Safety, to offer an educational program required for licensure, registration, or certification in a profession or occupation regulated by a professional or occupational board established within the division

b In establishing the performance quality standards, the Commissioner of Labor and Workforce Development shall consider the ratio of the tuition and fees charged to students in the program net of any institutional grant aid to the average earnings of New Jersey workers employed in the specific occupation for which the program prepares students

(1) In the event that the Commissioner of Labor and Workforce Development determines that a program offered by a private career school does not meet the minimum acceptable level of performance, the Commissioner of Labor and Workforce Development and the Commissioner of Education shall, pursuant to section 13 of P L 2005, c 354 (C 34 15C-10 1), revoke, suspend or make conditional the certificate of approval issued under that law

(2) In the event that the Commissioner of Labor and Workforce Development determines that an educational program required for licensure, registration, or certification in a profession or occupation regulated by a professional or occupational board established within the Division of Consumer Affairs does not meet the minimum acceptable level of performance, the Commissioner of Labor and Workforce Development shall issue a written determination directing the applicable board within the Division of Consumer Affairs to suspend or revoke the private career school's license or accreditation to offer such program

c All private career schools, including those operating with a certificate of approval issued jointly by the Commissioner of Labor and Workforce Development and the Commissioner of Education, and those authorized by a professional or occupational board established within the Division of Consumer Affairs to offer an educational program required for licensure, registration, or certification in a profession or occupation regulated by a professional or occupational board established within the Division of Consumer Affairs, shall submit a quarterly report to the Commissioner of Labor and Workforce Development that includes

(1) the tuition and fees charged for each program,

(2) a record for each student enrolled in each program The student record shall include, but not be limited to the student's social security number, gender, date of birth, date of enrollment, any date of completion, date of termination, date of start in a job, date of application for a license, licensing examination result, date of issuance of a license, and any credential issued, and

(3) any additional information that may be required by the Commissioner of Labor and Workforce Development

d Each private career school may be required by the Commissioner of Labor and Workforce Development to submit additional reports on a more frequent basis

(1) In the event that the Commissioner of Labor and Workforce Development determines that a program offered by a private career school has failed to submit any report required under this section, the Commissioner of Labor and Workforce Development and the Commissioner of Education shall, pursuant to section 13 of P L 2005, c 354 (C 34 15C-10 1), revoke, suspend or make conditional the certificate of approval issued under that law

(2) In the event that the Commissioner of Labor and Workforce Development determines that an educational program required for licensure, registration, or certification in a profession or occupation regulated by a professional or occupational board established within the Division of Consumer Affairs has failed to submit any report required under this section, the Commissioner of Labor and Workforce Development shall issue a written determination directing the applicable board within the division to suspend or revoke the private career school's license or accreditation to offer such program

e Upon receiving the written determination from the Commissioner of Labor and Workforce Development directing the suspension or revocation of the private career school's license or accreditation to offer a program, the applicable board within the Division of Consumer Affairs may delay the effective date of the suspension or revocation for a reasonable time if it determines that doing so is necessary for the applicable board, or the affected private career school at the direction of the applicable board, to protect the interests of students

f Nothing in this section shall be construed to affect the authority of a professional or occupational board established within the Division of Consumer Affairs to suspend or revoke the license or accreditation of a private career school pursuant to Title 45 of the Revised Statutes

g The Commissioner of Labor and Workforce Development, in consultation with the Commissioner of Education and the Attorney General, shall adopt, in accordance with the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), rules and regulations as may be necessary to implement the provisions of this section

3 This act shall take effect immediately

Approved July 29, 2022

CHAPTER 77

AN ACT concerning accidental disability benefits from the State-administered retirement systems and amending various parts of the statutory law

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

1 Section 10 of P L 1965, c 89 (C 53 5A-10) is amended to read as follows

C 53 5A-10 Accidental disability retirement allowance, definitions

10 a Upon the written application by a member in service, by one acting in his behalf or by the State, any member may be retired, not less than 1 month next following the date of filing such application, on an accidental disability retirement allowance, provided, that the medical board, after a medical examination of such member, shall certify that the member is permanently and totally disabled as a direct result of a traumatic event occurring during and as a result of the performance of his regular or assigned duties and that such disability was not the result of the member's willful negligence and that such member is mentally or physically incapacitated for the performance of his usual duties in the Division of State Police which the Superintendent of State Police is willing to assign to him

A member with a preexisting and asymptomatic condition that is rendered symptomatic as a direct result of a traumatic event occurring during and as a result of the performance of the member's regular or assigned duties may be eligible for an accidental disability retirement allowance, provided that the traumatic event is caused by a circumstance external to the member and is the substantial contributing cause of the member's permanent and total disability

The application to accomplish such retirement must be filed within 5 years of the original traumatic event, but the board of trustees may consider an application filed after the 5-year period if it can be factually demonstrated to the satisfaction of the board of trustees that the disability is due to the accident and the filing was not accomplished within the 5-year period due to a delayed manifestation of the disability or to the member's continued employment in a restricted capacity consistent with the nature of his disability in the Division of the State Police upon and at the written request of the superintendent, with the concurrence of the Attorney General, or to other circumstances beyond the control of the member

b Upon retirement for accidental disability, a member shall receive an accidental disability retirement allowance which shall consist of

(1) An annuity which shall be the actuarial equivalent of his aggregate contributions and

(2) A pension in the amount which, when added to the member's annuity, will provide a total retirement allowance of 2/3 of his final compensation

c Upon the receipt of proper proofs of the death of a member who has retired on an accidental disability retirement allowance, there shall be paid to the member's beneficiary an amount equal to 3 1/2 times the final compensation received by the member in the last year of creditable service, provided, however, that if such death shall occur after the member shall have attained 55 years of age the amount payable shall equal 1/2 of such compensation instead of 3 1/2 times such compensation

d Permanent and total disability resulting from a cardiovascular, pulmonary or musculoskeletal condition which was not a direct result of a traumatic event occurring in the performance of duty shall be deemed an ordinary disability

e (1) For purposes of this subsection

"Qualifying condition or impairment of health" includes

diseases of the upper respiratory tract and mucosae, including conditions such as conjunctivitis, rhinitis, sinusitis, pharyngitis, laryngitis, vocal cord disease, upper airway hyper-reactivity and tracheo-bronchitis, or a combination of such conditions,

diseases of the lower respiratory tract, including but not limited to bronchitis, asthma, reactive airway dysfunction syndrome, and different types of pneumonitis, such as hypersensitivity, granulomatous, or eosinophilic,

diseases of the gastroesophageal tract, including esophagitis and reflux disease, either acute or chronic, caused by exposure or aggravated by exposure,

diseases of the psychological axis, including post-traumatic stress disorder, anxiety, depression, or any combination of such conditions,

diseases of the skin, such as contact dermatitis or burns, either acute or chronic in nature, infectious, irritant, allergic, idiopathic or non-specific reactive in nature, caused by exposure or aggravated by exposure, and

new onset diseases resulting from exposure as such diseases occurring in the future including cancer, chronic obstructive pulmonary disease, asbestos-related disease, heavy metal poisoning, musculoskeletal disease and chronic psychological disease

"World Trade Center rescue, recovery, or cleanup operations" means the rescue, recovery, or cleanup operations at the World Trade Center site between September 11, 2001 and October 11, 2001

"World Trade Center site" means any location below a line starting from the Hudson River and Canal Street, east on Canal Street to Pike Street, south on Pike Street to the East River, and extending to the lower tip of Manhattan

(2) Notwithstanding any provision of subsection a of this section or any other law to the contrary, for a member who participated, whether or not under orders or instruction by an employer to so participate, in World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours, permanent and total disability resulting from a qualifying condition or impairment of health shall be presumed to have occurred during and as a result of the performance of the member's regular or assigned duties and not the result of the member's willful negligence, unless the contrary can be proved by competent evidence

A member who did not participate in such operations for a minimum of eight hours shall be eligible for the presumption provided that

the member participated in the rescue, recovery, or cleanup operations at the World Trade Center site between September 11, 2001 and September 12, 2001,

the member sustained a documented physical injury at the World Trade Center site between September 11, 2001 and September 12, 2001 that is a qualifying condition or impairment of health resulting in a disability to the member that prevented the member from continuing to participate in World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours, and

the documented physical injury that resulted in a disability to the member that prevented the member from continuing to participate in World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours is the qualifying condition or impairment of health for which the member seeks a presumption under this subsection

In order to be eligible for the presumption provided under this subsection, a member shall have successfully passed a physical examination for entry into public service which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the permanent and total disability

(3) A member who participated in the World Trade Center rescue, recovery, or cleanup operations for a minimum of eight hours and subsequently retired on a service retirement or an ordinary disability retirement and thereafter incurred a disability caused by a qualifying condition or impairment of health which the medical board determines to be caused by participation in World Trade Center rescue, recovery, or cleanup operations shall be eligible to apply to the board of trustees to have the retiree's retirement allowance recalculated as an accidental disability retirement allowance for benefit payments on or after the date of the application, provided the retiree filed an application for such recalculation within 30 days

of the date that the retiree knew or should have known of the existence of such disability and its relation to the rescue, recovery, or cleanup operations In order to be eligible for such recalculation, the retiree shall have successfully passed a physical examination for entry into public service which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the disability

(4) The board of trustees shall promulgate rules and regulations necessary to implement the provisions of this subsection and shall notify members and retirants in the retirement system of the enactment of this act, P L 2019, c 157, within 30 days of enactment

A member or retiree shall not be eligible for the presumption or recalculation under this subsection unless within two years of the effective date of this act, P L 2019, c 157, the member or retiree files a written and sworn statement with the retirement system on a form provided by the board of trustees thereof indicating the dates and locations of service

(5) This subsection shall apply regardless of whether the member or retiree, who is otherwise eligible, was enrolled in the retirement system at the time of participation in World Trade Center rescue, recovery, or cleanup operations as specified herein

C 53 5A-10 2 Denied member, accidental disability retirement allowance, reconsideration

2 a A member who was denied an accidental disability retirement allowance between January 1, 2012 and December 31, 2019 solely on the basis that the Board of Trustees determined that the member had a preexisting and asymptomatic condition may apply to the Board of Trustees for reconsideration Applications for reconsideration pursuant to this section shall be filed within 30 days of the effective date of P L 2022, c 77 (C 53 5A-10 2 et al) and such applications shall not be subject to the five-year filing period so long as the initial application for an accidental disability retirement was timely filed

b Upon approval of an application for reconsideration, the member shall prospectively receive the benefit payments of an accidental disability retirement allowance The benefit payments shall apply only for payments made after approval of an application for reconsideration by the Board of Trustees pursuant to this section No member shall be granted a retroactive payment based upon the difference between the benefit the person would have received if an accidental disability retirement allowance were granted at the time of the member's initial application and the benefit that the member has received from that date to the approval of the application for reconsideration

3 This act shall take effect immediately

Approved July 29, 2022

CHAPTER 78

AN ACT concerning Medicaid reimbursement for brain injury services 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 4D-7jj Findings, declarations

1 The Legislature funds and declares

a An acquired brain injury is an injury caused by an event, either internal or external to the injured individual, and does not include congenital or degenerative disorders, or those injuries induced by birth trauma An acquired brain injury can either be categorized as a traumatic brain injury or non-traumatic brain injury A traumatic brain injury is an alteration in brain function caused by an external force and may be caused by falls, assaults, motor vehicle accidents, or sports injuries A non-traumatic brain injury is damage to the brain caused by internal factors, such as stroke, aneurysm, tumor, infectious disease, or anoxia

b A severe acquired brain injury can produce an altered or diminished state of consciousness and result in an impairment of cognitive abilities or physical functioning It can also effect behavioral or emotional functioning These impairments may be permanent and cause partial or total functional disability, leading to the injured individual requiring long-term care supports

c The State's Medicaid program provides brain injury services under the Managed Long-Term Supports and Services program, with the goal of providing community alternatives for individuals with brain injuries residing in nursing facilities or who are in the community and at risk for placement in nursing facilities

d Unlike other Medicaid community-based services, reimbursement rates for brain injury services have remained static in recent years despite growing costs, which threatens the ability of providers to meet the complex health needs of individuals with brain injuries and provide services within a safe and fulfilling community environment

e Despite the similar model of care, reimbursement rates for services provided to Medicaid beneficiaries with intellectual and developmental disabilities have not only increased, but have been restructured to account for adequate consideration for acuity, increased minimum wage requirements, and other inflationary trends that assert pressure on providers' cost structures

f By failing to receive reimbursement rates that adequately support services, brain injury providers are being forced to return this fragile population to more costly institutional care in nursing home facilities

g It is imperative that the Legislature take action and increase Medicaid rates for these essential services and ensure that individuals with brain injuries can continue to thrive and reach their optimal recoveries in community settings

C 30 4D-7kk Medicaid per diem, encounter reimbursement rates, eligible brain injury services, minimum requirements

2 a Notwithstanding the provisions of any law or regulation to the contrary, the Medicaid per diem or encounter reimbursement rates for eligible brain injury services, when such services are provided by an approved brain injury service provider to a Medicaid beneficiary requiring treatment for a brain injury, shall be, at minimum, as follows

(1) The reimbursement rate for Community Residential Services – Low Supervision provided to a Medicaid beneficiary eligible for brain injury services shall be equal to the reimbursement rate for Individuals Supports Services - Tier B provided to a Medicaid beneficiary eligible for services provided by the Division of Developmental Disabilities in the Department of Human Services,

(2) The reimbursement rate for Community Residential Services – Moderate Supervision provided to a Medicaid beneficiary eligible for brain injury services shall be equal to the reimbursement rate for Individuals Supports Services - Tier C provided to a Medicaid beneficiary eligible for services provided by the Division of Developmental Disabilities in the Department of Human Services, and

(3) The reimbursement rate for Community Residential Services – High Supervision provided to a Medicaid beneficiary eligible for brain injury services shall be equal to the average of the reimbursement rates for Individuals Supports Services - Tiers D and E provided to a Medicaid beneficiary eligible for services provided by the Division of Developmental Disabilities in the Department of Human Services

b As used in this section

"Brain injury service" means community-based services, residential services, day care services, and home care services provided to a Medicaid

beneficiary requiring treatment for traumatic or non-traumatic brain injuries, regardless of whether such services are provided through the Medicaid fee-for-service delivery system or the managed care delivery system

"Brain injury service provider" means a facility licensed by the Division of Disability Services in the Department of Human Services to provide traumatic or non-traumatic brain injury services

"Medicaid" means the Medicaid program established pursuant to P L 1968, c 413 (C 30 4D-1 et seq)

"Non-traumatic brain injury" means an injury to the brain caused by internal factors, such as stroke, aneurysm, tumor, infectious disease, or anoxia, where continued impairment can be demonstrated This term does not include brain dysfunction caused by congenital or degenerative disorders, birth trauma, or injuries caused by other circumstances

"Traumatic brain injury" means an injury to the brain caused by a blow or jolt to the head or a penetrating head injury or neuro-trauma that disrupts the normal brain function, where continued impairment can be demonstrated This term does not include brain dysfunction caused by congenital or degenerative disorders, birth trauma, or injuries caused by other circumstances

C 30 4D-7ll State plan amendments, waivers, brain injury services, application, implementation of provisions

3 The Commissioner of Human Services shall apply for such State plan amendments or waivers specific to brain injury services, that currently exist or may arise in the future which affect reimbursement rates, as may be necessary to implement the provisions of this act and to secure federal financial participation for State Medicaid expenditures under the federal Medicaid program

4 The Commissioner of Human Services, in accordance with the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), shall adopt such rules and regulations as the commissioner deems necessary to carry out the provisions of this act

5 This act shall take effect 30 days after the date of enactment and shall apply to services provided on or after the effective date of this act and to any Medicaid managed care contract executed or renewed on or after the effective date of this act

Approved July 29, 2022

CHAPTER 79

A SUPPLEMENT to the annual appropriations act for the fiscal year ending June 30, 2022, P L 2021, c 133

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

1 In addition to the amounts appropriated under P L 2021, c 133, the annual appropriations act for the fiscal year ending June 30, 2022, there is appropriated from the General Fund the following amount for the purpose specified

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION
40 Community Development and Environmental Management
46 Environmental Planning and Administration
4800 Administrative Operations
STATE AID

99-4800 Mosquito Control, Research, Administration and Operations	$3,000,000
State Aid	
99 Mosquito Control, Research, Administration and Operations	($3,000,000)

2 This act shall take effect immediately

Approved July 29, 2022

CHAPTER 80

AN ACT adjusting the municipal ballot question for amusement games, amending P L 1959, c 108, P L 1959, c 109, P L 1959, c 113, and repealing section 1 of P L 1959, c 108 (C 5 8-78)

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

Repealer

1 Section 1 of P L 1959, c 108 (C 5 8-78) is repealed

2 The title of P L 1959, c 109 is amended to read as follows

AN ACT authorizing the conducting, operating and playing of certain amusement games, whether of chance or skill, or both, where the prizes or awards to be given shall be of merchandise only, of a value to be determined by the Legalized Games of Chance Control Commission and the charge for the privilege of playing shall be determined by the commission, providing for the licensing, regulation and control by the commission, of the conducting and operating of such games, providing restrictions as to the places where such games may be conducted and operated, providing that certain playing for money or other valuable things is not authorized, providing for the operation and inoperation of the act in any municipality when so determined by referendum vote therein, and providing for the submission of this act to the legal voters of the State for their approval or rejection before the same shall become operative within this State

3 Section 1 of P L 1959, c 113 (C 5 8-79 1) is amended to read as follows

C 5 8-79 1 Rules and regulations of amusement games control commissioner

1 The rules and regulations to be made and promulgated by the Legalized Games of Chance Control Commission, in addition to provisions authorized by any other law, shall also provide for applications to, and certifications by, the commission with respect to the specific kind of game or games intended to be held, operated and conducted, and the rules for the playing of the game or games and that they are of the character permitted by the Amusement Games Licensing Law Whenever the commission shall deem it to be necessary, the said rules, regulations and certifications may impose a limit or limits on the number of places or the number of specific kinds of games which may be held, operated or conducted by any 1 licensee, directly or indirectly, or in which such licensee, or any other person having an interest therein, may have an interest, and also for such other controls as the commission shall deem to be suitable and proper, particularly such as shall be ascertained from the experience of operations under said law and this act and for the purposes thereof The said certifications shall also be designed to prevent monopoly, undue or unfair competition among licensees or with operations conducted pursuant to the Bingo Licensing Law (P L 1954, c 6) or the Raffles Licensing Law (P L 1954, c 5), and to prevent false, misleading or uninformative representations or concealment and to restrict excessive advertising or other acts, conduct or behavior which may tend to a misuse of the activities permitted by the Amusement Games Licensing Law or the participation in the benefits of the carrying on of activities thereunder,

directly or indirectly, by or for the benefit of any person or persons not eligible to receive licenses thereunder

The said rules and regulations may also provide for and establish procedures, forms and other documents in connection with the application for, and the issuance of, licenses, determinations thereon, hearings, appeals, grants, refusals, suspensions or revocations of licenses, reports, questionnaires, and any other matters connected with the exercise of any power vested in said commission by law

4 Section 3 of P L 1959, c 108 (C 5 8-102) is amended to read as follows

C 5 8-102 Application for municipal license, filing, contents, state license, annual fees

3 Each applicant for such a license shall file with the clerk of the municipality a written application therefor in the form prescribed by the Legalized Games of Chance Control Commission, duly executed and verified, in which shall be stated the name and address of the applicant, together with sufficient facts relating to its incorporation and organization if the applicant be a corporation or organization, the specific kind of amusement games intended to be held, operated and conducted by the applicant, and the place or places where, the period, term, date or dates and the time or times when, such amusement games are intended to be conducted by the applicant, under the license applied for, and that no prize or prizes will be offered and given under said license except of merchandise only and same shall be of a value not in excess of the sum or value authorized to be offered and given by this act and such other information as shall be prescribed by the commission

Every such municipal license so issued shall be inoperative unless the licensee named therein shall also, within 90 days from the issuance thereof and prior to the conduct or operation of amusement games thereunder, procure a State license authorizing the licensee holding the municipal license to operate and conduct certain games according to the terms of such municipal license The said State license shall be issued by the State Legalized Games of Chance Control Commission, if the commission finds that all of the conditions, terms and requirements of this act and of said rules and regulations have been fully met and complied with As a condition of granting any such State license the applicant therefor shall pay to the said commission an annual fee of $250 00 An applicant who is the owner of an arcade shall pay an additional annual fee of $10 00 per machine for each machine over 50 machines If any such municipal license authorizes the licensee to conduct and operate games at more than one place or of more than

one specific kind the applicant for the State license shall pay the said annual fee of $250 00 for each such place and for each such specific kind

For the purposes of this section, "arcade" means a place where a single player upon payment of a fee is permitted to play a machine or device to obtain a prize, ticket or token redeemable for a prize, or attain a score upon the basis of which a prize, ticket or token is awarded

5 Section 8 of P L 1959, c 109 (C 5 8-107) is amended to read as follows

C 5 8-107 Maximum charges, value, determination and award of prizes

8 The Legalized Games of Chance Control Commission shall determine the amount for any 1 game which shall be charged or accepted by any licensee from any 1 player or participant as an entry fee or payment for the privilege of participating therein No prize or prizes shall be offered or given in any single game except of merchandise and the amount of the value of the merchandise prize or prizes so to be offered and given in any such game shall be determined by the commission and all winners shall be determined and all prizes shall be awarded in any game forthwith upon the completion of the game and before making or accepting any charge for participation in any subsequent game

The commission shall make the determination pursuant to this section after a public hearing has been held thereon and subject to the provisions of P L 1981, c 27 (C 52 14B-4 1 et seq)

6 Section 10 of P L 1959, c 109 (C 5 8-109) is amended to read as follows

C 5 8-109 Appeals to amusement games control commissioner

10 Any applicant for, or holder of, any license issued or to be issued under this act aggrieved by any action of the municipal governing body of the municipality to which such application has been made or by which such license has been issued, may appeal to the Legalized Games of Chance Control Commission from the determination of said governing body by filing with the governing body a written notice of appeal within 30 days after the determination or action appealed from, and upon the hearing of such appeal the evidence, if any, taken before the governing body and any additional evidence may be produced and shall be considered in arriving at a determination of the matters in issue, and the action of the commission upon said appeal shall be binding upon said governing body and all parties to said appeal

7 Section 17 of P L 1959, c 109 (C 5 8-116) is amended to read as follows

C 5 8-116 Petition, number of signers, question

17 Upon a petition signed by qualified voters of any municipality equal in number to at least 15 percent of the total number of votes cast therein at the latest preceding general election for members of the General Assembly and filed with the clerk of the municipality at least 60 days before such election, the governing body of the municipality shall provide for the submission to the legal voters of the municipality at such general election, the question of whether this act shall become operative or cease to be operative in such municipality, as the case may be If, upon such submission of the question, the majority of all the valid votes cast on the question shall be in favor of having this act inoperative in the municipality, then this act shall, 60 days thereafter, become inoperative in the municipality The question shall be deemed to be a public question and shall be submitted to the voters as in the case of other public questions The question shall be stated as follows

	Yes	Shall the act entitled "An act authorizing the conducting, operating and playing of certain amusement games, whether of chance or skill, or both, where the prizes or awards to be given shall be of merchandise prizes or awards to be given shall be of merchandise only, of a value to be determined by the Legalized Games of Chance Control Commission and the charge for the privilege of playing shall be determined by the commission, providing for the licensing, regulation and control by the commission, of the conducting and operating of such games, providing restrictions as to the places where such games may be conducted and operated, providing that certain playing for money or other valuable things is not authorized, providing for the operation and inoperation of the act in any municipality when so determined by referendum vote therein, and providing for the submission of this act to the legal voters of the State for their approval or rejection before the same shall become operative within this State," become (insert operative or inoperative) in this municipality?
	No	

In the blank space set forth in the above box, the word "operative" or "inoperative" shall be inserted in the question when it is submitted to the voters of the municipality according to whether this act became operative by reason of the vote on the question submitted to all the voters of the State as to whether this act should become operative If a majority of the voters in the municipality who voted on the said general public question was in the affirmative and, thereby,

under the provisions of this act, municipal licenses are authorized, then the word "inoperative" should be included in the above blank space, but if this act does not become operative in the municipality because a majority of the votes cast therein on the general public question was in the negative, then the word "operative" should be inserted in the above-mentioned blank space If this act shall have become operative in any municipality by reason of a referendum vote therein, as herein provided, and a further referendum is authorized to determine the question of whether this act shall become inoperative notwithstanding such previous approval by the voters, then the word "inoperative" should be inserted in the above blank space

8 Section 19 of P L 1959, c 109 (C 5 8-118) is amended to read as follows

C 5 8-118 Public question, voting instructions

19 There shall be printed on each official ballot to be used at such election the following

If you favor making the act entitled below operative within the State, and operative within this municipality, make a cross X, plus + or check / in the square opposite the word "Yes "

If you are opposed to making the act entitled below so operative, make a cross X, plus + or check / in the square opposite the word "No "

	Yes	Shall the act entitled "An act authorizing the conducting, operating and playing of certain amusement games, whether of chance or skill, or both, where the prizes or awards to be given shall be of merchandise only, of a value to be determined by the Legalized Games of Chance Control Commission, and the charge for the privilege of playing shall be determined by the commission, providing for the licensing, regulation and control by the commission, of the conducting and operating of such games, providing restrictions as to the places where such games may be conducted and operated, providing that certain playing for money or other valuable things is not authorized, providing for the operation and inoperation of the act in any municipality when so determined by referendum vote therein, and providing for the submission of this act to the legal voters of the State for their approval or rejection before the same shall become operative within this State," become operative within this State?
	No	

The date of the approval or passage of this act, as the case may be, shall be inserted in the appropriate place after the title

In any election district in which voting machines are used the question shall be placed upon the official ballot to be used upon the voting machines with the foregoing instructions to the voters but with instructions to vote "Yes" or "No" by the use of such machines and without marking as aforesaid

9 This act shall take effect immediately

Approved July 29, 2022

CHAPTER 81

AN ACT concerning project grants under the "Securing Our Children's Future Fund" to provide career and technical education at county colleges and making an appropriation

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

1 a There is appropriated from the "Securing Our Children's Future Fund," established pursuant to section 13 of P L 2018, c 119, to the Secretary of Higher Education the sum of $19,993,837 to provide career and technical education grants to county colleges Project grants shall be awarded in the amounts set forth in subsection b of this section

b Project grants shall be awarded in the amounts as follows

(1) $4,000,000 to Camden County College in Blackwood and Camden, Camden County,

(2) $4,000,000 to Essex County College in Newark, Essex County,

(3) $3,381,337 to Passaic County Community College in Wayne, Passaic County,

(4) $4,000,000 to Raritan Valley Community College in Branchburg, Somerset County,

(5) $3,750,000 to Rowan College of South Jersey in Sewell, Gloucester County, and

(6) $862,500 to Sussex County Community College in Newton, Sussex County

2 The expenditure of sums appropriated by this act shall be subject to the provisions and conditions of the "Securing Our Children's Future Bond Act," P L 2018, c 119

3 This act shall take effect immediately

Approved July 29, 2022

CHAPTER 82

AN ACT concerning project grants under the "Securing Our Children's Future Fund" for career and technical education expansion in the State's county vocational school districts and making an appropriation

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

1 a There is appropriated from the "Securing Our Children's Future Fund," established pursuant to section 13 of P L 2018, c 119, to the Department of Education the sum of $36,960,028 to provide grants for career and technical education expansion in the State's county vocational school districts Project grants shall be approved in the amounts set forth in subsection b of this section

b Project grants shall be awarded in the amounts as follows

(1) $5,895,488 to the Burlington County Institute of Technology for a project at the district's campus in Medford, Burlington County,

(2) $10,416,657 to the Burlington County Institute of Technology for a project at the district's campus in Westampton, Burlington County,

(3) $14,450,859 to the Cape May County Technical High School District in Cape May County,

(4) $3,750,000 to the Hunterdon County Vocational School District in Hunterdon County,

(5) $197,024 to the Passaic County Vocational School District in Passaic County, and

(6) $2,250,000 to the Salem County Vocational Technical School District in Salem County

2 The expenditure of sums appropriated by this act shall be subject to the provisions and conditions of the "Securing Our Children's Future Bond Act," P L 2018, c 119

3 This act shall take effect immediately

Approved July 29, 2022

CHAPTER 83

AN ACT concerning the establishment of threat assessment teams in public schools and supplementing chapter 17 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 17-43 4 Threat assessment team, establishment, policy, school district, charter school, renaissance school project

1 a The board of education of each school district and the board of trustees of each charter school or renaissance school project shall develop and adopt a policy for the establishment of a threat assessment team at each school The purpose of a threat assessment team shall be to provide school teachers, administrators, and other staff with assistance in identifying students of concern, assessing those students' risk for engaging in violence or other harmful activities, and delivering intervention strategies to manage the risk of harm for students who pose a potential safety risk, to prevent targeted violence in the school, and ensure a safe and secure school environment that enhances the learning experience for all members of the school community

b A threat assessment team established by a board of education or a board of trustees under subsection a of this section shall be multidisciplinary in membership and, to the extent possible, shall include the following individuals

(1) a school psychologist, school counselor, school social worker, or other school employee with expertise in student counseling,

(2) a teaching staff member,

(3) a school principal or other senior school administrator,

(4) a safe schools resource officer or school employee who serves as a school liaison to law enforcement, and

(5) the school safety specialist designated pursuant to section 2 of P.L. 2017, c. 162 (C. 18A:17-43.3), in the event that the school safety specialist is not already a school administrator or school employee required to be a part of the threat assessment team pursuant to this section.

Additional school employees may serve as regular members of the threat assessment team or may be consulted during the threat assessment process, as determined to be appropriate by the team.

c. Nothing contained in this section shall be construed as affecting the provisions of any collective bargaining agreement or individual contract of employment in effect on this act's effective date.

C. 18A:17-43.5 Alignment of threat assessment team policy.

2. a. Any policy developed by a school district, charter school or renaissance school project concerning the establishment of a threat assessment team, required pursuant to section 1 of this act, shall be aligned with guidelines developed by the Department of Education pursuant to section 3 of this act and shall include, but need not be limited to:

(1) guidance for students, teachers, and all school staff regarding the recognition of threatening or aberrant behavior in a student that may represent a threat to the school community;

(2) the designation of members of the school community to whom threatening behavior shall be reported;

(3) the development and implementation of policies concerning the assessment and intervention of students whose behavior poses a threat to the safety of the school community, and appropriate actions to be taken, including available social, developmental, and law enforcement resources, for students whose behavior is identified as posing a threat to the safety of the school community;

(4) coordination and consultation with the school safety specialist designated pursuant to section 2 of P.L. 2017, c. 162 (C. 18A:17-43.3), and

(5) a policy that the threat assessment team shall not disclose or disseminate any information obtained during their assessment beyond the purpose for which the information was provided to the threat assessment team, except that the threat assessment team is authorized to disclose the information to applicable agencies to pursue appropriate action pursuant to paragraph (3) of this subsection for any student whose behavior is identified as posing a threat to the safety of the school community.

b. When assessing a student whose behavior may pose a threat to the safety of the school community, in the case of a student with an Individualized Education Program (IEP) or 504 plan, the threat assessment team shall consult

with the IEP team or 504 team to determine whether the aberrant behavior is a threat to school safety and is being properly addressed in a manner that is required by N J A C 6A 14 and all federal and State special education laws

c Each member of the threat assessment team shall participate in training provided by the school safety specialist designated pursuant to section 2 of P L 2017, c 162 (C 18A 17-43 3) that is consistent with the guidelines developed by the department pursuant to section 3 of this act to ensure that the threat assessment team is able to accurately assess student behavior and to ensure that threat assessment teams do not have a disparate impact on students based on their race, ethnicity, homelessness status, religious belief, gender, gender identity, sexual orientation, or socioeconomic status The training shall, at a minimum, include training on adverse childhood experiences, childhood trauma, cultural competency, and implicit bias

C 18A 17-43 6 Guidelines developed, training provided

3 The Department of Education, in consultation with State law enforcement agencies and the New Jersey Office of Homeland Security and Preparedness, shall develop guidelines for school districts, charter schools, and renaissance school projects regarding the establishment and training of threat assessment teams pursuant to this act The Department of Education shall provide training through the New Jersey School Safety Specialist Academy established pursuant to section 1 of P L 2017, c 162 (C 18A 17-43 2) The school safety specialist designated pursuant to section 2 of P L 2017, c 162 (C 18A 17-43 3) shall provide training to school staff consistent with the training and guidelines provided by the department

4 This act shall take effect immediately and shall first apply to the first full school year next following the date of enactment

Approved August 1, 2022

CHAPTER 84

AN ACT concerning home and community based services and supplementing P L 1968, c 43

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

C 30 4D-3b1 Permanent change of station order, residency requirement, Division of Medical Assistance and Health Services, definitions

1 a Notwithstanding any other law to the contrary, the Division of Medical Assistance and Health Services within the Department of Human Services shall accept a permanent change of station order to a duty location located in New Jersey, issued by any branch of the United States military to the parent or legal guardian of an applicant, for the purposes of satisfying the residency requirement for the provision of home and community based services reimbursed by the Medicaid program

b For the purpose of this section

"Legal guardian" means a person who exercises continuing control over the person or property, or both, of an individual, pursuant to a court order

"Medicaid program" means the program established pursuant to P L 1968, c 413 (C 30 4D-1 et seq)

"Permanent change of station order" means the official documentation issued by a branch of the United States military to an active duty member requiring the member's relocation, along with the relocation of any dependents living with the member, from one duty location to another

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

3 This act shall take effect immediately

Approved August 2, 2022

CHAPTER 85

AN ACT concerning the use of tents and other fixtures for outdoor dining on certain property, and amending and supplementing P L 2021, c 15

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

1 Section 1 of P L 2021, c 15 is amended to read as follows

1 As used in this act, P L 2021, c 15, and only for the purposes of this act

"Brewery" means a brewery operating under a brewery license pursuant to R S 33 1-10

"Distillery" means a distillery that has been issued, and is in compliance with, a distillery license pursuant to R S 33 1-10

"Food" means food that is cooked, prepared, sold, served, and consumed on the business premises

"Outdoor space" means a patio or deck, whether covered or uncovered, a yard, a walkway, or a parking lot, or a portion of any such space, that is located on or adjacent to the business premises, which space is owned, leased, otherwise in the lawful control of the owner or operator of the business premises, or any space which is designated by a municipality or county for outdoor dining pursuant to P L 2021, c 15

"Public sidewalk" means a sidewalk on the locally or county owned public right-of-way which is adjacent to the business premises, or a portion thereof

"Special Ruling No 2020-10" means Special Ruling No 2020-10, issued by the acting director of the Division of Alcoholic Beverage Control on June 3, 2020

2 Section 4 of P L 2021, c 15 is amended to read as follows

4 a Notwithstanding the provisions of any other law to the contrary, the expiration date of any COVID-19 Expansion Permit issued by the Director of the Division of Alcoholic Beverage Control pursuant to the provisions of Special Ruling No 2020-10 shall be November 30, 2024

b The governing body of a municipality may file with the Division of Alcoholic Beverage Control an objection to the continued operation under subsection a of this section by any licensee or permittee the governing body finds to have

(1) failed to follow, maintain, and enforce protocols promulgated by the Commissioner of Health or by Executive Order of the Governor in response to the COVID-19 public health emergency concerning social distancing and the use of personal protective equipment, or

(2) violated any other health, safety, fire, permitted use, or zoning regulations or ordinances not otherwise directly superseded by this section or Special Ruling No 2020-10

Any decision rendered, or action taken, by the Director of the Division of Alcoholic Beverage Control as a result of an objection filed by the governing body of the municipality pursuant to this subsection shall be a final agency action subject to judicial review in the Appellate Division of the Superior Court of New Jersey in accordance with the Rules of Court

c Nothing in this act shall preclude or limit the authority provided to the Director of the Division of Alcoholic Beverage Control pursuant to the provisions of Title 33 of the Revised Statutes or the exercise of such authority thereby

3 Section 10 of P L 2021, c 15 is amended to read as follows

10 This act shall take effect on the 30th day following enactment and sections 1 through 8 shall expire at 11 59 p m on November 30, 2024

4 Notwithstanding any provision of law to the contrary, while P L 2021, c 15 is in effect, the installation and continuous use of tents, canopies, umbrellas, tables, chairs, and other fixtures on private property or public property or right of way designated by a municipality pursuant to P L 2021, c 15 and P L 2022, c 85, shall be a permitted use provided that the tent, canopy, umbrella, table, chairs, or other fixture conforms to all applicable provisions of the State Uniform Construction Code and Uniform Fire Code, which have been adopted by the Commissioner of Community Affairs pursuant to P L 1975, c 217 (C 52 27D-119, et seq) and P L 1983, c 383 (C 52 27D-192 et seq), respectively The permitted use of tents, canopies, umbrellas, tables, chairs, and other fixtures allowed by this section shall be limited to the timeframe encompassing the first day of April through the close of business on November 30 for each year in which P L 2021, c 15 is in effect Any administrative rule or regulation, with the exception of those applicable pursuant to the Uniform Construction Code and Uniform Fire Code, which limits the use of tents, canopies, umbrellas, tables, chairs and other fixtures to 180 days or less during the time frame encompassing the first day of April through the close of business on November 30 shall be inapplicable during the time that P L 2021, c 15 is in effect Notwithstanding the foregoing, any administrative rule or regulation which governs the use of tents, canopies, umbrellas, tables, chairs, and other fixtures on private or public property or right of way designated by a municipality pursuant to P L 2021, c 15 and P L 2022, c 85 for the time period encompassing the first day of December through the last day of March shall not be impacted by P L 2022, c 85

5 This act shall take effect immediately

Approved August 3, 2022

CHAPTER 86

AN ACT establishing an electric school bus program, supplementing Title 26 of the Revised Statutes, and amending P L 1999, c 23

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

C 26 2C-8 58 "Electric School Bus Program" implemented

1 a No later than six months after the effective date of P L 2022, c 86 (C 26 2C-8 58 et al), the Department of Environmental Protection shall implement a three-year "Electric School Bus Program" to determine the operational reliability and cost effectiveness of replacing diesel-powered school buses with electric school buses for the daily transportation of students

b On or after the date of implementation of the program developed pursuant to subsection a of this section, and once each year for the next two years thereafter, the Department of Environmental Protection shall, subject to available funding, select for participation in the program no less than six school districts and school bus contractors that operate school buses, as described in section 1 of P L 1996, c 96 (C 39 3B-1 1), so that during the third year of the program, no less than a total of 18 school districts or school bus contractors shall have been selected for participation in the program amongst the northern, central, and southern regions of the State The department shall choose school districts and school bus contractors to participate in the program based on a competitive grant solicitation

In each year, the department shall use its best efforts to select a mix of school districts that operate their own bus fleets and school districts that contract for school bus services, provided that, in each year, the department shall award no more than half of the grants to school bus contractors Any school bus contractor applying to participate in the program shall apply in conjunction with a specific school district In each year, at least half of the school districts or school bus contractors selected by the department, and at least half of the grant funding awarded by the department in each year shall be located in a "low-income, urban, or environmental justice community" as defined in section 2 of P L 2019, c 362 (C 48 25-2) and from those selected, the department shall use its best efforts, in each year, to select, an equal number of grantees from the northern, central, and southern regions of the State respectively, subject to deviation based on the applicant pool Grants shall be awarded in a manner that both prioritizes equity and tests a variety of technological and funding approaches, including but not

limited to outright purchase, leased buses, leveraging of other funding sources, and vehicle-to-grid or vehicle-to-building technologies

For purposes of this subsection "northern," when referring to regions of the State, means the counties of Bergen, Essex, Hudson, Morris, Passaic, Union, Sussex, and Warren, "central," when referring to regions of the State, means the counties of Hunterdon, Mercer, Middlesex, Monmouth, and Somerset, and "southern," when referring to regions of the State, means the counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem

c (1) Under the program, the department shall award grants to school districts or school bus contractors selected to participate in the program to purchase or lease electric school buses and to purchase or lease and install electric school bus charging infrastructure in coordination with any State department, board, bureau, commission, agency, public utility as defined pursuant to R S 48 2-13 that provides electric service to end users in the State, municipal public utility as defined in N J S 40A 1-1 that provides electric service to end users in the State, authority as defined in section 3 of P L 1983, c 313 (C 40A 5A-3) that provides electric service to end users in the State, or rural electric cooperative organized under the general corporation laws of this State as necessary Pursuant to any outright purchase or lease arrangement entered into by a school district or school bus contractor participating in the program, an electric school bus and charging infrastructure vendor purchase or lease arrangement shall include, at a minimum, the following

(a) an electric school bus having a minimum range of 90 miles per full charge, or 30 percent more range per full charge than the daily maximum miles used by the school district or school bus contractor, whichever is greater, and having telematics system capabilities The department shall collect data from on-board telematics monitoring systems in order to evaluate parameters such as idle time, driving time, energy consumption, and frequency of charging,

(b) an electric school bus and charging infrastructure, as appropriate,

(c) appropriate training for bus maintenance personnel and bus drivers, and other relevant personnel, which shall be provided at no cost to a bus driver, bus maintenance personnel, or other relevant personnel, and

(d) electric school bus and charging infrastructure shop manuals and wiring schematics for troubleshooting and a complete list of component parts

(2) Monies for the "Electric School Bus Program" shall be used by the Department of Environmental Protection to provide grants, pursuant to this subsection, over the three-year period In the first year, grants shall be

provided in accordance with P L 2022, c 86 (C 26 2C-8 58 et al) in the amount of $15,000,000 for electrification Subject to the availability of funds, grants shall continue to be provided in accordance with P L 2022, c 86 (C 26 2C-8 58 et al) in the amount of $15,000,000 per year for a total of $45,000,000 over the three-year period The department may use available monies to provide grants, pursuant to this subsection, singly or in combination, from the following sources societal benefits charge revenues received pursuant to section 12 of P L 1999, c 23 (C 48 3-60), the "Global Warming Solutions Fund" established pursuant to section 6 of P L 2007, c 340 (C 26 2C-50), any available monies from utility programs to upgrade electrical infrastructure for purposes of electric vehicle charging, any appropriations made by the Legislature for the program established pursuant to P L 2022, c 86 (C 26 2C-8 58 et al), or any other sources of available funding Up to five percent of the monies made available to the program may be used to administer the program

The department shall determine the amount of each grant provided pursuant to this subsection and shall award grants in a manner that provides for the most efficient and highest efficacy use of the grant

d At least once every six months, the school districts or school bus contractors selected to participate in the program shall submit a report to the department detailing the cost to operate the electric school buses, the electric school bus maintenance records and transponder data, and any reliability issues related to the operation or delivery and procurement of the electric school buses The first report shall be submitted six months after the school district or school bus contractor first completes its initial procurement of electric school buses

e (1) The department shall, no less than twice per calendar year, convene a working group which includes a representative of the Board of Public Utilities, the New Jersey Economic Development Authority, the Department of Transportation, the Department of Education, and the New Jersey Motor Vehicle Commission The working group shall review the reports and, as appropriate, troubleshoot and recommend solutions to any issue raised in a report submitted by a program participant The working group shall consider issues raised in the reports submitted by program participants and make recommendations regarding program implementation The department may convene the working group on a more frequent basis as may be required for the effective administration of the program The department shall collect any additional information and data necessary to complete any report required to be submitted to the Governor and Legislature pursuant to subsection f of this section

(2) The department shall permit a recipient of any grant under any State agency-administered program for the provision of an electric school bus and

electric school bus charging infrastructure prior to the effective date of P L 2022, c 86 (C 26 2C-8 58 et al) to submit any additional information and data to the department to complement any data received by the department from program participants pursuant to this subsection

f The department, in collaboration with the Board of Public Utilities and the New Jersey Economic Development Authority shall submit an "Electric School Bus Program" report to the Governor and, pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1), to the Legislature The report shall be submitted within six months after the conclusion of the program

The department may use available monies, singly or in combination from the following sources, to procure professional services to assist with the development of the report societal benefits charge revenues received pursuant to section 12 of P L 1999, c 23 (C 48 3-60), the "Global Warming Solutions Fund" established pursuant to section 6 of P L 2007, c 340 (C 26 2C-50), any available monies from utility programs to upgrade electrical infrastructure for purposes of electric vehicle charging, any appropriations made by the Legislature for the program established pursuant to P L 2022, c 86 (C 26 2C-8 58 et al), or any other sources of available funding

The submitted report shall include

(1) a description and comprehensive review of the program, including but not limited to, an evaluation of the program's effectiveness,

(2) a summary description of all grants provided under the program, including the names of the recipients, the amount of funding each recipient received, the current status of the funds provided to each recipient, and an itemization of the total project budget including vehicle costs, hardware costs, installation costs, training costs, and administrative costs,

(3) an analysis of the operational reliability and cost effectiveness of the use of electric school buses and charging infrastructure by each grantee and steps taken by the grantee to fix any operational problems,

(4) an estimate of the emission benefits of the electric school buses and charging infrastructure funded under this program,

(5) any preliminary findings from grant recipients pertaining to design or operation of electric school buses and charging infrastructure and potential improvements to make the buses and charging infrastructure safer, more economical or environmentally advantageous,

(6) as applicable, depending on deployment of grant recipients, an analysis of the potential costs and benefits of using electric school bus batteries for storing power to be returned to the electric grid or to school buildings during periods of peak electric power demand,

(7) an assessment of reliability of electric school buses and charging infrastructure, and

(8) an analysis of any additional external changes that the use of electric school buses and charging infrastructure may require regarding electric service rate schedules, school bus inspection standards, or any other major considerations

In addition to the information included pursuant to paragraphs (1) through (8) of this subsection, the final report shall include recommendations regarding the establishment of grant and loan programs to provide assistance to school districts and school bus contractors for the replacement of their bus fleets, other types of financial agreements to assist school districts and school bus contractors with implementing and using electric school buses, and the optimization of electric school bus grant programs to most efficiently and effectively distribute available funds to maximize environmental and health benefits

The final report shall also include recommendations for how additional funding may be distributed in the most efficient and effective manner to maximize the number of electric school buses operating in the State

2 Section 12 of P L 1999, c 23 (C 48 3-60) is amended to read as follows

C 48 3-60 Societal benefits charge by public utility, "Universal Service Fund "

12 a Simultaneously with the starting date for the implementation of retail choice as determined by the board pursuant to subsection a of section 5 of P L 1999, c 23 (C 48 3-53), the board shall permit each electric public utility and gas public utility to recover some or all of the following costs through a societal benefits charge that shall be collected as a non-bypassable charge imposed on all electric public utility customers and gas public utility customers, as appropriate

(1) The costs for the social programs for which rate recovery was approved by the board prior to April 30, 1997 For the purpose of establishing initial unbundled rates pursuant to section 4 of P L 1999, c 23 (C 48 3-52), the societal benefits charge shall be set to recover the same level of social program costs as is being collected in the bundled rates of the electric public utility on the effective date of P L 1999, c 23 (C 48 3-49 et al) The board may subsequently order, pursuant to its rules and regulations, an increase or decrease in the societal benefits charge to reflect changes in the costs to the utility of administering existing social programs Nothing in P L 1999, c 23 (C 48 3-49 et al) shall be construed to abolish or change any social program required by statute or board order or rule or regulation to be provided by an electric public utility Any such social program shall continue to be provided by the utility until otherwise provided by law, unless the board

determines that it is no longer appropriate for the electric public utility to provide the program, or the board chooses to modify the program,

(2) Nuclear plant decommissioning costs,

(3) The costs of demand side management programs that were approved by the board pursuant to its demand side management regulations prior to April 30, 1997 For the purpose of establishing initial unbundled rates pursuant to section 4 of P L 1999, c 23 (C 48 3-52), the societal benefits charge shall be set to recover the same level of demand side management program costs as is being collected in the bundled rates of the electric public utility on the effective date of P L 1999, c 23 (C 48 3-49 et al) Within four months of the effective date of P L 1999, c 23 (C 48 3-49 et al), and every four years thereafter, the board shall initiate a proceeding and cause to be undertaken a comprehensive resource analysis of energy programs, and within eight months of initiating such proceeding and after notice, provision of the opportunity for public comment, and public hearing, the board, in consultation with the Department of Environmental Protection, shall determine the appropriate level of funding for energy efficiency, light, medium, and heavy-duty plug-in electric vehicles, including school buses, and associated plug-in electric vehicle charging infrastructure, and Class I renewable energy programs that provide environmental benefits above and beyond those provided by standard offer or similar programs in effect as of the effective date of P L 1999, c 23 (C 48 3-49 et al), provided that the funding for such programs be no less than 50 percent of the total Statewide amount being collected in electric and gas public utility rates for demand side management programs on the effective date of P L 1999, c 23 (C 48 3-49 et al) for an initial period of four years from the issuance of the first comprehensive resource analysis following the effective date of P L 1999, c 23 (C 48 3-49 et al), and provided that 25 percent of this amount shall be used to provide funding for Class I renewable energy projects in the State In each of the following fifth through eighth years, the Statewide funding for such programs shall be no less than 50 percent of the total Statewide amount being collected in electric and gas public utility rates for demand side management programs on the effective date of P L 1999, c 23 (C 48 3-49 et al), except that as additional funds are made available as a result of the expiration of past standard offer or similar commitments, the minimum amount of funding for such programs shall increase by an additional amount equal to 50 percent of the additional funds made available, until the minimum amount of funding dedicated to such programs reaches $140,000,000 total After the eighth year the board shall make a determination as to the appropriate level of funding for these programs Such programs shall include

a program to provide financial incentives for the installation of Class I renewable energy projects in the State, and the board, in consultation with the Department of Environmental Protection, shall determine the level and total amount of such incentives as well as the renewable technologies eligible for such incentives which shall include, at a minimum, photovoltaic, wind, and fuel cells The board shall simultaneously determine, as a result of the comprehensive resource analysis, the programs to be funded by the societal benefits charge, the level of cost recovery and performance incentives for old and new programs and whether the recovery of demand side management programs' costs currently approved by the board may be reduced or extended over a longer period of time The board shall make these determinations taking into consideration existing market barriers and environmental benefits, with the objective of transforming markets, capturing lost opportunities, making energy services more affordable for low income customers and eliminating subsidies for programs that can be delivered in the marketplace without electric public utility and gas public utility customer funding,

(4) Manufactured gas plant remediation costs, which shall be determined initially in a manner consistent with mechanisms in the remediation adjustment clauses for the electric public utility and gas public utility adopted by the board, and

(5) The cost, of consumer education, as determined by the board, which shall be in an amount that, together with the consumer education surcharge imposed on electric power supplier license fees pursuant to subsection h of section 29 of P L 1999, c 23 (C 48 3-78) and the consumer education surcharge imposed on gas supplier license fees pursuant to subsection g of section 30 of P L 1999, c 23 (C 48 3-79), shall be sufficient to fund the consumer education program established pursuant to section 36 of P L 1999, c 23 (C 48 3-85)

b There is established in the Board of Public Utilities a nonlapsing fund to be known as the "Universal Service Fund " The board shall determine the level of funding and the appropriate administration of the fund, the purposes and programs to be funded with monies from the fund, which social programs shall be provided by an electric public utility as part of the provision of its regulated services which provide a public benefit, whether the funds appropriated to fund the "Lifeline Credit Program" established pursuant to P L 1979, c 197 (C 48 2-29 15 et seq), the "Tenants' Lifeline Assistance Program" established pursuant to P L 1981, c 210 (C 48 2-29 30 et seq), the funds received pursuant to the Low Income Home Energy Assistance Program established pursuant to 42 U S C s 8621 et seq , and funds collected by electric and gas public utilities, as authorized by the board, to offset uncollectible

electricity and natural gas bills should be deposited in the fund, and whether new charges should be imposed to fund new or expanded social programs

3 This act shall take effect immediately

Approved August 4, 2022

CHAPTER 87

AN ACT concerning automobile insurance and amending P L 1968, c 385, P L 1972, c 197, and P L 1972, c 170

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

1 Section 2 of P L 1968, c 385 (C 17 28-1 1) is amended to read as follows

C 17 28-1 1 Required coverage, exceptions

2 a Except for a basic automobile insurance policy, no motor vehicle liability policy or renewal of such policy of insurance, including a standard liability policy for an automobile as defined in section 2 of P L 1972, c 70 (C 39 6A-2), insuring against loss resulting from liability imposed by law for bodily injury or death, sustained by any person arising out of the ownership, maintenance or use of a motor vehicle, shall be issued in this State with respect to any motor vehicle registered or principally garaged in this State unless it includes coverage in limits for bodily injury or death as follows

(1) an amount or limit of $15,000 for plans issued or renewed prior to January 1, 2023, $25,000 for plans issued or renewed on or after January 1, 2023 but prior to January 1, 2026, and $35,000 for plans issued or renewed on or after January 1, 2026, exclusive of interest and costs, on account of injury to, or death of, one person, in any one accident, and

(2) an amount or limit, subject to such limit for any one person so injured or killed, of $30,000 for plans issued or renewed prior to January 1, 2023, $50,000 for plans issued or renewed on or after January 1, 2023 but prior to January 1, 2026, and $70,000 for plans issued or renewed on or after January 1, 2026, exclusive of interest and costs, on account of injury to or death of more than one person, in any one accident, under provisions approved by the Commissioner of Banking and Insurance, for payment of all or part of the sums which the insured or his legal representative shall be legally entitled to recover

as damages from the operator or owner of an uninsured motor vehicle, underinsured motor vehicle, or hit and run motor vehicle, as defined in section 18 of P L 1952, c 174 (C 39 6-78), because of bodily injury, sickness or disease, including death resulting therefrom, sustained by the insured, caused by accident and arising out of the ownership, maintenance, operation or use of such uninsured, underinsured or hit and run motor vehicle anywhere within the United States or Canada, except that uninsured motorist coverage shall provide that in order to recover for non-economic loss, as defined in section 2 of P L 1972, c 70 (C 39 6A-2), for accidents to which the benefits of section 4 (C 39 6A-4) of that act apply, the tort option elected pursuant to section 8 (C 39 6A-8) of that act shall apply to that injured person

All motor vehicle liability policies, except basic automobile insurance policies, shall also include coverage for the payment of all or part of the sums which persons insured thereunder shall be legally entitled to recover as damages from owners or operators of uninsured and underinsured motor vehicles, other than hit and run motor vehicles, because of injury to or destruction to the personal property of such insured, with a limit in the aggregate for all insurers involved in any one accident of $25,000 for plans issued or renewed on or after January 1, 2023, and subject, for each insured, to an exclusion of the first $500 00 of such damages

b Uninsured and underinsured motorist coverage shall be provided, as an option by an insurer to the named insured electing a standard automobile insurance policy, up to at least the following limits $250,000 00 each person and $500,000 00 each accident for bodily injury, $100,000 00 each accident for property damage or $500,000 00 single limit, subject to an exclusion of the first $500 00 of such damage to property for each accident, except that the limits for uninsured and underinsured motorist coverage shall not exceed the insured's motor vehicle liability policy limits for bodily injury and property damage, respectively

Rates for uninsured and underinsured motorist coverage for the same limits shall, for each filer, be uniform on a Statewide basis without regard to classification or territory

c Uninsured and underinsured motorist coverage provided for in this section shall not be increased by stacking the limits of coverage of multiple motor vehicles covered under the same policy of insurance nor shall these coverages be increased by stacking the limits of coverage of multiple policies available to the insured If the insured had uninsured motorist coverage available under more than one policy, any recovery shall not exceed the higher of the applicable limits of the respective coverages and the recovery

shall be prorated between the applicable coverages as the limits of each coverage bear to the total of the limits

d Uninsured and underinsured motorist coverage shall be subject to the policy terms, conditions and exclusions approved by the Commissioner of Banking and Insurance, including, but not limited to, unauthorized settlements, non-duplication of coverage, subrogation and arbitration

e For the purpose of this section, (1) "underinsured motorist coverage" means insurance for damages because of bodily injury and property damage resulting from an accident arising out of the ownership, maintenance, operation or use of an underinsured motor vehicle Underinsured motorist coverage shall not apply to an uninsured motor vehicle A motor vehicle is underinsured when the sum of the limits of liability under all bodily injury and property damage liability bonds and insurance policies available to a person against whom recovery is sought for bodily injury or property damage is, at the time of the accident, less than the applicable limits for underinsured motorist coverage afforded under the motor vehicle insurance policy held by the person seeking that recovery A motor vehicle shall not be considered an underinsured motor vehicle under this section unless the limits of all bodily injury liability insurance or bonds applicable at the time of the accident have been exhausted by payment of settlements or judgments The limits of underinsured motorist coverage available to an injured person shall be reduced by the amount he has recovered under all bodily injury liability insurance or bonds,

(2) "uninsured motor vehicle" means

(a) a motor vehicle with respect to the ownership, operation, maintenance, or use of which there is no bodily injury liability insurance or bond applicable at the time of the accident,

(b) a motor vehicle with respect to the ownership, operation, maintenance, or use of which there is bodily injury liability insurance in existence but the liability insurer denies coverage or is unable to make payment with respect to the legal liability of its insured because the insurer has become insolvent or bankrupt, or the Commissioner of Banking and Insurance has undertaken control of the insurer for the purpose of liquidation,

(c) a hit and run motor vehicle as described in section 18 of P L 1952, c 174 (C 39 6-78), or

(d) an automobile covered by a special automobile insurance policy pursuant to section 45 of P L 2003, c 89 (C 39 6A-3 3)

"Uninsured motor vehicle" shall not include an automobile covered by a basic automobile insurance policy, an underinsured motor vehicle, a motor vehicle owned by or furnished for the regular use of the named insured or

any resident of the same household, a self-insurer within the meaning of any financial responsibility or similar law of the state in which the motor vehicle is registered or principally garaged, a motor vehicle which is owned by the United States or Canada, or a state, political subdivision or agency of those governments or any of the foregoing, a land motor vehicle or trailer operated on rails or crawler treads, a motor vehicle used as a residence or stationary structure and not as a vehicle, or equipment or vehicles designed for use principally off public roads, except while actually upon public roads

f Notwithstanding the provisions of this section or any other law to the contrary, a motor vehicle liability policy or renewal of such policy of insurance, insuring against loss resulting from liability imposed by law for bodily injury or death, sustained by any person arising out of the ownership, maintenance or use of a motor vehicle, issued in this State to a corporate or business entity with respect to any motor vehicle registered or principally garaged in this State, shall not provide less uninsured or underinsured motorist coverage for an individual employed by the corporate or business entity than the coverage provided to the named insured under the policy A policy that names a corporate or business entity as a named insured shall be deemed to provide the maximum uninsured or underinsured motorist coverage available under the policy to an individual employed by the corporate or business entity, regardless of whether the individual is an additional named insured under that policy or is a named insured or is covered under any other policy providing uninsured or underinsured motorist coverage

2 Section 1 of P L 1972, c 197 (C 39 6B-1) is amended to read as follows

C 39 6B-1 Maintenance of motor vehicle liability insurance coverage

1 a Every owner or registered owner of a motor vehicle registered or principally garaged in this State shall maintain motor vehicle liability insurance coverage, under provisions approved by the Commissioner of Banking and Insurance, insuring against loss resulting from liability imposed by law for bodily injury, death and property damage sustained by any person arising out of the ownership, maintenance, operation or use of a motor vehicle wherein such coverage shall be at least in (1) an amount or limit of $15,000 for plans issued or renewed prior to January 1, 2023, $25,000 for plans issued or renewed on or after January 1, 2023 but prior to January 1, 2026, and $35,000 for plans issued or renewed on or after January 1, 2026, exclusive of interest and costs, on account of injury to, or death of, one person, in any one accident, and (2) an amount or limit, subject to such limit for any one person so injured or killed, of $30,000 for plans issued or renewed prior to January

1, 2023, $50,000 for plans issued or renewed on or after January 1, 2023 but prior to January 1, 2026, and $70,000 for plans issued or renewed on or after January 1, 2026, exclusive of interest and costs, on account of injury to or death of, more than one person, in any one accident, and (3) an amount or limit of $25,000 for plans issued or renewed on or after January 1, 2023, exclusive of interest and costs, for damage to property in any one accident

b Notwithstanding the provisions of subsection a of this section, an owner or registered owner of an automobile, as defined in section 2 of P L 1972, c 70 (C 39 6A-2), registered or primarily garaged in the State may satisfy the requirements of subsection a of this section by maintaining a basic automobile insurance policy containing coverages provided pursuant to subsections a and b of section 4 of P L 1998, c 21 (C 39 6A-3 1)

c Notwithstanding the provisions of subsection a of this section, an owner or registered owner of an automobile, as defined in section 2 of P L 1972, c 70 (C 39 6A-2), registered or primarily garaged in the State may satisfy the requirements of subsection a of this section by maintaining a special automobile insurance policy containing coverages provided pursuant to subsection b of section 45 of P L 2003, c 89 (C 39 6A-3 3)

d Upon the renewal of a policy of insurance that, under its original policy limits, would no longer meet the minimum requirements established pursuant to this section, an insurer shall notify the named insured that the policy limits have been increased to meet the requirements established pursuant to this section Notice provided pursuant to this subsection shall specify the limit or limits that have been increased to meet the requirements established pursuant to this section Notwithstanding the provisions of any law, rule, or regulation to the contrary, an insurer shall not be required to receive a signed coverage selection form pursuant to N J A C 11 3-15 7, to increase a policy's limits pursuant to this section

3 Section 3 of P L 1972, c 170 (C 39 6A-3) is amended to read as follows

C 39 6A-3 Compulsory automobile insurance coverage, limits

3 Compulsory automobile insurance coverage, limits Except as provided by section 4 of P L 1998, c 21 (C 39 6A-3 1), every owner or registered owner of an automobile registered or principally garaged in this State shall maintain automobile liability insurance coverage, under provisions approved by the Commissioner of Banking and Insurance, insuring against loss resulting from liability imposed by law for bodily injury, death and property damage sustained by any person arising out of the

ownership, maintenance, operation or use of an automobile wherein such coverage shall be at least in

a an amount or limit of $15,000 00 for plans issued or renewed prior to January 1, 2023, $25,000 for plans issued or renewed on or after January 1, 2023 but prior to January 1, 2026, and $35,000 for plans issued or renewed on or after January 1, 2026, exclusive of interest and costs, on account of injury to, or death of, one person, in any one accident, and

b an amount or limit, subject to such limit for any one person so injured or killed, of $30,000 00 for plans issued or renewed prior to January 1, 2023, $50,000 for plans issued or renewed on or after January 1, 2023 but prior to January 1, 2026, and $70,000 for plans issued or renewed on or after January 1, 2026, exclusive of interest and costs, on account of injury to or death of, more than one person, in any one accident, and

c an amount or limit of $25,000 for plans issued or renewed on or after January 1, 2023, exclusive of interest and costs, for damage to property in any one accident

No licensed insurance carrier shall refuse to renew the required coverage stipulated by this act of an eligible person as defined in section 25 of P L 1990, c 8 (C 17 33B-13) except in accordance with the provisions of section 26 of P L 1988, c 119 (C 17 29C-7 1) or with the consent of the Commissioner of Banking and Insurance

4 This act shall take effect immediately

Approved August 5, 2022

CHAPTER 88

AN ACT concerning medical cannabis and amending P L 2009, c 307

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

1 Section 4 of P L 2009, c 307 (C 24 6I-4) is amended to read as follows

C 24 6I-4 Registry of qualifying patients, designated, institutional caregivers

4 a The commission shall establish a registry of qualifying patients and their designated caregivers and shall establish a means of identifying and verifying the registration status of patients and designated caregivers who are registered with the commission Registration with the commission shall be

valid for two years A patient or designated caregiver shall be registered with the commission upon submitting the following, in accordance with regulations adopted by the commission

(1) documentation of a health care practitioner's authorization for the patient for the medical use of cannabis,

(2) an application or renewal fee, which may be based on a sliding scale as determined by the commission,

(3) the name, home address, and date of birth of the patient and each designated caregiver, as applicable,

(4) the name, address, and telephone number of the patient's health care practitioner, and

(5) up to one alternate address for the patient, which may be used for delivery of medical cannabis to the patient pursuant to section 27 of P L 2019, c 153 (C 24 6I-20)

Each qualifying patient younger than 18 years of age may concurrently have up to four designated caregivers, and each qualifying patient who is 18 years of age or older may concurrently have up to two designated caregivers A qualifying patient younger than 18 years of age may petition the commission for approval to concurrently have more than four designated caregivers, and a qualifying patient who is 18 years of age or older may petition the commission for approval to concurrently have more than two designated caregivers A petition for additional designated caregivers shall be approved if the commission finds that allowing the patient additional designated caregivers is necessary to meet the patient's treatment needs and is consistent with the provisions of P L 2009, c 307 (C 24 6I-1 et al)

The commission shall establish a registry of institutional caregivers and shall establish a means of identifying and verifying the registration status of institutional caregivers who are registered with the commission Registration with the commission shall be valid for one year An institutional caregiver shall be registered with the commission upon submitting the name, address, and telephone number of the institutional caregiver and of the health care facility at which the individual will be serving as institutional caregiver and a certification that meets the requirements of subsection h of this section The application or renewal fee for the institutional caregiver shall be paid by the health care facility at which the institutional caregiver will be serving as institutional caregiver An institutional caregiver shall not be limited in the number of qualifying patients for whom the institutional caregiver may serve as institutional caregiver at one time, provided that each qualifying patient served by the institutional caregiver is a current patient or resident at the health care facility at which the institutional caregiver is authorized to serve as institutional caregiver, and the number of

qualifying patients served by the institutional caregiver is commensurate with the institutional caregiver's ability to fully meet the treatment and related needs of each qualifying patient and attend to the institutional caregiver's other professional duties at the health care facility without jeopardizing the health or safety of any patient or resident at the facility

b Before registering an individual, the commission shall verify the information contained in the application or renewal form submitted pursuant to this section In the case of a designated or institutional caregiver, the commission shall provisionally approve an application pending the results of a criminal history record background check, if the caregiver otherwise meets the requirements of P L 2009, c 307 (C 24 6I-1 et al) The commission shall approve or deny an application or renewal and complete the registration process for successful applicants within 30 days of receipt of the completed application or renewal The commission may deny an application or renewal only if the applicant fails to provide the information required pursuant to this section, or if the commission determines that the information was incorrect or falsified or does not meet the requirements of P L 2009, c 307 (C 24 6I-1 et al) Denial of an application shall be a final agency decision, subject to review by the Superior Court, Appellate Division

c (1) The commission shall require each applicant seeking to serve as a designated or institutional caregiver to undergo a criminal history record background check, except that no criminal history record background check shall be required for an applicant seeking to serve as a designated caregiver if the applicant is an immediate family member of the patient, and no criminal history record background check shall be required for an applicant seeking to serve as an institutional caregiver if the applicant completed a criminal history record background check as a condition of professional licensure or certification The commission is authorized to exchange fingerprint data with and receive criminal history record background information from the Division of State Police and the Federal Bureau of Investigation consistent with the provisions of applicable federal and State laws, rules, and regulations The Division of State Police shall forward criminal history record background information to the commission in a timely manner when requested pursuant to the provisions of this section

An applicant seeking to serve as a designated or institutional caregiver who is required to complete a criminal history record background check pursuant to this section shall submit to being fingerprinted in accordance with applicable State and federal laws, rules, and regulations No check of criminal history record background information shall be performed pursuant to this section unless the applicant has furnished the applicant's written consent to that check

An applicant who is required to complete a criminal history record background check pursuant to this section who refuses to consent to, or cooperate in, the securing of a check of criminal history record background information shall not be considered for inclusion in the registry as a designated or institutional caregiver An applicant shall bear the cost for the criminal history record background check, including all costs of administering and processing the check

(2) The commission shall not approve an applicant seeking to serve as a designated or institutional caregiver who is required to complete a criminal history record background check pursuant to this section if the criminal history record background information of the applicant reveals a disqualifying conviction For the purposes of this section, a disqualifying conviction shall mean a conviction of a crime involving any controlled dangerous substance or controlled substance analog as set forth in chapter 35 of Title 2C of the New Jersey Statutes except paragraph (4) of subsection a of N J S 2C 35-10, or any similar law of the United States or of any other state

(3) Upon receipt of the criminal history record background information from the Division of State Police and the Federal Bureau of Investigation, the commission shall provide written notification to the applicant of the applicant's qualification or disqualification for serving as a designated or institutional caregiver

If the applicant is disqualified because of a disqualifying conviction pursuant to the provisions of this section, the conviction that constitutes the basis for the disqualification shall be identified in the written notice

(4) The Division of State Police shall promptly notify the commission in the event that an individual who was the subject of a criminal history record background check conducted pursuant to this section is convicted of a crime or offense in this State after the date the background check was performed Upon receipt of that notification, the commission shall make a determination regarding the continued eligibility of the applicant to serve as a designated or institutional caregiver

(5) Notwithstanding the provisions of paragraph (2) of this subsection to the contrary, no applicant shall be disqualified from serving as a designated or institutional caregiver on the basis of any conviction disclosed by a criminal history record background check conducted pursuant to this section if the individual has affirmatively demonstrated to the commission clear and convincing evidence of rehabilitation In determining whether clear and convincing evidence of rehabilitation has been demonstrated, the following factors shall be considered

(a) the nature and responsibility of the position which the convicted individual would hold, has held, or currently holds,

(b) the nature and seriousness of the crime or offense,

(c) the circumstances under which the crime or offense occurred,

(d) the date of the crime or offense,

(e) the age of the individual when the crime or offense was committed,

(f) whether the crime or offense was an isolated or repeated incident,

(g) any social conditions which may have contributed to the commission of the crime or offense, and

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

d A verification of registration issued by the commission shall contain the following information

(1) (a) in the case of a patient or designated caregiver registration, the name, address, and date of birth of the patient and each designated caregiver, if applicable, and

(b) in the case of an institutional caregiver, the caregiver's name and date of birth and the name and address of the health care facility at which the caregiver is serving as institutional caregiver,

(2) the expiration date of the registration,

(3) photo identification of the registrant, and

(4) such other information that the commission may specify by regulation

e (1) A patient who has been registered by the commission shall notify the commission of any change in the patient's name, address, or health care practitioner or change in status of the patient's qualifying medical condition, within 10 days of such change, or the patient's registration shall be deemed null and void

(2) A designated caregiver who has been registered by the commission shall notify the commission of any change in the caregiver's name or address within 10 days of such change, or the caregiver's registration shall be deemed null and void

(3) An institutional caregiver who has been registered by the commission shall notify the commission of any change in the caregiver's name, address, employment by a health care facility at which the caregiver is registered to serve as institutional caregiver, or authorization from the health care facility to assist qualifying patients with the medical use of cannabis, within 10 days of such change, or the caregiver's registration shall be deemed null and void and the individual shall be deemed ineligible to serve as an institutional caregiver for a period of not less than one year

f The commission shall maintain a confidential list of the persons registered with the commission Individual names and other identifying information on the list, and information contained in any application form, or accompanying or supporting document shall be confidential, and shall not be considered a public record under P L 1963, c 73 (C 47 1A-1 et seq), P L 2001, c 404 (C 47 1A-5 et al), or the common law concerning access to government records, and shall not be disclosed except to

(1) authorized employees of the commission and the Division of Consumer Affairs in the Department of Law and Public Safety as necessary to perform official duties of the commission and the division, as applicable, and

(2) authorized employees of State or local law enforcement agencies, only as necessary to verify that a person who is engaged in the suspected or alleged medical use of cannabis is lawfully registered with the commission

g Applying for registration or being registered by the commission does not constitute a waiver of the qualifying patient's practitioner-patient privilege

h An applicant seeking to serve as an institutional caregiver shall submit with the application a certification executed by the director or administrator of the health care facility employing the applicant attesting that

(1) the facility has authorized the applicant to assist registered qualifying patients at the facility with the medical use of cannabis, including obtaining medical cannabis from a medical cannabis dispensary, accepting deliveries of medical cannabis on behalf of registered qualifying patients, and assisting registered qualifying patients with the administration of medical cannabis,

(2) the facility has established protocols and procedures and implemented security measures to ensure that any medical cannabis obtained by an institutional caregiver that is transported by the caregiver to the facility is transported in a safe and secure manner that prevents theft, diversion, adulteration, and access by unauthorized individuals, and that any medical cannabis present at the facility is stored in a safe and secure manner that prevents theft, diversion, adulteration, and access by unauthorized individuals,

(3) the facility has established protocols and procedures to review the medications and treatment plans of registered qualifying patients at the facility to ensure that the patient's medical use of cannabis will not result in adverse drug interactions, side effects, or other complications that could significantly jeopardize the health or safety of the patient,

(4) the facility will not charge a registered qualifying patient for medical cannabis obtained on the registered qualifying patient's behalf in an amount that exceeds the actual cost of the medical cannabis, plus any reasonable costs incurred in acquiring the medical cannabis,

(5) the facility has established protocols and procedures concerning whether, and to what extent, designated caregivers are permitted to assist registered qualifying patients with the medical use of cannabis while at the facility, and

(6) the facility will promptly notify the commission in the event that

(a) an institutional caregiver registered with the commission pursuant to this section ceases to be employed by the facility or ceases to be authorized by the facility to assist registered qualifying patients with the medical use of cannabis, in which case, upon receipt of the notification, the commission shall immediately revoke the institutional caregiver's registration, or

(b) an institutional caregiver registered with the commission pursuant to this section, who completed a criminal history record background check as a condition of professional licensure or certification, is convicted of a crime or offense in this State after the date the criminal history background check was performed, in which case, upon receipt of that notification, the commission shall make a determination regarding the continued eligibility of the applicant to serve as an institutional caregiver

Nothing in this section shall be deemed to require any facility to authorize any employee of the facility to serve as an institutional caregiver or to issue a certification that meets the requirements of this subsection

2 This act shall take effect immediately

Approved August 5, 2022

CHAPTER 89

AN ACT concerning pre-apprenticeship programs and amending P L 1992, c 43 and P L 1993, c 268

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

1 Section 6 of P L 1993, c 268 (C 34 15E-6) is amended to read as follows

C 34 15E-6 School-to-apprenticeship linkage program, establishment

6 a Each consortium which is awarded a grant from the partnership shall establish a pre-apprenticeship, or school-to-apprenticeship linkage program, for high school students, which shall include the development of

the curriculum which will best prepare students to qualify for apprenticeships established under the grant, thus encouraging high school completion and increasing graduation rates Grants may also be provided to a consortium pursuant to this section to create new pre-apprenticeship, or linkage, programs for existing apprenticeship programs The pre-apprenticeship, or linkage program may include workplace experience, but not in violation of applicable child labor standards, and shall not involve any reduction of the classroom time of a participating student or of academic standards, other than reductions in classroom time mutually agreed to by all of the entities participating in the consortium pursuant to subsection a of section 5 of P L 1993, c 268 (C 34 15E-5) The provisions of this section shall not be construed as prohibiting nontraditional scheduling of classroom time If the pre-apprenticeship, or school-to-apprenticeship linkage, program includes a workplace experience component

(1) The student shall be regarded as a student learner entitled to all of the benefits and services provided to student learners pursuant to P L 1993, c 268 (C 34 15E-1 et seq),

(2) The workplace experience component of the student learner shall be regarded as a cooperative vocational experience subject to all applicable standards promulgated by the State Department of Education and the State Department of Labor and Workforce Development for cooperative vocational experiences, including requirements that work is under the direct supervision of a qualified person, and that the student learner be provided an individualized training plan outlining the tasks to be performed and the progression of learning experiences, and the safety instruction and occupational competencies to be learned, and

(3) Employers participating in the consortium who hire student learners shall do so based on recommendations of the students' educational institutions which give consideration to the overall academic achievement of the students

To the greatest extent permitted by federal law, a participating employer shall also consider the overall academic achievement of students when selecting apprentices under the grant

b Each pre-apprenticeship, or school-to-apprenticeship, linkage program shall include counseling, recruitment, training in life skills, including communication, working in teams, and meeting employer expectations, training in needed basic math and literacy skills, including one-to-one tutoring, and supportive services, including child care for student learners who are parents and transportation assistance, and other services as are needed to maximize program participation by women, minority-group members, and individuals with disabilities, who are

economically disadvantaged individuals, have barriers to employment, or both The objectives of these services shall include increasing the success of women in nontraditional employment and encouraging greater academic achievement among at-risk and other students

c Employers and other participants in a consortium, when selecting applicants to participate in their apprenticeship programs, shall give first priority to applicants who have successfully completed the pre-apprenticeship programs and have met all other requirements for entering the apprenticeship programs

d Each grant awarded to a consortium shall provide that not less than 25% of the grant funds be used for a pre-apprenticeship, or school-to-apprenticeship, linkage program established pursuant to this section

2 Section 9 of P L 1992, c 43 (C 34 15D-9) is amended to read as follows

C 34 15D-9 Workforce Development Partnership Fund

9 a A restricted, nonlapsing, revolving Workforce Development Partnership Fund, to be managed and invested by the State Treasurer, is hereby established to provide employment and training services to qualified displaced, disadvantaged and employed workers by means of training grants or customized training services, provide for the other costs indicated in subsection a of section 4 of P L 1992, c 43 (C 34 15D-4), provide for the New Jersey Innovation and Research Fellowship Program as provided for in section 3 of P L 2015, c 235 (C 34 15D-26), provide for the Talent Network Program as provided for in section 2 of P L 2019, c 125 (C 34 15D-29), and facilitate the provision of education and training to youth by means of grants provided by the Youth Transitions to Work Partnership pursuant to the provisions of P L 1993, c 268 (C 34 15E-1 et al) All appropriations to the fund, all interest accumulated on balances in the fund and all cash received for the fund from any other source shall be used solely for the purposes specifically delineated by this act

b During any fiscal year beginning after June 30, 2001, of the total revenues dedicated to the program during any one fiscal year

(1) 25% shall be deposited in an account of the Workforce Development Partnership Fund reserved to provide employment and training services for qualified displaced workers, and through fiscal year 2023, not less than 10% of the revenues deposited in that account shall be reserved to provide employment and training services to qualified displaced workers in the pursuit of industry-valued credentials under the pilot program established pursuant to P L 2019, c 252 (C 34 15D-30 et al), and during any fiscal year beginning after June 30, 2019, 0 5% shall be deposited in an account of the Workforce

Development Partnership Fund reserved for an appropriated to the Department of Labor and Workforce Development for the Apprenticeship Start-Up Grant Program created pursuant to section 3 of P L 2019, c 417 (C 34 15D-6 1),

(2) 6% shall be deposited in an account of the Workforce Development Partnership Fund reserved to provide employment and training services for qualified disadvantaged workers, and through fiscal year 2023, not less than 10% of the revenues deposited in that account shall be reserved to provide employment and training services to qualified disadvantaged workers in the pursuit of industry-valued credentials under the pilot program established pursuant to P L 2019, c 252 (C 34 15D-30 et al),

(3) 37% prior to July 1, 2022, and 35% after June 30, 2022 shall be deposited in an account of the Workforce Development Partnership Fund reserved for and appropriated to the Office of Customized Training,

(4) 5% prior to July 1, 2022, and 7% after June 30, 2022 shall be deposited in an account of the Workforce Development Partnership Fund reserved for the Youth Transitions to Work Partnership created pursuant to P L 1993, c 268 (C 34 15E-1 et seq),

(5) 3% shall be deposited in an account of the Workforce Development Partnership Fund reserved for occupational safety and health training,

(6) 5% shall be deposited in an account of the Workforce Development Partnership Fund reserved for and appropriated to the Talent Network Program established pursuant to section 2 of P L 2019, c 125 (C 34 15D-29),

(7) 3% shall be deposited in an account of the Workforce Development Partnership Fund reserved for the New Jersey Innovation and Research Fellowship Program established pursuant to section 3 of P L 2015, c 235 (C 34 15D-26),

(8) 10% shall be deposited in an account of the Workforce Development Partnership Fund reserved for administrative costs as defined in section 3 of P L 1992, c 43 (C 34 15D-3),

(9) 0 5% shall be deposited in an account of the Workforce Development Partnership Fund reserved for the State Employment and Training Commission to design criteria and conduct an annual evaluation of the program, and

(10) 5% shall be deposited in an account of the Workforce Development Partnership Fund to be used, at the discretion of the commissioner, for any of the purposes indicated in subsection a of section 4 of P L 1992, c 43 (C 34 15D-4)

c Beginning January 1, 1995, through June 30, 2002, the balance in the fund as of the previous December 31, as determined in accordance with generally accepted accounting principles, shall not exceed 1 5 times the

amount of contributions deposited for the calendar year then ended If the balance exceeds this amount, the excess shall be deposited into the unemployment compensation fund within seven business days of the date that the determination is made

d Beginning July 1, 2002, and for any subsequent fiscal year, if the unexpended cash balance in any of the accounts indicated in subsection b of this section, except for the account reserved for the Talent Network Program, less any amount awarded in grants but not yet disbursed from the account, is determined to exceed 20% of the amount of contributions collected for deposit in the account pursuant to this subsection during the fiscal year then ended, the excess shall be regarded as an unemployment compensation contribution and deposited into the unemployment compensation fund within seven business days of the date that the determination is made If the unexpended cash balance in the account reserved for the Talent Network Program, less any amount awarded in grants but not yet disbursed from the account, is determined to exceed 20% of the amount of contributions collected for deposit in the account pursuant to this subsection during the fiscal year then ended, the excess shall be deposited into the Workforce Development Partnership Fund account reserved for the Office of Customized Training

e $250,000 shall be allocated to the Apprentice Assistance and Support Services Pilot Program established pursuant to section 1 of P L 2019, c 419 (C 34 15D-6 2) from the $29,690,000 which was appropriated pursuant to the annual appropriations act for State fiscal year 2019 from the Workforce Development Partnership Fund for the purpose of funding Work First New Jersey Work Activities and Work First New Jersey-Training Related Expenses, and, $1,100,000 shall be allocated to the pilot program in each of fiscal years 2020, 2021, 2022, 2023, and 2024 from the amounts appropriated pursuant to the annual appropriations act in those fiscal years from the Workforce Development Partnership Fund for the purpose of funding Work First New Jersey Work Activities and Work First New Jersey-Training Related Expenses Of the funds allocated to the pilot program pursuant to this subsection, 90% shall be dedicated to the Child Care Stipend program and 10% to transportation reimbursement

f Upon the effective date of P L 2022, c 89 (C 34 15E-6 et al) and notwithstanding the provisions of any law or regulation to the contrary, in addition to the amount deposited in an account of the Workforce Development Partnership Fund reserved for the Youth Transitions to Work Partnership pursuant to subsection b of this section, $1,000,000 shall be allocated to the Youth Transitions to Work Partnership from the $22,500,000 which was

appropriated pursuant to the annual appropriations act for State fiscal year 2022 from the Workforce Development Partnership Fund for the purpose of funding the NJ Apprenticeship Network, the Career Accelerator Internship Program, the Workforce Development Policy and Evaluation Lab, the NJ Career Network, and such other priority workforce initiatives recommended by the Commissioner of Labor and Workforce Development

3 This act shall take effect immediately

Approved August 5, 2022

CHAPTER 90

AN ACT concerning tax refund anticipation loans and checks, and amending and supplementing P L 2007, c 258 (C 17 11D-1 et seq)

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

1 Section 1 of P L 2007, c 258 (C 17 11D-1) is amended to read as follows

C 17 11D-1 Definitions relative to tax preparation services

1 As used in this act

"Client" means an individual who engages the services of a tax preparer

"Commissioner" means the Commissioner of Banking and Insurance

"Refund anticipation check" means a check, stored value card, or other payment mechanism representing the actual or anticipated proceeds of the client's federal or State income tax refund which was issued by a depository institution, tax preparer, or other person that received or anticipates receipt of a direct deposit of the client's federal or State income tax refund and for which the client has paid a fee or other consideration for such payment mechanism

"Refund anticipation loan" means a loan that is secured by, or that the tax preparer anticipates from, a client's federal or State income tax refund

"Tax preparation services" means services provided for a fee or other consideration to a client to

(1) assist with preparing or filing State or federal individual income tax returns,

(2) assume final responsibility for completed work on an individual income tax return on which preliminary work has been completed by another, or

(3) offer, facilitate, or make refund anticipation loans or checks

"Tax preparer" means an individual, corporation, partnership, limited liability company, association, trustee or other entity who provides tax preparation services

2 Section 2 of P L 2007, c 258 (C 17 11D-2) is amended to read as follows

C 17 11D-2 Actions prohibited to tax preparer

2 No tax preparer shall

a Without reasonable cause, fail to promptly, diligently and without unreasonable delay complete a client's tax return,

b Obtain the signature of a client to a tax return or authorizing document containing blank entries to be completed after the document has been signed,

c Fail to sign a client's tax return as the tax preparer,

d Fail or refuse to give a client a copy of any document requiring the client's signature within a reasonable time after the client signs the document,

e Fail to retain for at least four years a copy of individual income tax returns,

f Fail to maintain a confidential relationship with a client or former client,

g Fail to take reasonable measures to maintain the confidentiality of information or documents provided by the client,

h Produce, authorize, publish, disseminate, circulate, or cause to make any false, deceptive, or misleading statement or representation relating to or in connection with the offering or provision of tax preparation services,

i Require a client to enter into a refund anticipation loan or refund anticipation check agreement in order to complete a tax return,

j Claim, or make representations to a client concerning, credits or deductions for which the tax preparer knows or reasonably should know the client does not qualify,

k Charge, offer to accept, or accept a fee based on a percentage of an anticipated refund in exchange for tax preparation services,

l Withhold or decline to return to a client documentation provided by the client for use in preparing a client's tax return, or

m Provide, offer, or advertise refund anticipation loan or check services using terms such as "free," "no cost," "no fee," or other language that would lead a client to reasonably believe that the refund anticipation loan or refund anticipation check is provided at no cost to the client if the issuance of a

refund anticipation loan or refund anticipation check results in, or is predicated upon, the assessment of higher or additional fees for other tax preparation or other services than are charged to clients who do not receive refund anticipation loan or refund anticipation check services

3 Section 4 of P L 2007, c 258 (C 17 11D-4) is amended to read as follows

C 17 11D-4 Itemized statement of service charges

4 A tax preparer shall provide an itemized statement of all service charges and fees to the client, including, but not limited to, charges and fees for each of the following

a tax return preparation,

b electronic filing of a tax return,

c providing or facilitating a refund anticipation loan or refund anticipation check, and

d (1) any interest, including the estimated amount of interest in the event a refund is delayed, under the terms and conditions of a refund anticipation loan, and (2) any amounts to be paid to the tax preparer in the event a refund is delayed, under the terms and conditions of a refund anticipation check

C 17 11D-5 1 Violations, tax preparer

4 It shall be an unlawful practice and violation of P L 1960, c 39 (C 56 8-1 et seq) for a tax preparer to violate any provision of P L 2007, c 258 (C 17 11D-1 et seq)

5 This act shall take effect immediately and its application shall begin with tax filings prepared in 2023 for calendar year 2022

Approved August 5, 2022

CHAPTER 91

AN ACT concerning service contracts and amending and supplementing P L 2013, c 197

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

1 Section 1 of P L 2013, c 197 (C 56 12-87) is amended to read as follows

C 56 12-87 Definitions

1 As used in this act

"Administrator" means a person who performs the third-party administration of a service contract, pursuant to the provisions of section 5 of P L 2013, c 197 (C 56 12-91), on behalf of a provider

"Consumer" means a natural person who buys other than for purposes of resale any property that is distributed in commerce and that is normally used for personal, family, or household purposes and not for business or research purposes

"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

"Emergency, life safety, or property safety goods" means any goods provided for installation in, as part of, or for addition to, a system designed to prevent, respond to, alert regarding, suppress, control, or extinguish an emergency or the cause of an emergency, or assist evacuation in the event of an emergency, which emergency could threaten life or property Examples of these systems include fire alarm, fire sprinkler, fire suppression, fire extinguisher, security, gas detection, intrusion detection, access control, video surveillance and recording, mass notification, public address, emergency lighting, patient wandering, infant tagging, and nurse call

"Leased motor vehicle excess wear and use protection" means the repair, replacement, or maintenance of property, or indemnification for repair, replacement, or maintenance, due to excess wear and use, damage for items such as tires, paint cracks or chips, interior stains, rips or scratches, exterior dents or scratches, windshield cracks or chips, missing interior or exterior parts or excess mileage that results in a lease-end charge, or any other charge for damage that is deemed as excess wear and use by a lessor under a motor vehicle lease

"Maintenance agreement" means a contract of limited duration that provides for scheduled maintenance only, and does not include repair or replacement of the property subject to the contract

"Motor vehicle ancillary protection product" means a contract or agreement between a provider and a consumer for a specific duration, for a provider fee or other separately stated consideration, to perform one or more of the following with respect to a motor vehicle

(1) the repair or replacement of tires or wheels on a motor vehicle damaged as a result of coming into contact with road hazards including but not limited to potholes, rocks, wood debris, metal parts, glass, plastic, curbs, or composite scraps,

(2) the removal of dents, dings, or creases on a motor vehicle that can be repaired using the process of paintless dent removal without affecting the existing paint finish and without replacing vehicle body panels, sanding, bonding, or painting,

(3) the repair of small motor vehicle windshield chips or cracks which may include replacement of the windshield for chips or cracks that cannot be repaired,

(4) the replacement of a motor vehicle key or key-fob in the event that the key or key-fob becomes inoperable or is lost or stolen,

(5) leased motor vehicle excess wear and use protection, or

(6) other services which may be approved by the director, that are consistent with the provisions of P L 2013, c 197 (C 56 12-87 et seq)

"Non-original manufacturer's part" means a replacement part not made for or by the original manufacturer of the property, commonly referred to as an "after market part "

"Person" means any natural person, company, corporation, association, society, firm, partnership, or other similar legal entity

"Premium" means the consideration paid to an insurer for a reimbursement insurance policy, and is subject to any applicable premium tax

"Provider" means a person who is contractually obligated to the service contract holder under the terms of the service contract

"Provider fee" means the consideration paid by a consumer for a service contract, and is not subject to any premium tax

"Public utility" means a public utility as defined in subsection a of R S 48 2-13

"Reimbursement insurance policy" means a policy of insurance issued to a regulated entity to either provide reimbursement to, or payment on behalf of, the regulated entity under the terms of the insured service contracts issued or sold by the regulated entity, or, in the event of the non-performance of a regulated entity, to provide or pay for, on behalf of the regulated entity, all covered contractual obligations incurred by the regulated entity

"Regulated entity" means a provider or an administrator

"Service contract" means a contract or agreement between a provider and a consumer for any duration, for a provider fee or other separately stated consideration, to perform, or to provide indemnification for the performance of, the maintenance, repair, replacement, or service of property for the operational or structural failure of the property due to a defect in materials or

workmanship or due to normal wear and tear, and which may include additional provisions for incidental payment of indemnity under limited circumstances In the case of a motor vehicle, such circumstances may include towing, rental, and emergency road services, and other road hazard protections A service contract may provide for the maintenance, repair, replacement, or service of the property for damage resulting from power surges or interruption, or accidental damage from handling A service contract also includes a motor vehicle ancillary protection product Service contracts may provide for leak or repair coverage to house roofing systems A "service contract" does not include a contract in writing to maintain structural wiring associated with the delivery of cable, telephone, or other broadband communication services or a contract in writing related to the delivery of satellite television or broadband communication services

"Service contract holder" or "contract holder" means a consumer who is the purchaser of a service contract or is entitled to the contractual benefits under the terms of the contract

"Warranty" means a warranty made solely by the manufacturer, importer, or seller of property or services without additional consideration, that is incidental to, and not negotiated or separated from, the sale of the property or services, that guarantees indemnity for defective materials, parts, mechanical or electrical breakdown, labor, or workmanship, or provides other remedial measures, including repair or replacement of the property or repetition of services

2 Section 3 of P L 2013, c 197 (C 56 12-89) is amended to read as follows

C 56 12-89 Permitted names for service contract providers

3 A regulated entity that provides or administers service contracts in this State, shall not use in its name, products, descriptions of products, advertisements, or any other materials the words "insurance," "casualty," "surety," "mutual" or any other word descriptive of the insurance, casualty, or surety business, and shall not use a name deceptively similar to the name or description of any insurance or surety corporation, or to the name of any other regulated entity registered pursuant to section 4 of P L 2013, c 197 (C 56 12-90) except that nothing in this section shall prevent a regulated entity that provides or administers service contracts in this State, from using the terms to indicate that service contracts do not constitute insurance, guaranties, warranties or extended warranties A regulated entity that provides or administers service contracts in this State may use in its name, products, descriptions of products, advertisements or any other materials the terms

"guaranty" or "warranty," but only if the regulated entity clearly and conspicuously makes the following disclosure in any consumer contract or agreement, any product description made available to a consumer, and any advertisements and related materials in which that term is used "The product being offered is a service contract and is separate and distinct from any product or service warranty which may be provided by the manufacturer, importer, or seller," or, if the service contract is in the nature of a home warranty, "The product being offered is a service contract and is separate and distinct from any product or service warranty which may be provided by the home builder or manufacturer" A regulated entity that provides or administers service contracts in this State may use in its name, products, descriptions of products, advertisements or any other materials the term "extended warranty," but only if the regulated entity clearly and conspicuously makes the following disclosure in any consumer contract or agreement, any product description made available to a consumer, and any advertisements and related materials in which that term is used "The product being offered is a service contract and is separate and distinct from any product or service warranty which may be provided by the manufacturer, importer, or seller, and does not extend the term of any original product or service warranty that the manufacturer, importer, or seller may have provided," or, if the service contract is in the nature of an extended home warranty, "The product being offered is a service contract and is separate and distinct from any product or service warranty which may be provided by the home builder or manufacturer, and does not extend the term of any original product or service warranty that the manufacturer, importer, or seller may have provided "

3 Section 4 of P L 2013, c 197 (C 56 12-90) is amended to read as follows

C 56 12-90 Assurance of faithful performance required to sell service contracts

4 a Except as otherwise provided in subsection d of this section, a person shall not provide or administer service contracts in this State unless the person complies with one or more of the following means of assuring faithful performance to its contract holders

(1) each service contract shall be insured under a reimbursement insurance policy issued by an insurer licensed, registered, or otherwise authorized to transact the business of insurance in this State, and which complies with the provisions of section 6 of P L 2013, c 197 (C 56 12-92),

(2) a funded reserve account shall be established and maintained for its obligations under each contract issued and outstanding in this State, with

reserves calculated at not less than 40% of gross consideration received, then less the amount of claims paid under those contracts If those reserves fall below the minimum required, the provider has 90 days to come into compliance without violating this section The reserve account shall be subject to examination and review by the director pursuant to section 10 of P L 2013, c 197 (C 56 12-96), or

(3) alone or together with the provider's parent or other affiliated corporation, the provider shall maintain a net worth or stockholders' equity of not less than $100,000,000 Upon request by the director, the provider shall provide the director with a copy of the provider's or its parent's or other affiliated corporation's most recent Form 10-K or Form 20-F, or successor form containing substantially the same information, filed with the Securities and Exchange Commission within the last 12-month period, or if the provider, or parent or other affiliated corporation, does not file this form with the Securities and Exchange Commission, a copy of the entity's audited financial statements, which show a net worth of the provider, or parent or other affiliated corporation, of not less than $100,000,000 If the provider's parent's or other affiliated corporation's form or financial statements are filed to meet the provider's means of assuring faithful performance to its contract holders, the parent or other affiliated corporation shall agree to guarantee the obligations of the provider

b Except with respect to a provider that complies with paragraph (1) or (3) of subsection a of this section or with respect to an insurer that the Commissioner of Banking and Insurance has determined meets financial solvency standards established under Title 17 of the New Jersey Statutes, in addition to the requirements set forth in subsection a of this section, the provider shall maintain a bond, having a value of not less than five percent of the gross consideration received per annum, less claims paid, on the sale of the service contract for all service contracts issued and in force, but not less than $25,000, in order to provide service contracts in this State The provider shall name the division as a party on the bond, and shall notify the division, in writing, in the event of the cancellation or non-renewal of the bond

c In addition to any applicable damages and penalties pursuant to subsection a of section 10 of P L 2013, c 197 (C 56 12-96), a person who provides or administers a service contract that is not in compliance with P L 2013, c 197 (C 56 12-87 et al) or that is issued by a provider that is not in compliance with P L 2013, c 197 (C 56 12-87 et al) shall be jointly and severally liable for all covered contractual obligations arising under the terms of such non-compliant contract or under the terms of any service contract issued at a time when the provider of the contract is non-compliant

d A person who administers service contracts in this State is required to comply with one or more means of assuring faithful performance as set forth in paragraph (1) through (3) of subsection a of this section, or the means of assuring faithful performance of a service contract set forth in subsection a of this section adopted by the provider of the service contract shall apply to indemnify that person's conduct with respect to administering the service contract

C 56 12-95 1 Regulated entity, disclosure of information, certain

4 A regulated entity shall disclose, in a manner and form prescribed by the director the following

a the identities of all of the principals of the regulated entity and, if applicable, of any parent company or other affiliated entity that provides or administers service contracts in the United States,

b information regarding any litigation or enforcement matters concerning service contracts filed or prosecuted during the prior five years in which a principal identified in subsection a of this section was named or involved, and

c information concerning the regulated entity's business operations, which shall include the total amounts collected in provider's fees and the total amounts paid out in claims or charges for services provided under the contract

C 56 12-95 2 Service contract not offered by public entity, disclosure of information, certain

5 a A service contract that is not offered by a public utility but which is advertised by any entity, including an entity affiliated with a public utility, using a public utility's trade name, or other identifying information, shall not qualify as exempt pursuant to section 2 of P L 2013, c 197 (C 56 12-88)

b An advertisement for a service contract that is offered by an entity other than a public utility in a manner that uses a public utility's trade name or other identifying information shall clearly and prominently disclose

(1) that the service contract is not being offered by the public utility but by a third party entity that is not part of the public utility, and that an entity other than the public utility will be responsible for performing the services advertised,

(2) the name of the provider that offers the service contract and, if applicable, the name of the administrator,

(3) the provider's contact information and, if applicable, the administrator's contact information,

(4) that the communication is an advertisement, and

(5) if applicable, that the billing for the services to be provided will be conducted through a public utility and that the public utility is an entity other than the provider

c Nothing in this act shall be construed to impose liability on news media for accepting or publishing advertising that may fall within the scope of this section

C 56 12-95 3 Service contract, requirement for registering with division, renewal

6 a A person shall not provide or administer a service contract in this State, unless the person has registered with the division

b The registration application and renewal shall be on a form provided by the division and shall

(1) disclose the address, ownership, and nature of business of the regulated entity,

(2) be renewed annually on July 1 or other date established by the director, and

(3) be accompanied by a fee of $300 per registration and annual renewal

c A registration application or registration renewal shall not be considered filed until all required information and fees are received by the division

d Any regulated entity that fails to register prior to the sale of a service contract shall pay a late filing fee of $100 for each 30-day period, or portion thereof, that the registration is late A regulated entity that fails to timely renew its registration shall pay a late fee of $50 for each 30-day period, or portion thereof, that the annual renewal filing fee is late The late fees authorized by this subsection shall be in addition to all other penalties authorized by law, including civil penalties for the sale of any service contract while unregistered

e The director may refuse to issue or renew, and may revoke or suspend, any registration for failure to comply with, or violation of, the provisions of P L 2022, c 91 (C 56 12-95 1 et al) or any regulation promulgated pursuant thereto, or the provisions of P L 1960, c 39 (C 56 8-1 et seq) A refusal, revocation, or suspension shall not be made except upon reasonable notice to, and opportunity to be heard, by the applicant registrant

C 56 12-95 4 Publication of non-confidential information, regulated entity registered, required to register

7 The division may publish any non-confidential information regarding any regulated entity registered, or required to be registered, under section 6 of P L 2022, c 91 (C 56 12-95 3) on a publicly accessible webpage operated by the division

C 56 12-95 5 Written, electronic notification of automatic renewal provision

8 a A provider that provides any service to a consumer pursuant to a service contract the term of which is a specified period of 12 months or longer and that automatically renews for a specified period of more than one month, unless the consumer cancels the contract, shall provide the consumer with written or electronic notification of the automatic renewal provision Notification shall be provided to the consumer not less than 30 days nor more than 60 days before the cancellation deadline pursuant to the automatic renewal provision This notification shall disclose clearly and conspicuously

(1) that unless the consumer cancels the contract, the contract will automatically renew, and

(2) methods by which the consumer may obtain details of the automatic renewal provision and cancellation procedure, whether by contacting the provider at a specified telephone number or address, by referring to the contract, or by any other method At a minimum, such methods shall include, for each consumer

(a) an online method for the consumer to cancel the contract and a mailing address to which written cancellation requests may be addressed, or

(b) a telephone number that the consumer may call to cancel the contract

b As part of the provider's routine business practice, where the business has failed for any reason to comply with the provisions of this section, the contract holder may cancel the contract and receive the unearned portion of the contract subject to the automatic renewal provision less the amount of claims paid during that automatic renewal period, which amount shall be refunded as of the date on which the provider is notified of the error

c The provider shall provide written or electronic notification to the consumer not less than 30 days nor more than 60 days before any change in the procedures required of the consumer to cancel the automatic renewal provision

d All cancellation requests are required to be acknowledged within five business days of receipt and honored within 10 business days of receipt, and applied as of the date of receipt or, if permitted by the service contract, applied at the end of the holder's monthly billing cycle If a cancellation request is honored within five business days of receipt, the acknowledgement requirement of this subsection shall be deemed to have been satisfied

e Nothing in this section shall be construed to prevent a contract holder from recovering on a claim that would be valid and covered had the regulated entity acted in compliance with P L 2022, c 91 (C 56 12-95 1 et al)

9 The Director of the Division of Consumer Affairs in the Department of Law and Public Safety may promulgate rules and regulations, pursuant to

the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), necessary to effectuate the purposes of P L 2022, c 91 (C 56 12-95 1 et al)

10 This act shall take effect on the first day of the twelfth month following enactment

Approved August 5, 2022

CHAPTER 92

AN ACT requiring liability insurance for business owners and rental unit owners and supplementing Title 40A of the New Jersey Statutes

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

C 40A 10A-1 Liability insurance, negligent acts, omissions, business owners, rental unit, units owner

1 a Except as provided in subsection b of this section, the owner of a business or the owner of a rental unit or units shall maintain liability insurance for negligent acts and omissions in an amount of no less than $500,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence

b The owner of a multifamily home which is four or fewer units, one of which is owner-occupied, shall maintain liability insurance for negligent acts and omissions in an amount of no less than $300,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence

C 40A 10A-2 Certificate of insurance, annually registration, municipality of business, rental units, multi-family home

2 a The owner of a business, owner of a rental unit or units, and the owner of a multi-family home of four or fewer units, one of which is owner occupied, shall annually register the certificate of insurance demonstrating compliance with section 1 of this act with the municipality in which the business, rental units, or multi-family home is located

b The governing body of a municipality may, by ordinance, establish a reasonable administrative fee for the certificate of registration required pursuant to subsection a of this section for properties located in that municipality The governing body of a municipality may collect, through a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P L 1999, c 274 (C 2A 58-

10 et seq), a fine of not less than $500 but no more than $5,000 against an owner who failed to comply with the provisions of this act

3 a The provisions of subsection a of section 1 of this act shall take effect on the 90th day next following enactment for all new policies issued on or after the 90th day following enactment and shall take effect on the 180th day next following enactment for all policies in force on the date of enactment that are renewed on or after the 180th day following enactment

b The provisions of subsection b of section 1 of this act shall take effect on the 180th day next following enactment and shall apply to policies issued or renewed on or after the 180th day following enactment

c The provisions of section 2 of this act shall take effect on the 90th day next following enactment

Approved August 5, 2022

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c The provisions of section 2 of this act shall take effect on the 90th day next following enactment

Approved August 5, 2022

CHAPTER 93

AN ACT concerning the financing of airports operated by counties and municipalities and amending various sections of the Revised Statutes

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

1 R S 40 8-3 is amended to read as follows

County airports, general powers

40 8-3 a The governing body of any county may acquire, by lease or purchase, and establish, construct, own, control, lease, equip, improve, maintain, operate, and regulate airports or landing fields for the use of airplanes and other aircraft within the limits of such counties, and may use for such purpose or purposes any property, owned or controlled by such county, suitable

therefor, provided that the provision or performance of goods or services in connection with the operation, management, or administration of an airport shall be done pursuant to the "Local Public Contracts Law," P L 1971, c 198 (C 40A 11-1 et seq) and any supplements thereto

b A county may maintain, operate, and manage an airport or landing field as a public utility of the county and, for that purpose, shall keep the accounts of the airport separate and distinct from any other accounts of the county

2 R S 40 8-5 is amended to read as follows

Condemnation, law applicable, bonds, law applicable

40 8-5 Private property needed by any municipality for an airport or landing field shall be acquired by purchase if the municipality is able to agree with the owners on the terms thereof, and otherwise by condemnation, in the manner provided by the law under which the municipality is authorized to acquire real property for public purposes other than street purposes, or, if there be no such law, in the manner provided for and subject to the provisions of the "Eminent Domain Act of 1971," P L 1971, c 361 (C 20 3-1 et seq) The purchase price or award for real property acquired for an airport or landing field may be paid for by appropriation of moneys available therefor or wholly or partly from the proceeds of the sale of bonds of the municipality, as the governing body of such municipality shall determine Such bonds shall be authorized and issued in accordance with the provisions of the "Local Bond Law," (N J S 40A 2-1 et seq)

3 R S 40 28-4 is amended to read as follows

Bonds for airport purposes, maturity

40 28-4 a A county of any class may issue bonds for the purpose of acquiring real estate and thereafter equipping, maintaining, and operating that real estate for airport purposes

b All bonds issued for airport purposes shall mature and be payable in accordance with the provisions of the "Local Bond Law," (N J S 40A 2-1 et seq)

4 This act shall take effect immediately

Approved August 5, 2022

CHAPTER 94

AN ACT concerning annuities for certain members of the Judicial Retirement System who filed for deferred retirement and amending P L 2019, c 287

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

1 Section 1 of P L 2019 c 287 (C 43 6A-11 1) is amended to read as follows

C 43 6A-11 1 Certain members of Judicial Retirement System, deferment

1 Notwithstanding the provisions of any law or regulation to the contrary, a member of the Judicial Retirement System who has been appointed by the Governor, with the advice and consent of the Senate, to the position of county prosecutor in accordance with N J S 2A 158-1 or who has been appointed by the Chief Justice of the Supreme Court to the position of Administrative Director of the Courts in accordance with Article VI, Section VII, paragraph 1 of the New Jersey Constitution may file, prior to commencing service as the county prosecutor or as the Administrative Director of the Courts, a written and duly executed application for retirement for any reason other than disability if the member has attained the age of 65 years, has the necessary judicial service credit for a full judicial retirement, and has served for 20 years as a judge for any court in New Jersey The approval process shall be expedited If the application is approved, the effective date of retirement for that member shall be deferred to the first day of the month following the termination of the member's service in the position of county prosecutor or of Administrative Director of the Courts The application for retirement shall be accompanied by a copy of the member's written resignation from the judicial office effective as of the date of the approval of the retirement application

If such a person attains the age of 70 years while serving as a county prosecutor or as the Administrative Director of the Courts and has an approved application for the member's retirement the effective date of which has been deferred, this section shall specifically override the JRS mandatory retirement age of 70 enacted in section 7 of P L 1973, c 140 (C 43 6A-7) and in the administrative code, and shall allow for the deferment of the mandatory retirement for JRS to the first day of the month following the termination of the member's service in the position of county prosecutor or of Administrative Director of the Courts

If such a person dies while in service as a county prosecutor or as the Administrative Director of the Courts, the death shall not be considered a

death in active service The beneficiary shall be eligible for a pension or survivor's benefit, and for any death benefits, based on the approved retirement application and the retirement shall be effective as of the date of death The election by the member of an option in accordance with section 1 of P L 2002, c 54 (C 43 6A-16 1) shall become effective and payable

Notwithstanding any other provision of law to the contrary, a person who files an application for retirement pursuant to this section and serves in the position of county prosecutor or of Administrative Director of the Courts shall not be eligible to participate in the Defined Contribution Retirement System, enroll in any other State-administered retirement system, or receive any other payments from the county or State deemed to be payments for retirement accounts, funds, or pensions, not including annuities The person and the person's dependents shall be eligible for health care benefits coverage provided for the position of county prosecutor or of Administrative Director of the Courts during service in that position

This section shall be effective if the qualified status of the retirement system under federal law can be maintained upon its application, and such modifications to the system as may be available shall be made to allow for its application

2 This act shall take effect immediately, and shall be retroactive to November 1, 2020

Approved August 5, 2022

CHAPTER 95

AN ACT concerning disclosure of certain insurance policy limits and supplementing P L 1972, c 197 (C 39 6B-1 et seq)

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

C 39 6B-1 1 Insurer to provide written disclosure of policy limits, circumstances, certain, requirements for request

1 a An insurer who receives a request, from an attorney admitted to the practice of law in this State, for disclosure of the policy limits under an insurance policy issued by the insurer to an insured, shall provide written disclosure of the policy limits to the attorney no later than 30 days from receipt of the request The disclosure shall indicate the limits of all

applicable insurance policies and any applicable umbrella or excess liability insurance policies issued by the insurer to the insured

b A request for disclosure of policy limits shall be in writing and shall include

(1) a statement that the attorney represents an individual who has suffered bodily injury or death alleged to be caused by an accident with an insured under an insurance policy issued by the insurer, entity, or business,

(2) the name and last known address of the insured,

(3) the date and approximate time of the accident,

(4) a copy of the accident report, if available, relating to the accident, and

(5) in the case of a motor vehicle accident, a statement from the claimant, or an attorney representing the claimant, providing insurance information, which shall include the claimant's

(a) insurer, policy number, and policyholder name,

(b) tort threshold selection, and

(c) personal injury protection coverage limit

c Disclosure of policy limits under this section shall not constitute an admission that the alleged injury or damage is subject to the policy

d Information concerning the insurance policy shall not be admissible as evidence at trial by reason of disclosure pursuant to this section The disclosure shall be confidential and available only to the individual injured and the attorney representing the injured person and personnel in the office of the attorney

e The Department of Banking and Insurance shall publish on its website the email address of each insurer, which shall be supplied by each insurer issuing applicable policies in this State, for the purpose of receiving requests for policy limit disclosures pursuant to this section

2 This act shall take effect immediately, except subsection e of section 1 of this act shall take effect on the 60th day next following enactment

Approved August 5, 2022

CHAPTER 96

AN ACT concerning claims alleging violations of consumer fraud or antitrust, and amending various sections of the statutory law

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

1 Section 2 of P L 1960, c 39 (C 56 8-2) is amended to read as follows

C 56 8-2 Fraud, etc , in connection with sale or advertisement of merchandise or real estate as unlawful practice

2 The act, use or employment by any person of any commercial practice that is unconscionable or abusive, deception, fraud, false pretense, false promise, misrepresentation, or the knowing, concealment, suppression, or omission of any material fact with intent that others rely upon such concealment, suppression or omission, in connection with the sale or advertisement of any merchandise or real estate, or with the subsequent performance of such person as aforesaid, whether or not any person has in fact been misled, deceived or damaged thereby, is declared to be an unlawful practice, provided, however, that nothing herein contained shall apply to the owner or publisher of newspapers, magazines, publications or printed matter wherein such advertisement appears, or to the owner or operator of a radio or television station which disseminates such advertisement when the owner, publisher, or operator has no knowledge of the intent, design or purpose of the advertiser

2 Section 4 of P L 1960, c 39 (C 56 8-4) is amended to read as follows

C 56 8-4 Additional powers

4 a To accomplish the objectives and to carry out the duties prescribed by this act, the Attorney General, in addition to other powers conferred upon him by this act, may issue subpoenas to any person, administer an oath or affirmation to any person, conduct hearings in aid of any investigation or inquiry, promulgate such rules and regulations, and prescribe such forms as may be necessary, which shall have the force of law

b In an action brought by the Attorney General, any commercial practice that violates State or federal law is conclusively presumed to be an unlawful practice under section 2 of P L 1960, c 39 (C 56 8-2) Nothing in this subsection shall be construed to restrict the scope of unlawful practices under Section 2 of P L 1960, c 39 (C 56 8-2) in actions not brought by the Attorney General

3 Section 8 of P L 1971, c 247 (C 56 8-20) is amended to read as follows

C 56 8-20 Notice to attorney general of action or defense by injured person, intervention

8 Any party to an action asserting a claim, counterclaim or defense based upon violation of this act, or the act hereby amended or supplemented, shall electronically mail to a dedicated address or account established by the Attorney General for this purpose a copy of (1) the initial, responsive or

amended pleading containing the claim, counterclaim or defense and any dispositive motion on such claim, counterclaim or defense, with any accompanying brief or legal memoranda, and (ii) any Appellate Civil Case Information Statements or appellate brief relating to such a claim, counterclaim or defense to the Attorney General within 24 hours after the filing of such pleading or document with the court Upon application to the court wherein the matter is pending, the Attorney General shall be permitted to intervene or to appear in any status appropriate to the matter

4 Section 12 of P L 1970, c 73 (C 56 9-12) is amended to read as follows

C 56 9-12 Treble damages suit

12 a Any person who shall be injured in his business or property by reason of anticompetitive conduct in violation of the provisions of P L 1970, c 73 (C 56 9-1 et seq) may sue therefor and shall recover a sum of not less than $1,000 or threefold the damages sustained by him and interest on the damages from date of complaint, whichever amount is greater, together with reasonable attorneys' fees, filing fees and reasonable costs of suit, provided that indirect purchasers injured by an illegal overcharge shall be entitled to recover only compensatory damages, together with reasonable attorneys' fees, filing fees, and reasonable costs of suit in actions not brought under subsection b of this section Reasonable costs of suit may include, but shall not be limited to the expenses of discovery and document reproduction

b The State and any of its political subdivisions and public agencies shall be deemed a person within the meaning of this section The Attorney General, on behalf of the State or any of its political subdivisions or public agencies, or the political subdivision or public agency at the direction of or with the permission of the Attorney General, may institute an action to recover the damages provided for by this section or by any comparable provisions of Federal law, together with reasonable attorneys' fees, filing fees and reasonable costs of suit

c In any action pursuant to P L 1970, c 73 (C 56 9-1 et seq), the fact that the State, or any political subdivision or public agency of the State or any political subdivision, or any person who has sustained damages by reason of violation of P L 1970, c 73 (C 56 9-1 et seq), has not dealt directly with the defendant shall not bar or otherwise limit recovery except as provided in this section In any action or actions in which claims are asserted against a defendant by both direct and indirect purchasers, the court may take such steps as the court deems appropriate to avoid duplicate recovery of damages and to obtain substantial fairness In any action in which both direct

and indirect purchasers are involved, a defendant shall be entitled to prove as a partial or complete defense to a claim for damages that the illegal overcharge has been passed on to others, including the defendant, who are themselves entitled to recover, so as to avoid duplication of recovery of damages

d In the event damages in a class action or an action instituted by the Attorney General remain unclaimed by, or undistributed to, the direct or indirect purchasers, the class representative or the Attorney General, as applicable, the Attorney General may apply to the court and such funds shall escheat to the State upon showing that reasonable efforts made by the State to distribute the funds have been unsuccessful

5 Sections 1, 2, and 4 of this act shall take effect immediately and section 3 shall take effect on the first day of the third month next following enactment

Approved August 5, 2022

CHAPTER 97

AN ACT concerning the imposition of the sales and use tax for signs, amending P L 1966, c 30 (C 54 32B-1 et seq)

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

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

C 54 32B-2 Definitions

2 Unless the context in which they occur requires otherwise, the following terms when used in this act shall mean

(a) "Person" includes an individual, trust, partnership, limited partnership, limited liability company, society, association, joint stock company, corporation, public corporation or public authority, estate, receiver, trustee, assignee, referee, fiduciary and any other legal entity

(b) "Purchase at retail" means a purchase by any person at a retail sale

(c) "Purchaser" means a person to whom a sale of personal property is made or to whom a service is furnished

(d) "Receipt" means the amount of the sales price of any tangible personal property, specified digital product or service taxable under this act

(e) "Retail sale" means any sale, lease, or rental for any purpose, other than for resale, sublease, or subrent

(1) For the purposes of this act a sale is for "resale, sublease, or subrent" if it is a sale (A) for resale either as such or as converted into or as a component part of a product produced for sale by the purchaser, including the conversion of natural gas into another intermediate or end product, other than electricity or thermal energy, produced for sale by the purchaser, (B) for use by that person in performing the services subject to tax under subsection (b) of section 3 where the property so sold becomes a physical component part of the property upon which the services are performed or where the property so sold is later actually transferred to the purchaser of the service in conjunction with the performance of the service subject to tax, (C) of telecommunications service to a telecommunications service provider for use as a component part of telecommunications service provided to an ultimate customer, or (D) to a person who receives by contract a product transferred electronically for further commercial broadcast, rebroadcast, transmission, retransmission, licensing, relicensing, distribution, redistribution or exhibition of the product, in whole or in part, to another person, other than rights to redistribute based on statutory or common law doctrine such as fair use

(2) For the purposes of this act, the term "retail sale" includes sales of tangible personal property to all contractors, subcontractors or repairmen of materials and supplies for use by them in erecting structures for others, or building on, or otherwise improving, altering, or repairing real property of others, with the exception of signs and materials purchased for use in sign fabrication

(3) (Deleted by amendment, P L 2005, c 126)

(4) The term "retail sale" does not include

(A) Professional, insurance, or personal service transactions which involve the transfer of tangible personal property as an inconsequential element, for which no separate charges are made

(B) The transfer of tangible personal property to a corporation, solely in consideration for the issuance of its stock, pursuant to a merger or consolidation effected under the laws of New Jersey or any other jurisdiction

(C) The distribution of property by a corporation to its stockholders as a liquidating dividend

(D) The distribution of property by a partnership to its partners in whole or partial liquidation

(E) The transfer of property to a corporation upon its organization in consideration for the issuance of its stock

(F) The contribution of property to a partnership in consideration for a partnership interest therein

(G) The sale of tangible personal property where the purpose of the vendee is to hold the thing transferred as security for the performance of an obligation of the seller

(f) "Sale, selling or purchase" means any transfer of title or possession or both, exchange or barter, rental, lease or license to use or consume, conditional or otherwise, in any manner or by any means whatsoever for a consideration, or any agreement therefor, including the rendering of any service, taxable under this act, for a consideration or any agreement therefor

(g) "Tangible personal property" means personal property that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses "Tangible personal property" includes electricity, water, gas, steam, and prewritten computer software including prewritten computer software delivered electronically

(h) "Use" means the exercise of any right or power over tangible personal property, specified digital products, services to property or products, or services by the purchaser thereof and includes, but is not limited to, the receiving, storage or any keeping or retention for any length of time, withdrawal from storage, any distribution, any installation, any affixation to real or personal property, or any consumption of such property or products Use also includes the exercise of any right or power over intrastate or interstate telecommunications and prepaid calling services Use also includes the exercise of any right or power over utility service Use also includes the derivation of a direct or indirect benefit from a service

(i) "Seller" means a person making sales, leases or rentals of personal property or services

(1) The term "seller" includes

(A) A person making sales, leases or rentals of tangible personal property, specified digital products or services, the receipts from which are taxed by this act,

(B) A person maintaining a place of business in the State or having an agent maintaining a place of business in the State and making sales, whether at such place of business or elsewhere, to persons within the State of tangible personal property, specified digital products or services, the use of which is taxed by this act,

(C) A person who solicits business either by employees, independent contractors, agents or other representatives or by distribution of catalogs or other advertising matter and by reason thereof makes sales to persons within

the State of tangible personal property, specified digital products or services, the use of which is taxed by this act

A person making sales of tangible personal property, specified digital products, or services taxable under the "Sales and Use Tax Act," P L 1966, c 30 (C 54 32B-1 et seq) shall be presumed to be soliciting business through an independent contractor or other representative if the person making sales enters into an agreement with an independent contractor having physical presence in this State or other representative having physical presence in this State, for a commission or other consideration, under which the independent contractor or representative directly or indirectly refers potential customers, whether by a link on an internet website or otherwise, and the cumulative gross receipts from sales to customers in this State who were referred by all independent contractors or representatives that have this type of an agreement with the person making sales are in excess of $10,000 during the preceding four quarterly periods ending on the last day of March, June, September, and December This presumption may be rebutted by proof that the independent contractor or representative with whom the person making sales has an agreement did not engage in any solicitation in the State on behalf of the person that would satisfy the nexus requirements of the United States Constitution during the four quarterly periods in question Nothing in this subparagraph shall be construed to narrow the scope of the terms independent contractor or other representative for purposes of any other provision of the "Sales and Use Tax Act," P L 1966, c 30 (C 54 32B-1 et seq),

(D) Any other person making sales to persons within the State of tangible personal property, specified digital products or services, the use of which is taxed by this act, who may be authorized by the director to collect the tax imposed by this act,

(E) The State of New Jersey, any of its agencies, instrumentalities, public authorities, public corporations (including a public corporation created pursuant to agreement or compact with another state) or political subdivisions when such entity sells services or property of a kind ordinarily sold by private persons,

(F) (Deleted by amendment, P L 2005, c 126),

(G) A person who sells, stores, delivers or transports energy to users or customers in this State whether by mains, lines or pipes located within this State or by any other means of delivery,

(H) A person engaged in collecting charges in the nature of initiation fees, membership fees or dues for access to or use of the property or facilities of a health and fitness, athletic, sporting or shopping club or organization,

(I) A person engaged in the business of parking, storing or garaging motor vehicles,

(J) A person making sales, leases, or rentals of tangible personal property, specified digital products, or taxable services who meets the criteria set forth in paragraph (1) or (2) of section 1 of P L 2018, c 132 (C 54 32B-3 5), and

(K) A marketplace facilitator

(2) In addition, when in the opinion of the director it is necessary for the efficient administration of this act to treat any salesman, representative, peddler or canvasser as the agent of the seller, distributor, supervisor or employer under whom the agent operates or from whom the agent obtains tangible personal property or a specified digital product sold by the agent or for whom the agent solicits business, the director may, in the director's discretion, treat such agent as the seller jointly responsible with the agent's principal, distributor, supervisor or employer for the collection and payment over of the tax A person is an agent of a seller in all cases, but not limited to such cases, that (A) the person and the seller have the relationship of a "related person" described pursuant to section 2 of P L 1993, c 170 (C 54 10A-5 5), and (B) the seller and the person use an identical or substantially similar name, tradename, trademark, or goodwill, to develop, promote, or maintain sales, or the person and the seller pay for each other's services in whole or in part contingent upon the volume or value of sales, or the person and the seller share a common business plan or substantially coordinate their business plans, or the person provides services to, or that inure to the benefit of, the seller related to developing, promoting, or maintaining the seller's market

(3) Notwithstanding any other provision of law or administrative action to the contrary, transient space marketplaces shall be required to collect and pay on behalf of persons engaged in the business of providing transient accommodations located in this State the tax for transactions obtained through the transient space marketplace For not less than four years following the end of the calendar year in which the transaction occurred, the transient space marketplace shall maintain the following data for those transactions consummated through the transient space marketplace

(A) The name of the person who provided the transient accommodation,

(B) The name of the customer who procured occupancy of the transient accommodation,

(C) The address, including any unit designation, of the transient accommodation,

(D) The dates and nightly rates for which the consumer procured occupancy of the transient accommodation,

(E) The municipal transient accommodation registration number, if applicable,

(F) A statement as to whether such booking services will be provided in connection with (i) short-term rental of the entirety of such unit, (ii) short-term rental of part of such unit, but not the entirety of such unit, and/or (iii) short-term rental of the entirety of such unit, or part thereof, in which a non-short-term occupant will continue to occupy such unit for the duration of such short-term rental,

(G) The individualized name or number of each such advertisement or listing connected to such unit and the uniform resource locator (URL) for each such listing or advertisement, where applicable, and

(H) Such other information as the Division of Taxation may by rule require

The Division of Taxation may audit transient space marketplaces as necessary to ensure data accuracy and enforce tax compliance

(j) "Hotel" means a building or portion of a building which is regularly used and kept open as such for the lodging of guests "Hotel" includes an apartment hotel, a motel, inn, and rooming or boarding house or club, whether or not meals are served, but does not include a transient accommodation

(k) "Occupancy" means the use or possession or the right to the use or possession, of any room in a hotel or transient accommodation

(l) "Occupant" means a person who, for a consideration, uses, possesses, or has the right to use or possess, any room in a hotel or transient accommodation under any lease, concession, permit, right of access, license to use or other agreement, or otherwise

(m) "Permanent resident" means any occupant of any room or rooms in a hotel or transient accommodation for at least 90 consecutive days shall be considered a permanent resident with regard to the period of such occupancy

(n) "Room" means any room or rooms of any kind in any part or portion of a hotel or transient accommodation, which is available for or let out for any purpose other than a place of assembly

(o) "Admission charge" means the amount paid for admission, including any service charge and any charge for entertainment or amusement or for the use of facilities therefor

(p) "Amusement charge" means any admission charge, dues or charge of a roof garden, cabaret or other similar place

(q) "Charge of a roof garden, cabaret or other similar place" means any charge made for admission, refreshment, service, or merchandise at a roof garden, cabaret or other similar place

(r) "Dramatic or musical arts admission charge" means any admission charge paid for admission to a theater, opera house, concert hall or other hall or place of assembly for a live, dramatic, choreographic or musical performance

(s) "Lessor" means any person who is the owner, licensee, or lessee of any premises, tangible personal property or a specified digital product which the person leases, subleases, or grants a license to use to other persons

(t) "Place of amusement" means any place where any facilities for entertainment, amusement, or sports are provided

(u) "Casual sale" means an isolated or occasional sale of an item of tangible personal property or a specified digital product by a person who is not regularly engaged in the business of making retail sales of such property or product where the item of tangible personal property or the specified digital product was obtained by the person making the sale, through purchase or otherwise, for the person's own use

(v) "Motor vehicle" includes all vehicles propelled otherwise than by muscular power (excepting such vehicles as run only upon rails or tracks), trailers, semitrailers, house trailers, or any other type of vehicle drawn by a motor-driven vehicle, and motorcycles, designed for operation on the public highways

(w) "Persons required to collect tax" or "persons required to collect any tax imposed by this act" includes every seller of tangible personal property, specified digital products or services, every recipient of amusement charges, every operator of a hotel or transient accommodation, every transient space marketplace, every marketplace facilitator, every seller of a telecommunications service, every recipient of initiation fees, membership fees or dues for access to or use of the property or facilities of a health and fitness, athletic, sporting or shopping club or organization, and every recipient of charges for parking, storing or garaging a motor vehicle Said terms shall also include any officer or employee of a corporation or of a dissolved corporation who as such officer or employee is under a duty to act for such corporation in complying with any requirement of this act and any member of a partnership

(x) "Customer" includes every purchaser of tangible personal property, specified digital products or services, every patron paying or liable for the payment of any amusement charge, every occupant of a room or rooms in a hotel or transient accommodation, every person paying charges in the nature of initiation fees, membership fees or dues for access to or use of the property or facilities of a health and fitness, athletic, sporting or shopping club or organization, and every purchaser of parking, storage or garaging a motor vehicle

(y) "Property and services the use of which is subject to tax" includes (1) all property sold to a person within the State, whether or not the sale is made within the State, the use of which property is subject to tax under section 6 or

will become subject to tax when such property is received by or comes into the possession or control of such person within the State, (2) all services rendered to a person within the State, whether or not such services are performed within the State, upon tangible personal property or a specified digital product the use of which is subject to tax under section 6 or will become subject to tax when such property or product is distributed within the State or is received by or comes into possession or control of such person within the State, (3) intrastate, interstate, or international telecommunications sourced to this State pursuant to section 29 of P L 2005, c 126 (C 54 32B-3 4), (4) (Deleted by amendment, P L 1995, c 184), (5) energy sold, exchanged or delivered in this State for use in this State, (6) utility service sold, exchanged or delivered in this State for use in this State, (7) mail processing services in connection with printed advertising material distributed in this State, (8) (Deleted by amendment, P L 2005, c 126), and (9) services the benefit of which are received in this State

(z) "Director" means the Director of the Division of Taxation in the State Department of the Treasury, or any officer, employee or agency of the Division of Taxation in the Department of the Treasury duly authorized by the director (directly, or indirectly by one or more redelegations of authority) to perform the functions mentioned or described in this act

(aa) "Lease or rental" means any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration A "lease or rental" may include future options to purchase or extend

(1) "Lease or rental" does not include

(A) A transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments,

(B) A transfer of possession or control of property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price does not exceed the greater of $100 or one percent of the total required payments, or

(C) Providing tangible personal property or a specified digital product along with an operator for a fixed or indeterminate period of time A condition of this exclusion is that the operator is necessary for the equipment to perform as designed For the purpose of this subparagraph, an operator must do more than maintain, inspect, or set-up the tangible personal property or specified digital product

(2) "Lease or rental" does include agreements covering motor vehicles and trailers where the amount of consideration may be increased or decreased

by reference to the amount realized upon sale or disposition of the property as defined in 26 U S C s 7701(h)(1)

(3) The definition of "lease or rental" provided in this subsection shall be used for the purposes of this act regardless of whether a transaction is characterized as a lease or rental under generally accepted accounting principles, the federal Internal Revenue Code or other provisions of federal, state or local law

(bb) (Deleted by amendment, P L 2005, c 126)

(cc) "Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points

"Telecommunications service" shall include such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether such service is referred to as voice over Internet protocol services or is classified by the Federal Communications Commission as enhanced or value added

"Telecommunications service" shall not include

(1) (Deleted by amendment, P L 2008, c 123),

(2) (Deleted by amendment, P L 2008, c 123),

(3) (Deleted by amendment, P L 2008, c 123),

(4) (Deleted by amendment, P L 2008, c 123),

(5) (Deleted by amendment, P L 2008, c 123),

(6) (Deleted by amendment, P L 2008, c 123),

(7) data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a purchaser where such purchaser's primary purpose for the underlying transaction is the processed data or information,

(8) installation or maintenance of wiring or equipment on a customer's premises,

(9) tangible personal property,

(10) advertising, including but not limited to directory advertising,

(11) billing and collection services provided to third parties,

(12) internet access service,

(13) radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider Radio and television audio and video programming services shall include but not be limited to cable service as defined in section 47 U S C

s 522(6) and audio and video programming services delivered by commercial mobile radio service providers, as defined in section 47 C F R 20 3,

(14) ancillary services, or

(15) digital products delivered electronically, including but not limited to software, music, video, reading materials, or ringtones

For the purposes of this subsection

"ancillary service" means a service that is associated with or incidental to the provision of telecommunications services, including but not limited to detailed telecommunications billing, directory assistance, vertical service, and voice mail service, "conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call and may include the provision of a telephone number Conference bridging service does not include the telecommunications services used to reach the conference bridge,

"detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement,

"directory assistance" means an ancillary service of providing telephone number information or address information or both,

"vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and to manage multiple calls and call connections, including conference bridging services, and

"voice mail service" means an ancillary service that enables the customer to store, send, or receive recorded messages Voice mail service does not include any vertical service that a customer may be required to have to utilize the voice mail service

(dd) (1) "Intrastate telecommunications" means a telecommunications service that originates in one United States state or a United States territory or possession or federal district, and terminates in the same United States state or United States territory or possession or federal district

(2) "Interstate telecommunications" means a telecommunications service that originates in one United States state or a United States territory or possession or federal district, and terminates in a different United States state or United States territory or possession or federal district

(3) "International telecommunications" means a telecommunications service that originates or terminates in the United States and terminates or originates outside the United States, respectively "United States" includes the District of Columbia or a United States territory or possession

(ee) (Deleted by amendment, P L 2008, c 123)

(ff) "Natural gas" means any gaseous fuel distributed through a pipeline system

(gg) "Energy" means natural gas or electricity

(hh) "Utility service" means the transportation or transmission of natural gas or electricity by means of mains, wires, lines or pipes, to users or customers

(ii) "Self-generation unit" means a facility located on the user's property, or on property purchased or leased from the user by the person owning the self-generation unit and such property is contiguous to the user's property, which generates electricity to be used only by that user on the user's property and is not transported to the user over wires that cross a property line or public thoroughfare unless the property line or public thoroughfare merely bifurcates the user's or self-generation unit owner's otherwise contiguous property

(jj) "Co-generation facility" means a facility the primary purpose of which is the sequential production of electricity and steam or other forms of useful energy which are used for industrial or commercial heating or cooling purposes and which is designated by the Federal Energy Regulatory Commission, or its successor, as a "qualifying facility" pursuant to the provisions of the "Public Utility Regulatory Policies Act of 1978," Pub L 95-617

(kk) "Non-utility" means a company engaged in the sale, exchange or transfer of natural gas that was not subject to the provisions of P L 1940, c 5 (C 54 30A-49 et seq) prior to December 31, 1997

(ll) "Pre-paid calling service" means the right to access exclusively telecommunications services, which shall be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount

(mm) "Mobile telecommunications service" means the same as that term is defined in the federal "Mobile Telecommunications Sourcing Act," 4 U S C s 124 (Pub L 106-252)

(nn) (Deleted by amendment, P L 2008, c 123)

(oo) (1) "Sales price" is the measure subject to sales tax and means the total amount of consideration, including cash, credit, property, and services, for which personal property or services are sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for the following

(A) The seller's cost of the property sold,

(B) The cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller,

(C) Charges by the seller for any services necessary to complete the sale,

(D) Delivery charges,

(E) (Deleted by amendment, P L 2011, c 49), and

(F) (Deleted by amendment, P L 2008, c 123)

(2) "Sales price" does not include

(A) Discounts, including cash, term, or coupons that are not reimbursed by a third party, that are allowed by a seller and taken by a purchaser on a sale,

(B) Interest, financing, and carrying charges from credit extended on the sale of personal property or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser,

(C) Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the purchaser,

(D) The amount of sales price for which food stamps have been properly tendered in full or part payment pursuant to the federal Food Stamp Act of 1977, Pub L 95-113 (7 U S C s 2011 et seq), or

(E) Credit for any trade-in of property of the same kind accepted in part payment and intended for resale if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser

(3) "Sales price" includes consideration received by the seller from third parties if

(A) The seller actually receives consideration from a party other than the purchaser and the consideration is directly related to a price reduction or discount on the sale,

(B) The seller has an obligation to pass the price reduction or discount through to the purchaser,

(C) The amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale of the item to the purchaser, and

(D) One of the following criteria is met

(i) the purchaser presents a coupon, certificate, or other documentation to the seller to claim a price reduction or discount where the coupon, certificate, or documentation is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate, or documentation is presented,

(ii) the purchaser identifies himself to the seller as a member of a group or organization entitled to a price reduction or discount, provided however, that a preferred customer card that is available to any patron does not constitute membership in such a group, or

(iii) the price reduction or discount is identified as a third party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate, or other documentation presented by the purchaser

(4) In the case of a bundled transaction that includes a telecommunications service, an ancillary service, internet access, or an audio or video programming service, if the price is attributable to products that are taxable and products that are nontaxable, the portion of the price attributable to the nontaxable products is subject to tax unless the provider can identify by reasonable and verifiable standards such portion from its books and records that are kept in the regular course of business for other purposes, including non-tax purposes

(pp) "Purchase price" means the measure subject to use tax and has the same meaning as "sales price "

(qq) "Sales tax" means the tax imposed on certain transactions pursuant to the provisions of the "Sales and Use Tax Act," P L 1966, c 30 (C 54 32B-1 et seq)

(rr) "Delivery charges" means charges by the seller for preparation and delivery to a location designated by the purchaser of personal property or services including, but not limited to, transportation, shipping, postage, handling, crating, and packing If a shipment includes both exempt and taxable property, the seller should allocate the delivery charge by using (1) a percentage based on the total sales price of the taxable property compared to the total sales price of all property in the shipment, or (2) a percentage based on the total weight of the taxable property compared to the total weight of all property in the shipment The seller shall tax the percentage of the delivery charge allocated to the taxable property but is not required to tax the percentage allocated to the exempt property

(ss) "Direct mail" means printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addresses on a mailing list provided by the purchaser or at the direction of the purchaser in cases in which the cost of the items are not billed directly to the recipients "Direct mail" includes tangible personal property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material "Direct mail" does not include multiple items of printed material delivered to a single address

(tt) "Streamlined Sales and Use Tax Agreement" means the agreement entered into as governed and authorized by the "Uniform Sales and Use Tax Administration Act," P L 2001, c 431 (C 54 32B-44 et seq)

(uu) "Alcoholic beverages" means beverages that are suitable for human consumption and contain one-half of one percent or more of alcohol by volume

(vv) (Deleted by amendment, P L 2011, c 49)

(ww) "Landscaping services" means services that result in a capital improvement to land other than structures of any kind whatsoever, such as

seeding, sodding or grass plugging of new lawns, planting trees, shrubs, hedges, plants, and clearing and filling land

(xx) "Investigation and security services" means

(1) investigation and detective services, including detective agencies and private investigators, and fingerprint, polygraph, missing person tracing and skip tracing services,

(2) security guard and patrol services, including bodyguard and personal protection, guard dog, guard, patrol, and security services,

(3) armored car services, and

(4) security systems services, including security, burglar, and fire alarm installation, repair or monitoring services

(yy) "Information services" means the furnishing of information of any kind, which has been collected, compiled, or analyzed by the seller, and provided through any means or method, other than personal or individual information which is not incorporated into reports furnished to other people

(zz) "Specified digital product" means an electronically transferred digital audio-visual work, digital audio work, or digital book, provided however, that a digital code which provides a purchaser with a right to obtain the product shall be treated in the same manner as a specified digital product

(aaa) "Digital audio-visual work" means a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sounds, if any

(bbb) "Digital audio work" means a work that results from the fixation of a series of musical, spoken, or other sounds, including a ringtone

(ccc) "Digital book" means a work that is generally recognized in the ordinary and usual sense as a book

(ddd) "Transferred electronically" means obtained by the purchaser by means other than tangible storage media

(eee) "Ringtone" means a digitized sound file that is downloaded onto a device and that may be used to alert the purchaser with respect to a communication

(fff) "Residence" means a house, condominium, or other residential dwelling unit in a building or structure or part of a building or structure that is designed, constructed, leased, rented, let or hired out, or otherwise made available for use as a residence

(ggg) "Transient accommodation" means a room, group of rooms, or other living or sleeping space for the lodging of occupants, including but not limited to residences or buildings used as residences, that is obtained through a transient space marketplace or is a professionally managed unit "Transient accommodation" does not include a hotel or hotel room, a room, group of

rooms, or other living or sleeping space used as a place of assembly, a dormitory or other similar residential facility of an elementary or secondary school or a college or university, a hospital, nursing home, or other similar residential facility of a provider of services for the care, support and treatment of individuals that is licensed by the State, a campsite, cabin, lean-to, or other similar residential facility of a campground or an adult or youth camp, a furnished or unfurnished private residential property, including but not limited to condominiums, bungalows, single-family homes and similar living units, where no maid service, room service, linen changing service or other common hotel services are made available by the lessor and where the keys to the furnished or unfurnished private residential property, whether a physical key, access to a keyless locking mechanism, or other means of physical ingress to the furnished or unfurnished private residential property, are provided to the lessee at the location of an offsite real estate broker licensed by the New Jersey Real Estate Commission pursuant to R S 45 15-1 et seq , or leases of real property with a term of at least 90 consecutive days

(hhh) "Transient space marketplace" means a marketplace or travel agency through which a person may offer transient accommodations to customers and through which customers may arrange for occupancies of transient accommodations "Transient space marketplace" does not include a marketplace or travel agency that exclusively offers transient accommodations in the State owned by the owner of the marketplace or travel agency

(iii) "Professionally managed unit" means a room, group of rooms, or other living or sleeping space for the lodging of occupants in the State, that is offered for rent as a rental unit that does not share any living or sleeping space with any other rental unit, and that is directly or indirectly owned or controlled by a person offering for rent two or more other units during the calendar year

(jjj) "Obtained through a transient space marketplace" means that payment for the accommodation is made through a means provided by the marketplace or travel agency, either directly or indirectly, regardless of which person or entity receives the payment, and where the contracting for the accommodation is made through the marketplace or travel agency

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

C 54 32B-3 Taxes imposed

3 There is imposed and there shall be paid a tax of 7% on or before December 31, 2016, 6 875% on and after January 1, 2017 but before January 1, 2018, and 6 625% on and after January 1, 2018 upon

(a) The receipts from every retail sale of tangible personal property or a specified digital product for permanent use or less than permanent use and regardless of whether continued payment is required, except as otherwise provided in P L 1966, c 30 (C 54 32B-1 et seq)

(b) The receipts from every sale, except for resale, of the following services

(1) Producing, fabricating, processing, printing, or imprinting tangible personal property or a specified digital product, performed for a person who directly or indirectly furnishes the tangible personal property or specified digital product, not purchased by the person for resale, upon which these services are performed

(2) Installing tangible personal property or a specified digital product, or maintaining, servicing, repairing tangible personal property or a specified digital product not held for sale in the regular course of business, whether or not the services are performed directly or by means of coin-operated equipment or by any other means, and whether or not any tangible personal property or specified digital product is transferred in conjunction therewith, except (i) such services rendered by an individual who is engaged directly by a private homeowner or lessee in or about his residence and who is not in a regular trade or business offering his services to the public, (ii) such services rendered with respect to personal property exempt from taxation hereunder pursuant to section 13 of P L 1980, c 105 (C 54 32B-8 1), (iii) (Deleted by amendment, P L 1990, c 40), (iv) any receipts from laundering, dry cleaning, tailoring, weaving, or pressing clothing, and shoe repairing and shoeshining, and (v) services rendered in installing property which, when installed, will constitute an addition or capital improvement to real property, property or land, other than landscaping services and other than installing carpeting and other flooring, and other than sign installation services

(3) Storing all tangible personal property not held for sale in the regular course of business, the rental of safe deposit boxes or similar space, and the furnishing of space for storage of tangible personal property by a person engaged in the business of furnishing space for such storage

"Space for storage" means secure areas, such as rooms, units, compartments, or containers, whether accessible from outside or from within a building, that are designated for the use of a customer and wherein the customer has free access within reasonable business hours, or upon reasonable notice to the furnisher of space for storage, to store and retrieve property Space for storage shall not include the lease or rental of an entire building, such as a warehouse or airplane hangar

(4) Maintaining, servicing, or repairing real property, other than a residential heating system unit serving not more than three families living

independently of each other and doing their cooking on the premises, whether the services are performed in or outside of a building, as distinguished from adding to or improving the real property by a capital improvement, but excluding services rendered by an individual who is not in a regular trade or business offering his services to the public, and excluding garbage removal and sewer services performed on a regular contractual basis for a term not less than 30 days

(5) Mail processing services for printed advertising material, except for mail processing services in connection with distribution of printed advertising material to out-of-State recipients

(6) (Deleted by amendment, P L 1995, c 184)

(7) Utility service provided to persons in this State, any right or power over which is exercised in this State

(8) Tanning services, including the application of a temporary tan provided by any means

(9) Massage, bodywork, or somatic services, except such services provided pursuant to a doctor's prescription

(10) Tattooing, including all permanent body art and permanent cosmetic make-up applications, except such services provided pursuant to a doctor's prescription in conjunction with reconstructive breast surgery

(11) Investigation and security services

(12) Information services

(13) (Deleted by amendment, P L 2017, c 27)

(14) Telephone answering services

(15) Radio subscription services

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

Services otherwise taxable under paragraph (1) or (2) of subsection (b) of this section are not subject to the taxes imposed under this subsection, where the tangible personal property or specified digital product upon which the services were performed is delivered to the purchaser outside this State for use outside this State

(c) (1) Receipts from the sale of prepared food in or by restaurants, taverns, or other establishments in this State, or by caterers, including in the amount of such receipts any cover, minimum, entertainment, or other charge made to patrons or customers, except for meals especially prepared for and delivered to homebound elderly, age 60 or older, and to persons with disabilities, or meals prepared and served at a group-sitting at a location

outside of the home to otherwise homebound elderly persons, age 60 or older, and otherwise homebound persons with disabilities, as all or part of any food service project funded in whole or in part by government or as part of a private, nonprofit food service project available to all such elderly or persons with disabilities residing within an area of service designated by the private nonprofit organization, and

(2) Receipts from sales of food and beverages sold through vending machines, at the wholesale price of such sale, which shall be defined as 70% of the retail vending machine selling price, except sales of milk, which shall not be taxed Nothing herein contained shall affect other sales through coin-operated vending machines taxable pursuant to subsection (a) above or the exemption thereto provided by section 21 of P L 1980, c 105 (C 54 32B-8 9)

The tax imposed by subsection (c) of this section shall not apply to food or drink which is sold to an airline for consumption while in flight

(3) For the purposes of this subsection

"Food and beverages sold through vending machines" means food and beverages dispensed from a machine or other mechanical device that accepts payment, and

"Prepared food" means

(i) A food sold in a heated state or heated by the seller, or

B two or more food ingredients mixed or combined by the seller for sale as a single item, but not including food that is only cut, repackaged, or pasteurized by the seller, and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the Food and Drug Administration in Chapter 3, part 401 11 of its Food Code so as to prevent food borne illnesses, or

C food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws A plate does not include a container or packaging used to transport the food,

provided however, that

(ii) "prepared food" does not include the following sold without eating utensils

A food sold by a seller whose proper primary NAICS classification is manufacturing in section 311, except subsector 3118 (bakeries),

B food sold in an unheated state by weight or volume as a single item, or

C bakery items, including bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, danish, cakes, tortes, pies, tarts, muffins, bars, cookies, and tortillas

(d) The rent for every occupancy of a room or rooms in a hotel or transient accommodation in this State, except that the tax shall not be imposed upon a permanent resident

(e) (1) Any admission charge to or for the use of any place of amusement in the State, including charges for admission to race tracks, baseball, football, basketball or exhibitions, dramatic or musical arts performances, motion picture theaters, except charges for admission to boxing, wrestling, kick boxing, or combative sports exhibitions, events, performances, or contests which charges are taxed under any other law of this State or under section 20 of P L 1985, c 83 (C 5 2A-20), and, except charges to a patron for admission to, or use of, facilities for sporting activities in which the patron is to be a participant, such as bowling alleys and swimming pools For any person having the permanent use or possession of a box or seat or lease or a license, other than a season ticket, for the use of a box or seat at a place of amusement, the tax shall be upon the amount for which a similar box or seat is sold for each performance or exhibition at which the box or seat is used or reserved by the holder, licensee, or lessee, and shall be paid by the holder, licensee, or lessee

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

(f) (1) The receipts from every sale, except for resale, of intrastate, interstate, or international telecommunications services and ancillary services sourced to this State in accordance with section 29 of P L 2005, c 126 (C 54 32B-3 4)

(2) (Deleted by amendment, P L 2008, c 123)

(g) (Deleted by amendment, P L 2008, c 123)

(h) Charges in the nature of initiation fees, membership fees or dues for access to or use of the property or facilities of a health and fitness, athletic, sporting, or shopping club or organization in this State, except for (1) membership in a club or organization whose members are predominantly age 18 or under, and (2) charges in the nature of membership fees or dues for access to or use of the property or facilities of a health and fitness, athletic, sporting, or shopping club or organization that is exempt from taxation pursuant to paragraph (1) of subsection (a) of section 9 of P L 1966, c 30 (C 54 32B-9), or that is exempt from taxation pursuant to paragraph (1) or (2) of subsection (b) of section 9 of P L 1966, c 30 (C 54 32B-9) and that has complied with subsection (d) of section 9 of P L 1966, c 30 (C 54 32B-9)

(i) The receipts from parking, storing, or garaging a motor vehicle, excluding charges for the following residential parking, employee parking, when provided by an employer or at a facility owned or operated by the employer, municipal parking, storing, or garaging, receipts from charges or

fees imposed pursuant to section 3 of P L 1993, c 159 (C 5 12-173 3) or pursuant to an agreement between the Casino Reinvestment Development Authority and a casino operator in effect on the date of enactment of P L 2007, c 105, and receipts from parking, storing, or garaging a motor vehicle subject to tax pursuant to any other law or ordinance

For the purposes of this subsection, "municipal parking, storing, or garaging" means any motor vehicle parking, storing, or garaging provided by a municipality or county, or a parking authority thereof

3 The Director of the Division of Taxation may adopt, in accordance with the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), such rules and regulations necessary to effectuate the purpose of section 2 of P L 2022, c 97 (C 54 32B-3)

4 This act shall take effect immediately and apply to sign fabrication and installation services rendered on or after October 1, 2022

Approved August 5, 2022

CHAPTER 98

AN ACT concerning the "New Jersey Life and Health Insurance Guaranty Association Act" and amending P L 1991, c 208

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

1 Section 2 of P L 1991, c 208 (C 17B 32A-2) is amended to read as follows

C 17B 32A-2 Purpose, protection from hardship

2 a The purpose of P L 1991, c 208 (C 17B 32A-1 et seq) is to protect, subject to certain limitations, those persons specified in subsection a of section 3 of P L 1991, c 208 (C 17B 32A-1 et seq) from hardship because of the impairment or insolvency of any member insurer that issued the life, health, and annuity policies, plans or contracts specified in subsection b of section 3 of P L 1991, c 208 (C 17B 32A-1 et seq)

b To provide this protection, an association of member insurers is created to pay benefits and to continue coverages, as limited by P L 1991,

c 208 (C 17B 32A-1 et seq), and members of the association are subject to assessment to provide funds to carry out the purposes of P L 1991, c 208 (C 17B 32A-1 et seq)

2 Section 3 of P L 1991, c 208 (C 17B 32A-3) is amended to read as follows

C 17B 32A-3 Provision of coverage

3 a P L 1991, c 208 (C 17B 32A-1 et seq) shall provide coverage, for the policies and contracts specified in subsection b of this section, to

(1) persons who, regardless of where they reside (except for nonresident certificate holders under group policies or contracts), are the beneficiaries, assignees or payees, including health care providers rendering services covered under health insurance policies or certificates, of the persons covered under paragraph (2) of this subsection, and

(2) persons who are owners of or certificate holders or enrollees under those policies or contracts (other than unallocated annuity contracts, and structured settlement annuities) and in each case who

(a) are residents, or

(b) are not residents, but only if

(i) the member insurers which issued the policies or contracts are domiciled in this State,

(ii) those member insurers, health service corporations, hospital service corporations, medical service corporations, or health maintenance organizations never held a license or certificate of authority in the states in which those persons reside,

(iii) those states have associations and coverage provisions with respect to residency similar to the association created by P L 1991, c 208 (C 17B 32A-1 et seq), and

(iv) those persons are not eligible for coverage by those associations

(3) For unallocated annuity contracts specified in subsection b of this section, paragraphs (1) and (2) of this subsection shall not apply, and P L 1991, c 208 (C 17B 32A-1 et seq) shall (except as provided in paragraphs (5) and (6) of this subsection) provide coverage to persons who are the owners of the unallocated annuity contracts

(a) if the contracts are issued to or in connection with a specific benefit plan whose plan sponsor has its principal place of business in this State, and

(b) issued to or in connection with government lotteries if the owners are residents

(4) For structured settlement annuities specified in subsection b of this section, paragraphs (1) and (2) of this subsection shall not apply, and P L 1991, c 208 (C 17B 32A-1 et seq) shall (except as provided in paragraphs (5) and (6) of this subsection) provide coverage to a person who is a payee under a structured settlement annuity (or beneficiary of a payee if the payee is deceased) if the payee

(a) is a resident, regardless of where the contract owner resides, or

(b) is not a resident, but only under both of the following conditions

(i) the contract owner of the structured settlement annuity is a resident or is not a resident but the insurer that issued the settlement annuity is domiciled in New Jersey and the state in which the contract owner resides has an association similar to the association created by P L 1991, c 208 (C 17B 32A-1 et seq), and

(ii) the payee (or beneficiary) and the contract owner are not eligible for coverage by the association of the state in which the payee or contract owner resides

(5) P L 1991, c 208 (C 17B 32A-1 et seq) shall not provide coverage to a person

(a) who is a payee (or beneficiary) of a contract owner resident of this State, if the payee (or beneficiary) is afforded any coverage by the association of another state,

(b) covered under paragraph (3) of this subsection, if any coverage is provided by the association of another state to the person, or

(c) who acquires rights to receive payments through a structured settlement factoring transaction as defined in section 5891 of the federal Internal Revenue Code, 26 U S C s 5891(c)(3)(A), regardless of whether the transaction occurred before or after that section became effective

(6) P L 1991, c 208 (C 17B 32A-1 et seq) is intended to provide coverage to a person who is a resident of this State and, in special circumstances, to a nonresident In order to avoid duplicate coverage, if a person who would otherwise receive coverage under P L 1991, c 208 (C 17B 32A-1 et seq) is provided coverage under the law of another state, the person shall not be provided coverage under P L 1991, c 208 (C 17B 32A-1 et seq) In determining the application of the provisions of this paragraph in situations where a person could be covered by the association of more than one state, whether as an owner, payee, enrollee, beneficiary or assignee, P L 1991, c 208 (C 17B 32A-1 et seq) shall be construed in conjunction with other state laws to result in coverage by only one association

b P L 1991, c 208 (C 17B 32A-1 et seq) shall provide coverage to the persons specified in subsection a of this section for policies or contracts of

(1) direct, non-group life insurance, health insurance (which for the purposes of P L 1991, c 208 (C 17B 32A-1 et seq) includes health service corporation contracts, hospital service corporation contracts, medical service corporation contracts, and health maintenance organization subscriber contracts and certificates), or annuities and supplemental policies or contracts, for certificates under direct group life insurance, health insurance, annuities and supplemental policies and contracts, for individual and group long-term care insurance policies and contracts, and for unallocated annuity contracts, issued by member insurers, except as limited by P L 1991, c 208 (C 17B 32A-1 et seq), and

(2) policies or contracts issued by medical service corporations declared to be insolvent or impaired by a court of competent jurisdiction on or after September 1, 1987, but prior to the effective date of P L 1991, c 208 (C 17B 32A-1 et seq), except as otherwise limited by P L 1991, c 208 (C 17B 32A-1 et seq)

c Except as otherwise provided in subsection d of this section, P L 1991, c 208 (C 17B 32A-1 et seq) shall not provide coverage for

(1) any portion of a policy or contract not guaranteed by the member insurer, or under which the risk is borne by the policy or contract owner,

(2) any policy or contract of reinsurance, unless assumption certificates have been issued,

(3) any portion of a policy or contract to the extent that the rate of interest on which it is based

(a) averaged over the four-year period prior to the date on which the association becomes obligated with respect to that policy or contract, exceeds the lesser of

(i) the rate of interest determined by subtracting three percentage points from Moody's Corporate Bond Yield Average averaged for that same four-year period, or for such lesser period if the policy or contract was issued less than four years before the association became obligated, or

(ii) the rate of interest specified in the standard valuation law, or the rules of this State for determining the minimum standard for the valuation of policies or contracts issued during the year of insolvency, and

(b) on and after the date on which the association becomes obligated with respect to that policy or contract, exceeds the rate of interest determined by subtracting four percentage points from Moody's Corporate Bond Yield Average as most recently available, except that the limitation of this paragraph shall not preclude the association from providing more extensive coverage if it is proceeding under the authority of section 7 of P L 1991, c 208 (C 17B 32A-7),

(4) any plan or program of an employer, association or similar entity to provide life, health, or annuity benefits to its employees or members to the extent that such plan or program is self-funded or uninsured, including, but not limited to, benefits payable by an employer, association or similar entity under

(a) a Multiple Employer Welfare Arrangement as defined in the Employee Retirement Income Security Act of 1974 (29 U S C s 1002),

(b) a minimum premium group insurance plan,

(c) a stop-loss group insurance plan, or

(d) an administrative services only contract,

(5) any portion of a policy or contract to the extent that it provides dividends or experience rating credits, or provides that any fees or allowances be paid to any person, including the owner of the policy or contract, in connection with the service to or administration of that policy or contract,

(6) any policy or contract issued in this State by a member insurer at a time when it was not licensed or did not have a certificate of authority to issue that policy or contract in this State,

(7) any unallocated annuity contract issued to an employee benefit plan covered by the Pension Benefit Guaranty Corporation and whose benefits will be paid under such system,

(8) any portion of any unallocated annuity contract which is not issued to or in connection with a specific plan providing benefits to employees or an association of natural persons,

(9) a portion of a policy or contract to the extent it provides for interest or other changes in value to be determined by the use of an index or other external reference stated in the policy or contract, but which has not been credited to the policy or contract, or as to which the policy or contract owner's rights are subject to forfeiture, as of the date the member insurer becomes an impaired or insolvent insurer under P L 1991, c 208 (C 17B 32A-1 et seq), whichever is earlier If a policy or contract's interest or changes in value are credited less frequently than annually, then for purposes of determining the values that have been credited and are not subject to forfeiture under this paragraph, the interest or change in value determined by using the procedures defined in the policy or contract shall be credited as if the contractual date of crediting interest or changing values was the date of impairment or insolvency, whichever is earlier, and shall not be subject to forfeiture,

(10) a policy or contract providing any hospital, medical, prescription drug, or other health care benefits pursuant to Medicare Parts C or D or the Medicaid program, 42 U S C ss 1396 et seq , including the Children's Health Insurance Program (CHIP) which provides health coverage to eligible children, either through Medicaid or separate CHIP programs, or any

regulations issued pursuant thereto, or the "Family Health Care Coverage Act," P L 2005, c 156 (C 30 4J-8 et seq), or

(11) structured settlement annuity benefits to which a payee (or beneficiary) has transferred rights in a structured settlement factoring transaction as defined pursuant to section 5891 of the federal Internal Revenue Code, 26 U S C s 5891(c)(3)(A), regardless of whether the transaction occurred before or after that section became effective

d The exclusion from coverage referenced in paragraph (3) of subsection c of this section shall not apply to any portion of a policy or contract, including a rider, that provides a long-term care or any other health insurance benefits

e The benefits for which the association may become liable shall in no event exceed the lesser of

(1) the contractual obligations for which the member insurer is liable or would have been liable if it were not an impaired or insolvent insurer, or

(2) with respect to one life, regardless of the number of policies or contracts

(a) $500,000 in life insurance death benefits, but not more than $100,000 in net cash surrender and net cash withdrawal values for life insurance,

(b) $500,000 in present value annuity benefits, including net cash surrender and net cash withdrawal values, but not more than $100,000 in net cash surrender and net cash withdrawal values for annuity benefits, provided, however, that in no event shall the association be liable to expend more than $500,000 in the aggregate with respect to any one individual under this paragraph (2), or

(3) with respect to any one unallocated annuity contract, $2,000,000 in benefits, or

(4) with respect to any one group, blanket, or individual accident or health insurance or group, blanket or individual accident or health insurance policy, unlimited benefits,

(5) with respect to each individual participating in a governmental retirement benefit plan established under sections 401, 403(b), or 457 of the U S Internal Revenue Code, 26 U S C ss 401, 403(b), and 457, covered by an unallocated annuity contract or the beneficiaries of each such individual if deceased, in the aggregate, $500,000 in present value annuity benefits, including net cash surrender and net cash withdrawal values, and

(6) with respect to each payee of a structured settlement annuity (or beneficiary or beneficiaries of the payee if deceased), $500,000 in present value annuity benefits, in the aggregate, including net cash surrender and net cash withdrawal values, if any

(7) The limitations set forth in this subsection are limitations on the benefits for which the association is obligated before taking into account either its subrogation and assignment rights or the extent to which those

benefits could be provided out of the assets of the impaired or insolvent insurer attributable to covered policies The costs of the obligation of the association under P L 1991, c 208 (C 17B 32A-1 et seq) may be met by the use of assets attributable to covered policies or reimbursed to the association pursuant to its subrogation and assignment rights

f A provider of health care services, in order to receive payment directly from the association upon a claim of the provider against an insured or enrollee, shall agree to forgive the insured of 20% of the obligation which would otherwise be paid by the member insurer had it not been insolvent The obligations of solvent member insurers to pay all or part of the covered claim are not diminished by the forgiveness provided in this subsection The association is not bound by an assignment of benefits executed with respect to the coverage provided by the insolvent insurer The association may aggregate all claims owed health care providers when negotiating direct payment of claims of all covered individuals

3 Section 4 of P L 1991, c 208 (C 17B 32A-4) is amended to read as follows

C 17B 32A-4 Definitions

4 As used in P L 1991, c 208 (C 17B 32A-1 et seq)

"Account" means either of the two accounts created under subsection b of section 5 of P L 1991, c 208 (C 17B 32A-5)

"Association" means the New Jersey Life and Health Insurance Guaranty Association created in subsection a of section 5 of P L 1991, c 208 (C 17B 32A-5)

"Benefit plan" means the benefit plan of a specific employee, union or association of natural persons

"Called assessment" or "called" when used in the context of assessments means that a notice has been issued by the association to member insurers requiring that an authorized assessment be paid within the timeframe set forth within the notice An authorized assessment becomes a called assessment when notice is mailed by the association to member insurers

"Commissioner" means the Commissioner of Banking and Insurance

"Contractual obligation" means any obligation under a policy or contract or certificate under a group policy or contract, or portion thereof, for which coverage is provided under section 3 of P L 1991, c 208 (C 17B 32A-3), but does not include unearned premium under a health insurance policy or contract

"Covered policy" or "covered contract" means any policy or contract within the scope of P L 1991, c 208 (C 17B 32A-1 et seq) as provided by section 3 of P L 1991, c 208 (C 17B 32A-3)

"Department" means the Department of Banking and Insurance

"Health benefit plan" means any hospital or medical expense policy or certificate, health service corporation contract, hospital service corporation contract, medical service corporation contract, health maintenance organization subscriber contract, or any other similar health contract "Health benefit plan" does not include accident-only insurance, credit insurance, dental-only insurance, vision-only insurance, Medicare Supplement income, benefits for long-term care, home health care, community-based care, or any combination thereof, liability insurance, including general liability insurance, or coverage issued as a supplement to liability insurance, disability income insurance, coverage for on-site medical clinics, or specified disease, hospital, confinement indemnity, or limited benefit health insurance if the types of coverage do not provide coordination of benefits and are provided under separate policies or certificates

"Impaired insurer" means a member insurer which, after the effective date of P L 1991, c 208 (C 17B 32A-1 et seq) (1) is determined by the commissioner to be potentially unable to fulfill its contractual obligations, or (2) is placed under an order of receivership, rehabilitation or conservation by a court of competent jurisdiction

"Insolvent insurer" means a member insurer which, after the effective date of P L 1991, c 208 (C 17B 32A-1 et seq), is placed under an order of liquidation by a court of competent jurisdiction with a finding of insolvency

"Member insurer" means any insurer, health service corporation, hospital service corporation, medical service corporation, or health maintenance organization licensed in this State or which holds a certificate of authority to transact any kind of insurance, health service corporation business, hospital service corporation business, medical service corporation business, or health maintenance organization business in this State for which coverage is provided under section 3 of P L 1991, c 208 (C 17B 32A-3), and includes any insurer, health service corporation, hospital service corporation, medical service corporation, or health maintenance organization whose license or certificate of authority in this State may have been suspended, revoked, not renewed or voluntarily withdrawn, but does not include

(1) A dental service corporation established pursuant to the provisions of P L 1968, c 305 (C 17 48C-1 et seq),

(2) A dental plan organization established pursuant to the provisions of P L 1979, c 478 (C 17 48D-1 et seq),

(3) (Deleted by amendment, P L 2022, c 98),

(4) A fraternal benefit society established pursuant to the provisions of P L 1959, c 167 (C 17 44A-1 et seq),

(5) A mandatory state pooling plan,

(6) A mutual assessment company or any entity that operates on an assessment basis to the extent of the assessment liability of its members,

(7) An insurance exchange,

(8) A licensed organized delivery system licensed pursuant to P L 1999, c 409 (C 17 48H-1 et seq),

(9) A captive insurer, established pursuant to P L 2011, c 25 (C 17 47B-1 et seq), or

(10) An entity similar to any of the above

"Moody's Corporate Bond Yield Average" means the Monthly Average Corporates as published by Moody's Investors Service, Inc , or any successor thereto

"Owner" of a policy or contract and "policyholder," "policy owner," and "contract owner" means the person who is identified as the legal owner under the terms of the policy or contract or who is otherwise vested with legal title to the policy or contract through a valid assignment completed in accordance with the terms of the policy or contract and properly recorded as the owner of the books of the member insurer The terms owner, contract owner, policyholder, and policy owner do not include persons with a mere beneficial interest in a policy or contract

"Person" means an individual or natural person, corporation, partnership, association or voluntary organization

"Plan sponsor" means

(1) the employer in the case of a benefit plan established or maintained by a single employer,

(2) the employee organization in the case of a benefit plan established or maintained by an employee organization, or

(3) in a case of a benefit plan established or maintained by two or more employers or jointly by one or more employers and one or more employee organizations, the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the benefit plan

"Premiums" means amounts or considerations received in any calendar year on covered policies or contracts less premiums, considerations and deposits returned thereon, and less dividends and experience credits thereon "Premiums" shall not include any amounts or considerations received for any policies or contracts or for the portions of any policies or contracts for which coverage is not provided under subsection b of section 3 of P L 1991, c 208

(C 17B 32A-3) except that assessable premium shall not be reduced as the result of the application of paragraph (3) of subsection c of section 3 relating to interest limitations, or paragraph (2) of subsection d of section 3 relating to limitations with respect to any one insured or enrolled individual "Premiums" shall not include any premiums in excess of $2,000,000 per contract on any unallocated annuity contract

"Resident" means a person who resides in this State at the time a member insurer is an impaired insurer or insolvent insurer and to whom a contractual obligation is owed For the purposes of P L 1991, c 208 (C 17B 32A-1 et seq), a person may be a resident of only one state, which in the case of a person other than a natural person shall be its principal place of business A citizen of the United States that is a resident of a foreign country or of a United States possession, territory, or protectorate that does not have an association similar to the association created by P L 1991, c 208 (C 17B 32A-1 et seq) shall be deemed a resident of the state of domicile of the member insurer that issued the policies or contracts

"State" means a state, the District of Columbia, Puerto Rico, and a United States possession, territory, or protectorate

"Structured settlement annuity" means an annuity purchased in order to fund periodic payments for a plaintiff or other claimant in payment for or with respect to personal injury suffered by the plaintiff or other claimant

"Supplemental contract" means an agreement entered into for the distribution of policy or contract proceeds

"Unallocated annuity contract" means (1) an annuity contract or group annuity certificate which is not issued to and owned by an individual, except to the extent of any annuity benefits guaranteed to an individual by an insurer under that contract or certificate, or (2) any unallocated life insurance or health insurance funding agreement, where insurance certificates or contracts are not issued to and owned by individuals, except to the extent of any life insurance or health insurance benefits guaranteed to an individual by an insurer under such funding agreement

4 Section 5 of P L 1991, c 208 (C 17B 32A-5) is amended to read as follows

C 17B 32A-5 New Jersey Life and Health Insurance Guaranty Association created

5 a There is created a nonprofit legal entity to be known as the New Jersey Life and Health Insurance Guaranty Association All member insurers shall be and remain members of the association as a condition of their authority or license to transact insurance, health service corporation business, hospital

service corporation business, medical service corporation business, or health maintenance organization business in this State Any member insurer shall remain a member insurer for four years after it ceases to hold a certificate of authority or license The association shall perform its functions under the plan of operation established and approved pursuant to section 9 of P L 1991, c 208 (C 17B 32A-9) and shall exercise its powers through the board of directors established under section 6 of P L 1991, c 208 (C 17B 32A-6) The association shall be under the immediate supervision of the commissioner and shall be subject to the applicable provisions of the insurance laws of this State Meetings or records of the association may be opened to the public upon majority vote of the board of directors of the association

b For purposes of administration and assessment the association shall maintain two accounts

(1) The life insurance and annuity account which shall include the following subaccounts

(a) life insurance subaccount,

(b) annuity subaccount, and

(c) unallocated annuity subaccount

(2) The health account

5 Section 6 of P L 1991, c 208 (C 17B 32A-6) is amended to read as follows

C 17B 32A-6 Board of directors association

6 a There shall be a board of directors of the association which shall consist of not less than seven nor more than eleven member insurers serving terms as established in the plan of operation The members of the board shall be selected by member insurers subject to the approval of the commissioner Vacancies on the board shall be filled for the remaining period of the term by a majority vote of the remaining board members, subject to the approval of the commissioner To select the initial board of directors, and initially organize the association, the commissioner shall give notice to all member insurers of the time and place of the organizational meeting In determining voting rights at the organizational meeting each member insurer shall be entitled to one vote in person or by proxy If the board of directors is not selected within 60 days after notice of the organizational meeting, the commissioner may appoint the initial members

b In approving selections or appointing members to the board, the commissioner shall consider, among other things, whether all member insurers are fairly represented

c Members of the board may be reimbursed from the assets of the association for reasonable expenses incurred by them as members of the board of directors, but members of the board shall not otherwise be compensated by the association for their services

6 Section 7 of P L 1991, c 208 (C 17B 32A-7) is amended to read as follows

C 17B 32A-7 Powers of the association

7 a If a member insurer is an impaired insurer, the association may, in its discretion, and subject to any conditions imposed by the association that do not unreasonably impair the contractual obligations of the impaired insurer, that are approved by the commissioner

(1) guaranty, assume, reissue, or reinsure, or cause to be guaranteed, assumed, reissued, or reinsured, any or all of the policies or contracts of the impaired insurer,

(2) provide such monies, pledges, notes, guarantees, or other means as are proper to effectuate the provisions of paragraph (1) of this subsection and assure payment of the contractual obligations of the impaired insurer pending action under paragraph (1), or

(3) loan money to the impaired insurer

b (Deleted by amendment, P L 2022, c 98),

c If a member insurer is an insolvent insurer, the association shall, in its discretion, either

(1) (a) guaranty, assume, reissue, or reinsure, or cause to be guaranteed, assumed, reissued, or reinsured, the policies or contracts of the insolvent insurer, or

(b) assure payment of the contractual obligations of the insolvent insurer, and

(c) provide those monies, pledges, guarantees, or other means as are reasonably necessary to discharge those obligations, or

(2) with respect only to policies or contracts, provide benefits and coverages in accordance with subsection d of this section

d When proceeding under paragraph (2) of subsection c of this section, the association shall, with respect only to policies or contracts

(1) assure payment of benefits that would have been payable under the policies or contracts of the impaired or insolvent insurer, for claims incurred

(a) with respect to group policies or contracts, not later than the earlier of the next renewal date under those policies or contracts or 45 days, but in

no event less than 30 days, after the date on which the association becomes obligated with respect to those policies or contracts,

(b) with respect to individual policies or contracts, not later than the earlier of the next renewal date, if any, under those policies or contracts or one year, but in no event less than 30 days, from the date on which the association becomes obligated with respect to those policies or contracts,

(2) make a diligent effort to provide all known insureds, enrollees, annuitants, or group policy or contract owners with respect to group policies or contracts, 30 days' notice of the termination of the benefits provided, and

(3) with respect to individual policies or contracts, and with respect to individuals formerly an insured, enrollee, or annuitant under group policies or contracts who are not eligible for replacement group coverage, make available to each known insured, enrollee, annuitant, or policy or contract owner of an individual policy or contract if other than the insured, enrollee, or annuitant substitute coverage on an individual basis in accordance with the provisions of paragraph (4) of this subsection, if the insured, enrollee, or annuitant had a right under law or the terminated policy, contract or annuity to convert coverage to individual coverage or to continue an individual policy, contract, or annuity in force until a specified age or for a specified time, during which the member insurer, health service corporation, hospital service corporation, medical service corporation, or health maintenance organization had no right unilaterally to make changes in any provision of the policy, contract, or annuity or had a right only to make changes in premium by class

(4) (a) In providing the substitute coverage required by paragraph (3), the association may offer either to reissue the terminated coverage or to issue an alternative policy or contract at actuarially justified rates

(b) Alternative or reissued policies or contracts shall be offered without requiring evidence of insurability, and shall not provide for any waiting period or exclusion that would not have applied under the terminated policy or contract

(c) The association may reinsure any alternative or reissued policy or contract

(5) (a) Alternative policies or contracts adopted by the association shall be subject to the approval of the commissioner

(b) Alternative policies or contracts shall contain at least the minimum statutory provisions required in this State and provide benefits that shall not be unreasonable in relation to the premium charged under reasonable actuarial assumptions The association shall set the premium in accordance with a table of rates which it shall adopt The premium shall reflect the amount of insurance or coverage to be provided and the age and class of risk of each insured or enrollee

(c) Any alternative policy or contract issued by the association shall provide coverage of a type similar to that of the policy or contract issued by the impaired or insolvent insurer, as determined by the association

(6) If the association elects to reissue terminated coverage at a premium rate different from that charged under the terminated policy or contract, the premium shall be actuarially justified and set by the association in accordance with the amount of insurance or coverage provided and the age and class of risk, subject to approval of the commissioner

(7) The association's obligations with respect to coverage under any policy or contract of the impaired or insolvent insurer or under any reissued or alternative policy or contract shall cease on the date that coverage, policy or contract is replaced by another similar coverage, policy or contract by the policy or contract owner, the enrollee, the association, or the insured

e When proceeding under subsection c of this section with respect to any policy or contract carrying guaranteed minimum interest rates, the association shall assure the payment or crediting of a rate of interest at least equal to that specified in paragraph (3) of subsection c of section 3 of P L 1991, c 208 (C 17B 32A-3)

f Nonpayment of premiums within 31 days after the date required, after effective notice shall have been given of the terms of any guaranteed, assumed, alternative or reissued policy or contract or substitute coverage, shall terminate the association's obligations under that policy, contract or coverage under P L 1991, c 208 (C 17B 32A-1 et seq) with respect to that policy, contract or coverage, except with respect to any claims incurred or any net cash surrender value which may be due in accordance with the provisions of P L 1991, c 208 (C 17B 32A-1 et seq)

g Premiums due for coverage after entry of an order of receivership or liquidation of any insolvent insurer shall belong to, and be payable at the direction of, the association

h The protection provided by P L 1991, c 208 (C 17B 32A-1 et seq) shall not apply if any guaranty protection is provided to residents of this State by the law of the domiciliary state or jurisdiction of the impaired or insolvent insurer other than this State

i In carrying out its duties under subsections b and c of this section, the association may, subject to approval by the court

(1) impose reasonable and necessary policy or contract liens in connection with any guaranty, assumption or reinsurance agreement, if the association finds that the amounts which can be assessed under this act are less than the amounts needed to assure full and prompt performance of the association's duties under P L 1991, c 208 (C 17B 32A-1 et seq), or that the economic or financial

conditions as they affect member insurers are sufficiently adverse to render the imposition of those policy or contract liens, to be in the public interest, or

(2) impose temporary moratoriums or liens on payments of cash values and policy loans, or any other right to withdraw funds held in conjunction with policies or contracts, in addition to any contractual provisions for deferral of cash or policy loan value

j If the association fails to act within a reasonable period of time as provided in subsections b and c of this section, the commissioner shall have the powers and duties of the association provided by P L 1991, c 208 (C 17B 32A-1 et seq) with respect to impaired or insolvent insurers

k The association may render assistance and advice to the commissioner concerning the receivership, conservation, rehabilitation, liquidation, payment of claims, continuance of coverage, or the performance of other contractual obligations of any impaired or insolvent insurer

l The association shall have standing to appear before any court in this State with jurisdiction over an impaired or insolvent insurer with respect to which the association is or may become obligated under P L 1991, c 208 (C 17B 32A-1 et seq) That standing shall extend to all matters germane to the powers and duties of the association, including, but not limited to, proposals for reinsuring, reissuing, modifying or guaranteeing the policies or contracts of the impaired or insolvent insurer and the termination of the policies or contracts and contractual obligations The association shall also have the right to appear or intervene before a court in another state with jurisdiction over an impaired or insolvent insurer for which the association is or may become obligated or with jurisdiction over any person or property against whom the association may have rights through subrogation or otherwise

m (1) Any person receiving benefits under P L 1991, c 208 (C 17B 32A-1 et seq) shall be deemed to have assigned the rights under, and any causes of action relating to, the covered policy or contract to the association to the extent of the benefits received pursuant to P L 1991, c 208 (C 17B 32A-1 et seq), whether the benefits are payments of or on account of contractual obligations, continuation of coverage or provision of substitute or alternative policies, contracts, or coverages The association may require an assignment to it of such rights and causes of action by any payee, policy or contract owner, beneficiary, insured, enrollee, or annuitant as a condition precedent to the receipt of any right or benefits conferred by P L 1991, c 208 (C 17B 32A-1 et seq) upon that person

(2) The subrogation rights of the association under this subsection shall have the same priority against the assets of the impaired or insolvent insurer as that possessed by the person entitled to receive benefits under P L 1991, c 208 (C 17B 32A-1 et seq)

(3) In addition to the rights of subrogation contained in paragraphs (1) and (2) of this subsection, the association shall have all common law rights of subrogation and any other equitable or legal remedy which would have been available to the impaired or insolvent insurer or policy or contract owner, beneficiary, enrollee, or payee with respect to that policy or contract

(4) In addition to the rights contained in paragraphs (1), (2) and (3) of this subsection, in the case of any unallocated annuity contract for which benefits are paid by the association under P L 1991, c 208 (C 17B 32A-1 et seq), the association shall be deemed to have assigned to it the rights and causes of action of any employee or association of natural persons against the contract owner of such unallocated annuity contract for the amounts paid by the association under P L 1991, c 208 (C 17B 32A-1 et seq)

(5) If the preceding provisions of this subsection are invalid or ineffective with respect to any person or claim for any reason, the amount payable by the association with respect to the related covered obligations shall be reduced by the amount realized by any other person with respect to the person or claim that is attributable to the policies or contracts (or portion thereof) covered by the association

(6) If the association has provided benefits with respect to a covered obligation and a person recovers amounts as to which the association has rights as described in the preceding paragraphs of this subsection, the person shall pay to the association the portion of the recovery attributable to the policies or contracts (or portion thereof) covered by the association

n The association may

(1) enter into any contracts necessary or proper to carry out the provisions and purposes of P L 1991, c 208 (C 17B 32A-1 et seq),

(2) sue or be sued, including taking any legal actions necessary or proper to recover any unpaid assessments imposed pursuant to section 8 of P L 1991, c 208 (C 17B 32A-8) and to settle claims or potential claims against it,

(3) borrow money to effectuate the purposes of P L 1991, c 208 (C 17B 32A-1 et seq) Any notes or other evidence of indebtedness of the association not in default shall be legal investments for domestic insurers and may be carried as admitted assets,

(4) employ or retain persons necessary to handle the financial transactions of the association, and to perform other functions as are necessary or proper under P L 1991, c 208 (C 17B 32A-1 et seq),

(5) take any legal action necessary to avoid payment of improper claims,

(6) exercise, for the purposes of P L 1991, c 208 (C 17B 32A-1 et seq) and to the extent approved by the commissioner, the powers of a domestic life insurer or health insurer, health service corporations, hospital service

corporations, medical service corporations, or health maintenance organizations but in no case shall the association issue insurance policies or annuity contracts other than those issued to perform its obligations under P L 1991, c 208 (C 17B 32A-1 et seq),

(7) organize itself as a corporation or in other legal form permitted by the law of the State,

(8) request information from a person seeking coverage from the association in order to aid the association in determining its obligations under P L 1991, c 208 (C 17B 32A-1 et seq) with respect to the person, and the person shall promptly comply with the request,

(9) unless prohibited by law, in accordance with the terms and conditions of the policy or contract, file for actuarially justified rate or premium increases for any policy or contract for which it provides coverage under P L 1991, c 208 (C 17B 32A-1 et seq), and

(10) take other necessary or appropriate action to discharge its duties and obligations under P L 1991, c 208 (C 17B 32A-1 et seq) or to exercise its powers under P L 1991, c 208 (C 17B 32A-1 et seq)

o The association may join an organization of one or more other state associations of similar purposes, to further the purposes and administer the powers and duties of the association

p (1) (a) At any time within 180 days of the date of the order of liquidation, the association may elect to succeed to the rights and obligations of the ceding member insurer that relate to policies, contracts, or annuities covered, in whole or in part, by the association, in each case under any one or more reinsurance contracts entered into by the insolvent insurer and its reinsurers and selected by the association Any such assumption shall be effective as of the date of the order of liquidation The election shall be effected by the association or the National Organization of Life and Health Insurance Guaranty Associations (NOLGHA) on its behalf sending written notice, return receipt requested, to the affected reinsurers

(b) To facilitate the earliest practicable decision about whether to assume any of the contracts of reinsurance, and in order to protect the financial positions of the estate, the receiver and each reinsurer of the ceding member insurer shall make available upon request to the association or the NOLGHA on its behalf as soon as possible after commencement of formal delinquency proceedings

(i) copies of in-force contracts of reinsurance and all related files and records relevant to the determination of whether such contracts should be assumed, and

(II) notices of any defaults under the reinsurance contracts or any known event or condition which with the passage of time could become a default under the reinsurance contracts

(c) The following subsubparagraphs shall apply to reinsurance contracts so assumed by the association

(I) The association shall be responsible for all unpaid premiums due under the reinsurance contracts for periods both before and after the date of the order of liquidation, and shall be responsible for the performance of all other obligations to be performed after the date of the order of liquidation, in each case which relate to policies, contracts, or annuities covered, in whole or in part, by the association The association may charge policies, contracts, or annuities covered in part by the association, through reasonable allocation methods, the costs for reinsurance in excess of the obligations of the association and shall provide notice and an accounting of these charges to the liquidator,

(II) The association shall be entitled to any amounts payable by the reinsurer under the reinsurance contracts with respect to losses or events that occur in periods after the date of the order of liquidation and that relate to policies, contracts, or annuities covered, in whole or in part, by the association, provided that, upon receipt of those amounts, the association shall be obliged to pay to the beneficiary under the policy, contracts, or annuity on account of which the amounts were paid a portion of the amount equal to the lesser of (1) the amount received by the association, and (2) the excess of the amount received by the association over the amount equal to the benefits paid by the association on account of the policy, contracts, or annuity less the retention of the insurer applicable to the loss or event

(III) Within 30 days following the association's election (the "election date"), the association and each reinsurer under contracts assumed by the association shall calculate the net balance due to or from the association under each reinsurance contract as of the election date with respect to policies, contracts or annuities covered, in whole or in part, by the association, which calculation shall give full credit to all items paid by either the member insurer or its receiver or the reinsurer prior to the election date The reinsurer shall pay the receiver any amounts due for losses or events prior to the date of the order of liquidation, subject to any set-off for premiums unpaid for periods prior to the date, and the association or reinsurer shall pay any remaining balance due the other, in each case within five days of the completion of the aforementioned calculation Any disputes over the amounts due to either the association or the reinsurer shall be resolved by arbitration pursuant to the terms of the affected reinsurance contracts or, if the contract contains no arbitration clause, as otherwise provided by law If the receiver has received any amounts due the

association pursuant to subsubparagraph (ii) of this subparagraph, the receiver shall remit the same to the association as promptly as practicable

(iv) If the association or receiver, on the association's behalf, within 60 days of the election date, pays the unpaid premiums due for periods both before and after the election date that relate to policies, contracts, or annuities covered, in whole or in part, by the association, the reinsurer shall not be entitled to terminate the reinsurance contracts for failure to pay premium insofar as the reinsurance contracts relate to policies, contracts, or annuities covered, in whole or in part, by the association, and shall not be entitled to set off any unpaid amounts due under other contracts, or unpaid amounts due from parties other than the association, against amounts due the association

(2) During the period from the date of the order of liquidation until the election date (or, if the election date does not occur, until 180 days after the date of the order of liquidation)

(a) (i) the association and the reinsurer shall not have rights or obligations under reinsurance contracts that the association has the right to assume under paragraph (1) of this subsection, whether for period prior to or after the date of the order of liquidation, and

(ii) the reinsurer, the receiver and the association shall, to the extent, practicable, provide each other data and records reasonably requested

(b) provided that once the association has elected to assume a reinsurance contract, the parties' rights and obligations shall be governed paragraph (1) of this subsection

(3) If the association does not elect to assume a reinsurance contract by the election date pursuant to paragraph (1) of this subsection, the association shall have no rights or obligations, in each case for periods both before and after the date of the order of liquidation, with respect to the reinsurance contract

(4) When policies, contracts, or annuities, or covered obligations with respect thereto, are transferred to an assuming insurer, reinsurance on the policies, contracts, or annuities may also be transferred by the association, in the case of contracts assumed under paragraph (1) of this subsection, subject to the following

(a) unless the reinsurer and the assuming insurer agree otherwise, the reinsurance contract transferred shall not cover any new policies of insurance, contracts, or annuities in addition to those transferred,

(b) the obligations described in paragraph (1) of this subsection shall no longer apply with respect to matters arising after the effective date of the transfer, and

(c) notice shall be given in writing, return receipt requested, by the transferring party to the affected reinsurer not less than 30 days prior to the effective date of the transfer

(5) The provisions of this subsection shall supersede the provisions of any State law or any affected reinsurance contract that provides for or requires any payment of reinsurance proceeds, on account of losses or events that occur in periods after the date of the order of liquidation, to the receiver of the insolvent insurer or any other person The receiver shall remain entitled to any amounts payable by the reinsurer under the reinsurance contracts with respect to losses or events that occur in periods prior to the date of the order of liquidation, subject to applicable setoff provisions

(6) Except as otherwise provided in this subsection, nothing in this subsection shall alter or modify the terms and conditions of any reinsurance contract Nothing in this subsection shall abrogate or limit any rights of any reinsurer to claim that it is entitled to rescind a reinsurance contract Nothing in this subsection shall give a policyholder, contract owner, enrollee, certificate holder, or beneficiary an independent cause of action against a reinsurer that is not otherwise set forth in the reinsurance contract Nothing in this subsection shall limit or affect the association's rights as a creditor of the estate against the assets of the estate Nothing in this subsection shall apply to reinsurance agreements covering property or casualty risks

q The board of directors of the association shall have discretion and may exercise reasonable business judgment to determine the means by which the association is to provide the benefits of P L 1991, c 208 (C 17B 32A-1 et seq) in an economical and efficient manner

r Where the association has arranged or offered to provide the benefits of P L 1991, c 208 (C 17B 32A-1 et seq) to a covered person under a plan or arrangement that fulfills the association's obligations under P L 1991, c 208 (C 17B 32A-1 et seq), the person shall not be entitled to benefits from the association in addition to or other than those provided under the plan or arrangement

s Venue in a suit against the association arising under P L 1991, c 208 (C 17B 32A-1 et seq) shall be in Monmouth County The association shall not be required to give an appeal bond in an appeal that relates to a cause of action arising under P L 1991, c 208 (C 17B 32A-1 et seq)

t In carrying out its duties in connection with guaranteeing, assuming, reissuing, or reinsuring policies or contracts under subsections a , b , c, or d of this section, the association may issue substitute coverage for a policy or contract that provides an interest rate, crediting rate or similar factor determined by use of an index or other external reference stated in the policy

or contract employed in calculating returns or changes in value by issuing an alternative policy or contract in accordance with the following provisions

(1) in lieu of the index or external reference provided for in the original policy or contract, the alternative policy or contract provides for a fixed interest rate, payment of dividends with minimum guarantees, or a different method for calculating interest or changes in value,

(2) there is no requirement for evidence of insurability, waiting period or other exclusion that would not have applied under the replaced policy or contract, and

(3) the alternative policy or contract is substantially similar to the replaced policy or contract in all other material terms

u A deposit in this State, held pursuant to law or required by the commissioner for the benefit of creditors, including policy or contract owners, not turned over to the domiciliary liquidator upon the entry of a final order of liquidation or order approving a rehabilitation plan of a member insurer domiciled in this State or in a reciprocal state pursuant to section 57 of P L 1992, c 65 (C 17B 32-87) shall be promptly paid to the association The association shall be entitled to retain a portion of any amount so paid to it equal to the percentage determined by dividing the aggregate amount of policy or contract owners' claims related to that insolvency for which the association has provided statutory benefits by the aggregate amount of all policy or contract owners' claims in the State related to that insolvency and shall remit to the domiciliary receiver the amount so paid to the association less the amount retained pursuant to this subsection Any amount so paid to the association and retained by it shall be treated as a distribution of estate assets pursuant to applicable State receivership law dealing with early access disbursements

7 Section 8 of P L 1991, c 208 (C 17B 32A-8) is amended to read as follows

C 17B 32A-8 Member insurers assessed to provide funding for association

8 a For the purpose of providing the funds necessary to carry out the powers and duties of the association, the board of directors shall assess the member insurers, separately for each account, at such time and for such amounts as the board finds necessary Assessments shall be due not less than 30 days after prior written notice to the member insurers and shall accrue interest at the percentage of interest prescribed in the Rules Governing the Courts of the State of New Jersey for judgments, awards and orders for the payment of money, on and after the due date

b There shall be two classes of assessments, as follows

(1) Class A assessments shall be made for the purpose of meeting administrative and legal costs of the association which are not objected to by the commissioner and other expenses Class A assessments shall also be made, upon the request of the commissioner, for the purpose of meeting costs incurred by or on behalf of the department in the administration of an insolvent insurer to the extent those costs exceed assets of the insolvent insurer available for that purpose Class A assessments need not be related to a particular impaired or insolvent insurer The amount of any Class A assessment shall be determined by the board

(2) Class B assessments shall be made to the extent necessary to carry out the powers and duties of the association under section 7 of PL 1991, c 208 (C 17B 32A-7) with respect to an impaired or an insolvent insurer The amount of any Class B assessment, except for assessments related to long-term care insurance, shall be allocated for assessment purposes between the accounts and among subaccounts of the life insurance and annuity account, pursuant to an allocation formula which may be based on the premiums or reserves of the impaired or insolvent insurer or any other standard deemed by the board in its sole discretion as being fair and reasonable under the circumstances

(3) The amount of Class B assessments for long-term care insurance written by the impaired or insolvent insurer shall be allocated according to a methodology included in the plan of operation and approved by the commissioner The methodology shall provide for 50 percent of the assessment to be allocated to accident and health member insurers and 50 percent to be allocated to life and annuity member insurers

c (1) Class B assessments against member insurers for each account and subaccount shall be in the proportion that the premiums received on business in this State by each assessed member insurer on policies or contracts covered by each account for the three most recent calendar years for which information is available preceding the year in which the member insurer became impaired or insolvent, as the case may be, bears to such premiums received on business in this State for such calendar years by all assessed member insurers

(2) Assessments for funds to meet the requirements of the association with respect to an impaired or insolvent insurer shall be made as necessary to implement the purposes of PL 1991, c 208 (C 17B 32A-1 et seq) Classification of assessments under subsection b of this section and computation of assessments under this subsection c shall be made with a reasonable degree of accuracy, recognizing that exact determinations may not always be possible

d The association shall abate or defer, in whole or in part, the assessment of a member insurer if, in the opinion of the commissioner,

payment of the assessment would endanger the ability of the member insurer to fulfill its contractual obligations or places the member insurer in an unsafe or unsound financial condition In the event an assessment against a member insurer is abated or deferred, in whole or in part, the amount by which that assessment is abated or deferred shall be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in this section Once the conditions that caused a deferral have been removed or rectified, the member insurer shall pay all assessments that were deferred pursuant to a repayment plan approved by the commissioner

e (1) The total of all assessments imposed under subsection b of this section upon a member insurer for the life insurance and annuity account and for each subaccount thereunder shall not in any one calendar year exceed two percent and for the health account shall not in any one calendar year exceed two percent of that member insurer's average premiums, as reported in the annual statement in a form prescribed by the commissioner, received in this State on the policies and contracts covered by the account during the three calendar years preceding the year in which the member insurer became an impaired or insolvent insurer If the maximum assessment, together with the other assets of the association in any account, does not provide in any one year in either account an amount sufficient to carry out the responsibilities of the association, the necessary additional funds shall be assessed as soon thereafter as permitted by P L 1991, c 208 (C 17B 32A-1 et seq)

(2) If a one percent assessment for any subaccount of the life insurance and annuity account in any one year does not provide an amount sufficient to carry out the responsibilities of the association, then pursuant to paragraph (1) of subsection c of this section, the board shall assess all subaccounts of the life insurance and annuity account for the necessary additional amount, subject to the maximum stated in paragraph (1) of this subsection

(3) The board may provide in the plan of operation a method of allocating funds among claims, whether relating to one or more impaired or insolvent insurers, when the maximum assessment will be insufficient to cover anticipated claims

f The board may, by an equitable method as established in the plan of operation, refund to member insurers, in proportion to the contribution of each member insurer to that account, the amount by which the assets of an account exceed the amount the board, with the concurrence of the commissioner, finds is necessary to carry out during the coming year the obligations of the association with respect to that account, including assets accruing from assignment, subrogation, net realized gains and income from investments A

reasonable amount may be retained in any account to provide funds for the continuing expenses of the association and for future losses

g Except for that portion of assessments that may be offset against premium taxes pursuant to section 18 of P L 1991, c 208 (C 17B 32A-18), it shall be proper for any member insurer, in determining its premium rates and policy owner dividends as to any kind of insurance, health service corporation business, hospital service corporation business, medical service corporation business, or health maintenance organization business within the scope of P L 1991, c 208 (C 17B 32A-1 et seq), to consider the amount reasonably necessary to meet its assessment obligations under P L 1991, c 208 (C 17B 32A-1 et seq)

h The association shall issue to each member insurer paying an assessment pursuant to P L 1991, c 208 (C 17B 32A-1 et seq), other than a Class A assessment, a certificate of contribution, in a form and manner prescribed by the commissioner, for the amount of the assessment so paid All outstanding certificates shall be of equal dignity and priority without reference to amount or date of issue A certificate of contribution may be shown by the member insurer in its financial statement as an asset in such form and manner and for such amount and period of time as the commissioner may approve

i (1) A member insurer that wishes to protest all or part of an assessment shall pay when due the full amount of the assessment as set forth in the notice provided by the association The payment shall be available to meet association obligations during the pendency of the protest or any subsequent appeal Payment shall be accompanied by a statement in writing that the payment is made under protest and setting forth a brief statement of the grounds for the protest

(2) Within 60 days following the payment of an assessment under protest by a member insurer, the association shall notify the member insurer in writing of its determination with respect to the protest unless the association notifies the member insurer that additional time is required to resolve the issues raised by the protest

(3) Within 30 days after a final decision has been made, the association shall notify the protesting member insurer in writing of that final decision Within 60 days of receipt of notice of the final decision, the protesting member insurer may appeal that final action to the commissioner

(4) In the alternative to rendering a final decision with respect to a protest based on a question regarding the assessment base, the association may refer protests to the commissioner for a final decision, with or without a recommendation from the association

(5) If the protest or appeal on the assessment is upheld, the amount paid in error or excess shall be returned to the member insurer Interest on a refund due a protesting member insurer shall be paid at the rate actually earned by the association

j The association may request information of member insurers in order to aid in the exercise of its power under this section and member insurers shall promptly comply with a request

8 Section 9 of P L 1991, c 208 (C 17B 32A-9) is amended to read as follows

C 17B 32A-9 Plan of operation

9 a (1) The association shall submit to the commissioner a plan of operation and any amendments thereto necessary or suitable to assure the fair, reasonable, and equitable administration of the association The plan of operation and any amendments thereto shall become effective upon the commissioner's written approval or at the expiration of 30 days after submission if it has not been disapproved

(2) If the association fails to submit a suitable plan of operation within 120 days following the effective date of P L 1991, c 208 (C 17B 32A-1 et seq) or if at any time thereafter the association fails to submit suitable amendments to the plan, the commissioner shall adopt such plan or amendments necessary to effectuate the provisions of P L 1991, c 208 (C 17B 32A-1 et seq) The plan or amendments shall continue in force until modified by the commissioner or superseded by a plan submitted by the association and approved by the commissioner

b All member insurers shall comply with the plan of operation

c The plan of operation shall, in addition to requirements enumerated elsewhere in P L 1991, c 208 (C 17B 32A-1 et seq)

(1) establish procedures for handling the assets of the association,

(2) establish the amount and method of reimbursing members of the board of directors under subsection c of section 6 of P L 1991, c 208 (C 17B 32A-6),

(3) establish regular places and times for meetings, including telephone conference calls, of the board of directors,

(4) establish procedures for records to be kept of all financial transactions of the association, its agents, and the board of directors,

(5) establish the procedures whereby selections for the board of directors will be made and submitted to the commissioner,

(6) establish any additional procedures for the imposition of assessments under section 8 of P L 1991, c 208 (C 17B 32A-8),

(7) contain additional provisions necessary or proper for the execution of the powers and duties of the association,

(8) establish procedures whereby a director may be removed for cause, including in the case where a member insurer director becomes an impaired or insolvent insurer, and

(9) require the board of directors to establish a policy and procedures for addressing conflicts of interests

d The plan of operation may provide for the delegation of any or all powers and duties of the association, except those set forth in paragraph (3) of subsection m of section 7 of P L 1991, c 208 (C 17B 32A-7) and section 8 of P L 1991, c 208 (C 17B 32A-8), to a corporation, association, or other organization which performs or will perform functions similar to those of the association, or its equivalent, in two or more other states Such a corporation, association, or organization shall be reimbursed for any payments made on behalf of the association and shall be paid for its performance of any function of the association A delegation under this subsection d shall take effect only with the approval of both the board of directors and the commissioner, and may be made only to a corporation, association, or organization which extends protection not substantially less favorable or effective than that provided by P L 1991, c 208 (C 17B 32A-1 et seq)

9 Section 10 of P L 1991, c 208 (C 17B 32A-10) is amended to read as follows

C 17B 32A-10 Additional duties, powers of commissioner

10 a In addition to the duties and powers enumerated elsewhere in P L 1991, c 208 (C 17B 32A-1 et seq), the commissioner shall

(1) upon request of the board of directors, provide the association with a statement of the premiums in this State and any other appropriate states for each member insurer,

(2) when an impairment is declared and the amount of the impairment is determined, serve a demand upon the impaired insurer to make good the impairment within a reasonable time Notice to the impaired insurer shall constitute notice to its shareholders, if any The failure of the impaired insurer to promptly comply with a demand shall not excuse the association from the performance of its powers and duties under P L 1991, c 208 (C 17B 32A-1 et seq),

(3) in any liquidation or rehabilitation proceeding involving a domestic member insurer, be appointed as the liquidator or rehabilitator

b The commissioner may suspend or revoke, after notice and hearing, the certificate of authority to transact business in this State of any member insurer which fails to pay an assessment when due or fails to comply with the plan of operation As an alternative, the commissioner may levy a penalty on any member insurer which fails to pay an assessment when due That penalty shall not exceed five percent of the unpaid assessment per month, but no penalty shall be less than $100 per month

c Any action of the board of directors or the association may be appealed to the commissioner by any member insurer if that appeal is taken within 60 days of its receipt of notice of the final action being appealed If a member insurer is appealing an assessment, the amount assessed shall be paid to the association and made available to meet association obligations during the pendency of an appeal If the appeal of an assessment is upheld, the amount paid in error or excess shall be returned to the member insurer Any final action or order of the commissioner shall be subject to judicial review in a court of competent jurisdiction

d The liquidator, rehabilitator, or conservator of any impaired insurer may notify all interested persons of the effect of PL 1991, c 208 (C 17B 32A-1 et seq)

10 Section 11 of PL 1991, c 208 (C 17B 32A-11) is amended to read as follows

C 17B 32A-11 Detection, prevention of insurer insolvencies, impairments

11 a To aid in the detection and prevention of member insurer insolvencies or impairments, the commissioner may

(1) notify the commissioners of insurance or comparable officials of all the other states, territories of the United States and the District of Columbia within 30 days when he takes any of the following actions against a member insurer

(a) revokes its certificate of authority or license,

(b) suspends its certificate of authority or license, or

(c) makes any formal order that the member insurer restrict its premium writing, obtain additional contributions to surplus, withdraw from this State, reinsure all or part of its business, or increase capital, surplus, or any other account for the security of policy or contract owners, certificate holders, or creditors

Notice shall be made in any form the commissioner deems appropriate, including notification under the auspices of the National Association of Insurance Commissioners, hereinafter referred to as NAIC

(2) report to the board of directors when he has taken any of the actions set forth in paragraph (1) of this subsection or has received notification from the commissioner of insurance or comparable official of any other jurisdiction that any such action has been taken in that jurisdiction The report to the board of directors shall contain all significant details of the action taken or of any such notification received from another jurisdiction

(3) report to the board of directors when he has reasonable cause to believe from any examination, whether completed or in process, of any member insurer that the member insurer may be an impaired or insolvent insurer The report and the information therein shall be kept confidential by the board of directors

(4) furnish to the board of directors the NAIC Insurance Regulatory Information System (IRIS) ratios and a list of companies not included in the ratios developed by the NAIC The board may use the information contained therein in carrying out its duties and responsibilities under this section The report and information contained therein shall be kept confidential by the board of directors until such time as made public by the commissioner or other lawful authority

b The commissioner may seek the advice and recommendations of the board of directors concerning any matter affecting the duties and responsibilities of the commissioner regarding the financial condition of member insurers and member insurers, health service corporations, hospital service corporations, medical service corporations, or health maintenance organizations seeking admission to transact business in this State

c The board of directors may, upon majority vote, make reports and recommendations to the commissioner upon any matter germane to the solvency, liquidation, rehabilitation, conservation or receivership of any member insurer or germane to the solvency of any insurer, health service corporation, hospital service corporation, medical service corporation, or health maintenance organization seeking to do business in this State Reports and recommendations made pursuant to this subsection shall not be considered public documents

d The board of directors may, upon majority vote, notify the commissioner of any information indicating any member insurer may be an impaired or insolvent insurer

e (Deleted by amendment, P L 2022, c 98)

f The board of directors may, upon majority vote, make recommendations to the commissioner for the detection and prevention of member insurer insolvencies

g (Deleted by amendment, P L 2022, c 98)

11 Section 12 of P L 1991, c 208 (C 17B 32A-12) is amended to read as follows

C 17B 32A-12 Liabilities of impaired, insolvent insurers

12 a Nothing in P L 1991, c 208 (C 17B 32A-1 et seq) or P L 2022, c 98 (C 17B 32A-2 et al) shall be construed to reduce the liability for unpaid assessments of the insureds or enrollees of an impaired or insolvent insurer operating under a plan with assessment liability

b Records shall be kept of all negotiations and meetings in which the association or its representatives are involved to discuss the activities of the association in carrying out its powers and duties under section 7 of P L 1991, c 208 (C 17B 32A-7) Records of those negotiations or meetings shall be made public only upon the termination of a liquidation, rehabilitation, or conservation proceeding involving an impaired or insolvent insurer, upon the termination of the impairment or insolvency of the member insurer, or upon the order of a court of competent jurisdiction

c For the purpose of carrying out its obligations under P L 1991, c 208 (C 17B 32A-1 et seq), the association shall be deemed to be a creditor of an impaired or insolvent insurer to the extent of assets attributable to covered policies or contracts reduced by any amounts to which the association is entitled as subrogee pursuant to subsection m of section 7 of P L 1991, c 208 (C 17B 32A-7) Assets of an impaired or insolvent insurer attributable to covered policies or contracts shall be used to continue all covered policies or contracts and pay all contractual obligations of the impaired or insolvent insurer as required by P L 1991, c 208 (C 17B 32A-1 et seq) For purposes of this subsection, assets attributable to covered policies or contracts are that proportion of the assets which the reserves that should have been established for such policies or contracts bears to the reserves that should have been established for all policies or contracts of insurance or health benefit plans written by the impaired or insolvent insurer

d As a creditor of the impaired or insolvent insurer as established in subsection c of this section and consistent with section 33 of P L 1992, c 65 (C 17B 32-63), the association and other similar associations shall be entitled to receive a disbursement of assets out of the marshaled assets, from time to time as the assets become available to reimburse it, as a credit against contractual obligations under P L 1991, c 208 (C 17B 32A-1 et seq) If the liquidator has not, within 120 days of a final determination of insolvency of a member insurer by the receivership court, made an application to the court for the approval of a proposal to disburse assets out of marshaled assets to guaranty associations having obligations because of the insolvency, then the

association shall be entitled to make application to the receivership court for approval of its own proposal to disburse these assets

(1) Prior to the termination of any receivership, liquidation, rehabilitation or conservation proceeding, the court may take into consideration the contributions of the respective parties, including the association, the shareholders, enrollees, certificate holders, and policy or contract owners of an insolvent insurer, and any other party with a bona fide interest in making an equitable distribution of the ownership rights of that insolvent insurer In making such a determination, consideration shall be given to the welfare of the policy or contract owners, enrollees, and certificate holders, and to the reasonable requirements of a continuing or successor member insurer

(2) No dividend or other distribution to stockholders or policyholders of an impaired or insolvent insurer shall be made until and unless the total amount of valid claims of the association with interest thereon for funds expended in carrying out its powers and duties under section 7 of P L 1991, c 208 (C 17B 32A-7) with respect to that member insurer have been recovered by the association

e (1) If an order for liquidation or rehabilitation of a member insurer domiciled in this State has been entered, the receiver appointed under that order shall have a right to recover on behalf of the member insurer, from any affiliate that controlled it, the amount of distributions, other than stock dividends paid by the member insurer on its capital stock, made at any time during the five years preceding the petition for liquidation or rehabilitation subject to the limitations of paragraphs (2) through (4) of this subsection

(2) No such distribution shall be recoverable if the member insurer shows that the distribution was lawful and reasonable when paid, and that the member insurer did not know and could not reasonably have known that the distribution might adversely affect the ability of the member insurer to fulfill its contractual obligations

(3) Any person who was an affiliate that controlled the member insurer at the time the distributions were paid shall be liable up to the amount of distributions received Any person who was an affiliate that controlled the member insurer at the time the distributions were declared, shall be liable up to the amount of distributions which would have been received if they had been paid immediately If two or more persons are liable with respect to the same distributions, they shall be jointly and severally liable

(4) The maximum amount recoverable under this subsection shall be the amount in excess of all other available assets of the insolvent insurer needed to pay the contractual obligations of the insolvent insurer

(5) If any person liable under paragraph (3) of this subsection is insolvent, all its affiliates that controlled it at the time the distribution was paid shall be jointly and severally liable for any resulting deficiency in the amount recovered from the insolvent affiliate

12 Section 13 of P L 1991, c 208 (C 17B 32A-13) is amended to read as follows

C 17B 32A-13 Association subject to examination, regulation

13 The association shall be subject to examination and regulation by the commissioner The board of directors shall submit to the commissioner each year, not later than 120 days after the close of the association's fiscal year, a financial report in a form approved by the commissioner and a report of its activities during the preceding fiscal year Upon request of a member insurer, the association shall provide a copy of the report

13 Section 15 of P L 1991, c 208 (C 17B 32A-15) is amended to read as follows

C 17B 32A-15 Immunity from liability

15 a There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member insurer or its agents or employees, the association or its agents or employees, members of the board of directors, or the commissioner or his representatives, for any action or omission by them in the performance of their powers and duties under P L 1991, c 208 (C 17B 32A-1 et seq) This immunity shall extend to the participation in any organization of one or more other state associations of similar purposes and to any such organization and its agents or employees

b With respect to any impairment or insolvency of a health service corporation created pursuant to P L 1985, c 236 (C 17 48E-1 et seq), the association shall have no cause of action against any not-for-profit or nonprofit corporation that is regulated by a law governing the conduct of not-for-profit or nonprofit corporations, except in the event of willful or wanton conduct, unless the not-for-profit or nonprofit corporation is a provider of health care services as defined in section 1 of P L 1985, c 236 (C 17 48E-1) For purposes of this subsection, "willful or wanton conduct" means a course of action which shows the actual or deliberate intent to cause harm

14 Section 16 of P L 1991, c 208 (C 17B 32A-16) is amended to read as follows

C 17B 32A-16 Stay of proceedings involving insolvent insurer

16 Upon application and notice, all proceedings in which an insolvent insurer is a party or is obligated to defend a party in any court in this State shall be stayed for 180 days and any additional time thereafter as may be determined by the court from the date the insolvency is determined or any ancillary proceeding is initiated in the State, whichever is later, to permit proper defense by the association of all pending causes of action With respect to any covered claims arising from a judgment under any decision, verdict or finding based on the default of the insolvent insurer or its failure to defend an insured, the association either on its own behalf or on behalf of the insured may apply to have the judgment, order, decision, verdict or finding set aside by the court in which the judgment, order, decision, verdict or finding is entered and shall be permitted to defend against the claim on the merits

15 Section 17 of P L 1991, c 208 (C 17B 32A-17) is amended to read as follows

C 17B 32A-17 Association shall not be used to promote insurance sales

17 a No person, including a member insurer, agent or affiliate of a member insurer or insurance producer shall make, publish, disseminate, circulate or place before the public or cause directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in any newspaper, magazine or other publication or in the form of a notice, circular, pamphlet, letter or poster, or over any radio station or television station, or in any other way, any advertisement, announcement or statement, written or oral, which uses the existence of the association for the purpose of sales, solicitation, or inducement to purchase any form of insurance or other coverage covered by P L 1991, c 208 (C 17B 32A-1 et seq) This subsection shall not apply to the department or the association or to any other entity which does not sell or solicit insurance or coverage by a health service corporation, hospital service corporation, medical service corporation, or health maintenance organization

b Within 180 days of the effective date of P L 1991, c 208 (C 17B 32A-1 et seq), the association shall prepare a summary document describing the general purposes and current limitations of P L 1991, c 208 (C 17B 32A-1 et seq) which complies with subsection c of this section This document shall be submitted to the commissioner for approval Sixty days after receiving that approval, no member insurer may deliver a policy or contract described in subsection b of section 3 of P L 1991, c 208 (C 17B 32A-3) to a policy or contract owner, certificate holder, or enrollee unless the document is delivered to the policy or contract owner, certificate

holder, or enrollee prior to or at the time of delivery of the policy or contract The document should also be available upon request by a policy or contract owner, certificate holder, or enrollee The distribution, delivery, contents or interpretation of this document shall not mean that either the policy or the contract or the policy or contract owner, certificate holder, or enrollee thereof would be covered in the event of the impairment or insolvency of a member insurer The document shall be revised by the association as amendments to the act may require Failure to receive this document does not give the policy or contract owner, certificate holder, enrollee, or insured any greater rights than those stated in P L 1991, c 208 (C 17B 32A-1 et seq)

c The document prepared pursuant to subsection b of this section shall contain a clear and conspicuous disclaimer on its face The commissioner shall promulgate a rule establishing the form and content of the disclaimer The disclaimer shall

(1) state the name and address of the association and the department,

(2) prominently warn the policy owner, contract owner, certificate holder, or enrollee that the association may not cover the policy or contract or, if coverage is available, it will be subject to substantial limitations and exclusions and conditioned on continued residence in this State,

(3) state that the member insurer and its producers are prohibited by law from using the existence of the association for the purpose of sales, solicitation or inducement to purchase any form of insurance, health service corporation coverage, hospital service corporation coverage, medical service corporation coverage, or health maintenance organization coverage,

(4) emphasize that the policy or contract owner, certificate holder, or enrollee should not rely on coverage under the association when selecting a member insurer, health service corporation, hospital service corporation, medical service corporation, or health maintenance organization,

(5) state the types of policies or contracts for which guaranty funds will provide coverage,

(6) explain rights available and procedures for filing a complaint to allege a violation of any provisions of P L 1991, c 208 (C 17B 32A-1 et seq), and

(7) provide other information as directed by the commissioner, including, but not limited to, sources for information about the financial condition of member insurers provided that the information is not proprietary and is subject to disclosure under P L 1963, c 73 (C 47 1A-1 et seq)

d A member insurer shall retain evidence of compliance with subsection b of this section for so long as the policy or contract for which the notice is given remains in effect

16 Section 18 of P L 1991, c 208 (C 17B 32A-18) is amended to read as follows

C 17B 32A-18 Member insurer may offset assessments against premium tax liability

18 a A member insurer may offset against its premium tax liability, attributable to premiums written in that year, and determined pursuant to section 1 of P L 1945, c 132 (C 54 18A-1), any assessments for which a certificate of contribution has been issued, pursuant to subsection h of section 8 of P L 1991, c 208 (C 17B 32A-8) to the extent of 10% of the amount of those assessments for each of the five calendar years following the second year after the year in which those assessments were paid, except that no member insurer may offset its premium tax liability by more than 20% of its premium tax liability in any one year If a member insurer should cease doing business in this State, any uncredited assessments may be offset against its premium tax liability for the year in which it ceases to do business in this State

b A member insurer that is exempt from taxes referenced in subsection a of this section may recoup its assessments by a surcharge on its premiums or by a surcharge on its membership fees (as applicable) in a sum reasonably calculated to recoup the assessments over a reasonable period of time, as approved by the commissioner Amounts recouped shall not be considered premiums for any other purpose, including the computation of gross premium tax, the medical loss ratio, or insurance producer commission If a member insurer collects excess surcharges, the member insurer shall remit the excess amount to the association, and the excess amount shall be applied to reduce future assessments in the appropriate account

c Any sums which are acquired by member insurers as the result of a refund from the association pursuant to subsection f of section 8 of P L 1991, c 208 (C 17B 32A-8), and which have theretofore been offset against premium taxes as provided in subsection a of this section, shall be paid by those member insurers to the State as the Director of the Division of Taxation may require The association shall notify the commissioner and the Director of the Division of Taxation of any refunds made

d This section shall not apply in any way to the imposition or collection of, and no offset shall be permitted against, the surtax on premiums authorized pursuant to section 76 of P L 1990, c 8 (C 17 33B-49)

17 Section 19 of P L 1991, c 208 (C 17B 32A-19) is amended to read as follows

C 17B 32A-19 Provisions not applicable to certain insurers

19 a The provisions of P L 1991, c 208 (C 17B 32A-1 et seq) prior to the effective date of P L 2022, c 98 (C 17B 32A-2 et al) shall apply to all matters relating to any impaired insurer or insolvent insurer as defined in section 4 of P L 1991, c 208 (C 17B 32A-4) for which the association first became obligated under section 7 of P L 1991, c 208 (C 17B 32A-7) in effect prior to the effective date of P L 2022, c 98 (C 17B 32A-2 et al)

b The provisions of P L 1991, c 208 (C 17B 32A-1 et seq) in effect on and after the effective date of P L 2022, c 98 (C 17B 32A-2 et al) shall apply to all matters relating to any impaired insurer or insolvent insurer as defined in section 4 of P L 1991, c 208 (C 17B 32A-4) for which the association first became obligated under section 7 of P L 1991, c 208 (C 17B 32A-7) on or after the effective date of P L 2022, c 98 (C 17B 32A-2 et al)

18 This act shall take effect immediately

Approved August 12, 2022

CHAPTER 99

AN ACT appropriating moneys to the Department of Environmental Protection for the purpose of making zero interest loans or principal forgiveness loans to project sponsors to finance a portion of the costs of environmental infrastructure projects

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

1 a (1) There is appropriated to the department from the "Clean Water State Revolving Fund," established pursuant to section 1 of P L 2009, c 77, an amount equal to the federal fiscal year 2022 capitalization grant made available to the State for clean water project loans pursuant to the "Water Quality Act of 1987," 33 U S C s 1251 et seq , and any amendatory and supplementary acts thereto (hereinafter referred to as the "Federal Clean Water Act") and such sums as are made available to the department from the "Clean Water State Revolving Fund" from funds made available pursuant to the federal "Infrastructure Investment and Jobs Act," Pub L 117-58

(2) There is appropriated to the department from the "Interim Environmental Financing Program Fund," established by the New Jersey Infrastructure Bank pursuant to subsection d of section 9 of P.L. 1985, c. 334 (C. 58:11B-9), such amounts as may be necessary to supplement the sums appropriated from the Clean Water State Revolving Fund for the purposes of clean water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(3) There is appropriated to the department from the "Disaster Relief Emergency Financing Program Fund," established by the New Jersey Infrastructure Bank pursuant to section 1 of P.L. 2013, c. 93 (C. 58:11B-9.5), such amounts as may be necessary to supplement the sums appropriated from the Clean Water State Revolving Fund for the purposes of clean water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(4) There is appropriated to the department from the "Drinking Water State Revolving Fund," established pursuant to section 1 of P.L. 1998, c. 84, an amount equal to the federal fiscal year 2022 capitalization grant made available to the State for drinking water projects pursuant to the "Safe Drinking Water Act Amendments of 1996," Pub.L. 104-182, and any amendatory and supplementary acts thereto (hereinafter referred to as the "Federal Safe Drinking Water Act") and such sums as are made available to the department from the "Drinking Water State Revolving Fund" from funds made available pursuant to the federal "Infrastructure Investment and Jobs Act," Pub. L. 117-58.

The department is authorized to transfer from the Clean Water State Revolving Fund to the Drinking Water State Revolving Fund, pursuant to the "Water Infrastructure Funding Transfer Act," Pub.L. 116-63, additional amounts as may be necessary to address a threat to public health, and an amount equal to the maximum amount authorized to be transferred is appropriated to the department for those purposes.

The department is authorized to transfer from the Clean Water State Revolving Fund to the Drinking Water State Revolving Fund an amount up to the maximum amount authorized to be transferred pursuant to the Federal Safe Drinking Water Act to meet present and future needs for the financing of eligible drinking water projects, and an amount equal to that maximum amount is appropriated to the department for those purposes.

The department is authorized to transfer from the Drinking Water State Revolving Fund to the Clean Water State Revolving Fund an amount up to

the maximum amount authorized to be transferred pursuant to the Federal Clean Water Act to meet present and future needs for the financing of eligible clean water projects, and an amount equal to that maximum amount is appropriated to the department for those purposes

Notwithstanding any provision of this act to the contrary, the department is authorized to utilize funds from the Clean Water State Revolving Fund for the purposes of the Drinking Water State Revolving Fund, and may charge interest on loans made with such invested funds to the extent permitted by the Federal Clean Water Act and the Federal Safe Drinking Water Act

(5) There is appropriated to the department the unappropriated balances from the Clean Water State Revolving Fund, including the balances from the Federal Disaster Relief Appropriations Act, and any repayments of loans and interest therefrom, as may be available on or before June 30, 2023, for the purposes of clean water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act

(6) There is appropriated to the department the unappropriated balances from the "Wastewater Treatment Fund," established pursuant to section 15 of the "Wastewater Treatment Bond Act of 1985," PL 1985, c 329, and any repayments of loans and interest therefrom, as may be available on or before June 30, 2023, for the purposes of clean water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act

(7) There is appropriated to the department the unappropriated balances from the "1992 Wastewater Treatment Fund," established pursuant to section 27 of the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," PL 1992, c 88, and any repayments of loans and interest therefrom, as may be available on or before June 30, 2023, for the purposes of clean water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act

(8) There is appropriated to the department the unappropriated balances from the "2003 Water Resources and Wastewater Treatment Fund," established pursuant to subsection a of section 19 of the "Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003," PL 2003, c 162, and any repayments of loans and interest therefrom, as may be available on or before June 30, 2023, for the purposes of clean water project loans and providing the State match as may be required for the award

of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act

(9) There is appropriated to the department the unappropriated balances from the "Pinelands Infrastructure Trust Fund," established pursuant to section 14 of the "Pinelands Infrastructure Trust Bond Act of 1985," P L 1985, c 302, and any repayments of loans and interest therefrom, as may be available on or before June 30, 2023, for the purposes of clean water project loans and drinking water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act and for drinking water projects pursuant to the Federal Safe Drinking Water Act

(10) There is appropriated to the department the unappropriated balances from the "Stormwater Management and Combined Sewer Overflow Abatement Fund," established pursuant to the "Stormwater Management and Combined Sewer Overflow Abatement Bond Act of 1989," P L 1989, c 181, and any repayments of loans and interest therefrom, as may be available on or before June 30, 2023, for the purposes of clean water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act

(11) There is appropriated to the department the unappropriated balances from the Drinking Water State Revolving Fund and any repayments of loans and interest therefrom, including the balances from the Federal Disaster Relief Appropriations Act as may be available on or before June 30, 2023, for the purposes of drinking water project loans

(12) There is appropriated to the department such sums as may be needed from loan repayments and interest earnings from the "Water Supply Fund," established pursuant to section 14 of the "Water Supply Bond Act of 1981," P L 1981, c 261, for the "Drinking Water State Revolving Fund Match Accounts" contained within that fund, for the purpose of providing the State match as may be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act

(13) There is appropriated to the department from the "Interim Environmental Financing Program Fund," established by the New Jersey Infrastructure Bank pursuant to subsection d of section 9 of P L 1985, c 334 (C 58 11B-9), such amounts as may be available on or before June 30, 2023, and any repayments of loans and interest therefrom, as may be necessary to supplement the sums appropriated from the Drinking Water State Revolving Fund for the purposes of drinking water project loans and providing the State

match as may be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act

(14) There is appropriated to the department from the "Disaster Relief Emergency Financing Program Fund," established by the New Jersey Infrastructure Bank pursuant to section 1 of P.L. 2013, c. 93 (C. 58:11B-9.5), such amounts as may be necessary to supplement the sums appropriated from the Drinking Water State Revolving Fund for the purposes of drinking water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act

(15) There is appropriated to the department such amounts as may be received by the Department of Community Affairs, as the grantee from the United States Department of Housing and Urban Development Community Development Block Grant - Disaster Recovery Program (CDBG-DR), as may be available on or before June 30, 2023, for the purposes of CDBG-DR eligible clean water and drinking water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act and drinking water projects pursuant to the Federal Safe Drinking Water Act

(16) There is appropriated to the department such sums as may be available on or before June 30, 2023, as repayments of drinking water project loans and any interest therefrom from the "Water Supply Fund," established pursuant to section 14 of the "Water Supply Bond Act of 1981," P.L. 1981, c. 261, for the purposes of drinking water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act

(17) Of the sums appropriated to the department from the "Water Supply Fund" pursuant to P.L. 1999, c. 174, P.L. 2001, c. 222, P.L. 2002, c. 70, and P.L. 2003, c. 158, the department is authorized to transfer any unexpended balances and any repayments of loans and interest therefrom as may be available on or before June 30, 2023, in such amounts as needed to the Drinking Water State Revolving Fund accounts contained within the Water Supply Fund established for the purposes of providing drinking water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act

(18) Of the sums appropriated to the department from the "1992 Wastewater Treatment Fund" pursuant to P.L. 1996, c. 85, P.L. 1997, c. 221, P.L. 1998, c. 84,

PL 1999, c 174, PL 2000, c 92, PL 2001, c 222, and PL 2002, c 70, the department is authorized to transfer any unexpended balances and any repayments of loans and interest therefrom as may be available on or before June 30, 2023, in such amounts as needed to the Clean Water State Revolving Fund accounts contained within the 1992 Wastewater Treatment Fund for the purposes of providing clean water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act

(19) Of the sums appropriated to the department from the "2003 Water Resources and Wastewater Treatment Fund" pursuant to PL 2004, c 109 and PL 2007, c 139, the department is authorized to transfer any unexpended balances and any repayments of loans and interest therefrom as may be available on or before June 30, 2023, in such amounts as needed to the Clean Water State Revolving Fund accounts contained within the 2003 Water Resources and Wastewater Treatment Fund for the purposes of providing clean water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act

(20) There is appropriated to the department the sums deposited by the New Jersey Infrastructure Bank into the Clean Water State Revolving Fund, the "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the "Stormwater Management and Combined Sewer Overflow Abatement Fund," established pursuant to the "Stormwater Management and Combined Sewer Overflow Abatement Bond Act of 1989," PL 1989, c 181, the "2003 Water Resources and Wastewater Treatment Fund," and the Drinking Water State Revolving Fund, as appropriate, pursuant to paragraph (6) of subsection c of section 1 of PL , c (pending before the Legislature as Senate Bill No 2735 of 2022 and Assembly Bill No 4067 of 2022), as may be available on or before June 30, 2023, for the purposes of providing clean water project loans and drinking water project loans and providing the State match as may be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act and for drinking water projects pursuant to the Federal Safe Drinking Water Act

Any such amounts shall be for the purpose of making zero interest and principal forgiveness financing loans, to the extent sufficient funds are available, to or on behalf of local government units or public water utilities (hereinafter referred to as "project sponsors") to finance a portion of the cost of the construction of clean water projects and drinking water projects listed in sections 2 and 3 of this act, and for the purpose of implementing and

administering the provisions of this act, to the extent permitted by the Federal Disaster Relief Appropriations Act, the Federal Clean Water Act, the Federal Safe Drinking Water Act, P L 2009, c 77, the "Wastewater Treatment Bond Act of 1985 " P L 1985, c 329, the "Water Supply Bond Act of 1981," P L 1981, c 261, the "Stormwater Management and Combined Sewer Overflow Abatement Bond Act of 1989," P L 1989, c 181, the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P L 1992, c 88, the "Dam, Lake, Stream, Flood Control, Water Resources, and the Wastewater Treatment Project Bond Act of 2003," P L 2003, c 162, and any amendatory and supplementary acts thereto

(21) Of the $60 million appropriated to the department for the capital construction of drinking water infrastructure by the State fiscal year 2021 appropriations act, P L 2020 c 97, up to $25 million may be transferred to the New Jersey Infrastructure Bank to invest, provide debt service reserve or guarantee, or pay interest on behalf of a sponsor of a drinking water environmental infrastructure project

(22) There is appropriated to the department for the purposes of eligible clean water project grants such amounts as may be received by the department under the Sewer Overflow and Stormwater Reuse Grants Program, as the grantee from the United States Environmental Protection Agency and as may be available on or before June 30, 2023

b The department is authorized to make zero interest and principal forgiveness financing loans to or on behalf of the project sponsors for the environmental infrastructure projects listed in subsection a of section 2 and subsection a of section 3 of this act for clean water projects, up to the individual amounts indicated and in the priority stated, to the extent there are sufficient eligible project applications, except that any such amounts may be reduced if a project fails to meet the requirements of sections 4 or 5 of this act, or by the Commissioner of Environmental Protection pursuant to section 7 of this act

(1) A maximum of $30 million in principal forgiveness loans, plus any appropriated but unallocated funds designated in State fiscal year 2022 for combined sewer overflow projects, shall be issued as provided in subsection a of section 3 of this act to communities in combined sewer overflow sewersheds for construction projects that reduce or eliminate discharges from combined sewer overflow outfalls The amount of a principal forgiveness loan issued pursuant to this paragraph shall not exceed $5 million per borrower whenever practicable For project costs up to and including $10 million, 50 percent of the principal of the loan shall be forgiven and the remaining 50 percent of the loan shall have a blended interest rate of 50

percent of the trust's market rate For project costs greater than $10 million, the loan shall have a blended interest rate of 50 percent of the trust's market rate For projects in communities that meet "Clean Water State Revolving Fund" affordability criteria, for project costs up to and including $5 million, 100 percent of the principal of the loan shall be forgiven For project costs greater than $5 million and up to and including $10 million, the loan shall have a blended interest rate of 50 percent of the trust's market rate For project costs greater than $10 million up to and including $12 million, 100 percent of the principal of this portion of the loan shall be forgiven For project costs greater than $12 million and up to and including $14 million, the loan shall have a blended interest rate of 50 percent of the trust's market rate For project costs greater than $14 million and up to and including $20 million, the loan shall have a blended interest rate of 25 percent of the trust's market rate, and, for the remaining project costs over $20 million, the loan shall have a blended interest rate of 50 percent of the trust's market rate

(2) A maximum of $6 million in principal forgiveness loans, plus any appropriated but unallocated funds designated in State fiscal year 2022 for water quality restoration projects, shall be issued as provided in subsection a of section 3 of this act for water quality restoration projects The amount of a principal forgiveness loan issued pursuant to this paragraph shall not exceed $2 5 million per borrower whenever practicable For project costs up to and including $4 million, 50 percent of the principal of the loan shall be forgiven, and the remaining 50 percent of the loan shall have a blended interest rate of 50 percent of the trust's market rate For project costs greater than $4 million and up to and including $10 million, the loan shall have a blended interest rate of 25 percent of the trust's market rate For project costs greater than $10 million, the loan shall have a blended interest rate of 50 percent of the trust's market rate

(3) A maximum of $36 million in principal forgiveness loans for projects sponsored by applicants that meet the "Clean Water State Revolving Fund" affordability criteria as set forth by the department shall be issued as provided in subsection a of section 3 of this act for water quality restoration projects The amount of a principal forgiveness loan issued pursuant to this paragraph shall not exceed $2 million per borrower whenever practicable For project costs up to and including $2 million, 100 percent of the principal of the loan shall be forgiven For project costs greater than $2 million and up to and including $4 million, the loan shall have a blended interest rate of 50 percent of the trust's market rate For project costs greater than $4 million and up to and including $10 million, the loan shall have a blended interest rate of 25 percent of the trust's

market rate For project costs greater than $10 million, the loan shall have a blended interest rate of 50 percent of the trust's market rate

(4) A maximum of $10 million in principal forgiveness loans for water and energy efficiency projects shall be issued as provided in subsection a of section 3 of this act to projects that address water and energy efficiency goals that meet the eligibility requirements for water and energy efficiency as defined in the United States Environmental Protection Agency's "Green Project Reserve Guidance" The amount of a principal forgiveness loan issued pursuant to this paragraph shall not exceed $2 million per borrower whenever practicable For project costs up to and including $4 million, 50 percent of the principal of the loan shall be forgiven and the remaining 50 percent of the loan shall have a blended interest rate of 50 percent of the trust's market rate For project costs greater than $4 million and up to and including $10 million, the loan shall have a blended interest rate of 25 percent of the trust's market rate For project costs greater than $10 million, the loan shall have a blended interest rate of 50 percent of the trust's market rate

(5) A maximum of $4 million in principal forgiveness loans for emerging contaminant projects shall be issued as provided in subsection a of section 3 of this act to projects that primarily address substances and microorganisms, which are known or anticipated in the environment, and which may pose newly identified or re-emerging risks to human health, aquatic life, or the environment The amount of a principal forgiveness loan issued pursuant to this paragraph shall not exceed $2 million per borrower whenever practicable For project costs up to and including $2 million, 100 percent of the principal of the loan shall be forgiven For project costs greater than $2 million and up to and including $4 million, the loan shall have a blended interest rate of 50 percent of the trust's market rate For project costs greater than $4 million and up to and including $10 million, the loan shall have a blended interest rate of 25 percent of the trust's market rate For project costs greater than $10 million, the loan shall have a blended interest rate of 50 percent of the trust's market rate

(6) A maximum of $1 million in principal forgiveness loans for combined sewer overflow or stormwater management projects shall be issued to finance up to 20 percent of project costs for projects that qualify for a Sewer Overflow and Stormwater Reuse grant 100 percent of the principal of the loan shall be forgiven, and the remaining project costs shall be financed through a Sewer Overflow and Stormwater Reuse grant from the department

(7) The projects listed in subsection a of section 2 of this act and subsection a of section 3 of this act that were previously identified in P L 2021, c 203, as amended by P L 2021, c 328, are granted continued priority status

and shall be subject to the provisions of P L 2021, c 203, as amended by P L 2021, c 328, provided such projects received short-term funding prior to June 30, 2022

c The department is authorized to make zero interest and principal forgiveness financing loans to or on behalf of the project sponsors for the environmental infrastructure projects listed in subsection b of section 3 of this act for drinking water projects, up to the individual amounts indicated and in the priority stated, provided

(1) up to $8 million of Drinking Water State Revolving Fund loans, plus any appropriated but unallocated funds designated in State fiscal year 2022 for drinking water systems serving populations of up to 10,000 residents, shall be available for drinking water systems serving populations of up to 10,000 residents wherein principal forgiveness shall not exceed $500,000 in the aggregate and shall not exceed 50 percent of the total loan amount per project sponsor in an amount not to exceed $1 million per project sponsor,

(2) up to $3 million in principal forgiveness loans shall be available for drinking water systems that serve fewer than 1,000 persons, have been assisted by the Community Engineering Corps, and do not meet credit eligibility requirements of the Water Bank Financing Program credit policy A loan issued pursuant to this paragraph shall have 100 percent principal forgiveness for a loan amount of up to $750,000 per applicant,

(3) a maximum of $13 million of principal forgiveness loans shall be available for drinking water projects that primarily address emerging contaminants, for which principal forgiveness may be authorized for up to 100 percent of the total fund loan amount of up to $1 million per applicant,

(4) a maximum of $5 million of principal forgiveness loans shall be available for drinking water projects other than those to address emerging contaminants or lead that meet the affordability criteria of the department, for which principal forgiveness may be authorized for up to 100 percent of the total fund loan amount of up to $1 million per applicant For project costs greater than $1 million and up to and including $11 million, the loan shall have a blended interest rate of 25 percent of the trust's market rate For project costs greater than $11 million and up to and including $25 million, the loan shall have a blended interest rate of 50 percent of the trust's market rate Project costs over $25 million may be financed at an interest rate of 100 percent of the trust's market rate as capacity allows, and

(5) up to $25 million plus any appropriated but unallocated funds designated in State fiscal year 2022, may be issued for principal forgiveness loans for drinking water systems serving 10,000 or fewer customers to finance

lead service line replacements, for which principal forgiveness shall not exceed 50 percent of the total loan amount of up to $5 million per water system

Loans may be made pursuant to this subsection to the extent there are sufficient eligible project applications and as may be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act Any such amounts may be reduced by the Commissioner of Environmental Protection pursuant to section 7 of this act, or if a project fails to meet the requirements of section 4 or 5 of this act

d The department is authorized to make zero interest and principal forgiveness financing loans to or on behalf of the project sponsors for the environmental infrastructure projects listed in sections 2 and 3 of this act under the same terms, conditions and requirements set forth in this section from any unexpended balances of the amounts appropriated pursuant to section 1 of PL 1987, c 200, section 2 of PL 1988, c 133, section 1 of PL 1989, c 189, section 1 of PL 1990, c 99, section 1 of PL 1991, c 325, section 1 of PL 1992, c 38, section 1 of PL 1993, c 193, section 1 of PL 1994, c 106, section 1 of PL 1995, c 219, section 1 of PL 1996, c 85, section 1 of PL 1997, c 221, section 2 of PL 1998, c 84, section 2 of PL 1999, c 174, section 2 of PL 2000, c 92, sections 1 and 2 of PL 2001, c 222, sections 1 and 2 of PL 2002, c 70, sections 1 and 2 of PL 2003, c 158, sections 1 and 2 of PL 2004, c 109, sections 1 and 2 of PL 2005, c 196, sections 1 and 2 of PL 2006, c 68, sections 1 and 2 of PL 2007, c 139, sections 1 and 2 of PL 2008, c 68, sections 1 and 2 of PL 2009, c 102, sections 1 and 2 of PL 2010, c 63, sections 1 and 2 of PL 2011, c 93, sections 1 and 2 of PL 2012, c 43, sections 1 and 2 of PL 2013, c 95, sections 1 and 2 of PL 2014, c 25, sections 1 and 2 of PL 2015, c 108, sections 1 and 2 of PL 2016, c 32, as amended by PL 2017, c 14, sections 1 and 2 of PL 2017, c 143, as amended by PL 2017, c 326, sections 1 and 2 of PL 2018, c 85, as amended by PL 2018, c 137 and PL 2019, c 12, sections 1 and 2 of PL 2019, c 193, as amended by PL 2019, c 514, PL 2020, c 49, as amended by PL 2021, c 21, and PL 2021, c 203, as amended by PL 2021, c 328, including amounts resulting from the low bid and final building cost reductions authorized pursuant to section 6 of PL 1987, c 200, section 7 of PL 1988, c 133, section 6 of PL 1989, c 189, section 6 of PL 1990, c 99, section 6 of PL 1991, c 325, section 6 of PL 1992, c 38, section 6 of PL 1993, c 193, section 6 of PL 1994, c 106, section 6 of PL 1995, c 219, section 6 of PL 1996, c 85, section 6 of PL 1997, c 221, section 7 of PL 1998, c 84, section 6 of PL 1999, c 174, section 6 of PL 2000, c 92, section 6 of PL 2001, c 222, section 6 of PL 2002, c 70, section 6 of PL 2003, c 158, section 6 of PL 2004, c 109, section 6 of PL 2005, c 196, section 6 of PL 2006, c 68, section 6 of PL 2007, c 139, section 6 of PL 2008,

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c 68, section 7 of PL 2009, c 102, section 6 of PL 2010, c 63, section 6 of PL 2011, c 93, section 6 of PL 2012, c 43, section 6 of PL 2013, c 95, section 7 of PL 2014, c 25, section 7 of PL 2015, c 108, section 7 of PL 2016, c 32, as amended by PL 2017, c 14, section 7 of PL 2017, c 143 as amended by PL 2017, c 326, section 7 of PL 2018, c 85, as amended by PL 2018, c 137 and PL 2019, c 12, section 7 of PL 2019, c 193, as amended by PL 2019, c 514, section 7 of PL 2020, c 49, as amended by PL 2021, c 21, and PL 2021, c 203, as amended by PL 2021, c 328, and from any repayments of loans and interest from the Clean Water State Revolving Fund, the "Wastewater Treatment Fund," the "Water Supply Fund," the "1992 Wastewater Treatment Fund," the "2003 Water Resources and Wastewater Treatment Fund," and amounts deposited therein during State fiscal year 2022 and State fiscal year 2023 pursuant to the provisions of section 16 of PL 1985, c 329, and section 2 of PL 2009, c 77 and any amendatory and supplementary acts thereto, including any Clean Water State Revolving Fund Accounts contained within the "Wastewater Treatment Fund," and from any repayment of loans and interest from the Drinking Water State Revolving Fund

e The department is authorized to make zero interest and principal forgiveness Sandy financing loans to or on behalf of the project sponsors for the Sandy environmental infrastructure projects listed in subsection a of section 3 of this act for clean water projects, in a manner consistent with the Federal Disaster Relief Appropriations Act, up to the individual amounts indicated, except that any such amount may be reduced by the Commissioner of Environmental Protection pursuant to section 7 of this act, or if a project fails to meet the requirements of section 4, 5, or 7 of this act, provided a maximum of $300 million shall be provided for Sandy financing loans for clean water projects to provide financial assistance to communities affected by the Storm Sandy, and for projects whose purpose is to reduce flood damage risk and vulnerability or to enhance resiliency to rapid hydrologic change or a natural disaster

f For the purposes of this act

"Department" means the Department of Environmental Protection

"Federal Disaster Relief Appropriations Act" means the "Disaster Relief Appropriations Act, 2013," Pub L 113-2, and any amendatory and supplementary acts thereto

"Sandy financing" means grants, zero interest loans or principal forgiveness loans provided by the Department of Environmental Protection from funds made available to the State for clean water or drinking water projects, or clean water or drinking water project match, pursuant to the Federal Disaster Relief Appropriations Act

"Trust" means the New Jersey Infrastructure Bank created pursuant to section 4 of P L 1985, c 334 (C 58 11B-4)

2 a (1) The department is authorized to expend funds for the purpose of making supplemental zero interest loans to or on behalf of the project sponsors listed below for the following clean water environmental infrastructure projects

Project Sponsor	Project Number	Estimated Allowable DEP Loan Amount	Estimated Total Loan Amount
Camden County MUA	S340640-18R	$7,500,000	$10,000,000
Clinton Town	S340924-07R	$600,000	$800,000
Hoboken City	S340635-06R	$24,750,000	$33,000,000
Jersey City MUA	S340928-15R	$2,625,000	$3,500,000
Newark City	S340815-24R	$15,750,000	$21,000,000
North Bergen MUA	S340652-14R	$6,150,000	$8,200,000
Ocean Township SA	S340750-14R	$750,000	$1,000,000
Passaic Valley SC	S340689-40R	$1,125,000	$1,500,000
Plumsted Township	S340607-03R	$7,500,000	$10,000,000
Rockaway Valley RSA	S340821-07R	$2,250,000	$3,000,000
Paterson City	S340850-03-1	$1,912,500	$2,550,000
Somerville Borough	S342013-01-1	$1,387,500	$1,850,000
Total Projects 12		**$72,300,000**	**$96,400,000**

(2) The loans authorized in this subsection shall be made for the difference between the allowable loan amounts required by these projects based upon final building costs pursuant to section 7 of this act and the loan amounts certified by the Commissioner of Environmental Protection in State fiscal years 2017, 2018, 2019, 2020, and 2021 and for increased allowable costs as defined and determined in accordance with the rules and regulations adopted by the department pursuant to section 4 of P L 1985, c 329 The loans authorized in this subsection shall be made to or on behalf of the project sponsors listed, up to the individual amounts indicated and in the priority stated, to the extent sufficient funds are available, except as a project fails to meet the requirements of section 4, 5, or 7 of this act

(3) The zero interest loans for the projects authorized in this subsection shall have priority over projects listed in subsection a of section 3 of this act

b (1) The department is authorized to expend funds for the purpose of making supplemental loans to or on behalf of the project sponsors listed below for the following drinking water environmental infrastructure projects

Project Sponsor	Project Number	Estimated Allowable DEP Loan Amount	Estimated Total Loan Amount
National Park Borough	0812001-004R	$750,000	$1,000,000
Newark City	0714001-016R	$2,250,000	$3,000,000
North Jersey District Water Supply Comm	1613001-025R	$19,125,000	$25,500,000
Total Projects 3		**$22,125,000**	**$29,500,000**

(2) The loans authorized in this subsection shall be made for the difference between the allowable loan amount required by these projects based upon final building costs pursuant to section 7 of this act and the loan amounts certified by the Commissioner of Environmental Protection in State fiscal years 2018, 2019 and 2020 and for increased allowable costs as defined and determined in accordance with the rules and regulations adopted by the department pursuant to section 5 of P L 1981, c 261 The loans authorized in this subsection shall be made to or on behalf of the project sponsors listed, up to the individual amounts indicated and in the priority stated, to the extent sufficient funds are available, except as a project fails to meet the requirements of section 4, 5, or 7 of this act

(3) The zero interest loans for the projects authorized in this subsection shall have priority over projects listed in subsection b of section 3 of this act

c The department is authorized to adjust the allowable department loan amount for projects authorized in this section to between zero percent and 100 percent of the total allowable loan amount, and, if the department loan amount is adjusted to 100 percent of the total allowable loan amount, the loan shall be provided pursuant to the terms and conditions of the financing program year in which the construction loan component of the project was certified by the department, and for which the trust issued an interim financing program loan for the project, or, in the absence of an interim financing program loan, the terms and conditions of the State fiscal year 2023 financing program

3 a (1) The following environmental infrastructure projects shall be known and may be cited as the "Storm Sandy and State Fiscal Year 2023 Clean Water Project Eligibility List"

Project Sponsor	Project Number	Estimated Allowable DEP Loan Amount	Estimated Total Loan Amount
Musconetcong SA	S340384-09	$4,650,000	$6,200,000
Camden County	S340640-20	$2,250,000	$3,000,000
Camden County MUA	S345040-01	$1,035,000	$1,380,000

Camden City	S340366-15	$9,997,500	$13,330,000
Jersey City MUA	S340928-21	$9,750,000	$13,000,000
Jersey City MUA	S340928-24	$81,000,000	$108,000,000
Elizabeth City	S345070-01	$3,000,001	$4,000,001
Bayonne City	S340399-31	$3,750,000	$5,000,000
Long Branch SA	S340336-08	$1,305,525	$1,740,700
Ocean County UA	S340372-63	$1,650,000	$2,200,000
Hoboken City	S340635-09	$375,000	$500,000
Mount Laurel Township MUA	S340943-06	$6,000,000	$8,000,000
North Hudson SA	S340952-34	$900,000	$1,200,000
North Hudson SA	S340952-33	$20,250,000	$27,000,000
North Hudson SA	S340952-31	$675,000	$900,000
North Hudson SA	S345190-01	$4,500,000	$6,000,000
North Hudson SA	S340952-38	$1,013,400	$1,351,200
Perth Amboy City	S345220-01	$750,000	$1,000,000
Hackensack City	S340923-13	$11,400,000	$15,200,000
Hackensack City	S340923-14	$6,000,000	$8,000,000
Passaic Valley SC	S340689-37	$91,125,000	$121,500,000
Passaic Valley SC	S345200-01	$7,125,000	$9,500,000
Pennsville SA	S340870-05	$3,000,000	$4,000,000
Bergen County UA	S340386-23	$14,025,000	$18,700,000
Logan Township MUA	S340123-02	$9,000,000	$12,000,000
Bergen County UA	S340386-21	$5,700,000	$7,600,000
Linden Roselle SA	S340299-08	$20,250,000	$27,000,000
Passaic Valley SC	S340689-50	$6,600,000	$8,800,000
Gloucester County UA	S340902-15	$8,625,000	$11,500,000
Allentown Borough	S340567-05	$3,825,000	$5,100,000
Stony Brook RSA	S340400-11	$16,500,000	$22,000,000
Evesham MUA	S340838-09	$375,000	$500,000
Rutgers, The State University of New Jersey	S340500-01	$28,125,000	$37,500,000
Willingboro MUA	S340132-09	$6,750,000	$9,000,000
Rockaway Valley RSA	S340821-08	$11,625,000	$15,500,000
Wildwood City	S340664-06	$11,784,758	$15,713,010
New Jersey Water Supply Authority	S340421-02	$71,250,000	$95,000,000
Long Branch SA	S340336-09	$4,200,000	$5,600,000
Stafford Township	S340946-08	$2,625,000	$3,500,000
Stafford Township	S340946-07	$3,750,000	$5,000,000
Vernon Township	S340745-03	$1,875,000	$2,500,000
Delran Township	S340794-10	$1,575,000	$2,100,000
Hopatcong Borough	S340488-07	$60,000	$80,000

Tuckerton Borough	S340034-05	$2,475,000	$3,300,000
Atlantic County UA	S340809-30	$7,575,000	$10,100,000
Toms River MUA	S340145-08	$1,018,800	$1,358,400
Two Rivers Water Reclamation Authority	S340117-09	$3,150,000	$4,200,000
Northwest Bergen County UA	S340700-19	$6,099,338	$8,132,450
Two Rivers Reclamation Authority	S340117-10	$2,475,000	$3,300,000
Franklin Township SA	S340839-09	$5,625,000	$7,500,000
Parsippany Troy Hills Township	S340886-05	$8,800,125	$11,733,500
Berkeley Township SA	S340969-14	$2,625,000	$3,500,000
Scotch Plains Township	S340512-01	$2,025,000	$2,700,000
Burlington Township	S340712-17	$750,000	$1,000,000
Hopewell Township	S340282-03	$1,230,000	$1,640,000
Mantua Township MUA	S340514-03	$1,012,500	$1,350,000
Middlesex Borough	S340698-03	$900,000	$1,200,000
Pennsville SA	S340870-04	$1,200,000	$1,600,000
Red Bank Borough	S340528-01	$3,375,000	$4,500,000
North Haledon Borough	S340229-02	$75,000	$100,000
North Haledon Borough	S340229-01	$765,771	$1,021,028
Haddon Heights Borough	S340877-02	$82,500	$110,000
Emerson Borough	S340497-01	$75,000	$100,000
Emerson Borough	S340497-02	$337,500	$450,000
Mount Arlington Borough	S340451-05	$159,589	$212,785
Medford Lakes Borough	S340319-03	$8,250,000	$11,000,000
Mendham Borough	S340159-03	$2,400,000	$3,200,000
Hamburg Borough	S340149-03	$75,000	$100,000
Long Beach Township	S340023-07	$3,450,000	$4,600,000
Borough of Wenonah	S340531-01	$997,500	$1,330,000

Seaside Park Borough	S340083-04	$3,000,000	$4,000,000
Ship Bottom Borough	S340311-05	$3,750,000	$5,000,000
Passaic Valley SC	S340689-45	$7,657,577	$10,210,102
Montville Township	S340931-04	$2,625,000	$3,500,000
Camden County MUA	S340640-26	$21,150,000	$28,200,000
Lower Township MUA	S340810-05	$22,500,000	$30,000,000
Mantua Township MUA	S340514-02	$1,687,500	$2,250,000
Little Egg Harbor Township	S340579-04	$1,530,000	$2,040,000
Gloucester Township	S340364-11	$712,500	$950,000
Gloucester Township	S340364-15	$1,087,500	$1,450,000
Northfield City	S340508-02	$112,500	$150,000
Spotswood Borough	S340510-01	$4,070,250	$5,427,000
North Hudson SA	S340952-36	$675,000	$900,000
Sussex County MUA	S342008-04	$8,250,000	$11,000,000
Atlantic City MUA	S340439-04	$2,300,000	$3,066,667
Sussex County MUA	S342008-06	$32,250,000	$43,000,000
Burlington City	S340140-02	$1,950,000	$2,600,000
Willingboro MUA	S340132-11	$7,500,000	$10,000,000
Bloomfield Township	S340516-01	$5,423,228	$7,230,970
Brick Township MUA	S340448-14	$1,500,000	$2,000,000
University Hospital	S340500-03	$5,850,000	$7,800,000
Ship Bottom Borough	S340311-04	$2,062,500	$2,750,000
Total Projects 92		**$704,668,362**	**$939,557,813**

(2) The department is authorized to make clean water project loans to the following municipalities receiving funding from the "Pinelands Infrastructure Trust Fund," established pursuant to section 14 of the "Pinelands Infrastructure Trust Bond Act of 1985," P L 1985, c 302

Project Sponsor	Project Number	Estimated Total Loan Amount
Pemberton Twp	Pinelands 1	$2,929,000
Manchester Twp / Jackson MUA	Pinelands 2	$7,192,035
Galloway Twp	Pinelands 4	$3,493,440
Winslow Twp	Pinelands 5	$1,728,940
Total Pinelands Projects 4		**$15,343,415**

b The following environmental infrastructure projects shall be known and may be cited as the "Storm Sandy and State Fiscal Year 2023 Drinking Water Project Eligibility List"

Project Sponsor	Project Number	Estimated Allowable DEP Loan Amount	Estimated Total Loan Amount
Newark City	0714001-020	$13,125,000	$17,500,000
Trenton City	1111001-011	$15,255,000	$20,340,000
Newark City	0714001-019	$9,375,000	$12,500,000
Newark City	0714001-021	$67,500,000	$90,000,000
Orange City	0717001-013	$525,000	$700,000
Bloomfield Township	0702001-003	$823,796	$1,098,395
NJ American Water Company, Incorporated	1345001-017	$7,575,000	$10,100,000
Trenton City	1111001-005	$179,250,000	$239,000,000
National Park Borough	0812001-005	$1,350,000	$1,800,000
Moorestown Township	0322001-001	$18,468,750	$24,625,000
Brick Township MUA	1506001-011	$15,667,500	$20,890,000
East Orange City	0705001-014	$24,750,000	$33,000,000
Highbridge Borough	1014001-004	$1,108,404	$1,477,872
East Greenwich	0803001-004	$1,950,000	$2,600,000
Lakeshore Company	1413001-001	$375,000	$500,000
Jersey City MUA	0906001-017	$1,305,180	$1,740,240
NJ American Water Company, Incorporated	2004002-012	$15,000,000	$20,000,000
Woodbine Borough	0516001-001	$3,750,000	$5,000,000
Newark City	0714001-018	$3,862,500	$5,150,000
Jersey City MUA	0906001-019	$5,025,000	$6,700,000
Wildwood City	0514001-006	$4,637,403	$6,183,204
Seaside Park Borough	1527001-004	$1,125,000	$1,500,000

NJ American Water Company, Incorporated	1345001-021	$19,758,750	$26,345,000
Brick Township MUA	1506001-014	$2,700,000	$3,600,000
Hightstown Borough	1104001-009	$712,500	$950,000
Jersey City MUA	0906001-025	$24,000,000	$32,000,000
Perth Amboy City	1216001-010	$1,238,649	$1,651,532
Jersey City MUA	0906001-009	$3,750,000	$5,000,000
Middlesex Water Company	1225001-028	$8,400,000	$11,200,000
Old Bridge MUA	1209002-005	$2,025,000	$2,700,000
Hoboken City	0905001-002	$6,000,000	$8,000,000
Clinton Town	1005001-010	$1,320,000	$2,640,000
Spotswood Borough	1224001-001	$2,582,936	$3,443,914
Point Pleasant Borough	1525001-002	$2,100,000	$2,800,000
Glen Ridge Borough	0708001-008	$2,025,000	$2,700,000
Tuckerton Borough	1532002-007	$1,275,000	$1,700,000
Jersey City MUA	0906001-020	$4,965,000	$6,620,000
Jersey City MUA	0906001-021	$8,250,000	$11,000,000
Ship Bottom Borough	1528001-003	$7,500,000	$10,000,000
Allentown Borough	1302001-004	$1,746,720	$2,328,960
Jersey City MUA	0906001-015	$2,691,950	$3,589,266
Brick Township MUA	1506001-008	$4,912,500	$6,550,000
Middlesex Water Company	1225001-025	$42,750,000	$57,000,000
Brick Township MUA	1506001-009	$4,446,570	$5,928,760
Ship Bottom Borough	1528001-004	$3,150,000	$4,200,000
Clinton Town	1005001-012	$2,625,000	$3,500,000
Farmingdale Borough	1314001-002	$680,250	$907,000
Roosevelt Borough	1341001-007	$750,000	$1,000,000
NJ American Water Company, Incorporated	2004002-013	$12,000,000	$16,000,000
Clinton Town	1005001-013	$2,250,000	$3,000,000
Winslow Township	0436007-010	$2,868,750	$3,825,000
Mount Arlington	1426005-001	$165,836	$250,285

Borough Highbridge Borough	1014001-001	$75,000	$100,000
Total Projects 53		**$571,518,944**	**$762,934,428**

c The department is authorized to adjust the allowable department loan amount for projects authorized in this section to between zero percent and 100 percent of the total allowable loan amount, and, if the department loan amount is adjusted to 100 percent of the total allowable loan amount, the loan shall be provided pursuant to the terms and conditions of the financing program year in which the construction loan component of the project was certified by the department, and for which the trust issued an interim financing program loan, or, in the absence of an interim financing program loan, the terms and conditions of the State fiscal year 2023 financing program

4 Any financing loan made by the department pursuant to this act shall be subject to the following requirements

a The Commissioner Environmental Protection has certified that the project is in compliance with the provisions of P L 1977, c 224, P L 1985, c 329, P L 1992, c 88, P L 1997, c 223, P L 1997, c 225, or P L 2003, c 162, and any rules and regulations adopted pursuant thereto,

b Except as otherwise provided in this subsection, a loan for an environmental infrastructure project listed in section 2 or 3 of this act shall be subject to the terms and conditions of the financing program year in which the construction loan component of the project was certified by the department, and for which the trust issued an interim financing program loan, or, in the absence of an interim financing program loan, the terms and conditions of the State fiscal year 2023 financing program Notwithstanding any provision of this act or a financial plan of the trust for State fiscal years 2018 through 2022 developed pursuant to section 21 of P L 1985, c 334 (C 58 11B-21) or section 25 of P L 1997, c 224 (C 58 11B-21 1) to the contrary, a loan for an environmental infrastructure project listed in section 2 or 3 of this act that is partially funded from the proceeds of bonds issued by the trust to the United States Environmental Protection Agency pursuant to the federal "Water Infrastructure Finance and Innovation Act of 2014," 33 U S C s 3901 et seq , shall be subject to terms and conditions regulating the blending of federal and other funds that are consistent with those provisions of the financial plan of the trust for State fiscal year 2023 that reference the federal "Water Infrastructure Finance and Innovation Act of 2014,"

c Notwithstanding the provisions of sections 2 and 3 of this act, the department allowable loan amount may be 100 percent of the total allowable loan amount for

(1) clean water project and drinking water project loans to (a) municipalities that do not satisfy the New Jersey Infrastructure Bank credit policy but are subject to State financial supervision and oversight pursuant to the "Local Government Supervision Act (1947)," P L 1947, c 151 (C 52 27BB-1 et seq), or (b) municipal, county, or regional sewerage authorities, or utilities authorities, that do not satisfy the New Jersey Infrastructure Bank credit policy but where the municipal participant through its service agreement with the authority or utility is under State financial supervision and oversight pursuant to the "Local Government Supervision Act (1947)," P L 1947, c 151 (C 52 27BB-1 et seq), and the repayment obligation of the authority or utility is secured by the full faith and credit of the participating municipality pursuant to the service agreement,

(2) clean water and drinking water loans to municipalities receiving funding under the United States Department of Housing and Urban Development Community Development Block Grant – Disaster Recovery Program (CDBG-DR), and

(3) clean water loans to municipal, county, or regional sewerage authorities that qualify for Sewer Overflow and Stormwater Reuse grants for combined sewer overflows or stormwater management projects,

d With the exception of a loan for which the department issues 100 percent of the loan amount pursuant to subsection b of section 2, subsection c of section 3, and subsection c of this section, the loan shall be conditioned upon approval of a loan from the New Jersey Infrastructure Bank pursuant to P L , c (pending before the Legislature as Senate Bill No 2735 of 2022 and Assembly Bill No 4067 of 2022), prior to June 30, 2022,

e The loan shall be repaid within a period not to exceed 30 years, or 35 years for loans funded pursuant to the federal "Water Infrastructure Finance and Innovation Act of 2014," 33 U S C s 3901 et seq as amended and supplemented, or 45 years for combined sewer overflow abatement projects, of the making of the loan, and

f The loan shall be subject to any other terms and conditions as may be established by the commissioner and approved by the State Treasurer, which may include, notwithstanding any other provision of law to the contrary, subordination of a loan authorized in this act to loans made by the New Jersey Infrastructure Bank pursuant to P L , c (pending before the Legislature as Senate Bill No 2735 of 2022 and Assembly Bill No 4067 of

2022), or to administrative fees payable to the trust pursuant to subsection o of section 5 of P L 1985, c 334 (C 58 11B 5)

5 Any Sandy financing loan made by the department pursuant to this act shall be subject to the following requirements

a The commissioner has certified that the project is in compliance with the provisions of Title X, Chapter 7 of the Federal Disaster Relief Appropriations Act,

b The commissioner has certified that the project is in compliance with the provisions of P L 1977, c 224, P L 1985, c 329, P L 1992, c 88, P L 1997, c 223, P L 1997, c 225 or P L 2003, c 162, and any rules and regulations adopted pursuant thereto, and

c The loan shall be subject to any other terms and conditions as may be established by the commissioner and approved by the State Treasurer, which may include, notwithstanding any other provision of law to the contrary, subordination of a loan authorized in this act to loans made by the trust pursuant to P L , c (pending before the Legislature as Senate Bill No 2735 of 2022 and Assembly Bill No 4067 of 2022) prior to June 30, 2023, or to administrative fees payable to the trust pursuant to subsection o of section 5 of P L 1985, c 334 (C 58 11B-5)

6 The eligibility lists and authorization for the making of loans pursuant to sections 2 and 3 of this act shall expire on July 1, 2023, and any project sponsor which has not executed and delivered a loan agreement with the department for a loan authorized in this act shall no longer be entitled to that loan

7 The Commissioner of Environmental Protection is authorized to reduce or increase the individual amount of loan funds made available to or on behalf of project sponsors pursuant to sections 2 and 3 of this act based upon final or low bid building costs defined in and determined in accordance with rules and regulations adopted by the commissioner pursuant to section 4 of P L 1985, c 329, section 2 of P L 1999, c 362 (C 58 12A-12 2), or section 5 of P L 1981, c 261, provided that the total loan amount does not exceed the estimated total allowable loan amount The commissioner is authorized to reduce or increase the individual amount of loan funds made available to or on behalf of project sponsors pursuant to sections 2 and 3 of this act in an amount not to exceed 10 percent of the total allowable loan amount based upon additional project costs to comply with the department's guidance for asset management, emergency response, flood protection, and auxiliary power

8 The expenditure of the funds appropriated by this act is subject to the provisions and conditions of P L 1977, c 224, P L 1085, c 302, P L 1985, c 329, P L 1989, c 181, P L 1992, c 88, P L 1997, c 223, P L 1997, c 225 or P L 2003, c 162, and the rules and regulations adopted by the Commissioner of Environmental Protection pursuant thereto, and the provisions of the Federal Disaster Relief Appropriations Act, the Federal Clean Water Act, and the Federal Safe Drinking Water Act, and any amendatory and supplementary acts thereto

9 The department shall provide general technical assistance to any project sponsor requesting assistance regarding environmental infrastructure project development or applications for funds for a project

10 a Prior to repayment to the Clean Water State Revolving Fund pursuant to sections 1 and 2 of P L 2009, c 77 and any amendatory and supplementary acts thereto, prior to repayment to the "Wastewater Treatment Fund" pursuant to the provisions of section 16 of P L 1985, c 329, prior to repayment to the "1992 Wastewater Treatment Fund" pursuant to the provisions of section 28 of P L 1992, c 88, prior to repayment to the Drinking Water State Revolving Fund, prior to repayment to the "Stormwater Management and Combined Sewer Overflow Abatement Fund" pursuant to the provisions of section 15 of P L 1989, c 181, prior to repayment to the "2003 Water Resources and Wastewater Treatment Fund" pursuant to the provisions of section 20 of P L 2003, c 162, prior to repayment to the "Water Supply Fund" pursuant to the provisions of section 15 of P L 1981, c 261, or prior to the repayment to the "Pinelands Infrastructure Trust Fund" pursuant to the provisions of section 5 of P L 1985, c 302, repayments of loans made pursuant to these acts may be utilized by the New Jersey Infrastructure Bank established pursuant to P L 1985, c 334 (C 58 11B 1 et seq), as amended and supplemented by P L 1997, c 224, under terms and conditions established by the commissioner and trust, approved by the State Treasurer, and consistent with the provisions of P L 1985, c 334 (C 58 11B 1 et seq) and federal tax, environmental or securities law, to the extent necessary to secure repayment of trust bonds issued to finance loans approved pursuant to P L , c (pending before the Legislature as Senate Bill No 2735 of 2022 and Assembly Bill No 4067 of 2022), and to secure the administrative fees payable to the trust pursuant to subsection o of section 5 of P L 1985, c 334 (C 58 11B 5) by the project sponsors receiving trust loans

b Prior to repayment to the Clean Water State Revolving Fund pursuant to section 1 and 2 of P L 2009, c 77 and any amendatory and supplementary acts

thereto, prior to repayment to the "Wastewater Treatment Fund" pursuant to the provisions of section 16 of PL 1985, c 329, prior to repayment to the "1992 Wastewater Treatment Fund" pursuant to the provisions of section 28 of PL 1992, c 88, prior to repayment to the "Water Supply Fund" pursuant to the provisions of section 15 of PL 1981, c 261, prior to repayment to the Drinking Water State Revolving Fund, prior to repayment to the "2003 Water Resources and Wastewater Treatment Fund" pursuant to the provisions of section 20 of PL 2003, c 162, prior to repayment to the "Stormwater Management and Combined Sewer Overflow Abatement Fund" pursuant to the provisions of section 15 of PL 1989, c 181, or prior to repayment to the "Pinelands Infrastructure Trust Fund" pursuant to the provisions of section 5 of PL 1985, c 302, the trust is further authorized to utilize repayments of loans made pursuant to PL 1989, c 189, PL 1990, c 99, PL 1991, c 325, PL 1992, c 38, PL 1993, c 193, PL 1994, c 106, PL 1995, c 219, PL 1996, c 85, PL 1997, c 221, PL 1998, c 84, PL 1999, c 174, PL 2000, c 92, PL 2001, c 222, PL 2002, c 70, PL 2003, c 158, PL 2004, c 109, PL 2005, c 196, PL 2006, c 68, PL 2007, c 139, PL 2008, c 68, PL 2009, c 102, PL 2010, c 63, PL 2011, c 93, PL 2012, c 43, PL 2013, c 95, PL 2014, c 25, PL 2015, c 108, PL 2016, c 32, PL 2017, c 143, as amended by PL 2017, c 326, PL 2018, c 85, as amended by PL 2018, c 137, PL 2019, c 12, PL 2019, c 193, as amended by PL 2019, c 514, PL 2020, c 49, as amended by PL 2021, c 21, PL 2021, c 203, as amended by PL 2021, c 328, or PL 2022, c 99 to secure repayment of trust bonds issued to finance loans approved pursuant to PL 1995, c 218, PL 1996, c 87, PL 1997, c 222, PL 1998, c 85, PL 1999, c 173, PL 2000, c 93, PL 2001, c 224, PL 2002, c 71, PL 2003, c 159, PL 2004, c 110, PL 2005, c 197, PL 2006, c 67, PL 2007, c 140, PL 2008, c 67, PL 2009, c 101, PL 2010, c 62, PL 2011, c 95, PL 2012, c 38, PL 2013, c 94, PL 2014, c 26, PL 2015, c 107, PL 2016, c 31, PL 2017, c 142, as amended by PL 2017, c 327, PL 2018, c 84, as amended by PL 2019, c 30, PL 2019, c 192, as amended by PL 2019, c 515, PL 2020, c 48, as amended by PL 2021, c 22, PL 2021, c 204, as amended by PL 2021, c 316, or PL , c (pending before the Legislature as Senate Bill No 2735 of 2022 and Assembly Bill No 4067 of 2022), and to secure the administrative fees payable to the trust under these loans pursuant to subsection o of section 5 of PL 1985, c 334 (C 58 11B-5)

c To the extent that any loan repayment sums are used to satisfy any trust bond repayment or administrative fee payment deficiencies, the trust shall repay such sums to the department for deposit into the Clean Water State Revolving Fund, the "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the Drinking Water State Revolving Fund, the "2003 Water Resources and Wastewater Treatment Fund," the "Stormwater

Management and Combined Sewer Overflow Abatement Fund," or the "Pinelands Infrastructure Trust Fund," as appropriate, from amounts received by or on behalf of the trust from project sponsors causing any such deficiency

11 The Commissioner of Environmental Protection is authorized to enter into capitalization grant agreements as may be required pursuant to the Federal Disaster Relief Appropriations Act, the Federal Clean Water Act, or the Federal Safe Drinking Water Act

12 There is appropriated to the New Jersey Infrastructure Bank established pursuant to P L 1985, c 334 (C 58 11B-1 et seq) from repayments of loans and interest deposited in any account, on or before June 30, 2023, including the "Clean Water State Revolving Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the "Stormwater Management and Combined Sewer Overflow Abatement Fund," the "2003 Water Resources and Wastewater Treatment Fund," or the Drinking Water State Revolving Fund, as appropriate, and from any net earnings received from the investment and reinvestment of such deposits, such sums as the chairperson or secretary of the trust shall certify to the Commissioner of Environmental Protection to be necessary and appropriate for deposit into one or more reserve funds or accounts established by the trust pursuant to section 11 of P L 1985, c 334 (C 58 11B-11)

13 There is appropriated to the New Jersey Infrastructure Bank established pursuant to P L 1985, c 334 (C 58 11B-1 et seq), funds from the Federal Disaster Relief Appropriations Act deposited in any account including the Clean Water State Revolving Fund, the "Water Supply Fund," or the Drinking Water State Revolving Fund, as appropriate, funds transferred by the department to the New Jersey Infrastructure Bank pursuant to paragraph (21) of subsection a of section 1 of P L 2022, c 99, and funds from any net earnings received from the investment and reinvestment of such deposits, such sums as the chairperson of the trust certifies to the Commissioner of Environmental Protection to be necessary and appropriate for deposit into one or more reserve funds or accounts established by the trust pursuant to section 11 of P L 1985, c 334 (C 58 11B-11)

14 This act shall take effect immediately

Approved August 12, 2022

CHAPTER 100

AN ACT authorizing the expenditure of funds by the New Jersey Infrastructure Bank for the purpose of making loans to eligible project sponsors to finance a portion of the cost of construction of environmental infrastructure projects, and making an appropriation

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

1 a The New Jersey Infrastructure Bank, established pursuant to P L 1985, c 334 (C 58 11B 1 et seq) (hereinafter referred to as "the trust"), is authorized to expend the aggregate sum of up to $2 07 billion and any uncommitted balance of the aggregate expenditures authorized pursuant to section 1 of P L 2000, c 93, section 1 of P L 2001, c 224, section 1 of P L 2002, c 71, section 1 of P L 2003, c 159, section 1 of P L 2004, c 110, section 1 of P L 2005, c 197, section 1 of P L 2006, c 67, section 1 of P L 2007, c 140, section 1 of P L 2008, c 67, section 1 of P L 2009, c 101, section 1 of P L 2010, c 62, section 1 of P L 2011, c 95, section 1 of P L 2012, c 38, section 1 of P L 2013, c 94, section 1 of P L 2014, c 26, section 1 of P L 2015, c 107, section 1 of P L 2016, c 31 as amended by P L 2017, c 13, section 1 of P L 2017, c 142 as amended by P L 2017, c 327, P L 2018, c 84 as amended by P L 2019, c 30, section 1 of P L 2019, c 192 as amended by P L 2019, c 515, and P L 2020, c 48, as amended by P L 2021, c 22, for the purpose of making loans, to the extent sufficient funds are available, to or on behalf of local government units or public water utilities (hereinafter referred to as "project sponsors") to finance all or a portion of the cost of construction of environmental infrastructure projects listed in sections 2 and 4 of this act

b The trust is authorized to increase the aggregate sums specified in subsection a of this section by

(1) the amounts of capitalized interest, administrative expenses associated with any federal funding programs, if applicable, and the bond issuance expenses as provided in subsection b of section 7 of this act,

(2) the amounts of reserve capacity expenses and debt service reserve fund requirements as provided in subsection c of section 7 of this act,

(3) the interest earned on amounts deposited for project costs pending their distribution to project sponsors as provided in subsection d of section 7 of this act,

(4) the amounts of the loan origination fee as provided in subsection e of section 7 of this act,

(5) the amount appropriated to the Department of Environmental Protection for the purpose of making zero interest and principal forgiveness loans pursuant to section 3 of P L , c (pending before the Legislature as Senate Bill No 2734 of 2022 and Assembly Bill No 4066 of 2022) in connection with the project costs of a particular project sponsor, to the extent the priority ranking or an insufficiency of funding prevent the department from meeting program demand as provided in subsection f of section 7 of this act, and

(6) any funds transferred to the trust by the department pursuant to paragraph (21) of subsection a of section 1 of P L , c (pending before the Legislature as Senate Bill No 2734 of 2022 and Assembly Bill No 4066 of 2022)

c (1) Of the sums made available to the trust from the "Water Supply Trust Fund" established pursuant to subsection a of section 15 of the "Water Supply Bond Act of 1981" (P L 1981, c 261), pursuant to P L 1997, c 223, the trust is authorized to transfer such amounts to the Department of Environmental Protection as needed for drinking water project loans pursuant to the "Safe Drinking Water Act Amendments of 1996," Pub L 104-182, and any amendatory and supplementary acts thereto (hereinafter referred to as the "Federal Safe Drinking Water Act"), under terms and conditions established by the Commissioner of Environmental Protection and the trust, and approved by the State Treasurer, which loans shall be jointly administered by the trust and department

(2) Of the sums appropriated to the trust from the "Wastewater Treatment Trust Fund" established pursuant to section 15 of the "Wastewater Treatment Bond Act of 1985," (P L 1985, c 329), pursuant to P L 1987, c 198, the trust is authorized to transfer such amounts as needed to the Clean Water State Revolving Fund established pursuant to section 1 of P L 2009, c 77 for the purposes of issuing loans or providing the State match as required for the award of capitalization grants made available to the State for clean water projects pursuant to the "Water Quality Act of 1987" (33 U S C s 1251 et seq), and any amendatory and supplementary acts thereto (hereinafter referred to as the "Federal Clean Water Act")

(3) Of the sums appropriated to the trust from the "1992 Wastewater Treatment Trust Fund" established pursuant to section 27 of the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992" (P L 1992, c 88), pursuant to P L 1996, c 86, the trust is authorized to transfer such amounts as needed to the Clean Water State Revolving Fund for the purpose of providing the State match as required for the award of capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act

(4) Of the sums appropriated to the trust from the "Stormwater Management and Combined Sewer Overflow Abatement Fund" created pursuant to section 14 of the "Stormwater Management and Combined Sewer Overflow Abatement Bond Act of 1989," P.L. 1989, c. 181, pursuant to P.L. 1998, c. 87, the trust is authorized to transfer such amounts as needed to the Clean Water State Revolving Fund for the purpose of providing the State match as required for the award of capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(5) Of the sums appropriated to the trust from the "2003 Water Resources and Wastewater Treatment Trust Fund" established pursuant to subsection b. of section 19 of the "Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003" (P.L. 2003, c. 162), pursuant to P.L. 2004, c. 110, the trust is authorized to transfer such amounts as needed to the Clean Water State Revolving Fund for the purpose of providing the State match as required for the award of capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(6) Of the sums appropriated to the trust from repayments of loans deposited in any account, including the "Clean Water State Revolving Fund," "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the "Stormwater Management and Combined Sewer Overflow Abatement Fund" or the Drinking Water State Revolving Fund, as appropriate, pursuant to sections 11 and 12 of P.L. 1995, c. 219, sections 11 and 12 of P.L. 1996, c. 85, sections 11 and 12 of P.L. 1997, c. 221, sections 12 and 13 of P.L. 1998, c. 84, section 11 of P.L. 1999, c. 174, section 11 of P.L. 2000, c. 92, section 11 of P.L. 2001, c. 222, section 11 of P.L. 2002, c. 70, section 11 of P.L. 2003, c. 158, section 11 of P.L. 2004, c. 109, section 11 of P.L. 2005, c. 196, section 11 of P.L. 2006, c. 68, section 10 of P.L. 2007, c. 140, section 10 of P.L. 2008, c. 67, section 10 of P.L. 2009, c. 101, section 10 of P.L. 2010, c. 62, section 10 of P.L. 2011, c. 95, section 10 of P.L. 2012, c. 38, section 10 of P.L. 2013, c. 94, section 10 of P.L. 2014, c. 26, section 10 of P.L. 2015, c. 107, section 10 of P.L. 2016, c. 31, section 10 of P.L. 2017, c. 142 as amended by section 10 of P.L. 2017, c. 327, section 10 of P.L. 2018, c. 84 as amended by P.L. 2019, c. 30, section 10 of P.L. 2019, c. 192 as amended by section 10 of P.L. 2019, c. 515, section 10 of P.L. 2020, c. 48, as amended by P.L. 2021, c. 22, section 10 of P.L. 2021, c. 204, as amended by P.L. 2021, c. 316, and section 10 of P.L. 2022, c. 100 for deposit into one or more reserve funds or accounts established by the trust pursuant to section 11 of P.L. 1985, c. 334 (C. 58:11B-11), the trust shall transfer to the respective fund of origin the uncommitted balance of all such moneys no longer utilized by the trust for such purposes.

d. For the purposes of this act

(1) "capitalized interest" means the amount equal to interest paid on trust bonds which is funded with trust bond proceeds and the earnings thereon,

(2) "debt service reserve fund expenses" means the debt service reserve fund costs associated with reserve capacity expenses, water supply projects for which the project sponsors are public water utilities as provided in section 9 of P L 1985, c 334 (C 58 11B-9), other drinking water projects not eligible for, or interested in, State or federal debt service reserve funds pursuant to the "Water Supply Bond Act of 1981," P L 1981, c 261 as amended and supplemented by P L 1997, c 223, and any clean water projects not eligible for, or interested in, State or federal debt service reserve funds from the Clean Water State Revolving Fund,

(3) "issuance expenses" means any costs related to the issuance of trust bonds and includes, but is not limited to, the costs of financial document printing, bond insurance premiums or other credit enhancement, underwriters' discount, verification of financial calculations, the services of bond rating agencies and trustees, the employment of accountants, attorneys, financial advisors, loan servicing agents, registrars, and paying agents

(4) "loan origination fee" means the fee charged by the Department of Environmental Protection and financed under the trust loan to pay a portion of the costs incurred by the department in the implementation of the New Jersey Environmental Infrastructure Financing Program, and

(5) "reserve capacity expenses" means those project costs for reserve capacity not eligible for loans under rules and regulations governing zero interest loans adopted by the Commissioner of Environmental Protection pursuant to section 4 of P L 1985, c 329 but which are eligible for loans from the trust in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P L 1985, c 334 (C 58 11B 27)

e The trust is authorized to increase the loan amount in the future to compensate for a refunding of the issue, provided adequate savings are achieved, for the loans issued pursuant to P L 1995, c 218, P L 1996, c 87, P L 1997, c 222, P L 1998, c 85, P L 1999, c 173, P L 2000, c 93, P L 2001, c 224, P L 2002, c 71, P L 2003, c 159, P L 2004, c 110, P L 2005, c 197, P L 2006, c 67, P L 2007, c 140, P L 2008, c 67, P L 2009, c 101, P L 2010, c 62, P L 2011, c 95, P L 2012, c 38, P L 2013, c 94, P L 2014, c 26, P L 2015, c 107, P L 2016, c 31 as amended by P L 2017, c 13, P L 2017, c 142 as amended by P L 2017, c 327, P L 2018, c 84 as amended by P L 2019, c 30, P L 2019, c 192 as amended by P L 2019, c 515, P L 2020, c 48, as amended by P L 2021, c 22, P L 2021, c 204, as amended by P L 2021, c 316, and P L 2022, c 100

2 a (1) The New Jersey Infrastructure Bank is authorized to expend funds for the purpose of making supplemental loans to or on behalf of the project sponsors listed below for the following clean water environmental infrastructure projects

Project Sponsor	Project Number	Estimated Allowable DEP Loan Amount	Estimated Total Loan Amount
Camden County MUA	S340640-18R	$7,500,000	$10,000,000
Clinton Town	S340924-07R	$600,000	$800,000
Hoboken City	S340635-06R	$24,750,000	$33,000,000
Jersey City MUA	S340928-15R	$2,625,000	$3,500,000
Newark City	S340815-24R	$15,750,000	$21,000,000
North Bergen MUA	S340652-14R	$6,150,000	$8,200,000
Ocean Township SA	S340750-14R	$750,000	$1,000,000
Passaic Valley SC	S340689-40R	$1,125,000	$1,500,000
Plumsted Township	S340607-03R	$7,500,000	$10,000,000
Rockaway Valley RSA	S340821-07R	$2,250,000	$3,000,000
Paterson City	S340850-03-1	$1,912,500	$2,550,000
Somerville Borough	S342013-01-1	$1,387,500	$1,850,000
Total Projects 12		**$72,300,000**	**$96,400,000**

(2) A loan authorized by this subsection shall be made for the difference between the allowable loan amount required by the project based upon final building costs pursuant to subsection a of section 7 of this act and the loan amount certified by the chairperson, vice chairperson, or secretary of the trust in State fiscal years 2017, 2018, 2019, 2020, and 2021 and for increased allowable costs as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P L 1985, c 334 (C 58 11B 27) A loan authorized by this subsection shall be made to or on behalf of the project sponsor listed, up to the individual amount indicated and in the priority stated, to the extent sufficient funds are available, except if a project fails to meet the requirements of section 6 of this act

(3) The loans for projects authorized by this subsection shall have priority over the environmental infrastructure projects listed in subsection a of section 4 of this act

b (1) The trust is authorized to expend funds for the purpose of making supplemental loans to or on behalf of the project sponsors listed below for the following drinking water environmental infrastructure projects

Project Sponsor	Project Number	Estimated Allowable DEP Loan Amount	Estimated Total Loan Amount
National Park Borough	0812001-004R	$750,000	$1,000,000
Newark City	0714001-016R	$2,250,000	$3,000,000
North Jersey District Water Supply Comm	1613001-025R	$19,125,000	$25,500,000
Total Projects 3		**$22,125,000**	**$29,500,000**

(2) A loan authorized by this subsection shall be made for the difference between the allowable loan amount required by the project based upon final building costs pursuant to subsection a of section 7 of this act and the loan amount certified by the chairperson, vice chairperson, or secretary of the trust in State fiscal year 2018, 2019, and 2020 and for increased allowable costs as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P L 1985, c 334 (C 58 11B-27) A loan authorized by this subsection shall be made to or on behalf of the project sponsor listed, up to the individual amount indicated and in the priority stated, to the extent sufficient funds are available, except if a project fails to meet the requirements of section 6 of this act

(3) The loans for projects authorized by this subsection shall have priority over environmental infrastructure projects listed in subsection b of section 4 of this act

c The trust is authorized to adjust the allowable trust loan amount for the projects authorized in this section to between zero percent and 100 percent of the total allowable loan amount

3 a The New Jersey Infrastructure Bank is authorized to make loans to or on behalf of the project sponsors for the clean water projects listed in subsection a of section 2 and subsection a of section 4 of this act up to the individual amounts indicated and in the priority stated, except that any such amount may be reduced by the trust pursuant to subsection a of section 7 of this act, or if a project fails to meet the requirements of section 6 of this act The trust is authorized to increase any such amount pursuant to subsections b , c , d , e , or f of section 7 of this act, or pursuant to section 8 of this act

b The trust is authorized to make loans to project sponsors for the drinking water projects listed in subsection b of section 4 of this act up to the individual amounts indicated and in the priority stated, except that any such amount may be reduced by the trust pursuant to subsection a of section 7 of this act, or if a project fails to meet the requirements of section 6 of this act

The trust is authorized to increase any such amount pursuant to subsections b , c , d , e , or f of section 7 of this act, or pursuant to section 8 of this act

c The trust is authorized to make loans to local government units for clean water projects partially funded from the "Pinelands Infrastructure Trust Fund" established pursuant to section 14 of P L 1985, c 302 for the balance of allowable project costs up to the individual amounts indicated, provided that any such amount may be reduced by the trust pursuant to subsection a of section 7 of this act, or if a project fails to meet the requirements of section 6 of this act

The following local government units are eligible for funding from the "Pinelands Infrastructure Trust Fund" and for loans from the trust in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P L 1985, c 334 (C 58 11B-27) for the following clean water projects

Project Sponsor	**Project Number**	**Estimated Total Loan Amount**
Pemberton Twp	Pinelands 1	$2,929,000
Manchester Twp / Jackson MUA	Pinelands 2	$7,192,035
Galloway Twp	Pinelands 4	$3,493,440
Winslow Twp	Pinelands 5	$1,728,940
Total Pinelands Projects 4	**$15,343,415**	

4 a The following environmental infrastructure projects shall be known and may be cited as the "Storm Sandy and State Fiscal Year 2023 Clean Water Project Eligibility List"

Project Sponsor	**Project Number**	**Estimated Allowable DEP Loan Amount**	**Estimated Total Loan Amount**
Musconetcong SA	S340384-09	$4,650,000	$6,200,000
Camden County MUA	S340640-20	$2,250,000	$3,000,000
Camden County MUA	S345040-01	$1,035,000	$1,380,000
Camden City	S340366-15	$9,997,500	$13,330,000
Jersey City MUA	S340928-21	$9,750,000	$13,000,000
Jersey City MUA	S340928-24	$81,000,000	$108,000,000
Elizabeth City	S345070-01	$3,000,001	$4,000,001
Bayonne City	S340399-31	$3,750,000	$5,000,000
Long Branch SA	S340336-08	$1,305,525	$1,740,700
Ocean County UA	S340372-63	$1,650,000	$2,200,000
Hoboken City	S340635-09	$375,000	$500,000
Mount Laurel Township MUA	S340943-06	$6,000,000	$8,000,000
North Hudson SA	S340952-34	$900,000	$1,200,000
North Hudson SA	S340952-33	$20,250,000	$27,000,000
North Hudson SA	S340952-31	$675,000	$900,000

North Hudson SA	S345190-01	$4,500,000	$6,000,000
North Hudson SA	S340952-38	$1,013,400	$1,351,200
Perth Amboy City	S345220-01	$750,000	$1,000,000
Hackensack City	S340923-13	$11,400,000	$15,200,000
Hackensack City	S340923-14	$6,000,000	$8,000,000
Passaic Valley SC	S340689-37	$91,125,000	$121,500,000
Passaic Valley SC	S345200-01	$7,125,000	$9,500,000
Pennsville SA	S340870-05	$3,000,000	$4,000,000
Bergen County UA	S340386-23	$14,025,000	$18,700,000
Logan Township MUA	S340123-02	$9,000,000	$12,000,000
Bergen County UA	S340386-21	$5,700,000	$7,600,000
Linden Roselle SA	S340299-08	$20,250,000	$27,000,000
Passaic Valley SC	S340689-50	$6,600,000	$8,800,000
Gloucester County UA	S340902-15	$8,625,000	$11,500,000
Allentown Borough	S340567-05	$3,825,000	$5,100,000
Stony Brook RSA	S340400-11	$16,500,000	$22,000,000
Evesham MUA	S340838-09	$375,000	$500,000
Rutgers, The State University of New Jersey	S340500-01	$28,125,000	$37,500,000
Willingboro MUA	S340132-09	$6,750,000	$9,000,000
Rockaway Valley RSA	S340821-08	$11,625,000	$15,500,000
Wildwood City	S340664-06	$11,784,758	$15,713,010
New Jersey Water Supply Authority	S340421-02	$71,250,000	$95,000,000
Long Branch SA	S340336-09	$4,200,000	$5,600,000
Stafford Township	S340946-08	$2,625,000	$3,500,000
Stafford Township	S340946-07	$3,750,000	$5,000,000
Vernon Township	S340745-03	$1,875,000	$2,500,000
Delran Township	S340794-10	$1,575,000	$2,100,000
Hopatcong Borough	S340488-07	$60,000	$80,000
Tuckerton Borough	S340034-05	$2,475,000	$3,300,000
Atlantic County UA	S340809-30	$7,575,000	$10,100,000
Toms River MUA	S340145-08	$1,018,800	$1,358,400
Two Rivers Water Reclamation Authority	S340117-09	$3,150,000	$4,200,000
Northwest Bergen County UA	S340700-19	$6,099,338	$8,132,450
Two Rivers Reclamation Authority	S340117-10	$2,475,000	$3,300,000
Franklin Township SA	S340839-09	$5,625,000	$7,500,000
Parsippany Troy Hills Township	S340886-05	$8,800,125	$11,733,500
Berkeley Township SA	S340969-14	$2,625,000	$3,500,000
Scotch Plains Township	S340512-01	$2,025,000	$2,700,000
Burlington Township	S340712-17	$750,000	$1,000,000

Hopewell Township	S340282-03	$1,230,000	$1,640,000
Mantua Township MUA	S340514-03	$1,012,500	$1,350,000
Middlesex Borough	S340698-03	$900,000	$1,200,000
Pennsville SA	S340870-04	$1,200,000	$1,600,000
Red Bank Borough	S340528-01	$3,375,000	$4,500,000
North Haledon Borough	S340229-02	$75,000	$100,000
North Haledon Borough	S340229-01	$765,771	$1,021,028
Haddon Heights Borough	S340877-02	$82,500	$110,000
Emerson Borough	S340497-01	$75,000	$100,000
Emerson Borough	S340497-02	$337,500	$450,000
Mount Arlington Borough	S340451-05	$159,589	$212,785
Medford Lakes Borough	S340319-03	$8,250,000	$11,000,000
Mendham Borough	S340159-03	$2,400,000	$3,200,000
Hamburg Borough	S340149-03	$75,000	$100,000
Long Beach Township	S340023-07	$3,450,000	$4,600,000
Borough of Wenonah	S340531-01	$997,500	$1,330,000
Seaside Park Borough	S340083-04	$3,000,000	$4,000,000
Ship Bottom Borough	S340311-05	$3,750,000	$5,000,000
Passaic Valley SC	S340689-45	$7,657,577	$10,210,102
Montville Township	S340931-04	$2,625,000	$3,500,000
Camden County MUA	S340640-26	$21,150,000	$28,200,000
Lower Township MUA	S340810-05	$22,500,000	$30,000,000
Mantua Township MUA	S340514-02	$1,687,500	$2,250,000
Little Egg Harbor Township	S340579-04	$1,530,000	$2,040,000
Gloucester Township	S340364-11	$712,500	$950,000
Gloucester Township	S340364-15	$1,087,500	$1,450,000
Northfield City	S340508-02	$112,500	$150,000
Spotswood Borough	S340510-01	$4,070,250	$5,427,000
North Hudson SA	S340952-36	$675,000	$900,000
Sussex County MUA	S342008-04	$8,250,000	$11,000,000
Atlantic City MUA	S340439-04	$2,300,000	$3,066,667
Sussex County MUA	S342008-06	$32,250,000	$43,000,000
Burlington City	S340140-02	$1,950,000	$2,600,000
Willingboro MUA	S340132-11	$7,500,000	$10,000,000
Bloomfield Township	S340516-01	$5,423,228	$7,230,970
Brick Township MUA	S340448-14	$1,500,000	$2,000,000
University Hospital	S340500-03	$5,850,000	$7,800,000
Ship Bottom Borough	S340311-04	$2,062,500	$2,750,000
Total Projects 92		**$704,668,362**	**$939,557,813**

b The following environmental infrastructure projects shall be known and may be cited as the "Storm Sandy and State Fiscal Year 2023 Drinking Water Project Eligibility List"

Project Sponsor	Project Number	Estimated Allowable DEP Loan Amount	Estimated Total Loan Amount
Newark City	0714001-020	$13,125,000	$17,500,000
Trenton City	1111001-011	$15,255,000	$20,340,000
Newark City	0714001-019	$9,375,000	$12,500,000
Newark City	0714001-021	$67,500,000	$90,000,000
Orange City	0717001-013	$525,000	$700,000
Bloomfield Township	0702001-003	$823,796	$1,098,395
NJ American Water Company, Incorporated	1345001-017	$7,575,000	$10,100,000
Trenton City	1111001-005	$179,250,000	$239,000,000
National Park Borough	0812001-005	$1,350,000	$1,800,000
Moorestown Township	0322001-001	$18,468,750	$24,625,000
Brick Township MUA	1506001-011	$15,667,500	$20,890,000
East Orange City	0705001-014	$24,750,000	$33,000,000
Highbridge Borough	1014001-004	$1,108,404	$1,477,872
East Greenwich	0803001-004	$1,950,000	$2,600,000
Lakeshore Company	1413001-001	$375,000	$500,000
Jersey City MUA	0906001-017	$1,305,180	$1,740,240
NJ American Water Company, Incorporated	2004002-012	$15,000,000	$20,000,000
Woodbine Borough	0516001-001	$3,750,000	$5,000,000
Newark City	0714001-018	$3,862,500	$5,150,000
Jersey City MUA	0906001-019	$5,025,000	$6,700,000
Wildwood City	0514001-006	$4,637,403	$6,183,204
Seaside Park Borough	1527001-004	$1,125,000	$1,500,000
NJ American Water Company, Incorporated	1345001-021	$19,758,750	$26,345,000
Brick Township MUA	1506001-014	$2,700,000	$3,600,000
Hightstown Borough	1104001-009	$712,500	$950,000
Jersey City MUA	0906001-025	$24,000,000	$32,000,000
Perth Amboy City	1216001-010	$1,238,649	$1,651,532
Jersey City MUA	0906001-009	$3,750,000	$5,000,000
Middlesex Water Company	1225001-028	$8,400,000	$11,200,000
Old Bridge MUA	1209002-005	$2,025,000	$2,700,000
Hoboken City	0905001-002	$6,000,000	$8,000,000
Clinton Town	1005001-010	$1,320,000	$2,640,000
Spotswood Borough	1224001-001	$2,582,936	$3,443,914

Point Pleasant Borough	1525001-002	$2,100,000	$2,800,000
Glen Ridge Borough	0708001-008	$2,025,000	$2,700,000
Tuckerton Borough	1532002-007	$1,275,000	$1,700,000
Jersey City MUA	0906001-020	$4,965,000	$6,620,000
Jersey City MUA	0906001-021	$8,250,000	$11,000,000
Ship Bottom Borough	1528001-003	$7,500,000	$10,000,000
Allentown Borough	1302001-004	$1,746,720	$2,328,960
Jersey City MUA	0906001-015	$2,691,950	$3,589,266
Brick Township MUA	1506001-008	$4,912,500	$6,550,000
Middlesex Water Company	1225001-025	$42,750,000	$57,000,000
Brick Township MUA	1506001-009	$4,446,570	$5,928,760
Ship Bottom Borough	1528001-004	$3,150,000	$4,200,000
Clinton Town	1005001-012	$2,625,000	$3,500,000
Farmingdale Borough	1314001-002	$680,250	$907,000
Roosevelt Borough	1341001-007	$750,000	$1,000,000
NJ American Water Company, Incorporated	2004002-013	$12,000,000	$16,000,000
Clinton Town	1005001-013	$2,250,000	$3,000,000
Winslow Township	0436007-010	$2,868,750	$3,825,000
Mount Arlington Borough	1426005-001	$165,836	$250,285
Highbridge Borough	1014001-001	$75,000	$100,000
Total Projects 53		**$571,518,944**	**$762,934,428**

c The trust is authorized to adjust the allowable trust loan amount for projects authorized in this section to between zero percent and 100 percent of the total allowable loan amount, and, if the trust loan amount is adjusted to 100 percent of the total allowable loan amount, the loan shall be provided pursuant to the terms and conditions of the financing program year in which the construction loan component of the project was certified by the department, and for which the trust issued an interim financing program loan for the project, or, in the absence of an interim financing program loan, the terms and conditions of the State fiscal year 2023 financing program

5 In accordance with and subject to the provisions of sections 5, 6, and 23 of P L 1985, c 334 (C 58 11B 5, C 58 11B 6, and C 58 11B 23), and as set forth in the financial plan required pursuant to section 21 of P L 1985, c 334 (C 58 11B 21), or the financial plan required pursuant to section 25 of P L 1997, c 224 (C 58 11B-21 1), any proceeds from bonds issued by the trust to make loans for priority environmental infrastructure projects listed in sections 2 and 4 of this act which are not expended for that purpose may be applied for the payment of all or any part of the principal of, or interest and

premium on, the trust bonds whether due at stated maturity, the interest payment dates, or earlier upon redemption A portion of the proceeds from bonds issued by the trust to make loans for priority environmental infrastructure projects pursuant to this act may be applied for the payment of capitalized interest and for the payment of any issuance expenses, for the payment of reserve capacity expenses, for the payment of debt service reserve fund expenses for the payment of the loan origination fees, and for the payment of increased costs, as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P L 1985, c 334 (C 58 11B 27)

6 Any loan made by the New Jersey Infrastructure Bank pursuant to this act shall be subject to the following requirements

a The chairperson, vice chairperson, or secretary of the trust has certified that the project is in compliance with the provisions of P L 1977, c 224, P L 1985, c 334, P L 1992, c 88, P L 1997, c 223, P L 1997, c 224, P L 1997, c 225, P L 1999, c 175 or P L 2003, c 162, and any amendatory and supplementary acts thereto, and any rules and regulations adopted pursuant thereto, as applicable In making this certification, the chairperson, vice chairperson, or secretary may conclusively rely on the project review conducted by the Department of Environmental Protection without any independent review thereof by the trust,

b The loan shall be conditioned upon inclusion of the project on a project eligibility list approved pursuant to section 20 of P L 1985, c 334 (C 58 11B-20) or section 24 of P L 1997, c 224 (C 58 11B-20 1),

c The loan shall be repaid within a period not to exceed 30 years, or 35 years for loans funded pursuant to the federal "Water Infrastructure Finance and Innovation Act of 2014," 33 U S C s 3901 et seq , as amended and supplemented, or 45 years for combined sewer overflow abatement projects, of the making of the loan,

d The loan, including any portion thereof made by the trust pursuant to subsection f of section 7 of this act, shall not exceed the allowable project cost of the environmental infrastructure facility, exclusive of capitalized interest, administrative expenses associated with federal funding programs, if applicable, and issuance expenses as provided in subsection b of section 7 of this act, reserve capacity expenses and the debt service reserve fund expenses as provided in subsection c of section 7 of this act, interest earned on project costs as provided in subsection d of section 7 of this act, the amounts of the loan origination fee as provided in subsection e of section 7 of this act, refunding increases as provided in section 8 of this act and increased costs as defined and determined in accordance with the rules and

regulations adopted by the trust pursuant to section 27 of P L 1985, c 334 (C 58 11B 27),

e The loan shall bear interest, exclusive of any late charges or administrative fees payable to the trust pursuant to subsection o of section 5 of P L 1985, c 334 (C 58 11B 5) by the project sponsors receiving trust loans, at or below the interest rate paid by the trust on the bonds issued to make or refund the loans authorized by this act, adjusted for underwriting discount and original issue discount or premium, in accordance with the terms and conditions set forth in the financial plan required pursuant to section 21 of P L 1985, c 334 (C 58 11B 21) or the financial plan required pursuant to section 25 of P L 1997, c 224 (C 58 11B-21 1),

f The loan shall be subject to all other terms and conditions as the trust shall determine to be consistent with the provisions of P L 1985, c 334 (C 58 11B 1 et seq) and any rules and regulations adopted pursuant thereto, and with the financial plan required by section 21 of P L 1985, c 334 (C 58 11B 21) or the financial plan required pursuant to section 25 of P L 1997, c 224 (C 58 11B-21 1),

g Notwithstanding any provision of this act or a financial plan of the trust for State fiscal years 2018 through 2022 developed pursuant to section 21 of P L 1985, c 334 (C 58 11B-21) or section 25 of P L 1997, c 224 (C 58 11B-21 1) to the contrary, a loan for an environmental infrastructure project listed in section 2 or 3 of this act that is partially funded from the proceeds of bonds issued by the trust to the United States Environmental Protection Agency pursuant to the federal "Water Infrastructure Finance and Innovation Act of 2014," 33 U S C s 3901 et seq , shall be subject to terms and conditions regulating the blending of federal and other funds that are consistent with those provisions of Section III of the applicable financial plan of the trust for State fiscal year 2021 that reference the federal "Water Infrastructure Finance and Innovation Act of 2014", and

h The eligibility lists and authorization for the making of loans pursuant to this act shall expire on July 1, 2023, and any project sponsor which has not executed and delivered a loan agreement with the trust for a loan authorized in this act shall no longer be entitled to that loan

7 a The New Jersey Infrastructure Bank is authorized to reduce the individual amount of loan funds made available to or on behalf of project sponsors pursuant to sections 2 and 4 of this act based upon final building costs defined in and determined in accordance with rules and regulations adopted by the trust pursuant to section 27 of P L 1985, c 334 (C 58 11B 27) or rules and regulations adopted by the Commissioner of Environmental Protection pursuant

to section 4 of P.L. 1985, c. 329, section 11 of P.L. 1977, c. 224 (C. 58:12A-11) or section 5 of P.L. 1981, c. 261. The trust is authorized to use any such reduction in the loan amount made available to a project sponsor to cover that project sponsor's increased costs due to differing site conditions or other allowable expenses as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L. 1985, c. 334 (C. 58:11B-27).

b. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of this act by the amount of capitalized interest, issuance expenses, and administrative expenses associated with federal funding programs, if applicable, allocable to each loan made by the trust pursuant to this act.

c. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of this act by the amount of reserve capacity expenses, and by the debt service reserve fund expenses associated with the costs identified in paragraphs (3) and (4) of subsection d. of section 1 of this act.

d. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of this act by the interest earned on amounts deposited for project costs pending their distribution to project sponsors.

e. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of this act by the loan origination fee.

f. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of this act by the amount appropriated to the Department of Environmental Protection for the purpose of making the corresponding zero interest loan pursuant to section 3 of P.L. , c. (pending before the Legislature as Senate Bill No. 2734 of 2022 and Assembly Bill No. 4066 of 2022) in connection with the project costs of the project sponsor, to the extent the priority ranking or an insufficiency of funding prevents the department from meeting program demand, and for lead abatement projects ineligible for department loans under the Federal Clean Water Act and Safe Drinking Water Act.

8. The New Jersey Infrastructure Bank is authorized to increase the individual amount of loan funds made available to project sponsors by the trust pursuant to P.L. 1989, c. 190, P.L. 1990, c. 97, P.L. 1991, c. 324, P.L. 1992, c. 37, P.L. 1993, c. 192, P.L. 1994, c. 105, P.L. 1995, c. 218, P.L. 1996, c. 87, P.L. 1997, c. 222, P.L. 1998, c. 85, P.L. 1999, c. 173, P.L. 2000, c. 93, P.L. 2001, c. 224, P.L. 2002, c. 71, P.L. 2003, c. 159, P.L. 2004, c. 110, P.L. 2005, c. 197, P.L. 2006, c. 67, P.L. 2007, c. 140, P.L. 2008, c. 67, P.L. 2009, c. 101, P.L. 2010, c. 62, P.L. 2011, c. 95, P.L. 2012, c. 38, P.L. 2013, c. 94, P.L. 2014, c. 26, P.L. 2015, c. 107, P.L. 2016, c. 31 as amended by P.L. 2017, c. 13, P.L. 2017, c. 142 as amended by P.L. 2017, c. 327, P.L. 2018, c. 84 as amended by P.L. 2019, c. 30, P.L. 2019, c. 192

as amended by PL 2019, c 515, PL 2020, c 48, as amended by PL 2021, c 22, PL 2021, c 204, as amended by PL 2021, c 316, or PL 2022, c 100, provided that adequate savings are achieved, to compensate for a refunding of trust bonds issued to make loans authorized by the aforementioned acts

9 The expenditure of funds authorized pursuant to this act is subject to the provisions of PL 1977, c 224 (C 58 12A-1 et al), PL 1985, c 329, PL 1985, c 334 (C 58 11B 1 et seq) as amended and supplemented by PL 1997, c 224, PL 1992, c 88, PL 1989, c 181, PL 1997, c 223, PL 1997, c 225, PL 1999, c 175, or PL 2003, c 162, the rules and regulations adopted pursuant thereto, and the Federal Safe Drinking Water Act, as appropriate

10 a There is appropriated to the New Jersey Infrastructure Bank, as needed to make short-term or temporary loans, from funds deposited in any account, including the "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the "2003 Water Resources and Wastewater Treatment Trust Fund," the "Stormwater Management and Combined Sewer Overflow Abatement Fund," the "Clean Water State Revolving Fund," the "Drinking Water State Revolving Fund," or the funds transferred to the trust by the department pursuant to paragraph (21) of subsection a of section 1 of PL , c (pending before the Legislature as Senate Bill No 2734 of 2022 and Assembly Bill No 4066 of 2022), as appropriate, and from any net earnings received from the investment and reinvestment of such deposits, an amount of up to $1 billion, to the extent funds are available, consisting of

(1) The uncommitted balance currently on deposit as of July 1, 2022 in the special fund (hereinafter referred to as the "Interim Environmental Financing Program Fund") created and established by the trust for the short-term or temporary loan financing or refinancing program (hereinafter referred to as the "Interim Environmental Financing Program") authorized pursuant to subsection d of section 9 of PL 1985, c 334 (C 58 11B-9), which balance previously had been appropriated to the trust for such purpose pursuant to section 11 of PL 2019, c 192, less any Interim Environmental Financing Program Fund amounts appropriated to the Department of Environmental Protection to supplement the sums appropriated from the Clean Water State Revolving Fund for clean water projects pursuant to the Federal Clean Water Act and from the Drinking Water State Revolving Fund for drinking water projects pursuant to the Federal Safe Drinking Water Act, provided that at no time shall funds committed pursuant to this section exceed funds required by the Department of Environmental Protection to meet long-term obligations, and

(2) such other amounts to be deposited in the Interim Environmental Financing Program Fund, in an aggregate amount that does not exceed at any time, the amount appropriated, provided that the amount so reappropriated and appropriated to the trust for deposit in the Interim Environmental Financing Program Fund shall be utilized by the trust to make short-term or temporary loans pursuant to the Interim Environmental Financing Program to any one or more of the project sponsors, for the respective projects thereof, identified in the interim environmental financing project priority list (hereinafter referred to as the "Interim Environmental Financing Program Project Priority List") in the form provided to the Legislature by the Commissioner of Environmental Protection

b The Interim Environmental Financing Program Project Priority List shall be submitted to the Secretary of the Senate and the Clerk of the General Assembly at least once each fiscal year The Secretary of the Senate and the Clerk 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 Environmental Financing Program Project Priority List shall not be eligible for a short-term or temporary loan from the Interim Environmental Financing Program Fund

c The trust may issue market rate interest short-term temporary loans for wastewater treatment and water supply projects on the Interim Environmental Financing Program Project Priority List for the reduction of lead in publicly-owned facilities otherwise ineligible to receive funding for that purpose pursuant to subsection a of this section

11 a There is appropriated to the New Jersey Infrastructure Bank for deposit in an environmental subaccount of the special fund created and established by the trust for the short-term or temporary Disaster Relief Emergency Financing Program loan financing or refinancing program (hereinafter referred to as the "Disaster Relief Emergency Financing Program") authorized pursuant to subsection a of section 1 of P L 2013, c 93 (C 58 11B-9 5) such sums as needed consisting of

(1) sums from the "Interim Environmental Financing Program Fund" as needed by the trust to make short-term or temporary loans pursuant to the Disaster Relief Emergency Financing Program to any one or more of the project sponsors, for the respective projects thereof, and

(2) such other amounts to be deposited in the Disaster Relief Emergency Financing Program Fund, provided that the amount so appropriated to the trust for deposit in the Disaster Relief Emergency Financing Program Fund

shall be utilized by the trust to make short-term or temporary loans pursuant to the Disaster Relief Emergency Financing Program to any one or more of the project sponsors, for the respective projects thereof Any environmental projects funded by the Disaster Relief Emergency Financing Program shall be subject to the approval of the Commissioner of Environmental Protection

b The Environmental Disaster Relief Emergency Financing Program Project Priority List shall be submitted to the Legislature pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1) at least once in each fiscal year Any environmental infrastructure project or the project sponsor thereof not identified in the Environmental Disaster Relief Emergency Financing Program Project Priority List shall not be eligible for a short-term or temporary loan from the Environmental Disaster Relief Emergency Financing Program Fund

12 Notwithstanding the provisions of the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq) to the contrary, the trust shall not be required to adopt rules and regulations governing the making of Disaster Relief Emergency Financing Program loans

13 This act shall take effect immediately

Approved August 12, 2022

CHAPTER 101

AN ACT concerning changes in control of health care entities and supplementing P L 1965, c 173 (C 34 11-4 1 et seq)

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

C 34 11-4 15 Disclosure of employee information, certain, change in control, health care entity employer

1 a Not less than 30 days before a change in control, a former health care entity employer shall provide the successor health care entity employer, and any collective bargaining representative the employees may have, a list containing the name, address, date of hire, phone number, wage rate, and employment classification of each eligible employee employed at the affected health care entity, inform all eligible employees of their rights provided by

this section, and post, in a conspicuous location or locations accessible to all employees, a notice setting forth the rights provided by this section

b No change in control of a health care entity shall be made without a contract or agreement between the former health care entity employer and the successor health care entity employer which provides that

(1) the successor health care entity employer shall offer employment during a transitional period of not less than four months following the change in control to each eligible employee, with no reduction of wages or paid time off, and no reduction of the total value of benefits, including health care, retirement, and education benefits, provided that

(a) the offer shall be made in writing and remain open for at least 10 business days from the date of the offer,

(b) during the transition period, the successor health care entity shall offer all available employment positions to eligible employees who had previously held the positions until the available employment positions are filled or until no more eligible employees are available, and

(c) if, at the time of the change in control and throughout the transition period, the total number of employment positions is less than the total number of eligible employees, the choice of employees to be employed shall be based on seniority and experience,

(2) an eligible employee retained pursuant to this section shall not be discharged without cause during the transitional period, except that a successor employer may lay off eligible employees if the employer reduces the total number of employees, including at the time of the change in control, but only if the choice of employees to be retained is based on seniority and experience, and the laid off employees are offered any positions they had previously held that are subsequently restored during the transitional period,

(3) at the end of the transitional period, the successor employer shall perform a written performance evaluation for each retained eligible employee, and offer the employee continued employment if an employee's performance during that period was satisfactory, and

(4) a successor employer shall retain, and provide to the employee or representative of the employee upon request, a written record of each offer of employment and each evaluation made pursuant to this subsection, for not less than three years from the date of the offer or evaluation, with each record including the name, address, date of hire, phone number, wage rate, and employment classification of the employee

c All parties to a contract or agreement covered by this section, and all health care entities subject to a change in control pursuant to a contract or agreement covered by this section, shall comply with all provisions that are

required by this section to be included in the contract or agreement pursuant to subsection b of this section, regardless of whether those provisions are expressly included in the contract or agreement

d Notwithstanding the foregoing, no action taken pursuant to and in compliance with a collective bargaining agreement entered into by an exclusive representative of employees of a health care entity subject to a change in control pursuant to a contract or agreement covered by this section shall be considered a violation of this section Nothing in this section shall be construed as limiting, delaying, or preventing, including during the transitional period the recognition of a collective bargaining representative of the employees by a successor health care entity employer, or collective bargaining between the successor health care entity employer and the collective bargaining representative

e An employer who violates the provisions of this section shall be subject to the sanctions, and an employee affected by the violation shall have the remedies, provided by law for violations of P L 1965, c 173 (C 34 11-4 1 et seq) For the purposes of determining penalties and remedies imposed pursuant to section 10 of P L 1965, c 173 (C 34 11-4 10) for violations of this section

(1) a failure to pay an employee wages, paid time off, or the value of benefits, as required by subsection b of this section, shall be regarded as a failure to pay the full amount of wages for the purposes of section 10 of P L 1965, c 173 (C 34 11-4 10), and the remedies for the failure to pay paid time off or the value of benefits shall be made in the same manner as remedies for unpaid wages,

(2) a discharge of an employee, or failure to offer employment or retain in employment an employee, in violation of subsection b of this section shall be regarded as retaliation against the employee for the purposes of section 10 of P L 1965, c 173 (C 34 11-4 10), and

(3) in a civil action brought before a court by the employee, the court shall have authority to order injunctive or other permanent equitable relief, including, but not limited to, immediate reinstatement of any employee discharged or not retained in violation of this section

f As used in this section

"Change in control" means any sale, assignment, transfer, contribution or other disposition of all or substantially all of the assets used in a health care entity's operations, or any sale, assignment, transfer, contribution or other disposition of a controlling interest in the health care entity, including by consolidation, merger, or reorganization, of the health care entity or any person who controls the health care entity, or any event or sequence of events, including a purchase, sale, or termination of a management contract or lease, that causes the identity of the health care entity employer to change, but shall not include a change in control in which both the former health care

entity employer and the successor health care employer are government entities A change in control shall be defined to occur on the date of execution of the document effectuating the change

"Eligible employee" means any person employed at an affected health care entity during the 90-day period immediately preceding a change in control of a health care entity, or any person formerly employed at the health care entity who retains recall rights under an agreement with the former health care entity employer, except that an "eligible employee" shall not include any managerial employee, and shall not include any person who was discharged with cause by the former health care entity or successor health care entity during that 90-day period

"Former health care entity employer" means any employer of eligible employees who owns, controls, or operates a health care entity where the eligible employees are employed prior to a change in control of the entity

"Government entity" means the State of New Jersey, any of its political subdivisions, any authority created by the Legislature of the State of New Jersey, and any instrumentality or agency of the State of New Jersey or of any of its political subdivisions

"Health care entity" means a health care facility licensed pursuant to P L 1971, c 136 (C 26 2H-1 et seq), a staffing registry, or a home care services agency as defined in section 1 of P L 1947, c 262 (C 45 11-23) If a health care entity is part of a larger facility which includes facilities which are not licensed pursuant to P L 1971, c 136 (C 26 2H-1 et seq), the portion of the facility which is not licensed shall not be regarded as a "health care entity" for the purposes of this section

"Managerial employee" means an employee who is exempt from the overtime requirements of the New Jersey State Wage and Hour Law, P L 1966, c 113 (C 34 11-56a et seq), because the employee is an executive employee

"Successor health care entity employer" means any employer of eligible employees who owns, controls, or operates a health care entity where the eligible employees are employed after a change in control of the entity

g The provisions of this section shall be deemed to be severable and if any subsection, paragraph, sentence or other portion of this section is for any reason held or declared by any court of competent jurisdiction to be unconstitutional or preempted by federal law, or the applicability of that portion to any person or facility is held invalid, the remainder of this section shall not thereby be deemed to be unconstitutional, preempted, or invalid

2 This act shall take effect on the 90th day after enactment and shall apply to contracts or agreements for changes in control of health care entities entered into on or after the effective date of this act

Approved August 18, 2022

CHAPTER 102

AN ACT establishing a Black Heritage Trail, amending P L 2005, c 47, and supplementing chapter 16A of Title 52 of the Revised Statues, and making an appropriation

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

C 18A 73-25 9 Definitions, New Jersey Historical Commission, powers, duties, New Jersey Black Heritage Trail sites

1 a As used in this act

"Black heritage site" or "heritage site" means a location where items of political, military, artistic, cultural, or social history have been preserved due to their cultural heritage value to the State The locations shall include, but need not be limited to, locations related to Black educators, journalists, scientists, physicians, lawyers, artists, or humanitarians who have contributed to the development or advancement of this State, the United States, or Black communities throughout the world

"Black Heritage Trail" means a series of Black heritage sites identified by the division, which may be linked by geographic proximity and alignment, thematic consistency, and historical consistency

"Commission" means the New Jersey Historical Commission, established pursuant to P L 1967, c 271 (C 18A 73-22 et seq)

"Director" means the Director of the Division of Travel and Tourism in the Department of State

"Division" means the Division of Travel and Tourism in the Department of State

"Historical marker" means a marker, plaque, or tablet commemorating a historic person, place, or event or identifying a historic place, structure, or object

b In addition to the powers and duties of the commission as provided under P L 1967, c 271 (C 18A 73-22 et seq), the commission shall identify a series of Black heritage sites to be part of a New Jersey Black Heritage Trail The commission may seek the assistance and cooperation of the New Jersey

Historic Preservation Office, the New Jersey Division of Travel and Tourism, local government officials or entities, owners or operators of Black heritage sites, and entities that identify and compile data on historical trails, sites, or memorials to aid in effectively carrying out the purposes of this act The purpose of the New Jersey Black Heritage Trail shall be to promote awareness and appreciation of Black history, heritage, and culture in the State The New Jersey Black Heritage Trail shall highlight Black heritage sites through historical markers and a trail-like path that connect the stories of Black life and resiliency in the State The commission shall ensure that as many Black heritage sites in the State as practical are included in the New Jersey Black Heritage Trail In identifying specific Black heritage sites to be included in the New Jersey Black Heritage Trail, special consideration shall be given to Black heritage sites that are in close geographic proximity to other Black heritage sites or thematically linked by surrounding arts, cultural, historical, entertainment, or other tourism destinations or exhibits of interest to tourists interested in Black heritage sites and to sites that are recommended by the New Jersey Black Cultural and Heritage Initiative Foundation established pursuant to P L 2005, c 47 (C 52 16A-90 et seq) The New Jersey Black Heritage Trail shall be inclusive of all eras as well as be geographically representative of the entire State

c The commission shall

(1) determine and select such sites significant to Black history, heritage, and culture in this State that the commission determines should be a part of the New Jersey Black Heritage Trail,

(2) design and, for sites owned or on property owned by the State, purchase and erect, historical markers which the commission may decide to be appropriate at such sites, indicating thereon the persons, places, or events commemorated and having such other suitable inscription as the commission may deem necessary, and

(3) provide oversight of historical markers that are a part of the New Jersey Black Heritage Trail erected by private entities A private entity shall not erect any marker without the approval of the commission, and all such markers shall comport with the design determined by the commission

d All historical markers on the New Jersey Black Heritage Trail that are erected by the commission shall be the property of the State No person, entity, or business shall erect, receive, retain, possess, transport, alter, or remove a marker without written permission of the appropriate official of the commission and may do so only in a manner consistent with any direction therefrom No person, entity, or business shall duplicate the historical markers, or create, obtain, sell, distribute, or install similar markers with an

intent to mislead or deceive the public and shall not create, obtain, sell, distribute, or install any markers purporting to be the official marker established by the commission The New Jersey Black Cultural and Heritage Initiative Foundation may contact and coordinate with any owner of a private property or business designated as a Black heritage site to facilitate the establishment of the marker at the site

e The commission shall accept for consideration, as appropriate, submissions from the public and from the New Jersey Black Cultural and Heritage Initiative Foundation recommending for inclusion on the New Jersey Black Heritage Trail, heritage sites not owned, operated, or maintained by a governmental entity through an electronic submission form made available by the commission on its Internet site

f The commission may establish any guidelines, rules or regulations regarding all aspects of the historical markers associated with the New Jersey Black Heritage Trail

g The commission shall not use public funds to produce, purchase, or erect markers or signs on private property bearing the designation established pursuant to this section The commission shall have the authority to receive gifts, grants, or other financial assistance from private sources for the purpose of funding or reimbursing the commission for costs associated with reviewing, producing, purchasing, or erecting any historical marker and entering into agreements related thereto including, but not limited to, with private sources, and non-governmental, non-profit, educational, or charitable entities or institutions

C 18A 73-25 10 New Jersey Black Heritage Trail, Black heritage sites, Internet site, information

2 a The division shall develop and maintain an Internet site providing information on the New Jersey Black Heritage Trail and Black heritage sites in the State The information on the Internet site shall provide a downloadable itinerary or an interactive map, and shall

(1) specify the location of each heritage site included on the New Jersey Black Heritage Trail,

(2) display photographs of each heritage site,

(3) inform visitors that the heritage site is part of the New Jersey Black Heritage Trail developed pursuant to section 1 of P L 2022, c 102 (C 18A 73-25 9), and

(4) provide a link to any available Internet site address of the heritage site if one exists or describing or otherwise providing information on the heritage site

b The division may solicit information from local government officials or entities, the owners or operators of Black heritage sites, and entities that identify

and compile data on historical trail, sites, or memorials in the development of any vacation itineraries The division may distribute the information by any other method it deems appropriate

c The director shall ensure that the Internet site is updated whenever a new Black heritage site is established by the New Jersey Historical Commission The division may accept information or changes to the Internet site from the New Jersey Black Cultural and Heritage Initiative Foundation, the New Jersey Historic Preservation Office, the New Jersey Historical Commission, local government officials and entities, owners or operators of heritage sites in the State, entities that identify and compile data on historical trails, sites, or memorials, or the public through an electronic submission form made available by the division on its Internet site

3 Section 5 of P L 2005, c 47 (C 52 16A-94) is amended to read as follows

C 52 16A-94 Use of funds received by foundation for the initiative

5 All funds received by the foundation, other than those necessary to pay the expenses of the foundation, shall be used exclusively for the establishment, support and promotion of the New Jersey Black Cultural and Heritage Initiative The New Jersey Black Cultural and Heritage Initiative shall be an alliance of organizations and institutions that comprise the Black arts, history and culture communities in this State for the purpose of broadening, deepening and diversifying Statewide participation in and appreciation for Black arts, history and culture The duties and goals of the initiative shall be to

a promote understanding and appreciation of the history and artistic and cultural contributions of people of African descent,

b provide guidance, support and resources for new and emerging Black arts and historical groups and increase the level of organizational capacity and program administration of established groups,

c increase funding and audiences for local Black culture and heritage tourism and enrich Black culture and heritage tourism programming,

d increase and attract corporate sponsorship and participation in Black culture and heritage programming and tourism,

e increase opportunities for young people to learn about and experience Black arts, history and culture in schools and youth organizations,

f invest in future generations of Black artists and historians by providing leadership development activities, apprenticeships, mentorships, scholarships and cultural programs,

g enhance computer and Internet access and usage within the Black community,

h ensure the financial viability of the initiative through a network of community partners, advocates and supporters, including, but not limited to, celebrities, philanthropists, legislators, State and local leaders and corporations,

i provide recommendations to the New Jersey Historical Commission in the Department of State on Black heritage sites for inclusion in the New Jersey Black Heritage Trail established pursuant to section 1 of P L 2022, c 102 (C 18A 73-25 9) Funds received by the foundation may be used to purchase, erect, and maintain historical markers as approved by the commission, indicating thereon the persons, places, or events commemorated and having such other suitable inscription as the commission may deem necessary, and

j any other duties and goals deemed appropriate

4 There shall be appropriated from the General Fund to the Department of State the sum of $1 million, subject to the approval of the Director of the Division of Budget and Accounting, to establish historical markers, including the markers designated pursuant to P L 2009, c 264 (C 18A 73-25 5 et seq), the markers as specified in sections 1 and 2 of this act, P L 2022, c 102 (C 18A 73-25 9 and C 18A 73-25 10), and any other markers, and to otherwise effectuate the purposes of sections 1 and 2 of this act

5 This act shall take effect immediately

Approved September 7, 2022

CHAPTER 102

AN ACT establishing a Black Heritage Trail, amending P L 2005, c 47, and supplementing chapter 16A of Title 52 of the Revised Statues, and making an appropriation

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

C 18A 73-25 9 Definitions, New Jersey Historical Commission, powers, duties, New Jersey Black Heritage Trail sites

1 a As used in this act

"Black heritage site" or "heritage site" means a location where items of political, military, artistic, cultural, or social history have been preserved due to their cultural heritage value to the State The locations shall include, but

need not be limited to, locations related to Black educators, journalists, scientists, physicians, lawyers, artists, or humanitarians who have contributed to the development or advancement of this State, the United States, or Black communities throughout the world

"Black Heritage Trail" means a series of Black heritage sites identified by the division, which may be linked by geographic proximity and alignment, thematic consistency, and historical consistency

"Commission" means the New Jersey Historical Commission, established pursuant to P L 1967, c 271 (C 18A 73-22 et seq)

"Director" means the Director of the Division of Travel and Tourism in the Department of State

"Division" means the Division of Travel and Tourism in the Department of State

"Historical marker" means a marker, plaque, or tablet commemorating a historic person, place, or event or identifying a historic place, structure, or object

b In addition to the powers and duties of the commission as provided under P L 1967, c 271 (C 18A 73-22 et seq), the commission shall identify a series of Black heritage sites to be part of a New Jersey Black Heritage Trail The commission may seek the assistance and cooperation of the New Jersey Historic Preservation Office, the New Jersey Division of Travel and Tourism, local government officials or entities, owners or operators of Black heritage sites, and entities that identify and compile data on historical trails, sites, or memorials to aid in effectively carrying out the purposes of this act The purpose of the New Jersey Black Heritage Trail shall be to promote awareness and appreciation of Black history, heritage, and culture in the State The New Jersey Black Heritage Trail shall highlight Black heritage sites through historical markers and a trail-like path that connect the stories of Black life and resiliency in the State The commission shall ensure that as many Black heritage sites in the State as practical are included in the New Jersey Black Heritage Trail In identifying specific Black heritage sites to be included in the New Jersey Black Heritage Trail, special consideration shall be given to Black heritage sites that are in close geographic proximity to other Black heritage sites or thematically linked by surrounding arts, cultural, historical, entertainment, or other tourism destinations or exhibits of interest to tourists interested in Black heritage sites and to sites that are recommended by the New Jersey Black Cultural and Heritage Initiative Foundation established pursuant to P L 2005, c 47 (C 52 16A-90 et seq) The New Jersey Black Heritage Trail shall be inclusive of all eras as well as be geographically representative of the entire State

c The commission shall

(1) determine and select such sites significant to Black history, heritage, and culture in this State that the commission determines should be a part of the New Jersey Black Heritage Trail,

(2) design and, for sites owned or on property owned by the State, purchase and erect, historical markers which the commission may decide to be appropriate at such sites, indicating thereon the persons, places, or events commemorated and having such other suitable inscription as the commission may deem necessary, and

(3) provide oversight of historical markers that are a part of the New Jersey Black Heritage Trail erected by private entities A private entity shall not erect any marker without the approval of the commission, and all such markers shall comport with the design determined by the commission

d All historical markers on the New Jersey Black Heritage Trail that are erected by the commission shall be the property of the State No person, entity, or business shall erect, receive, retain, possess, transport, alter, or remove a marker without written permission of the appropriate official of the commission and may do so only in a manner consistent with any direction therefrom No person, entity, or business shall duplicate the historical markers, or create, obtain, sell, distribute, or install similar markers with an intent to mislead or deceive the public and shall not create, obtain, sell, distribute, or install any markers purporting to be the official marker established by the commission The New Jersey Black Cultural and Heritage Initiative Foundation may contact and coordinate with any owner of a private property or business designated as a Black heritage site to facilitate the establishment of the marker at the site

e The commission shall accept for consideration, as appropriate, submissions from the public and from the New Jersey Black Cultural and Heritage Initiative Foundation recommending for inclusion on the New Jersey Black Heritage Trail, heritage sites not owned, operated, or maintained by a governmental entity through an electronic submission form made available by the commission on its Internet site

f The commission may establish any guidelines, rules or regulations regarding all aspects of the historical markers associated with the New Jersey Black Heritage Trail

g The commission shall not use public funds to produce, purchase, or erect markers or signs on private property bearing the designation established pursuant to this section The commission shall have the authority to receive gifts, grants, or other financial assistance from private sources for the purpose of funding or reimbursing the commission for costs associated with reviewing, producing, purchasing, or erecting any historical marker and

entering into agreements related thereto including, but not limited to, with private sources, and non-governmental, non-profit, educational, or charitable entities or institutions

C 18A 73-25 10 New Jersey Black Heritage Trail, Black heritage sites, Internet site, information

2 a The division shall develop and maintain an Internet site providing information on the New Jersey Black Heritage Trail and Black heritage sites in the State The information on the Internet site shall provide a downloadable itinerary or an interactive map, and shall

(1) specify the location of each heritage site included on the New Jersey Black Heritage Trail,

(2) display photographs of each heritage site,

(3) inform visitors that the heritage site is part of the New Jersey Black Heritage Trail developed pursuant to section 1 of P L 2022, c 102 (C 18A 73-25 9), and

(4) provide a link to any available Internet site address of the heritage site if one exists or describing or otherwise providing information on the heritage site

b The division may solicit information from local government officials or entities, the owners or operators of Black heritage sites, and entities that identify and compile data on historical trail, sites, or memorials in the development of any vacation itineraries The division may distribute the information by any other method it deems appropriate

c The director shall ensure that the Internet site is updated whenever a new Black heritage site is established by the New Jersey Historical Commission The division may accept information or changes to the Internet site from the New Jersey Black Cultural and Heritage Initiative Foundation, the New Jersey Historic Preservation Office, the New Jersey Historical Commission, local government officials and entities, owners or operators of heritage sites in the State, entities that identify and compile data on historical trails, sites, or memorials, or the public through an electronic submission form made available by the division on its Internet site

3 Section 5 of P L 2005, c 47 (C 52 16A-94) is amended to read as follows

C 52 16A-94 Use of funds received by foundation for the initiative

5 All funds received by the foundation, other than those necessary to pay the expenses of the foundation, shall be used exclusively for the

establishment, support and promotion of the New Jersey Black Cultural and Heritage Initiative The New Jersey Black Cultural and Heritage Initiative shall be an alliance of organizations and institutions that comprise the Black arts, history and culture communities in this State for the purpose of broadening, deepening and diversifying Statewide participation in and appreciation for Black arts, history and culture The duties and goals of the initiative shall be to

a promote understanding and appreciation of the history and artistic and cultural contributions of people of African descent,

b provide guidance, support and resources for new and emerging Black arts and historical groups and increase the level of organizational capacity and program administration of established groups,

c increase funding and audiences for local Black culture and heritage tourism and enrich Black culture and heritage tourism programming,

d increase and attract corporate sponsorship and participation in Black culture and heritage programming and tourism,

e increase opportunities for young people to learn about and experience Black arts, history and culture in schools and youth organizations,

f invest in future generations of Black artists and historians by providing leadership development activities, apprenticeships, mentorships, scholarships and cultural programs,

g enhance computer and Internet access and usage within the Black community,

h ensure the financial viability of the initiative through a network of community partners, advocates and supporters, including, but not limited to, celebrities, philanthropists, legislators, State and local leaders and corporations,

i provide recommendations to the New Jersey Historical Commission in the Department of State on Black heritage sites for inclusion in the New Jersey Black Heritage Trail established pursuant to section 1 of P L 2022, c 102 (C 18A 73-25 9) Funds received by the foundation may be used to purchase, erect, and maintain historical ,markers as approved by the commission, indicating thereon the persons, places, or events commemorated and having such other suitable inscription as the commission may deem necessary, and

j any other duties and goals deemed appropriate

4 There shall be appropriated from the General Fund to the Department of State the sum of $1 million, subject to the approval of the Director of the Division of Budget and Accounting, to establish historical markers, including

the markers designated pursuant to P L 2009, c 264 (C 18A 73-25 5 et seq), the markers as specified in sections 1 and 2 of this act, P L 2022, c 102 (C 18A 73-25 9 and C 18A 73-25 10), and any other markers, and to otherwise effectuate the purposes of sections 1 and 2 of this act

5 This act shall take effect immediately

Approved September 7, 2022

CHAPTER 103

AN ACT concerning the promotion of, and the education of parents and guardians regarding, school meals programs that are operating, or that are subject to expansion, in the State, and amending P L 2019, c 307

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

1 Section 1 of P L 2019, c 307 (C 18A 33-27 1) is amended to read as follows

C 18A 33-27 1 "School Meal Program," development of promotional materials

1 a Each school food authority that provides a food service to students at a public school in the State shall, in the two languages that are most commonly spoken in the homes of students in the public school served by the school food authority

(1) develop and implement a public education campaign to educate the parents and guardians of students at schools served by the school food authority about the various school meals programs that are available for students in New Jersey, and about the availability of free and reduced price meals, under such programs, for students who satisfy federal or State-level eligibility criteria, and

(2) develop promotional materials for the State's school meals programs, and provide copies of the promotional materials to each school that is served by the school food authority in the State, for distribution, by school staff, to the parents and guardians of students who are enrolled at the school The school food authority shall utilize existing resources, which have been made available by the United States Department of Agriculture and the New Jersey Department of Agriculture, in developing promotional materials for the purposes of this paragraph The promotional materials developed pursuant to this paragraph

shall include, but need not be limited to, pamphlets, presentation materials, webinars, and sample letters that schools may send to parents and guardians

b The public education campaign and promotional materials developed under subsection a of this section shall

(1) satisfy the standards, and comply with the guidelines, established by the Department of Agriculture, in consultation with the Department of Education, pursuant to subsection c of this section,

(2) highlight and promote the nature, purposes, value, and importance of the National School Lunch Program, the federal School Breakfast Program, the federal Summer Food Service Program and other similar summer meals programs, as well as the State's breakfast after the bell programs, established pursuant to section 1 of P L 2014, c 66 (C 18A 33-11 1) or section 2 of P L 2018, c 25 (C 18A 33-11 3), the State's emergency meals distribution program, established pursuant to section 1 of P L 2020, c 6 (C 18A 33-27 2), and any new school meals programs that are implemented in the State after the effective date of P L 2022, c 103,

(3) emphasize the importance of providing a nutritious meal to all children for their general health and success in school,

(4) emphasize and promote the ability of eligible students to obtain free or reduced price meals under the State's school meals programs, and inform parents and guardians about the various ways in which a student may be determined to be categorically eligible for free meals under these programs, and the federal and State-level income-based criteria that must be satisfied in order for a student to obtain free or reduced price school meals, under these programs, on the basis of annual household income,

(5) highlight and describe the application and determination processes that are used, by schools and school districts, to certify students for free or reduced price school meals,

(6) highlight and describe the rights that are applicable to students and families in association with a student's subsidized or unsubsidized receipt of school meals in the State, and

(7) inform parents and guardians about the nature and extent of any proposed or implemented expansion of the existing school meals programs in the State, including, but not limited to, the nature and extent of any proposed or implemented expansion of the categories of students who are eligible for free or reduced price school meals under such programs

c (1) Within 60 days after the effective date of P L 2022, c 103, the Department of Agriculture, in consultation with the Department of Education, shall adopt standards and guidelines to ensure the uniformity and accuracy of school meals-related information being presented by school food

authorities as part of the educational campaigns conducted, and in the promotional materials distributed, pursuant to this section

(2) Within 60 days of the effective date of P L 2022, c 103, the Department of Education shall provide each school food authority that provides a food service to students at a public school in the State with information concerning the two languages that are most commonly spoken in the homes of students in each of the public schools that the school food authority serves The Department of Education shall periodically, and at least every five years, verify the two languages that are most commonly spoken in the homes of students in each public school served by each school food authority

d As used in this section

"School food authority" shall mean the school, school district, or third-party food service vendor, as applicable

2 This act shall take effect immediately

Approved September 9, 2022

CHAPTER 104

AN ACT concerning the provision of free school meals to students from working class, middle-income families, supplementing Title 18A of the New Jersey Statutes, 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*

C 18A 33-3 2 Definitions

1 As used in this chapter

"Categorically eligible" means that a student is homeless, is a migrant child, is a runaway child, is a foster child, or is a Head Start child, as defined in 7 C F R Part 245, or is receiving assistance under the Supplemental Nutrition Assistance Program (SNAP), the Temporary Assistance for Needy Families Program (TANF), the Food Distribution Program on Indian Reservations (FDPIR), or, to the extent that the United States Department of Agriculture authorizes the matching of Medicaid data to identify children who are eligible for free school meals, is a participant in the Medicaid program, and which student, by virtue of such status, is automatically eligible to be certified to receive free school meals under the National School Lunch

Program or the federal School Breakfast Program, without first submitting an application or being subject to the federal income verification requirements established by 7 C F R Part 245

"Community Eligibility Provision" means a type of special assistance alternative, identified at 7 C F R Part 245, pursuant to which the United States Department of Agriculture provides reimbursement for free school meals that are provided by eligible, high-poverty local educational agencies and schools that participate in both the National School Lunch Program and the federal School Breakfast Program

"Eligible student" means a student who is either categorically eligible or income-eligible for one or more free or reduced price school meals

"Emergency meals distribution program" means the program, established under section 1 of P L 2020, c 6 (C 18A 33-27 2), pursuant to which a school district is required to provide school meals to students, through designated distribution sites, during any period in which the schools in the district are subject to a public health-related closure due to the COVID-19 pandemic

"Federal School Breakfast Program" means the federal reimbursement program, established under the "Child Nutrition Act of 1966," 42 U S C s 1771 et seq , pursuant to which the United States Department of Agriculture is authorized to provide grants-in-aid and other assistance to the States, as may be necessary to help finance the establishment, maintenance, operation, and expansion of school breakfast programs and facilitate the provision of free and reduced price breakfasts to eligible students

"Federally eligible for free or reduced price meals" means that a student is categorically eligible for free lunch under the National School Lunch Program or for free breakfast under the federal School Breakfast Program, or that the student satisfies federal income eligibility requirements, adopted by the United States Department of Agriculture pursuant to 7 C F R Part 245, as is necessary to federally qualify for and receive free or reduced price lunch under the National School Lunch Program or free or reduced price breakfast under the federal School Breakfast Program

"Federally ineligible for free or reduced price meals" means that a student is not categorically eligible for, and fails to satisfy federal income eligibility requirements, adopted by the United States Department of Agriculture pursuant to 7 C F R Part 245, as is necessary for the student to federally qualify for and receive free or reduced price lunch under the National School Lunch Program or free or reduced price breakfast under the federal School Breakfast Program

"Income-eligible" means that a student either satisfies federal income eligibility requirements, adopted by the United States Department of

Agriculture pursuant to 7 C F R Part 245, or satisfies State-level income eligibility requirements, set forth in subsection a of section 1 of P L 1974, c 53 (C 18A 33-4) or subsection a of section 12 of P L 2022, c 104 (C 18A 33-14a), as is necessary for the student to qualify for and receive free or reduced price lunch under the National School Lunch Program or free or reduced price breakfast under the federal School Breakfast Program

"Low-income family" means a family with an annual household income amounting to not more than 185 percent of the federal poverty level

"Middle-income family" means a family with an annual household income amounting to not less than 186 percent, and not more than 199 percent, of the federal poverty level

"National School Lunch Program" means the federal reimbursement program established under the "Richard B Russell National School Lunch Act," 42 U S C s 1751 et seq , pursuant to which the United States Department of Agriculture is authorized to provide grants-in-aid and other assistance to the States, as may be necessary to help finance the establishment, maintenance, operation, and expansion of school lunch programs and facilitate the provision of free and reduced price lunches to eligible students

"School breakfast program" means a program that is established and operated by a public or nonpublic school, in accordance with the requirements of the federal School Breakfast Program and, in the case of a public school, in accordance with a plan adopted pursuant to section 2 of P L 2003, c 4 (C 18A 33-10) or section 6 of P L 2022, c 104 (C 18A 33-10 1), and pursuant to which the school offers daily breakfasts to all enrolled students

"School lunch program" means a program that is established and operated by a school district, in accordance with the requirements of the National School Lunch Program and the provisions of section 1 of P L 1974, c 53 (C 18A 33-4), and pursuant to which the district offers daily lunches to all students enrolled in the district

"Special assistance alternative" means a special nutrition assistance alternative federal reimbursement method that is authorized by the United States Department of Agriculture, pursuant to 42 U S C s 1759a and 7 C F R Part 245, for eligible schools that serve free meals to all enrolled students "Special assistance alternative" includes Provision 2, Provision 3, and the Community Eligibility Provision, as described in 7 C F R Part 245, as well as any other similar alternative reimbursement method that is authorized by the United States Department of Agriculture, now or in the future, for schools that serve free meals to all enrolled students

"Student" means a child 18 years of age or younger who is enrolled at a school in the State

"Subsidized student" means a categorically eligible student or income-eligible student who, as provided by subsection a of section 1 of P L 1974, c 53 (C 18A 33-4) and subsection a of section 12 of P L 2022, c 104 (C 18A 33-14a), is not required to pay for meals that are served to the student under the National School Lunch Program or the federal School Breakfast Program

"Summer Food Service Program" means the federal reimbursement program, established under 42 U S C s 1761 and 7 C F R Part 225, pursuant to which the United States Department of Agriculture is authorized to provide grants-in-aid and other assistance to the States, as may be necessary to help schools, local government agencies, nonprofit organizations, colleges and universities, and summer camps finance the administrative and operational costs of providing meals to children, in low-income areas, during the summer months and other planned periods of school closure

"Summer meals program" means the Summer Food Service Program, the Seamless Summer Option authorized by 42 U S C s 1761, or any other similar State or federal program that is designed to ensure that children have access to nutritious meals during the summer months and other planned periods of school closure

"Unsubsidized student" means a student who is neither categorically eligible nor income-eligible for free or reduced price school meals, and who is, consequently, required to pay for any such meals that are served to the student under the National School Lunch Program or the federal School Breakfast Program

2 Section 1 of P L 1974, c 53 (C 18A 33-4) is amended to read as follows

C 18A 33-4 School lunch, availability to all children, report to the Governor, Legislature, rules, regulations

1 a (1) Each school district shall make school lunch available to all students enrolled in the district, except at those schools that are exempt from the requirements of this section, as provided by section 2 of P L 1974, c 53 (C 18A 33-5), within one year after the effective date of P L 1974, c 53 (C 18A 33-4 et seq)

(2) School lunches made available pursuant to this section shall meet minimum nutritional standards, established by the Department of Education

(3) Free or reduced price lunches, as appropriate, shall be offered, under a school lunch program, to each student enrolled in the district who is determined to be federally eligible for free or reduced price meals As provided by section 1 of P L 2019, c 445 (C 18A 33-21 1), any student who is eligible for a reduced price lunch, pursuant to federal income eligibility standards and criteria, shall

not be required to pay for such lunch Free lunches shall also be offered to each student enrolled in the district who is federally ineligible for free or reduced price meals, but who has an annual household income that is not less than 186 percent, and not more than 199 percent, of the federal poverty level, as determined pursuant to section 16 of P L 2022, c 104 (C 18A 33-21b1)

b The State shall provide funding to each school district, as may be necessary to reimburse the costs associated with the district's provision of free lunches, pursuant to subsection a of this section, to students who are federally ineligible for free or reduced price meals

c The Department of Agriculture, in consultation with the Department of Education, shall annually prepare and submit, to the Governor and, pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1), to the Legislature, a written report that identifies, for each school and school district in the State

(1) the methods that are being used by each school or school district to facilitate the prompt identification and subsidized meal certification of students who are categorically eligible or income-eligible for free or reduced price lunch under the National School Lunch Program, and

(2) the number and percentage of income-eligible students from low-income families and from middle-income families, respectively, that are receiving free or reduced price lunches under the National School Lunch Program and the provisions of this section

d The Department of Agriculture, in consultation with the Department of Education, shall adopt rules and regulations, pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), to implement the provisions of this section, including, but not limited to, rules and regulations establishing a schedule for, and identifying the manner in which, State-level reimbursements are to be made pursuant to subsection b of this section

3 Section 2 of P L 1974, c 53 (C 18A 33-5) is amended to read as follows

C 18A 33-5 Exemptions

Any school at which less than five percent of enrolled students are federally eligible for a free or reduced price lunch shall be exempt from the provisions of P L 1974, c 53 (C 18A 33-1 et seq)

4 Section 1 of P L 2003, c 4 (C 18A 33-9) is amended to read as follows

C 18A 33-9 Findings, declarations relative to school breakfast programs

1 The Legislature finds and declares that

a The federal School Breakfast Program is a federally assisted meal program that is implemented in public and nonprofit private schools and

residential child care institutions nationwide, and is designed to ensure that each participating child receives breakfast containing at least one-fourth of the nutrients needed daily

b The federal School Breakfast Program was established in 1966 with the purpose of providing a nutritious, well-balanced breakfast to promote sound eating habits, and fostering good health and academic achievement for school-age children

c New Jersey ranks fiftieth in the nation for participation in the federal School Breakfast Program by schools offering school lunch, and the State has seen only modest increases in participation in recent years

d Research shows that school breakfast increases attendance and decreases tardiness, improves academic performance both in class and on standardized tests, improves attentiveness, and reduces emotional and behavioral problems among students from all backgrounds

e Based on the foregoing findings, it is clearly in the public interest for the State to require school districts to offer school breakfasts through the federal School Breakfast Program, and to publicize the availability of such breakfasts in their communities

5 Section 2 of P L 2003, c 4 (C 18A 33-10) is amended to read as follows

C 18A 33-10 Establishment of School Breakfast Program in certain schools

2 a (1) A public school operated by a local or regional school district of the State in which 20 percent or more of the students enrolled in the school on October 1 of the preceding school year were federally eligible for free or reduced price meals under the National School Lunch Program or the federal School Breakfast Program, shall establish a school breakfast program in the school

(2) A school district shall submit a school breakfast program plan for each school in the district that is subject to the requirements of paragraph (1) of this subsection The plan for each school shall be adopted in compliance with, and pursuant to, federal School Breakfast Program requirements, and shall be submitted to the Department of Agriculture by the date required by subsection b of this section, in a form and manner prescribed by the Secretary of Agriculture

(3) Following the enactment of P L 2022, c 104 (C 18A 33-3 2 et al), a school district shall submit a new school breakfast program plan, in accordance with the provisions of section 6 of P L 2022, c 104 (C 18A 33-10 1), for each school in the district that is subject to the requirements of paragraph (1) of this subsection A new plan adopted pursuant to this paragraph and section 6 of P L 2022, c 104 (C 18A 33-10 1) shall supersede any plan previously adopted

for the school, pursuant to this section, and the adoption of a new plan under this paragraph and section 6 of P.L. 2022, c. 104 (C. 18A:33-10.1) shall cause the plan previously adopted under paragraph (2) of this subsection to become void and inoperable.

b. (1) A school district shall submit a plan, by November 1, 2003, for all grades of each school that has one or more of the grades pre-K through sixth grade and for which a plan is required by paragraph (2) of subsection a. of this section.

(2) A school district shall submit a plan, by November 1, 2004, for all grades of each school, other than the schools described in paragraph (1) of this subsection, for which a plan is required by paragraph (2) of subsection a. of this section.

c. The Department of Agriculture, in consultation with the Department of Education, shall review each school breakfast plan submitted pursuant to this section and make recommendations, if necessary, regarding how the school breakfast program can operate within the limits of the federal and State reimbursement rates for the federal School Breakfast Program.

d. The Department of Agriculture shall notify each school district that submits a school breakfast plan, pursuant to this section, of the completion of the department's review and any recommended changes to the plan, within three months after receipt of the plan, but no later than the February 1 following the date required for submission of the plan pursuant to subsection b. of this section.

e. A school district shall establish a school breakfast program in each of its schools, based on the plan submitted pursuant to paragraph (2) of subsection a. of this section, by September 1, 2004 for schools for which plans are required to be submitted pursuant to paragraph (1) of subsection b. of this section, and by September 1, 2005 for schools for which plans are required to be submitted pursuant to paragraph (2) of subsection b. of this section.

f. (1) If a school district does not submit a school breakfast plan to the Department of Agriculture, pursuant to paragraph (2) of subsection a. of this section, by the date required by subsection b. of this section, it shall establish a school breakfast program, in each of its schools in which a program is required pursuant to paragraph (1) of subsection a. of this section, based on a model plan provided by the department.

(2) The model plan developed by the department, for the purposes of this section, shall include recommendations on how a school breakfast program can operate within the limits of the federal and State reimbursement rates for the federal School Breakfast Program.

(3) The Department of Agriculture shall provide the model plan to the school district no later than March 1, 2004 for schools for which plans are required to be submitted pursuant to paragraph (1) of subsection b of this section, and by March 1, 2005 for schools for which plans are required to be submitted pursuant to paragraph (2) of subsection b of this section, and the school district shall establish the school breakfast program in each of its schools, based on the model plan, by September 1, 2004 for schools for which plans are required to be submitted pursuant to paragraph (1) of subsection b of this section, and by September 1, 2005 for schools for which plans are required to be submitted pursuant to paragraph (2) of subsection b of this section

C 18A 33-10 1 Breakfast program established in schools, certain, plan, form submission

6 a (1) Notwithstanding the provisions of section 2 of P L 2003, c 4 (C 18A 33-10) to the contrary, following the enactment of P L 2022, c 104 (C 18A 33-3 2 et al), each public school in the State in which 10 percent or more of the students enrolled in the school on October 1 of the preceding school year were federally eligible for free or reduced price meals under the National School Lunch Program or the federal School Breakfast Program shall establish a breakfast program in the school

(2) A school district shall submit, to the Department of Agriculture, a school breakfast program plan for each school in the district that is subject to the requirements of paragraph (1) of this subsection The plan shall be submitted in a form and manner prescribed by the Secretary of Agriculture and in accordance with the timeframes specified by subsection b of this section

b (1) A plan for all grades in each school having one or more of the grades pre-K through sixth grade, shall be submitted by November 1, 2023

(2) A plan for all grades in each school not described in paragraph (1) of this subsection shall be submitted by November 1, 2024

c The Department of Agriculture, in consultation with the Department of Education, shall review each school breakfast program plan submitted pursuant to this section and make recommendations, if necessary, regarding how the school breakfast program can operate most effectively, in accordance with federal School Breakfast Program requirements and the provisions of section 12 of P L 2022, c 104 (C 18A 33-14a) The Department of Agriculture shall notify each school district of the completion of the department's review and any recommended changes to the plan, within 90 days after receipt thereof

d A school district shall establish a school breakfast program in each of its schools, based on the plan submitted pursuant to paragraph (2) of subsection a of this section, by September 1, 2024 for schools for which plans are

required to be submitted pursuant to paragraph (1) of subsection b of this section, and by September 1, 2025 for schools for which plans are required to be submitted pursuant to paragraph (2) of subsection b of this section

e (1) If a school district does not submit a school breakfast plan to the Department of Agriculture by the date required by subsection b of this section, the district shall establish a school breakfast program, in each school for which a plan has not been submitted, based on a model plan provided by the department

(2) The model plan developed by the department, for the purposes of this subsection, shall include recommendations on how a school breakfast program can operate in accordance with federal School Breakfast Program requirements and the provisions of section 12 of P L 2022, c 104 (C 18A 33-14a)

(3) The department shall provide the model plan to a school district that is subject to this subsection by March 1, 2024 for schools for which plans are required to be submitted pursuant to paragraph (1) of subsection b of this section, and by March 1, 2025 for schools for which plans are required to be submitted pursuant to paragraph (2) of subsection b of this section, and the school district shall establish the school breakfast program in each of its schools, based on the model plan, by September 1, 2024 for schools for which plans are required to be submitted pursuant to paragraph (1) of subsection b of this section, and by September 1, 2025 for schools for which plans are required to be submitted pursuant to paragraph (2) of subsection b of this section

f (1) A school, or a school district acting on behalf of a school in the district, may, in a form and manner prescribed by the Department of Agriculture, apply to the department for a waiver of the breakfast program requirements established pursuant to paragraph (1) of subsection a of this section

(2) The department shall grant a waiver of the breakfast program requirements established pursuant to paragraph (1) of subsection a of this section, and shall continue a waiver pursuant to paragraph (4) of this subsection, if the school, or the school district acting on behalf of the school, demonstrates to the department's satisfaction that the provision of a breakfast program at the school will result in financial hardship for either the school or the school district Conditions under which a waiver may be granted shall include, but need not be limited to, the following

(a) there is a lack of facilities or equipment necessary to offer a school breakfast program at the school, and the acquisition of such facilities or equipment would cause financial hardship to the school or school district, or

(b) program participation rates at the school are either too low to allow the program to operate on a cost-effective basis or would cause substantial scheduling difficulties

(3) Not more frequently than biennially, the department may request that updated financial and demographic information be submitted to the department by a school, or by a school district acting on behalf of a school, which has obtained a waiver of school breakfast program requirements pursuant to this subsection A school or school district, upon such request, shall submit the updated financial and demographic information in a form and manner and within a timeframe prescribed by the department

(4) The department shall rescind a waiver previously granted under this subsection if it determines, based upon its review of updated financial and demographic information submitted pursuant to paragraph (3) of this subsection, that there has been a change in circumstances that has eliminated the financial hardship warranting continuation of the waiver pursuant to paragraph (2) of this subsection Nothing in this paragraph shall be deemed to prohibit a school or school district from submitting a new waiver application, pursuant to paragraph (1) of this subsection, in one or more years following the rescission of a waiver pursuant to this paragraph

(5) The department shall establish standards and procedures for the filing of waiver applications and the awarding and rescission of waivers pursuant to this subsection

7 Section 3 of P L 2003, c 4 (C 18A 33-11) is amended to read as follows

C 18A 33-11 Implementation of school breakfast program by district

3 In implementing a school lunch program, pursuant to P L 1974, c 53 (C 18A 33-4 et seq), a school breakfast program, pursuant to P L 2003, c 4 (C 18A 33-9 et seq) or section 6 of P L 2022, c 104 (C 18A 33-10 1), or a breakfast after the bell program, pursuant to section 1 of P L 2014, c 66 (C 18A 33-11 1) or section 2 of P L 2018, c 25 (C 18A 33-11 3), each school and school district shall

a publicize, to parents and students, the availability of the respective school meals program, as well as the various ways in which a student may qualify to receive free or reduced price meals under the program, as provided by subsection a of section 1 of P L 1974, c 53 (C 18A 33-4) and subsection a of section 12 of P L 2022, c 104 (C 18A 33-14a),

b make every effort to ensure that subsidized students are not recognized as program participants, by the student body, faculty, or staff, in a manner that is different from the manner in which unsubsidized students are recognized as program participants Such efforts shall include, but need not be limited to, the establishment of a neutral meal plan or voucher system that does not make a distinction between subsidized and unsubsidized students, and

c make every effort to

(1) facilitate the prompt and accurate identification of categorically eligible students who may be certified to participate in the program, on a subsidized basis, without first submitting an application therefor, and, whenever an application is required to establish eligibility for subsidized meals, encourage students and their families to submit a subsidized school meals application for that purpose,

(2) facilitate and expedite, to the greatest extent practicable, the subsidized school meals application and income-eligibility determination processes that are used, by the school or school district, to certify a student for free or reduced price school meals on the basis of income, and assist parents and guardians in completing the school meals application, and

(3) encourage students who are neither categorically eligible nor income-eligible for free or reduced price school meals to nonetheless participate, on a paid and unsubsidized basis, in the program

8 Section 1 of P L 2014, c 66 (C 18A 33-11 1) is amended to read as follows

C 18A 33-11 1 "Breakfast after the bell" program, report to Governor, Legislature

1 a A public school operated by a school district that participates in the federal School Breakfast Program, or a nonpublic school participating in the federal School Breakfast Program, is encouraged to increase the number of students participating in the program by establishing a breakfast after the bell program that incorporates school breakfast into the first-period classroom or the first few minutes of the school day

b The Department of Agriculture, in consultation with the Department of Education shall

(1) make every effort to assist, guide, and support school districts, public schools, and nonpublic schools in planning, establishing, implementing, or modifying a breakfast after the bell program to increase the number of students, especially the number of students from low-income families and middle-income families, who are participating in each school breakfast program

(2) (Deleted by amendment, P L 2022, c 104)

9 Section 1 of P L 2018, c 25 (C 18A 33-11 2) is amended to read as follows

C 18A 33-11 2 Findings, declarations relative to the "breakfast after the bell" program

1 The Legislature finds and declares that numerous studies document that childhood hunger impedes learning and can cause lifelong health

problems, and that, in New Jersey, tens of thousands of children suffer from hunger each year, with nearly 540,000 students living in low-income families that are federally eligible for free or reduced price school meals

The Legislature further finds and declares that New Jersey schools have made great strides in serving breakfast to more students at the start of the school day, achieving a 73 percent increase since 2010, and that, despite this progress, only 44 percent of low-income students in New Jersey received breakfast through the federal School Breakfast Program, according to the most recent data published by Advocates for Children of New Jersey, meaning that approximately 304,000 low-income students who were already enrolled in the program, as of April 2017, were not served this all-important morning meal

The Legislature further finds and declares that New Jersey law, at section 2 of P L 2003, c 4 (C 18A 33-10), requires a public school to provide school breakfast to its students if 20 percent or more of the students enrolled in the school on October 1 of the preceding school year were federally eligible for free or reduced price meals, that section 6 of P L 2022, c 104 (C 18A 33-10 1) expands existing law so as to require a public school to provide school breakfast to students if 10 percent or more of the students enrolled in the school on October 1 of the preceding school year were federally eligible for free or reduced priced meals, that, despite these breakfast program requirements, current law does not specify how breakfast is to be served to students, and that, by requiring high-poverty schools to serve breakfast to students through a breakfast after the bell program, New Jersey schools will reach a much larger percentage of children in need, thereby helping to further their academic success

The Legislature further finds and declares that the federal government reimburses schools for each meal served, and that this expansion can, therefore, be easily accomplished, that, since 2010, the amount of federal school breakfast reimbursements has more than doubled from about $45 million to an anticipated $105 million in fiscal year 2018, and that Advocates for Children of New Jersey estimates that school districts could collect an additional $89 million in federal funds for school breakfast each year if breakfast is served during the first few minutes of the school day

The Legislature, therefore, determines that it shall be the public policy of the State to help remove a major barrier to learning by providing children the nutrition they need to succeed in school, it is the understanding and the intention of the Legislature to make breakfast an integral part of the school day, and the implementation of breakfast after the bell programs is the most effective way to ensure that all students have the morning nutrition they need to concentrate, learn, and succeed in school

10 Section 2 of P L 2018, c 25 (C 18A 33-11 3) is amended to read as follows

C 18A 33-11 3 Establishment of "breakfast after the bell" program in certain public schools

2 a Every public school in which 70 percent or more of the students enrolled in the school on or before the last school day before October 16 of the preceding school year were federally eligible for free or reduced price meals under the National School Lunch Program or the federal School Breakfast Program, shall establish a breakfast after the bell program

b (1) (a) No later than six months following the effective date of P L 2018, c 25 (C 18A 33-11 2 et seq), each school district shall submit, to the Department of Agriculture, a plan for the establishment of a breakfast after the bell program for all grades at each of the district's schools that are subject to the requirements of this section The plan shall comply with the requirements of the federal School Breakfast Program

(b) No later than the first full school year following the submission of the plan, the school district shall establish a breakfast after the bell program in each of its schools that are subject to the requirements of this section, in accordance with the plan submitted pursuant to this paragraph

(2) (a) No later than six months after the effective date of P L 2022, c 104 (C 18A 33-3 2 et al), each school district shall submit, to the Department of Agriculture, a revised breakfast after the bell plan for each school in the district that is subject to the requirements of this section The revised plan shall comply with federal School Breakfast Program requirements and the provisions of section 12 of P L 2022, c 104 (C 18A 33-14a)

(b) No later than the first full school year following the submission of a revised plan pursuant to this paragraph, the school district shall modify the breakfast after the bell program operating in each of its schools that are subject to the requirements of this section, as may be necessary to implement the provisions of the revised plan

(3) The Department of Agriculture, in consultation with the Department of Education, shall review each revised plan submitted pursuant to this subsection and make recommendations, if necessary, regarding how a school's breakfast after the bell program can operate most effectively, in accordance with the federal School Breakfast Program requirements and the provisions of section 12 of P L 2022, c 104 (C 18A 33-14a) The Department of Agriculture shall notify each school district that submits a plan pursuant to this subsection of the completion of the department's review, and of any recommended changes to the plan, within 90 days after receipt thereof

c Upon application, a school district may be granted a waiver by the Department of Agriculture of the requirements of this section for any school in which more than 70 percent of eligible students received a meal under the school breakfast program during the preceding school year A school district that requests a waiver shall provide relevant information, as may be required by the Department of Agriculture, to justify the request

d No later than three months after the effective date of P L 2018, c 25 (C 18A 33-11 2 et seq), the Department of Agriculture shall provide each school district with a list of resources that are available for the purposes of this section

11 Section 4 of P L 2018, c 25 (C 18A 33-11 5) is amended to read as follows

C 18A 33-11 5 Guidelines

4 The Department of Agriculture, in consultation with the Department of Education, shall develop guidelines, as may be necessary to facilitate the implementation and operation of breakfast after the bell programs by schools in the State, in accordance with the provisions of section 1 of P L 2014, c 66 (C 18A 33-11 1), sections 1 and 2 of P L 2018, c 25 (C 18A 33-11 2 and C 18A 33-11 3), and section 12 of P L 2022, c 104 (C 18A 33-14a), including, but not limited to, guidelines, consistent with the provisions of section 1 of P L 2015, c 15 (C 18A 33-21), concerning a school's receipt of payment, from unsubsidized students, for breakfasts served to such students under a breakfast after the bell program

C 18A 33-14a School breakfast, minimum nutritional standards, eligibility

12 a (1) School breakfasts made available to students under a school breakfast program or a breakfast after the bell program shall meet minimum nutritional standards, established by the Department of Education

(2) Free or reduced price breakfasts, as appropriate, shall be offered, under a school breakfast program or a breakfast after the bell program, to all enrolled students who are determined to be federally eligible for free or reduced price meals As provided by section 1 of P L 2019, c 445 (C 18A 33-21 1), any student who is eligible for a reduced price breakfast, pursuant to federal income eligibility criteria, shall not be required to pay for such breakfast Free breakfasts shall also be offered to each enrolled student who is federally ineligible for free or reduced price meals, but who has an annual household income that is not less than 186 percent, and not more than 199 percent, of the federal poverty level, as determined pursuant to section 16 of P L 2022, c 104 (C 18A 33-21b1)

b The State shall provide funding to each school that operates a School Breakfast Program or a breakfast after the bell program, as may be necessary to reimburse the costs associated with the school's provision of free breakfasts, pursuant to subsection a of this section, to students who are federally ineligible for free or reduced price meals

c The Department of Agriculture, in consultation with the Department of Education, shall annually prepare and issue, to the Governor and, pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1), to the Legislature, a written report that identifies, for each school and school district in the State

(1) the methods that are being used by each such school or school district to facilitate the prompt identification and subsidized meal certification of students who are categorically eligible or income-eligible for free or reduced price breakfast under the federal School Breakfast Program,

(2) the number and percentage of income-eligible students from low-income families and from middle-income families, respectively, in each such school and district, who are receiving free or reduced price breakfast under the federal School Breakfast Program and the provisions of this section, and

(3) the methods that are being used, by each such school and district, to provide breakfast to students under the federal School Breakfast Program, including an indication as to whether breakfast is being provided to students through a breakfast after the bell program

d The Department of Agriculture, in consultation with the Department of Education, shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), to implement the provisions of this section, including, but not limited to, rules and regulations establishing a schedule for, and identifying the manner in which, State-level reimbursements are to be made pursuant to subsection b of this section

13 Section 1 of P L 2018, c 26 (C 18A 33-14 1) is amended to read as follows

C 18A 33-14 1 Report of nonparticipation in school meal programs

1 a (1) A school district that participates in the National School Lunch Program or the federal School Breakfast Program shall take steps to maximize the use of federal resources and to minimize the debt that is incurred by families for school meals, in accordance with a protocol established by the Department of Agriculture The protocol established by the department, pursuant to this paragraph, shall be adopted within 180 days after the effective date of P L 2022, c 104 (C 18A 33-3 2 et al), in

consultation with the Department of Education, the School Nutrition Association of New Jersey, and all relevant stakeholders, and shall (a) promote the increased certification of students from low-income families and middle-income families for free and reduced price school meals, in accordance with the provisions of P L 2022, c 104 (C 18A 33-3 2 et al), and (b) identify best practices to maximize the receipt and use of federal resources by the district's schools

(2) The Department of Agriculture and Department of Education, in cooperation with each other, shall consult with, and provide direct assistance to, school districts to help them improve, simplify, and expedite the free and reduced price meal certification process and otherwise reduce the administrative burden on schools and school districts that results from such process

(3) A school that serves lunch or breakfast to students and is eligible for special federal reimbursement under the Community Eligibility Provision, as provided by 7 C F R Part 245, shall, to the greatest extent practicable, participate in, and maximize the receipt of federal resources available under, that special assistance alternative Every school district in which there is at least one school that qualifies for the Community Eligibility Provision, but is not implementing it, shall report the reasons therefor, in writing, to the Department of Agriculture and the Department of Education, in the manner prescribed by those departments The report shall include, but need not be limited to, a description of the specific impediments at the school district to implementing the program, the specific actions that could be taken to remove those impediments, and the specific steps required to successfully implement the program in the following school year

b The Department of Agriculture, in consultation with the Department of Education, shall adopt, pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), such rules and regulations as may be necessary to effectuate the purposes of this section

c (Deleted by amendment, P L 2022, c 104)

14 Section 1 of P L 2015, c 15 (C 18A 33-21) is amended to read as follows

C 18A 33-21 Provision of school meals

1 a (1) In the event that a school district determines that an unsubsidized 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 designated 10-day period, then the district shall again contact the student's parent or guardian to provide notice of any action to be taken by the school district in response to the arrearage

(2) A school district shall report at least biannually to the Department of Agriculture the number of students who are denied school breakfast or school lunch pursuant to this section

(3) Nothing in this section shall be construed to require a school district to deny or restrict the ability of an unsubsidized student to access school breakfast or school lunch when the student's school breakfast or school lunch bill is in arrears

b A school or school district shall not

(1) publicly identify or stigmatize an unsubsidized student who cannot pay for a school breakfast or a school lunch or whose school breakfast or school lunch bill is in arrears, for example, by requiring the student to sit at a separate table, by requiring that the student to wear a wristband, hand stamp, or identifying mark, or by serving the student an alternative meal,

(2) require an unsubsidized student, who cannot pay for a school breakfast or a school lunch, or whose school breakfast or school lunch bill is in arrears, to do chores or other work to pay for the school breakfast or school lunch,

(3) require an unsubsidized student to discard a school breakfast or school lunch after it has been served because of the student's inability to pay for a school breakfast or a school lunch or because money is owed for previously provided meals,

(4) prohibit an unsubsidized student, or a sibling of such a student, from attending or participating in non-fee-based extracurricular activities, field trips, or school events, from receiving grades, official transcripts, or report cards, or from graduating or attending graduation events, solely because of the student's unresolved meal debt, or

(5) require the parent or guardian of an unsubsidized student to pay fees or costs in excess of the actual amounts owed for meals previously served to the student

c If an unsubsidized student owes money for the equivalent of five or more school meals, a school district shall

(1) (Deleted by amendment, P L 2022, c 104)

(2) determine whether the student is categorically eligible or income-eligible for free or reduced price meals, by conducting a review of all available records related to the student, and by making at least two attempts, not including the initial attempt made pursuant to section 3 of P L 2020, c 29 (C 18A 33-21b), to contact the student's parent or guardian and have the parent or guardian fill out a school meals application, and

(3) require a principal, or a person designated by the principal, to contact the parent or guardian of the unsubsidized student to offer assistance with respect to the completion of the school meals application, to determine if there are other issues in the household that have caused the child to have insufficient funds to purchase a school breakfast or school lunch, and to offer any other appropriate assistance

d A school district shall direct communications about a student's school breakfast or school lunch bill being in arrears to the parent or guardian and not to the student Nothing in this subsection shall prohibit a school district from sending a student home with a letter addressed to a parent or guardian

e Notwithstanding the provisions of this section and the provisions of any other law, rule, or regulation to the contrary, an unsubsidized student shall not be denied access to a school meal, regardless of the student's ability to pay or the status of the student's meal arrearages, during any period of time in which the school is making a determination, pursuant to subsection c of this section, as to whether the student is eligible for, and can be certified to receive, free or reduced price meals

15 Section 1 of P L 2020, c 29 (C 18A 33-21a) is amended to read as follows

C 18A 33-21a Short title

1 Section 1 of P L 2015, c 15 (C 18A 33-21) and section 16 of P L 2022, c 104 (C 18A 33-21b1), shall be known and may be cited as the "Hunger-Free Students' Bill of Rights Act "

C 18A 33-21b1 Information provided to parent, guardian

16 a At the beginning of each school year, or upon initial enrollment, in the case of a student who enrolls during the school year, a school district shall provide each student's parent or guardian with

(1) information on the National School Lunch Program and the federal School Breakfast Program, including, but not limited to, information on the availability of free or reduced price meals for eligible students, information on the application and determination processes that are used to certify eligible students for subsidized school meals, and information on the rights that are available to students and their families under this section and section 1 of P L 2015, c 15 (C 18A 33-21), and

(2) a school meals application form, as well as instructions for completing the application, and, as necessary, assistance in completing the application

b The school meals information and application provided to parents and guardians, pursuant to subsection a of this section, shall

(1) be communicated in a language that the parent or guardian understands,

(2) specify the limited purposes for which collected personal data may be used, as provided by subsection c of this section, and

(3) be submitted to the parent or guardian either in writing or electronically In the latter case, the school district shall use the usual means by which it communicates with parents and guardians electronically

c A school meals application that is completed by a parent or guardian shall be confidential, and shall not be used or shared by the student's school or school district, except as may be necessary to

(1) determine whether a student identified in the application is eligible for free or reduced price school meals,

(2) determine whether the school or school district is required, by section 2 of P L 2018, c 25 (C 18A 33-11 3) or by section 1 of P L 2018, c 28 (C 18A 33-24), to establish a breakfast after the bell program, or to participate as a sponsor or site in the federal Summer Meals Service Program,

(3) ensure that the school receives appropriate reimbursement, from the State and federal governments, for meals provided to eligible students, free of charge, through a school lunch program, a school breakfast program, a breakfast after the bell program, a summer meals program, or an emergency meals distribution program, and

(4) facilitate school aid determinations under the "School Funding Reform Act of 2008," P L 2007, c 260 (C 18A 7F-43 et seq)

17 Section 1 of P L 2019, c 445 (C 18A 33-21 1) is amended to read as follows

C 18A 33-21 1 State required to pay difference between federal allocation and total cost of reduced price breakfast, lunch

1 a Notwithstanding any other law, or rule or regulation adopted pursuant thereto, to the contrary, a public school student who is eligible for a reduced price breakfast under the federal School Breakfast Program or a reduced price lunch under the National School Lunch Program shall not be required to pay for any such reduced price breakfast or reduced price lunch

b The State shall pay the difference between the federal allocation for reduced price breakfasts and reduced price lunches and the total cost of the reduced price breakfasts and reduced price lunches that are served to public school students who are federally eligible for reduced price meals

c The Department of Agriculture, in consultation with the Department of Education, shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), to

implement the provisions of this section, including, but not limited to, rules and regulations establishing the schedule for, and identifying the manner in which, State-level reimbursements are to be made pursuant to subsection b of this section

18 Section 1 of P L 2018, c 28 (C 18A 33-24) is amended to read as follows

C 18A 33-24 Implementation of Summer Food Service Program

1 a Every school district in which 50 percent or more of the students enrolled in the school district on or before the last school day before October 16 of the preceding school year were federally eligible for free or reduced price meals under the National School Lunch Program or the federal School Breakfast Program, shall

(1) become a sponsor or site under the federal Summer Food Service Program, or

(2) apply for a waiver pursuant to section 3 of P L 2018, c 28 (C 18A 33-26)

b No later than one year after the date of enactment of P L 2018, c 28 (C 18A 33-24 et seq), a school district that is required to become a sponsor or site under the Summer Food Service Program, pursuant to subsection a of this section, shall submit, to the Department of Agriculture, either an application to become a sponsor of the federal Summer Food Service Program or documentation showing that the school district will become a site under an existing and approved sponsor

c (Deleted by amendment, P L 2022, c 104)

d A school district that is subject to the requirements of this section shall become a sponsor of the federal Summer Food Service Program or a site under an existing and approved sponsor, no later than two years following the date of enactment of this section

19 Section 2 of P L 2018, c 28 (C 18A 33-25) is amended to read as follows

C 18A 33-25 Application

2 a Nothing in section 1 of P L 2018, c 28 (C 18A 33-24) shall be deemed to prohibit a school district from becoming a sponsor or site under the Summer Food Service Program Any school district that is not subject to the requirements of section 1 of P L 2018, c 28 (C 18A 33-24), but that wishes to become a sponsor or site under the Summer Food Service Program, shall submit, to the Department of Agriculture, an application to become a

sponsor or documentation showing that the school district will become a site under an existing and approved sponsor

b (Deleted by amendment, P L 2022, c 104)

20 Section 1 of P L 2020, c 6 (C 18A 33-27 2) is amended to read as follows

C 18A 33-27 2 Provision of school meals during period of school closure

1 a In the event that a board of education is provided a written directive, by either the New Jersey Department of Health or the health officer of the jurisdiction, to institute a public health-related closure due to the COVID-19 epidemic, the district shall implement a program, during the period of the school closure, to provide school meals, at meal distribution sites designated pursuant to subsection b of this section, to all students enrolled in the district who are either categorically eligible or income-eligible for free or reduced price school meals

b In the event of an emergency closure, as described in subsection a of this section, the school district shall identify one or more school meal distribution sites that are walkable and easily accessible to students in the district The school district shall collaborate with county and municipal government officials in identifying appropriate sites A school meals distribution site may include, but need not be limited to faith-based locations, community centers, such as YMCAs, and locations in the school district where meals are made available through a summer meals program In a school district that includes high density housing, the district shall make every effort to identify a school meal distribution site in that housing area

c A school district shall identify students enrolled in the district who are categorically eligible or income-eligible for free or reduced price meals, and for whom a school meal distribution site, identified pursuant to subsection b of this section, is not within walking distance In the case of these students, the school district shall distribute the school meals to the student's residence or to the student's bus stop along an established bus route, provided that the student or the student's parent or guardian is present at the bus stop for the distribution Food distributed pursuant to this subsection may include up to a total of three school days' worth of food per delivery

d A school district may use school buses owned and operated by the district to distribute school meals pursuant to this section In the case of a school district that does not own and operate its own buses, the district may contract for the distribution of school meals, and these contracts shall not be

subject to the public bidding requirements established pursuant to the "Public School Contracts Law," P L 1977, c 114 (C 18A 18A-1 et seq)

e A school district shall collaborate, as feasible, with other school districts and with local government units to implement the emergency meals distribution program, as required by this section, in order to promote administrative and operational efficiencies and cost savings

f School lunches and breakfasts that are made available, through an emergency meals distribution program operating pursuant to this section, shall be provided to eligible students, free of charge, in accordance with the provisions of subsection a of section 1 of P L 1974, c 53 (C 18A 33-4) and subsection a of section 12 of P L 2022, c 104 (C 18A 33-14a)

Repealer

21 The following sections of law are repealed
Section 4 of P L 2003, c 4 (C 18A 33-12),
Section 3 of P L 2018, c 25 (C 18A 33-11 4), and
Section 3 of P L 2020, c 29 (C 18A 33-21b)

22 This act shall take effect on September 1, 2023, except that the Commissioner of Agriculture and the Commissioner of Education shall be authorized to take anticipatory administrative action, in advance of the effective date, as may be necessary to implement the provisions of this act

Approved September 9, 2022

CHAPTER 105

AN ACT providing for an increase to the allowance paid to veterans with certain wartime service-connected disabilities, 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 38 18-2 is amended to read as follows

Compensation to blind veterans, spouses

38 18-2 A soldier, who has sustained a total loss of sight as a result of his service during any of the wars mentioned in R S 38 18-1, shall be paid for the term of his life, and upon his death his surviving spouse shall be paid, provided that the soldier or surviving spouse shall continue as a resident of

this State, the sum of $1,800 annually, in monthly payments Such payments shall be due and payable from the date of discharge or release of the soldier if application therefor shall be made within one year from the date of such discharge or release If the application shall be made one year from the date of discharge or release of the soldier such payments shall be due and payable from the date of such application Accrued payments to the date of certification shall be paid in one lump sum

2 R S 38 18-3 is amended to read as follows

Proof of service and disability, certification by adjutant general, payment

38 18-3 Evidence of the service and disability mentioned in R S 38 18-1 shall be furnished to the Division of Veterans Services of the Department of Military and Veterans Affairs, which shall examine the same and upon being satisfied that the service was performed and the soldier has been rendered totally blind as a result thereof, shall so certify to the Director of the Division of Budget and Accounting who shall, upon receipt thereof, draw a warrant on the State Treasurer in favor of the applicant in a bulk sum for any accrued payments and in the sum of $1,800 annually, which the State Treasurer shall pay out of the money appropriated therefor by the Legislature

3 Section 2 of P L 1947, c 263 (C 38 18A-2) is amended to read as follows

C 38 18A-2 Compensation to certain disabled veterans, spouses

2 A veteran who served in the active military or naval forces of the United States and who has paraplegia and permanent paralysis of both legs and lower parts of the body, or who has osteochondritis and permanent loss of the use of both legs, or who has hemiplegia and permanent paralysis of one leg and one arm or either side of the body, resulting from injury to the spinal cord, skeletal structure, or brain, or who has had both hands, both feet, or one hand and one foot amputated, or who has lost the use of both feet or both legs, due to multiple sclerosis, sustained through enemy action, or accident, or resulting from disease contracted while in active military or naval service, shall be paid for the term of the veteran's life, and upon the veteran's death the surviving spouse, domestic partner, or partner in civil union shall be paid, the sum of $1,800 annually in monthly payments Such payments shall be due and payable from the date of discharge or release of the veteran if application therefor shall be made within one year from the date of such discharge or release If the application shall be made after one year from the date of discharge or release of the veteran, such

payment shall be due and payable from the date of such application Accrued payments to the date of certification shall be paid in one lump sum

Nothing in P L 1947, c 263 (C 38 18A-1 et seq) shall be intended to include paraplegia or hemiplegia resulting from locomotor ataxia or other forms of syphilis of the central nervous system or from chronic alcohol use disorder, or to include other forms of disease resulting from the veteran's own misconduct which may produce signs and symptoms similar to those resulting from paraplegia, osteochondritis, hemiplegia, or multiple sclerosis

4 Section 3 of P L 1947, c 263 (C 38 18A-3) is amended to read as follows

C 38 18A-3 Evidence of service and disability

3 Evidence of the service and disability mentioned in this act, P L 1947, c 263 (C 38 18A-1 et seq), shall be furnished to the Division of Veterans Services of the Department of Military and Veterans Affairs, which shall examine the same and upon being satisfied that the service was performed and the veteran has been rendered permanently paralyzed or has permanently lost the use of both legs, or has suffered amputation, as defined in section 2 of this act, shall so certify to the Director of the Division of Budget and Accounting in the Department of the Treasury, who shall, upon receipt thereof, draw a warrant on the State Treasurer in favor of the applicant in the sum of $1,800 annually, which the State Treasurer shall pay out of the money appropriated therefor by the Legislature

5 This act shall take effect on January 1 next following the date of enactment

Approved September 15, 2022

CHAPTER 106

AN ACT concerning embryo storage facilities and amending P L 2019, c 268

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

1 Section 3 of P L 2019, c 268 (C 26 2A-25) is amended to read as follows

C 26 2A-25 Licensure for embryo storage facility

3 a No person shall conduct, maintain, or operate an embryo storage facility in this State unless licensed by the department pursuant to the provisions of this act A separate license shall be required for each embryo storage facility location The license shall be posted and displayed at all times in a prominent location within the facility No license issued pursuant to this act shall be transferable A change in the ownership of the facility shall require notification to the department within 14 calendar days and reapplication for licensure

b The department shall not license a person to conduct, maintain, or operate an embryo storage facility pursuant to this act unless the department is satisfied that the person has demonstrated good character, competency, and integrity, and has furnished such information to the commissioner as the commissioner may require for this purpose

c Within 90 days after the effective date of P L 2022, c 106 (C 26 2A-25), as a condition of continued or new licensure, an embryo storage facility that is required to record or report the health information of a patient, shall record and report the patient's health information using a program that is compliant with the "Health Insurance Portability and Accountability Act of 1996," Pub L 104-191 and requirements adopted by the U S Department of Health and Human Services regarding functions, technological capabilities, and security features within the program

2 The Commissioner of Health may adopt rules and regulations, in accordance with the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), if necessary to effectuate the provisions of this act

3 This act shall take effect 180 days after the date of enactment

Approved September 15, 2022

CHAPTER 107

AN ACT concerning local and public utility service and customer information and supplementing Title 48 of the Revised Statutes

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

C 48 2-29 57 Definitions

1 As used in P L 2022, c 107 (C 48 2-29 57 et seq)

"Board" means the Board of Public Utilities or any successor agency

"Coronavirus 2019" means the coronavirus disease 2019, as announced by the World Health Organization on February 11, 2020, and first identified in Wuhan, China

"Department" means the Department of Community Affairs

"Local utility" means any sewerage authority created pursuant to the "sewerage authorities law," P L 1946, c 138 (C 40 14A-1 et seq), any utilities authority created pursuant to the "municipal and county utilities authorities law," P L 1957, c 183 (C 40 14B-1 et seq), or any municipal, county, or regional utility, authority, commission, special district, or other local government entity, not regulated by the Board of Public Utilities, that provides electricity, gas, heat, power, sewer, or water service

"Personally identifiable information" means any information that is linked or reasonably linkable to an identified or identifiable customer

"Public utility" means a public utility, defined pursuant to R S 48 2-13, providing electric, gas, sewer, or water service to customers

C 48 2-29 58 Report to Governor, Legislature, effect of Coronavirus 2019 pandemic on utility service, Department of Community Affairs

2 a The Board of Public Utilities, in consultation with the Department of Community Affairs, shall prepare and submit, within 30 days after the conclusion of a board proceeding concerning the response to the coronavirus 2019 pandemic, to the Governor and, pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1), to the Legislature, a written report which shall make findings and recommendations concerning the effect the coronavirus 2019 pandemic has had on local utility and public utility service to commercial and residential customers in this State The data collected from the board's proceeding concerning the response to the coronavirus 2019 pandemic shall be posted on the board's Internet website and updated quarterly until 24 months after the effective date of P L 2022, c 107 (C 48 2-29 57 et seq) The data shall be formatted in a manner determined by the board and shall include, but not be limited to, the following information organized by month, utility name, type of utility service provided, customer class, municipality, and zip code

(1) the overall impact on local utility and public utility supply, demand, revenues, and expenses,

(2) the number of local utility and public utility customers, for each category of utility service and how those numbers compare to the same time in 2019,

(3) the number of local utility and public utility service customer disconnection notices sent due to bill non-payment, service disconnections due to bill non-payment, service reconnections of customers disconnected for bill non-payment, average time between service disconnection due to

non-payment and service reconnection, and how the numbers cited, pursuant to this paragraph, compare to the same time in 2019,

(4) as applicable, the number of liens on real property placed, sold, or enforced due to non-payment, and how those numbers compare to the same time in 2019,

(5) the number of customers in arrears by 30, 60, 90, 120, 150, and 180 days at the end of each month, the total dollar amount owed and average amount owed per customer in each of those categories, and how the numbers cited, pursuant to this paragraph, compare to the same time in 2019,

(6) the number of customer accounts that became eligible for disconnection due to bill nonpayment but were not disconnected because of any legally mandated or voluntary suspension of disconnections due to the coronavirus 2019 pandemic,

(7) the number of customers enrolled in deferred payment agreements at the end of each month, the total dollar amount of arrears and average amount of arrears per customer subject to those agreements, the average length of the repayment term under those agreements, and how the numbers cited, pursuant to this paragraph, compare to the same time in 2019,

(8) the number of customers that entered into, successfully completed, or defaulted from a deferred payment agreement, the total dollar amount of arrears and average amount of arrears per customer subject to those agreements, and how the numbers cited, pursuant to this paragraph, compare to the same time in 2019,

(9) available customer assistance programs, including terms of eligibility, available budget for each program, and any enhancements to the programs that are being made to address anticipated increased demand,

(10) the number of customers that applied for financial assistance under each applicable utility assistance program, and how that number cited, pursuant to this paragraph, compares to the same time in 2019,

(11) the number of customers receiving assistance under each utility assistance program at the end of each month, and how that number cited, pursuant to this paragraph, compares to the same time in 2019,

(12) the number of customers charged late fees, penalties, and interest, the total dollar amount of late fees, penalties, and interest charged and average amount of late fees, penalties, and interest per customer subject to such charges, and how the numbers cited, pursuant to this paragraph, compare to the same time in 2019,

(13) the average and median dollar amount billed to customer accounts and the average and median utility usage per customer account, and how the numbers cited, pursuant to this paragraph, compare to the same time in 2019,

(14) the total dollar amounts billed to and collected from customer accounts and how the numbers cited, pursuant to this paragraph, compare to the previous year at the same time, except that such data need not be broken down by municipality and zip code within the service area of a utility,

(15) the methods and contents of general communications by local utilities and public utilities to customers concerning their rights and available assistance programs if customers are unable to pay their bills in full, excluding any customer-specific communications,

(16) the board's assessment of whether existing customer assistance programs are presently, and in the future, sufficient to meet the financial needs of customers in arrears who are unable to pay those arrears in full, as well as the needs of customers who may be unable to pay future bills,

(17) a list of any planned local utility and public utility infrastructure projects that were scheduled to take place during or after the reporting period that were canceled or for which the actual or anticipated start date was delayed due to the financial or other impacts of the coronavirus 2019 pandemic,

(18) local utility and public utility revenue, including sales revenue and operating or net revenue information, and how those numbers compare to the same time in 2019, and

(19) each local utility's and public utility's schedule of rates and charges

As used in this paragraph, "rates" mean the fixed component, if any, and the volumetric or other variable component, if any, of the cost of service that are applied to a category of customers and "charges" mean amounts that are billed to a customer under specific circumstances that are not included in the provider's base rate including, but not limited to, late fees, connection fees, impact fees for new development, deposits for opening new accounts, and any other fees, surcharges, or penalties

b Each public utility and local utility shall, within 21 days of the effective date of P L 2022, c 107 (C 48 2-29 57 et seq), and quarterly thereafter until 24 months after the effective date of P L 2022, c 107 (C 48 2-29 57 et seq), file with the board, in a form and manner determined by the board, the information required pursuant to subsection a of this section

c The board shall provide on its Internet website the data required pursuant to subsection a of this section, including in a downloadable format the raw data from each update The data provided on the Internet website pursuant to P L 2022, c 107 (C 48 2-29 57 et seq) shall not include personally identifiable information of any customer

C 48 2-29 59 Quarterly report, utility service, customer data

3 a Not more than 30 months after the effective date of P L 2022, c 107 (C 48 2-29 57 et seq), the board, in consultation with the department, shall collect and compile in a report, on a quarterly basis, information concerning local utility and public utility service and commercial and residential customer information, which shall include, but not be limited to the following, with all information organized by month, utility name, type of utility service provided, customer class, municipality, and zip code

(1) local utility and public utility supply, demand, revenue, and expense information,

(2) the number of local utility and public utility customers, for each category of utility service and how those numbers compare to the previous year at the same time,

(3) the number of local utility and public utility service customer disconnection notices sent due to bill non-payment, service disconnections due to bill non-payment, service reconnections disconnected for bill non-payment, and how the numbers cited, pursuant to this paragraph, compare to the previous year at the same time,

(4) as applicable, the number of liens on real property placed, sold, or enforced due to non-payment, and how those numbers compare to the previous year at the same time,

(5) the number of customers in arrears by 30, 60, 90, 120, 150, and 180 days at the end of each month, the total dollar amount owed and average amount owed per customer in each of those categories, and how the numbers cited, pursuant to this paragraph, compare to the previous year at the same time,

(6) the number of customer accounts that became eligible for disconnection due to bill nonpayment but were not disconnected because of any legally mandated or voluntary suspension of disconnections due to the coronavirus 2019 pandemic,

(7) the number of customers enrolled in deferred payment agreements at the end of each month, the total dollar amount of arrears and average amount of arrears per customer subject to those agreements, the average length of the repayment term under those agreements, and how the numbers cited, pursuant to this paragraph, compare to the previous year at the same time,

(8) the number of customers that entered into, successfully completed, or defaulted from a deferred payment agreement, the total dollar amount of arrears and average amount of arrears per customer subject to those agreements, and how the numbers cited, pursuant to this paragraph, compare to the previous year at the same time,

(9) available customer assistance programs, including terms of eligibility, available budget for each program, and any enhancements to the programs that are being made to address anticipated increased demand,

(10) the number of customers that applied for financial assistance under each applicable utility assistance program, and how that number cited, pursuant to this paragraph, compares to the previous year at the same time,

(11) the number of customers receiving assistance under each utility assistance program at the end of each month, and how that number cited, pursuant to this paragraph, compares to the previous year at the same time,

(12) the number of customers charged late fees, penalties, and interest, the total dollar amount of late fees, penalties, and interest charged and average amount of late fees, penalties, and interest per customer subject to such charges, and how the numbers cited, pursuant to this paragraph, compare to the previous year at the same time,

(13) the average and median dollar amount billed to customer accounts and the average and median utility usage per customer account, and how the numbers cited, pursuant to this paragraph, compare to the previous year at the same time,

(14) the total dollar amounts billed to and collected from customer accounts and how the numbers cited, pursuant to this paragraph, compare to the previous year at the same time, except that such data need not be broken down by municipality and zip code within the service area of a utility,

(15) the methods and contents of general communications by local utilities and public utilities to customers concerning their rights and available assistance programs if customers are unable to pay their bills in full, excluding any customer-specific communications,

(16) the board's assessment of whether existing customer assistance programs are presently, and in the future, sufficient to meet the financial needs of customers in arrears who are unable to pay those arrears in full, as well as the needs of customers who may be unable to pay future bills,

(17) a list of any planned local utility and public utility infrastructure projects that were scheduled to take place during or after the reporting period that were canceled or for which the actual or anticipated start date was delayed due to the financial or other impacts of the coronavirus 2019 pandemic,

(18) local utility and public utility revenue, including sales revenue and operating or net revenue information, and how those numbers compare to the previous year at the same time, and

(19) each local utility's and public utility's schedule of rates and charges

As used in this paragraph, "rates" mean the fixed component, if any, and the volumetric or other variable component, if any, of the cost of service that are applied to a category of customers and "charges" mean amounts that are

billed to a customer under specific circumstances that are not included in the provider's base rate including, but not limited to, late fees, connection fees, impact fees for new development, deposits for opening new accounts, and any other fees, surcharges, or penalties

b Each public utility and local utility shall file with the board, in a form and manner determined by the board, the information required pursuant to subsection a of this section

c The board shall provide on its Internet website the reports required pursuant to subsection a of this section, including in a downloadable format the raw data from each report, simultaneously with the completion of each report The information provided on the Internet website shall not include personally identifiable information of any customer

4 The board, in consultation with the department, may adopt, pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), rules and regulations necessary to effectuate the purposes of this act

5 This act shall take effect immediately

Approved September 15, 2022

CHAPTER 108

AN ACT concerning school programs and services for children of military families and supplementing chapter 6 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 6-110 1 "Purple Star Schools Program" established, working group, criteria

1 a There is created a Purple Star Schools Program in the Department of Education Under the program, the Commissioner of Education shall annually recognize as Purple Star Schools those schools that provide for, or have made significant progress to respond to, the educational and social-emotional challenges military-connected students encounter during the transition to a new school when the student's parent or guardian is an active duty member of the United States Armed Forces and is relocated due to the active duty member's continued military service A Purple Star School shall be designated as such if it provides programs and services that include, but need not be limited to, the following

(1) training for faculty and staff members to ease entry into the new school environment for military-connected students,

(2) student-led programs to help create social connections, including an emphasis on programs for students who arrive mid-year and miss out on the normal cycles of sports and club activities,

(3) a military family webpage on the school website to inform parents and guardians about programs and services,

(4) relevant professional development opportunities for additional school staff, and

(5) holding school-wide military recognition events that raise awareness and recognize the value of military service

The goal of the programs and services is to ensure that staff can help manage the challenges military-connected students encounter when they move between schools with different cultures, curricula, standards, course offerings, schedules, and graduation requirements

b The commissioner shall establish a Purple Star Schools Working Group The purpose of the working group shall be to develop criteria to be used in the designation of schools as Purple Star Schools The working group shall consist of members appointed by the commissioner and shall be composed of, but need not be limited to a school principal, a school administrator, a school board member, an elementary school teacher, a middle school teacher, a high school teacher, a school counselor, a school social worker, and a school psychologist

c The criteria established by the working group for a Purple Star Schools designation pursuant to subsection b of this section shall include, but need not be limited to, the school's efforts to

(1) raise awareness and recognize the value of military service, including the sacrifices of military-connected families,

(2) respond to the unique educational and social-emotional challenges of military-connected students,

(3) highlight and promote equity, inclusion, and belonging,

(4) create safe, welcoming, and inclusive environments for all students, faculty, and staff,

(5) provide teachers, faculty, and staff with opportunities for instruction in easing the entry into the new school environment for military-connected students, and

(6) provide programs and services that align with those enumerated in paragraphs (1) through (5) of subsection a of this section

d The working group, in consultation with the commissioner, shall establish a scoring system based on the criteria developed pursuant to subsection c of this section to be used by the commissioner in the designation

of Purple Star Schools The commissioner shall establish a process by which schools may nominate their school to be designated as a Purple Star School

2 This act shall take effect immediately

Approved September 15, 2022

CHAPTER 109

AN ACT mandating access to periodic cancer screening examinations for full-time paid firefighters not enrolled in the State Health Benefits Program, amending P L 2021, c 478, and making an appropriation

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

1 Section 1 of P L 2021, c 478 (C 52 14-17 29ii) is amended to read as follows

C 52 14-17 29ii Full-time firefighters to be screened for cancer

1 a A firefighter employed as a full-time paid employee of a fire department or unit of this State or a political subdivision of this State shall be provided a cancer screening examination conducted by a physician not less than three years after the start of the firefighter's employment as a firefighter and every three years thereafter during the course of the firefighter's employment The examination shall include screening for, at a minimum and when applicable, the following cancers

(1) colon,
(2) lung,
(3) bladder,
(4) oral,
(5) thyroid,
(6) skin,
(7) blood,
(8) breast,
(9) cervical
(10) testicular, and
(11) prostate

b Subsection a of this section shall apply to a firefighter enrolled in the State Health Benefits Program as occupational coverage For the purpose

of this subsection, employment as a full-time paid employee of a fire department or unit of this State or a political subdivision of this State shall be a pre-existing condition

c Notwithstanding the provisions of any other law, rule, or regulation to the contrary, beginning January 1, 2023 and for each plan year thereafter, a public employer that does not participate in the State Health Benefits Program shall provide health care benefits coverage for its employees that offers cancer screening examinations consistent with the requirement of subsection a of this section A public employer that does not participate in the State Health Benefits Program shall be eligible for reimbursement from the State for its cost of providing benefits coverage for such examinations, provided, however, at no time shall the cost being reimbursed to the public employer by the State for the full examination required under subsection a of this section exceed $1,250 per three-year period for each firefighter

No co-payment, deductible, coinsurance, or out-of-pocket expense shall be required for such examinations

A public employer shall maintain adequate records to facilitate the reimbursement authorized pursuant to this subsection

For the purpose of this subsection, employment as a full-time paid employee of a fire department or unit of this State or a political subdivision of this State shall be a pre-existing condition There shall be an appropriation from the State General Fund in each annual appropriations act of such funds as necessary for the purposes of this section

2 There is appropriated from the State General Fund to the Department of the Treasury $2,000,000 for the purposes of subsection c of section 1 of P L 2021, c 478 (C 52 14-17 29ii)

3 This act shall take effect January 1, 2023

Approved September 15, 2022

CHAPTER 110

AN ACT concerning electricity sold to recycled material manufacturing facilities, and supplementing P L 1999, c 23 (C 48 3-49 et seq)

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

C 48 3-87 14 Definitions, recycled materials manufacturing facility, exemption from renewable energy portfolio standards obligations

1 a As used in this section

"Recycled materials" means any item or commodity which is manufactured or produced in whole or in part from post-consumer waste material

"Recycled materials manufacturing facility" means a facility that (1) receives service under an electric public utility rate at or above 110 kilovolts delivery, (2) manufactures products made from recycled materials, provided that not less than 90 percent of the content of such products manufactured in the State meet the definition of recycled materials, and (3) employs not less than 200 employees in the State

b (1) Notwithstanding the provisions of section 38 of PL 1999, c 23 (C 48 3-87), or any rule, regulation, or board order adopted pursuant thereto, to the contrary, an electric power supplier or basic generation service provider shall be exempt from all renewable energy portfolio standards obligations, including Class I RECs, Class II RECs, S RECs, ORECs, or any other RECs, established pursuant to section 38 of PL 1999, c 23 (C 48 3-87) or any other subsequent law, and any rule, regulation, or board order adopted pursuant thereto, for all kilowatt hours of electricity supplied by such electric power supplier or basic generation service provider to a recycled materials manufacturing facility

A recycled materials manufacturing facility shall not be required to pay any charges designed to offset any renewable energy portfolio standards obligation of its electric power supplier or basic generation service provider, including Class I RECs, Class II RECs, SRECs, ORECs, or any other RECS

(2) For each electric power supplier or basic generation service provider requesting the exemption established by paragraph (1) of this subsection, the kilowatt hours of electricity sold to recycled materials manufacturing facilities shall be subtracted from the total kilowatt hours of electricity supplied to all customers in the State by that electric power supplier or basic generation service provider during that energy year such that the reduced total retail sales number shall be used to calculate the renewable energy portfolio standards obligation for each energy year

(3) Each recycled materials manufacturing facility shall provide its electric power supplier or basic generation provider with (a) documentation establishing that it meets the definition of a recycled materials manufacturing facility, and (b) a sworn affidavit which certifies the number of kilowatt hours of electricity that the electric power supplier or basic generation provider sold to that recycled materials manufacturing facility during that energy year

(4) At the end of each energy year, each electric power supplier or basic generation supplier shall (a) submit to the board the sworn affidavit received

from each recycled materials manufacturing facility pursuant to paragraph (3) of this subsection, and (b) provide this information on the Retail Sales Adjustment Form that every electric power supplier and basic generation provider is required to submit to the board at the end of each energy year

(5) The provisions of this subsection shall apply to all electricity sold to recycled materials manufacturing facilities beginning on January 1, 2022

2 This act shall take effect immediately

Approved September 15, 2022

CHAPTER 111

AN ACT concerning municipal emergency management coordinators and amending P L 1953, c 438

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

1 Section 8 of P L 1953, c 438 (App A 9-40 1) is amended to read as follows

C App A 9-40 1 Municipal emergency management coordinator

8 a In every municipality of this State, the mayor or, in the case of a municipality which has adopted the commission form of government pursuant to the provisions of the "commission form of government law" (R S 40 70-1 et seq), the commissioner serving as director of the department to which the responsibility for emergency management has been assigned, shall appoint a municipal emergency management coordinator Any qualified individual appointed as a municipal emergency management coordinator who is not a resident of the municipality shall reside within a reasonable proximity of the municipality to ensure a prompt response or coordination of municipal resources for any local incident The municipal emergency management coordinator, subject to fulfilling the requirements of this section, shall serve for a term of three years As a condition of his appointment and his right to continue for the full term of his appointment, each municipal emergency management coordinator shall have successfully completed at the time of his appointment or within one year immediately following his appointment or the effective date of this act, whichever is later, the current approved Home Study Course and the basic Emergency Management workshop The failure of any

municipal emergency management coordinator to fulfill such requirement within the period prescribed shall disqualify the coordinator from continuing in the office of coordinator and thereupon a vacancy in said office shall be deemed to have been created

b The provisions of this section shall not bar a municipality from entering into an agreement pursuant to 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) to designate (1) a municipal emergency management coordinator to serve two or more municipalities jointly, or (2) the county emergency management coordinator appointed pursuant to section 12 of P L 1953, c 438 (C App A 9-42 1) for the county in which that municipality is located as the municipal emergency management coordinator, subject to approval of the governing body of the county A municipality entering into such an agreement shall notify the State Emergency Management Coordinator

c (Deleted by amendment, P L 2022, c 111)

2 This act shall take effect immediately

Approved September 15, 2022

CHAPTER 112

AN ACT concerning the establishment of a New Jersey Minority, Women, and Underserved Farmer Registry 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 1-23 1 "New Jersey Minority, Women, and Underserved Farmer Registry" established

1 a The Department of Agriculture shall establish a New Jersey Minority, Women, and Underserved Farmer Registry Through the Farm Liaison, designated pursuant to section 1 of P L 2019, c 94 (C 4 1-48), the department shall

(1) coordinate outreach to minority, women, disabled, LGBTQIA+, socially disadvantaged, and other farmers in the State who have been historically underserved by farm loan assistance programs, including programs for beginning farmer loans, emergency farm loans, farm loan servicing, farm operating loans, guaranteed farm loans, direct operating

loans, direct farm ownership down payment loans, microloans, and other business assistance offered to farmers in the State,

(2) register minority, women, disabled, LGBTQIA+, socially disadvantaged, and historically underserved farmers to receive notification of opportunities to apply for and participate in farm loan assistance and business assistance programs,

(3) assist in the prioritization of applications of State registrants, in accordance with subsection b of this section,

(4) provide each State registrant with information concerning the federal USDA register, and

(5) provide each State registrant the opportunity to register with the federal USDA register

b In cooperation with other State agencies, departments, independent authorities, and lending institutions in the State, the department shall assist each State registrant to apply for assistance programs, farm loan programs, beginning farmer loans, emergency farm loans, farm loan servicing, farm operating loans, guaranteed farm loans, direct operating loans, direct farm ownership down payment loans, microloans, and other business assistance available to farmers in the State

c To the greatest extent possible, the department shall ensure that the criteria for inclusion in the New Jersey Minority, Women, and Underserved Farmer Registry is the same as the criteria for inclusion in the federal USDA register so that any State registrant may be included in both registries Whenever the criteria for inclusion in the federal USDA register is updated to include any additional individuals or groups of farmers, the department shall update accordingly the criteria for inclusion in the State registry and coordinate outreach to the additional individuals or groups of farmers

d Not more than 180 days after the establishment of the State registry, and every 180 days thereafter, the department shall

(1) review and compare the State registrants with the farmers who have registered on the federal USDA register,

(2) notify any State registrant not also registered with the federal USDA register of the benefits of registering with the federal USDA register, and

(3) encourage the State registrant to register with the federal USDA register

e The department, pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), may adopt rules and regulations necessary to implement this act

f As used in this section

"Department" means the Department of Agriculture

"Federal USDA register" means the United States Department of Agriculture Minority Farm Register and any other similar register for minority, women, and socially disadvantaged farmers, administered by the Farm Service Agency of the United States Department of Agriculture

"LGBTQIA+" means a member of the lesbian, gay, bisexual, pansexual, transgender, genderqueer, queer, intersex, agender, asexual, questioning, and other non-heterosexual-identifying community

"State registrant" means a minority, woman, disabled, LGBTQIA+, socially disadvantaged, or historically underserved farmer registered with the New Jersey Minority, Women, and Underserved Farmer Registry established pursuant to subsection a of this section

"State registry" means the New Jersey Minority, Women, and Underserved Farmer Registry established pursuant to subsection a of this section

2 This act shall take effect immediately

Approved September 22, 2022

CHAPTER 113

AN ACT concerning duct work and amending P L 1963, c 150

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

1 Section 2 of P L 1963, c 150 (C 34 11-56 26) is amended to read as follows

C 34 11-56 26 Definitions

2 As used in this act

(1) "Department" means the Department of Labor and Workforce Development of the State of New Jersey

(2) "Locality" means any political subdivision of the State, combination of the same or parts thereof, or any geographical area or areas classified, designated and fixed by the commissioner from time to time, provided that in determining the "locality," the commissioner shall be guided by the boundary lines of political subdivisions or parts thereof, or by a consideration of the areas with respect to which it has been the practice of employers of particular crafts or trades to engage in collective bargaining with the representatives of workers in such craft or trade

(3) "Maintenance work" means the repair of existing facilities when the size, type or extent of such facilities is not thereby changed or increased "Maintenance work" also means any work on a maintenance-related project that exceeds the scope of work and capabilities of in-house maintenance personnel, requires the solicitation of bids, and has an aggregate value exceeding $50,000

(4) "Public body" means the State of New Jersey, any of its political subdivisions, any authority created by the Legislature of the State of New Jersey and any instrumentality or agency of the State of New Jersey or of any of its political subdivisions

(5) "Public work" means construction, reconstruction, demolition, alteration, custom fabrication, duct cleaning, or repair work, or maintenance work, including painting, and decorating, done under contract and paid for in whole or in part out of the funds of a public body, except work performed under a rehabilitation program "Public work" shall also mean construction, reconstruction, demolition, alteration, custom fabrication, duct cleaning, or repair work, done on any property or premises, whether or not the work is paid for from public funds, if, at the time of the entering into of the contract the property or premises is owned by the public body or

(a) Not less than 55% of the property or premises is leased by a public body, or is subject to an agreement to be subsequently leased by the public body, and

(b) The portion of the property or premises that is leased or subject to an agreement to be subsequently leased by the public body measures more than 20,000 square feet

(6) "Commissioner" means the Commissioner of Labor and Workforce Development or his duly authorized representatives

(7) "Workman" or "worker" includes laborer, mechanic, skilled or semi-skilled, laborer and apprentices or helpers employed by any contractor or subcontractor and engaged in the performance of services directly upon a public work, regardless of whether their work becomes a component part thereof, but does not include material suppliers or their employees who do not perform services at the job site For the purpose of P L 1963, c 150 (C 34 11-56 25 et seq), contractors or subcontractors engaged in custom fabrication shall not be regarded as material suppliers

(8) "Work performed under a rehabilitation program" means work arranged by and at a State institution primarily for teaching and upgrading the skills and employment opportunities of the inmates of such institutions

(9) "Prevailing wage" means the wage rate paid by virtue of collective bargaining agreements by employers employing a majority of workers of that craft or trade subject to said collective bargaining agreements, in the locality in which the public work is done

(10) "Act" means the provisions of P L 1963, c 150 (C 34 11-56 25 et seq) and the rules and regulations issued hereunder

(11) "Prevailing wage contract threshold amount" means

(a) In the case of any public work paid for in whole or in part out of the funds of a municipality in the State of New Jersey or done on property or premises owned by a public body or leased or to be leased by the municipality, the dollar amount established for the then current calendar year by the commissioner through rules and regulations promulgated pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), which amount shall be equal to $9,850 on July 1, 1994 and which amount shall be adjusted on July 1 every five calendar years thereafter in direct proportion to the rise or fall in the average of the Consumer Price Indices for Urban Wage Earners and Clerical Workers for the New York metropolitan and the Philadelphia metropolitan regions as reported by the United States Department of Labor during the last full calendar year preceding the date upon which the adjustment is made, and

(b) In the case of any public work other than a public work described in paragraph (a) of this subsection, an amount equal to $2,000

(12) "Custom fabrication" means:

(a) the fabrication of any of the following plumbing, heating, cooling, ventilation or exhaust duct systems, mechanical insulation, or one or more signs in a project which cost a total of more than $30,000 and are part of a project upon completion, or

(b) any other fabrication which is either of components or structures pre-fabricated to specifications for a particular project of public work or of other materials finished into components without further modification for use in a project of public work or for use in a type or classification of a project of public work

2 This act shall take effect immediately

Approved September 22, 2022

CHAPTER 114

AN ACT concerning patient records and amending P L 2019, c 217

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

1 Section 1 of P L 2019, c 217 (C 26 2H-5n) is amended to read as follows

C 26 2H-5n Hospital to provide medical, billing records, fees, price limits

1 a Except as provided in subsection d of this section, if a patient of a general, special, or psychiatric hospital licensed pursuant to P L 1971, c 136 (C 26 2H-1 et seq), the patient's legally authorized representative, or an authorized third party requests, in writing, a copy of individual admission records, the hospital shall provide a legible paper or electronic reproduction of the requested records within the dates requested to the patient, the patient's legally authorized representative, or the authorized third party within 30 days of the request, in accordance with the following

(1) (a) For a request by a patient or the patient's legally authorized representative for a medical record, whether such record is stored electronically, on microfilm or microfiche, or on paper, the fee for reproducing the record shall not exceed $1 per page or $50 per individual admission record, whichever is less The fee for reproducing a medical record shall not exceed $50 per individual admission or patient record, exclusive of any additional fees specified in paragraph (3) of this subsection,

(b) If a patient requests a copy of the patient's own medical records in accordance with the federal "Health Insurance Portability and Accountability Act of 1996," Pub L 104-191, the requirements provided under 45 C F R 164 524(b) with respect to the time required to respond to such requests and the applicable fees shall apply,

(c) A hospital shall not charge any fee to provide an electronic or paper reproduction of a billing record requested by a patient, or a patient's legally authorized representative,

(d) For a request by an authorized third party, the fee for reproducing medical and billing records that are not stored on microfilm or microfiche shall be no more than $1 per page, and the fee for reproducing records stored on microfilm or microfiche shall be $1 50 per image, and

(e) A fee for the reproduction of x-rays or any other material that cannot be routinely copied or duplicated on a commercial photocopy machine, which shall be no more than $15 per printed image or $30 per compact disc (CD) or digital video disc (DVD), plus an administrative fee of $10

(2) Delivery of an electronic reproduction of a patient's medical or billing record shall be required only if

(a) the entire request can be reproduced from an electronic health record system,

(b) the record is specifically requested to be delivered in electronic format, and

(c) the record can be delivered electronically

(3) In addition to per-page fees, a hospital shall apply the following charges for patients, patients' legally authorized representatives, and authorized third parties

(a) a search fee of no more than $20 per request, provided that no search fee shall be charged to a patient who is requesting the patient's own record If a search fee may be charged under this subparagraph, the fee shall apply even if no medical records are found as a result of the search,

(b) (Deleted by amendment, P L 2022, c 114)

(c) a fee for certification of a copy of a medical record of no more than $10 per certification, and

(d) costs for delivering records in any medium, plus sales tax, if applicable

(4) The fees established in this subsection shall be charged for electronic reproductions as well as paper copies of medical records

(5) The hospital shall establish a policy assuring access to copies of medical records for patients who do not have the ability to pay for the copies

(6) The hospital shall establish a fee policy providing an incentive for the use of abstracts or summaries of medical records, however, a patient and a patient's legally authorized representative shall have the right to receive a full or certified copy of the medical record

(7) Subject to the requirements of paragraph (2) of this subsection, medical and billing records shall be delivered in the manner specified by the requestor, which may include, but shall not be limited to, mailing the record to any address or faxing the record to any number specified by the requestor, including the requestor's attorney Subject to the requirements of federal law, the method of delivery specified by a requestor shall not affect the fees that would ordinarily apply to the request under paragraphs (1) and (3) of this subsection, subject to any policies established pursuant to paragraphs (5) and (6) of this subsection and subject to the provisions of subsections c and d of this section

b Access to a copy of a patient's medical record shall be limited only to the extent necessary to protect the patient The patient's attending physician shall provide a verbal explanation for any denial of access to the patient, legally authorized representative, or authorized third party, and shall document the denial and explanation in the medical record In the event that direct access to a copy by the patient is medically contraindicated, as documented by a physician in the patient's medical record, the hospital shall not limit access to the record to a legally authorized representative of the patient, an authorized third party, or the patient's attending physician

c A hospital shall not assess any fees or charges for a copy of individual admission records as provided herein other than those provided for in this section

d The fees authorized by this section shall not be imposed on

(1) A patient who does not have the ability to pay and who presents either (a) a statement certifying to annual income at or below 250 percent of the federal poverty level, or (b) proof of eligibility for, or enrollment in, a State or federal assistance program including, but not limited to the federal Supplemental Nutrition Assistance Program established pursuant to the "Food and Nutrition Act of 2008," Pub L 110-246 (7 U S C s 2011 et seq), the federal Supplemental Security Income program established pursuant to Title XVI of the federal Social Security Act, Pub L 92-603 (42 U S C s 1381 et seq), the National School Lunch Program established pursuant to the "Richard B Russell National School Lunch Act," Pub L 79-396 (42 U S C s 1751 et seq), the federal special supplemental food program for women, infants, and children established pursuant to Pub L 95-627 (42 U S C s 1786), the State Medicaid program established pursuant to the "New Jersey Medical Assistance and Health Services Act," P L 1968, c 413 (C 30 4D-1 et seq), the NJ FamilyCare Program established pursuant to the "Family Health Care Coverage Act," P L 2005, c 156 (C 30 4J-8 et al), the Work First New Jersey program established pursuant to the "Work First New Jersey Act," P L 1997, c 38 (C 44 10-55 et seq), the New Jersey Supplementary Food Stamp Program established pursuant to the "New Jersey Supplementary Food Stamp Program Act," P L 1998, c 32 (C 44 10-79 et seq), any successor program, or any other State or federal assistance program now or hereafter established by law,

(2) A not-for-profit corporation indicating in writing that it is representing a patient,

(3) A health care practitioner,

(4) An attorney representing a patient on a pro bono basis, provided that the attorney submits with the request a certification that the attorney is representing the patient on a pro bono basis An attorney representing a patient on a contingency fee basis shall be assessed the ordinary fees to obtain a copy of individual admission records, or

(5) A patient or an attorney representing a patient who has a pending application for, or is currently receiving, federal Social Security disability benefits provided under Title II or Title XVI of the federal Social Security Act, Pub L 92-603 (42 U S C s 1351 et al)

e As used in this section

"Authorized third party" means a third party, who is not a legally authorized representative of the patient, with a valid authorization, subpoena, legal process, or court order granting access to a patient's medical or billing records

"Legally authorized representative" means the patient's spouse, domestic partner, or civil union partner, the patient's immediate next of kin, the patient's legal guardian, the patient's attorney, the patient's automobile insurer, or the patient's worker's compensation carrier, if the carrier is authorized to access to the patient's treatment or billing records by contract or law, provided that access by a worker's compensation carrier shall be limited only to that portion of the treatment or billing record that is relevant to the specific work-related incident at issue in the worker's compensation claim

2 Section 2 of P L 2019, c 217 (C 45 9-22 27) is amended to read as follows

C 45 9-22 27 Health care professional to provide copies of treatment, billing records, fees, price limits

2 A person licensed to practice a health care profession regulated by the State Board of Medical Examiners shall provide copies of professional treatment and billing records, including treatment records from other health care providers that are part of a patient's record, to a patient, the patient's legally authorized representative, or an authorized third party in accordance with the following

a No later than 30 days after receipt of a request from a patient, a patient's legally authorized representative, or an authorized third party, the licensee shall provide an electronic copy or photocopy of the professional treatment records, billing records, or both, as requested The record shall include all pertinent, objective data, including test results and x-ray results, as applicable, and subjective information

b Unless otherwise required by law, a licensee may elect to provide a summary of the record in lieu of providing the electronic copy or photocopy required pursuant to subsection a of this section, provided that the summary adequately reflects the patient's history and treatment A licensee may charge a reasonable fee for the preparation of a summary that has been provided in lieu of the actual record, which shall not exceed the cost that would be charged for the actual record pursuant to subsection d of this section, however, a patient, a patient's legally authorized representative, or an authorized third party shall have the right to receive a full or certified copy of the patient's treatment record The fee for certification shall be no more than $10 per certification

c If, in the exercise of the licensee's professional judgment, a licensee has reason to believe that the patient's mental or physical condition will be adversely affected upon being made aware of the subjective information contained in the professional treatment record or a summary of the record, the licensee may refuse to provide the record or summary to the patient The licensee shall include in the record a notice setting forth the reasons for the original refusal The licensee shall, however, provide a copy of the record or summary upon request to

(1) the patient's attorney,

(2) another licensed health care professional,

(3) the patient's health insurance carrier through an employee thereof,

(4) a governmental reimbursement program or an agent thereof, with responsibility to review utilization or quality of care, or

(5) an authorized third party

d A licensee may require a record request to be in writing and, except as provided in subsection j of this section, may charge a fee for

(1) (a) A request by a patient or a patient's legally authorized representative for the reproduction of patient treatment and billing records, which shall be no more than $1 per page or $50 for the entire record, whichever is less, and regardless of whether such record is stored electronically, on microfilm or microfiche, or on paper, and

(b) A request by an authorized third party for the reproduction of patient treatment and billing records, which shall be no more than $1 per page or, in the case of records stored on microfilm or microfiche, no more than $1 50 per image,

(2) The reproduction of x-rays or any other material within a patient treatment record that cannot be routinely copied or duplicated on a commercial photocopy machine, which shall be no more than $15 per printed image or $30 per compact disc (CD) or digital video disc (DVD), plus an administrative fee of $10,

(3) A search for records, which search fee shall be no more than $20 per request, provided that no search fee shall be charged to a patient requesting the patient's own records A search fee that may be charged pursuant to this paragraph shall apply even if no individual treatment or billing record is found as a result of the search, and

(4) The costs for delivering records in any medium, plus sales tax, if applicable

A licensee shall not assess any fees or charges for a copy of a patient's treatment or billing records as provided herein other than those provided for in this section

e The fees established in subsection d of this section shall be charged for electronic copies as well as paper copies of treatment and billing records

f Delivery of an electronic copy of a patient treatment or billing record to the requestor shall be required only if (1) the entire request can be reproduced from an electronic health record system, (2) the record is specifically requested to be delivered in electronic format, and (3) the record can be delivered electronically

g A licensee shall not charge a patient for a copy of the patient's treatment or billing record when

(1) the licensee has affirmatively terminated a patient from practice in accordance with the requirements of N J A C 13 35-6 22, or

(2) the licensee leaves a practice that the licensee was formerly a member of, or associated with, and the patient requests that the patient's medical care continue to be provided by that licensee

h If the patient or a subsequent treating health care professional is unable to read the treatment record, either because it is illegible or prepared in a language other than English, the licensee shall provide a transcription or translation, as applicable, at no cost to the patient

i The licensee shall not refuse to provide a professional treatment record on the grounds that the patient owes the licensee an unpaid balance if the record is needed by another health care professional for the purpose of rendering care

j The fees authorized by this section shall not be imposed on

(1) A patient who does not have the ability to pay and who presents either (a) a statement certifying to annual income at or below 250 percent of the federal poverty level, or (b) proof of eligibility for, or enrollment in, a State or federal assistance program including, but not limited to the federal Supplemental Nutrition Assistance Program established pursuant to the "Food and Nutrition Act of 2008," Pub L 110-246 (7 U S C s 2011 et seq), the federal Supplemental Security Income program established pursuant to Title XVI of the federal Social Security Act, Pub L 92-603 (42 U S C s 1381 et seq), the National School Lunch Program established pursuant to the "Richard B Russell National School Lunch Act," Pub L 79-396 (42 U S C s 1751 et seq), the federal special supplemental food program for women, infants, and children established pursuant to Pub L 95-627 (42 U S C s 1786), the State Medicaid program established pursuant to the "New Jersey Medical Assistance and Health Services Act," P L 1968, c 413 (C 30 4D-1 et seq), the NJ FamilyCare Program established pursuant to the "Family Health Care Coverage Act," P L 2005, c 156 (C 30 4J-8 et al), the Work First New Jersey program established pursuant to the "Work First New Jersey Act," P L 1997,

c 38 (C 44 10-55 et seq), the New Jersey Supplementary Food Stamp Program established pursuant to the "New Jersey Supplementary Food Stamp Program Act," P L 1998, c 32 (C 44 10-79 et seq), any successor program, or any other State or federal assistance program now or hereafter established by law,

(2) A not-for-profit corporation indicating in writing that it is representing a patient,

(3) An attorney representing a patient on a pro bono basis, provided that the attorney submits with the request a certification that the attorney is representing the patient on a pro bono basis An attorney representing a patient on a contingency fee basis shall be assessed the ordinary fees to obtain a copy of the patient's records, or

(4) A patient or an attorney representing a patient who has a pending application for, or is currently receiving, federal Social Security disability benefits provided under Title II or Title XVI of the federal Social Security Act, Pub L 92-603 (42 U S C s 1351 et al)

k As used in this section

"Authorized third party" means a third party, who is not a legally authorized representative of the patient, with a valid authorization, subpoena, or court order granting access to a patient's treatment or billing records

"Legally authorized representative" means the patient's spouse, domestic partner, or civil union partner, the patient's immediate next of kin, the patient's legal guardian, the patient's attorney, the patient's automobile insurer, or the patient's worker's compensation carrier, if the carrier is authorized to access to the patient's treatment or billing records by contract or law, provided that access by a worker's compensation carrier shall be limited only to that portion of the treatment or billing record that is relevant to the specific work-related incident at issue in the worker's compensation claim

l Subject to the requirements of subsection f of this section, medical and billing records shall be delivered in the manner specified by the requestor, which may include, but shall not be limited to, mailing the record to any address or faxing the record to any number specified by the requestor, including the requestor's attorney Subject to the requirements of federal law, the method of delivery specified by a requestor shall not affect the fees that would ordinarily apply to the request under subsections b and d of this section, subject to the provisions of subsections g and j of this section

3 This act shall take effect immediately

Approved September 22, 2022

CHAPTER 115

AN ACT concerning the child tax credit and amending P L 2022, c 24

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

1 Section 2 of P L 2022, c 24 is amended to read as follows

2 P L 2022, c 24 shall take effect immediately and shall apply to taxable years beginning on and after January 1, 2022

2 This act shall take effect immediately

Approved October 4, 2022

CHAPTER 116

AN ACT concerning the New Jersey School of Conservation and amending, supplementing, and repealing various sections of P L 1981, c 148

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

1 Section 1 of P L 1981, c 148 (C 18A 64I-1) is amended to read as follows

C 18A 64I-1 Certain land used in perpetuity

1 The 240 acre tract of land known as the New Jersey School of Conservation, located in Stokes State Forest, Sussex county, New Jersey, together with all the buildings thereon, and under the management and control of the Division of Parks and Forestry in the Department of Environmental Protection, shall be used in perpetuity as a school for environmental field study under the direction of the Friends of the New Jersey School of Conservation, a tax-exempt nonprofit organization Within 60 days of enactment, the Friends of the New Jersey School of Conservation will enter into a lease or similar agreement with the Department of Environmental Protection upon such terms as are customary for the Department of Environmental Protection's administration of state lands or other residential facilities and as otherwise agreed upon by the parties

C 18A 64I-5 Financial statement, revenue, expenditure estimates, Governor, Commissioner of Environmental Protection, Legislature

2 a No later than January 15 of each year, the Friends of the New Jersey School of Conservation shall submit to the Governor, Commissioner of Environmental Protection, and the Legislature a financial statement that contains all available revenue and expenditure figures for the New Jersey School of Conservation during the current fiscal year and an estimate of revenue and expenditure figures for the subsequent fiscal year, including a requested amount for State funding for the subsequent fiscal year

b The Department of Environmental Protection shall provide all moneys appropriated by an annual appropriations act for the maintenance and support of the New Jersey School of Conservation to the Friends of the New Jersey School of Conservation, which shall expend the funds for the expenses necessary for the operation of the New Jersey School of Conservation, including maintenance of the grounds and buildings, purchase of equipment, funding educational programs, and housing students and teachers

Repealer

3 Sections 2 and 3 of P L 1981, c 148 (C 18A 64I-2 and C 18A 64I-3) are repealed

4 This act shall take effect immediately

Approved October 21, 2022

CHAPTER 117

AN ACT concerning the "Next-of-Kin Registry" and amending P L 2011, c 47

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

1 Section 1 of P L 2011, c 47 (C 39 4-134 2) is amended to read as follows

C 39 4-134 2 "Next-of-Kin Registry "

1 a The Chief Administrator of the New Jersey Motor Vehicle Commission shall develop an emergency contact information registry program Under the program, the chief administrator shall establish and maintain an automated Statewide registry to be known as the "Next-of-Kin Registry," which shall be capable of storing emergency contact information

to be accessible by law enforcement officials for the purposes established in section 2 of P.L. 2011, c. 47 (C. 39:4-134.3). Under the program, the holder of any New Jersey State validated permit or probationary or basic driver's license may voluntarily submit the name and telephone number of two emergency contacts and the vehicle identification number of any vehicle owned, leased, or authorized to be used by the permit holder or licensee to the "Next-of-Kin Registry" through an in-person application, through the commission's website, or by mail and the holder of any New Jersey non-driver identification card may voluntarily submit the name and telephone number of two emergency contacts to the "Next-of-Kin Registry" through an in-person application, through the commission's website, or by mail.

b. In implementing this program, the chief administrator shall establish a process whereby the holder of any validated permit, probationary or basic driver's license, or non-driver identification card may:

(1) electronically sign onto the commission's web site using (a) the holder's validated permit or probationary or basic driver's license number to submit the name and telephone number of up to two emergency contacts and the vehicle identification number of any vehicle owned, leased, or authorized to be used by the permit holder or licensee to be stored in the "Next-of-Kin Registry," or (b) the holder's non-driver identification card number to submit the name and telephone number of up to two emergency contacts to be stored in the "Next-of-Kin Registry";

(2) (a) for the holder of any validated permit or probationary or basic driver's license, submit the name and telephone number of up to two emergency contacts and the vehicle identification number of any vehicle owned, leased, or authorized to be used by the permit holder or licensee to be stored in the "Next-of-Kin Registry" by mail using paper applications provided by the commission in the commission's customer service facilities or through commission mailings, or (b) for the holder of any non-driver identification card, submit the name and telephone number of up to two emergency contacts to be stored in the "Next-of-Kin Registry" by mail using paper applications provided by the commission in the commission's customer service facilities or through commission mailings, or

(3) (a) for the holder of any validated permit or probationary or basic driver's license, use an application in person at a commission agency location to submit the name and telephone number of up to two emergency contacts and the vehicle identification number of any vehicle owned, leased, or authorized to be used by the permit holder or licensee to be stored in the "Next-of-Kin Registry", or

(b) for the holder of any non-driver identification card, use an application in person at a commission agency location to submit the name and telephone number of up to two emergency contacts to be stored in the "Next-of-Kin Registry."

A permit holder, licensee, or non-driver identification card holder who submits the name and telephone number of an emergency contact or vehicle identification number shall have the opportunity to revise or update the emergency contact and vehicle identification number information at any time. The commission shall automatically prompt a person who has used the commission's internet website to schedule an appointment to apply for a validated permit, probationary driver's license, or initial driver's license or non-driver identification card, or who is renewing a driver's license or non-driver identification card online through the commission's Internet website, to enter information for the "Next-of-Kin Registry" in accordance with the provisions of this section.

c. Information in the "Next-of-Kin Registry" shall be available for the exclusive use of law enforcement officials, and employees of the commission who are designated by the chief administrator, for the purposes of discharging their duties pursuant to P.L. 2011, c. 47 (C. 39:4-134.2 et al.). The commission shall afford law enforcement officers with direct access to the information in the registry, provided that the chief administrator, in consultation with the Superintendent of State Police, may impose reasonable restrictions and conditions on such access. Any emergency contact or vehicle identification number information submitted to the commission shall not be considered a government record pursuant to P.L. 1963, c. 73 (C. 47:1A-1 et seq.), P.L. 2001, c. 404 (C. 47:1A-5 et al.), or the common law concerning access to public records and shall not be discoverable as a government record by any person, entity, or governmental agency, except upon a subpoena issued by a grand jury or a court order in a criminal matter.

d. The chief administrator and employees of the commission who are designated by the chief administrator, for the purposes of discharging their duties pursuant to P.L. 2011, c. 47 (C. 39:4-134.2 et al.), shall not be liable to any person for civil damages, or subject to criminal prosecution resulting from or caused by (1) any disruption or failure in Internet service caused by any accident, malfunction, act of sabotage or God, or any other condition or circumstance that the commission has not, directly or indirectly, caused and which results in, or prevents, the holder of any New Jersey State validated permit, probationary or basic driver's license, or non-driver identification card from accessing, or inputting information into, the "Next-of-Kin Registry" or which results in, or prevents, the chief administrator and designated commission employees and law enforcement officers from

accessing, establishing, or maintaining the "Next-of-Kin Registry", (2) any misuse of, or the failure or omission to input accurate information, or the inputting of inaccurate or outdated information into the "Next-of-Kin Registry" by any holder of any New Jersey State validated permit, probationary or basic driver's license, or non-driver identification card, or (3) the inability of any law enforcement officer to make contact, in good faith, with any designated emergency contact person This limitation of liability is inapplicable if such failure resulted from a malicious purpose or a wanton and willful disregard for the safety of persons or property

e (1) The commission shall engage in a public awareness campaign and coordinate with all other appropriate executive branch departments and agencies for the purpose of raising public awareness about the "Next-of- Kin Registry"

(2) The Attorney General, in consultation with the Superintendent of State Police, shall take appropriate steps to raise awareness among law enforcement agencies and officers on the proper use of the registry

f For the purposes of P L 2011, c 47 (C 39 4-134 2 et al), "emergency contact person" or "emergency contact" means a person, eighteen years of age or older, whom the holder of any New Jersey State validated permit, probationary or basic driver's license, or non-driver identification card has designated to be contacted by law enforcement personnel when the permit holder, licensee, or non-driver identification card holder is rendered unable to communicate due to a motor vehicle accident resulting in the serious bodily injury, death, or incapacitation of the permit holder, licensee, or non-driver identification card holder An "emergency contact person" or "emergency contact" may or may not be the next-of-kin of the permit holder, licensee, or non-driver identification card holder, except that if the permit holder, licensee, or card holder is under the age of eighteen and is not emancipated, the emergency contact person shall be the parent or guardian of that permit holder, licensee, or card holder

2 This act shall take effect on the first day of the seventh month following enactment but the Chief Administrator of the New Jersey Motor Vehicle Commission shall take such anticipatory action in advance thereof for the timely implementation of this act

Approved October 21, 2022

CHAPTER 118

AN ACT concerning emergency medical services and mobile integrated health and amending and supplementing P L 1984, c 146

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

1 Section 1 of P L 1984, c 146 (C 26 2K-7) is amended to read as follows

C 26 2K-7 Definitions

1 As used in this act

a "Advanced life support" means an advanced level of emergency medical care, including specialty care transport, which includes basic life support functions and the use of procedures, medications, and equipment established by the National Highway Traffic Safety Administration's National EMS Scope of Practice Model for paramedics, except for any provisions of the National EMS Scope of Practice Model expressly excluded by the commissioner in rules or regulations, and any other such procedures, medications, and equipment as set forth in section 6 of P L 1984, c 146 (C 26 2K-12) or as otherwise authorized in rules or regulations promulgated by the commissioner,

b "Board of Medical Examiners" means the State Board of Medical Examiners,

c "Board of Nursing" means the New Jersey Board of Nursing,

d "Commissioner" means the Commissioner of the Department of Health,

e "Department" means the Department of Health,

f "Emergency department" means a program in a hospital staffed 24 hours a day by a licensed physician trained in emergency medicine,

g "Specialty care transport" means services that are above basic life support services rendered to patients before and during transportation between licensed facilities, during retrieval from those facilities, and upon arrival within those facilities,

h "Mobile intensive care paramedic" means a person trained in advanced life support services and licensed by the commissioner to render advanced life support services as part of a mobile intensive care unit or as otherwise provided in section 4 of P L 1984, c 146 (C 26 2K-10),

i "Mobile intensive care unit" means a specialized emergency medical service unit that is staffed in accordance with paragraph (2) of subsection a of section 6 of P L 1984, c 146 (C 26 2K-12) and operated for the provision of advanced life support services under the direction of an authorized hospital,

j "Pre-hospital care" means those emergency medical services rendered by mobile intensive care units to emergency patients before and during transportation to emergency treatment facilities, and upon arrival within those facilities

k "Volunteer paramedic unit" means an operational subunit within a mobile intensive care unit that is exclusively staffed by at least two volunteer paramedics with access to any vehicle, including a personal vehicle

l "Agency EMS medical director" means a physician licensed in this State who is certified in emergency medicine or emergency medical services, or both, and is responsible for the medical oversight of a hospital mobile intensive care program

m "Mobile integrated health" means health care services delivered with the approval of the Department of Health to patients outside of a hospital setting, using mobile resources, and employing team-based and patient-centered care

2 Section 2 of P L 1984, c 146 (C 26 2K-8) is amended to read as follows

C 26 2K-8 Mobile intensive care paramedic, licensure from commissioner, written standards, examination, register of applicants

2 a A mobile intensive care paramedic shall obtain licensure from the commissioner to provide advanced life support and shall make application therefor on forms prescribed by the commissioner

b The commissioner with the approval of the State Board of Medical Examiners shall establish written standards which a mobile intensive care paramedic shall meet in order to obtain licensure The commissioner shall make a determination upon applications of candidates for licensure as a mobile intensive care paramedic within 30 days of the receipt of a complete application and background check Such determination may include a determination that the commissioner requires more time to adequately review the application The commissioner shall license a candidate who provides satisfactory evidence of the successful completion of an educational program approved by the commissioner for the training of mobile intensive care paramedics and who passes an examination in the provision of advanced life support services, which examination shall be approved by the commissioner The commissioner shall license a candidate as a mobile intensive care paramedic who has equivalent military training or experience in any branch of the active duty or reserve component of the Armed Forces of the United States or the National Guard of any state if the commissioner determines that the candidate's military training and experience exceed or are equivalent to the licensure standards established by the commissioner The

commissioner shall license a candidate as a mobile intensive care paramedic who is registered as a paramedic with the National Registry of Emergency Medical Technicians if the commissioner determines that the candidate's training and experience exceed or are equivalent to the licensure standards established by the commissioner

c The department shall maintain a register of all applicants for licensure hereunder, which register shall include but not be limited to

(1) The name and residence of the applicant,

(2) The date of the application,

(3) Information as to whether the applicant was rejected or licensed and the date of that action

The department shall annually compile a list of mobile intensive care paramedics This list shall be available to the public

C 26 2K-8 1 Licensure disqualification, revocation, criminal history record background check, relicensure conditions

3 a The department shall not issue a license to a candidate as a mobile intensive care paramedic unless the commissioner first determines, consistent with the requirements of sections 3 through 5 of P L 2022, c 118 (C 26 2K-8 1 through C 26 2K-8 3), that no criminal history record information exists on file in the Federal Bureau of Investigation, Identification Division, or in the State Bureau of Identification in the Division of State Police, which would disqualify that person from being licensed A mobile intensive care paramedic licensed by the department prior to the effective date of P L 2022, c 118 (C 26 2K-8 1 et al) upon whom a criminal history record background check has not been conducted pursuant to this act, shall be required to undergo that criminal history record background check as a condition of that individual's initial relicensure following the effective date of P L 2022, c 118 (C 26 2K-8 1 et al) In addition, a follow-up criminal history record background check of federal records shall be conducted at least once every two years as a condition of relicensure for every mobile intensive care paramedic

b A person shall be disqualified from licensure if that person's criminal history record background check reveals a record of conviction of any of the following crimes or offenses

(1) In New Jersey, any crime or disorderly persons offense

(a) involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N J S 2C 11-1 et seq , N J S 2C 12-1 et seq , N J S 2C 13-1 et seq , N J S 2C 14-1 et seq , or N J S 2C 15-1 et seq , or

(b) involving arson as set forth in N J S 2C 17-1 or causing or risking widespread injury or damage as set forth at N J S 2C 17-2, or

(c) involving forgery and fraudulent offenses as set forth in chapter 21 of Title 2C of the New Jersey Statutes, or

(d) against the family, children, or incompetents, meaning those crimes and disorderly persons offenses set forth in N J S 2C 24-1 et seq , or

(e) involving theft as set forth in chapter 20 of Title 2C of the New Jersey Statutes, or

(f) involving any controlled dangerous substance or controlled substance analog as set forth in chapter 35 of Title 2C of the New Jersey Statutes, or

(g) that would qualify the person for registration pursuant to section 2 of P L 1994, c 133 (C 2C 7-2)

(2) In any other state or jurisdiction, of any crime or disorderly persons offense involving conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in paragraph (1) of this subsection

c Except for a disqualification based on conviction for a crime enumerated in subparagraph (g) of paragraph (1) of subsection b of this section or a crime in any other state or jurisdiction which, if committed in New Jersey, would constitute a crime enumerated in subparagraph (g) of paragraph (1) of subsection b of this section, no person shall be disqualified from licensure on the basis of any conviction disclosed by a criminal history record background check performed pursuant to the requirements of this act if the person has affirmatively demonstrated to the commissioner clear and convincing evidence of the person's rehabilitation In determining whether a person has affirmatively demonstrated rehabilitation, the following factors shall be considered

(1) the nature and responsibility of the position which the convicted person would hold, has held or currently holds, as the case may be,

(2) the nature and seriousness of the offense,

(3) the circumstances under which the offense occurred,

(4) the date of the offense,

(5) the age of the person when the offense was committed,

(6) whether the offense was an isolated or repeated incident,

(7) any social conditions which may have contributed to the offense, and

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

d If a person subject to the provisions of sections 3 through 5 of P L 2022, c 118 (C 26 2K-8 1 through C 26 2K-8 3) refuses to consent to, or

cooperate in, the securing of a criminal history record background check, the commissioner shall, as applicable

(1) not issue a mobile intensive care paramedic license, or

(2) revoke the person's mobile intensive care paramedic license

C 26 2K-8 2 Applicant information, criminal history record background check, fingerprint data, disqualification basis identified, petition, hearing

4 a An applicant for licensure as a mobile intensive care paramedic who is required to undergo a criminal history record background check pursuant to P L 2022, c 118 (C 26 2K-8 1 et al) shall submit to the commissioner that individual's name, address, and fingerprints in accordance with the standards established by the New Jersey State Police and the Federal Bureau of Investigation for civil applicants The commissioner is authorized to exchange fingerprint data with and receive criminal history record information from the Federal Bureau of Investigation and the Division of State Police for use in making the determinations required by P L 2022, c 118 (C 26 2K-8 1 et al)

b Upon receipt of the criminal history record information for a person from the Federal Bureau of Investigation or the Division of State Police, the commissioner shall immediately notify, in writing, the applicant of the results of the criminal history record background check If the person is disqualified, the conviction or convictions which constitute the basis for the disqualification shall be identified in the notice to the person, but shall not be identified to any other person

c The person who is the subject of the background check shall have 30 days from the date of the written notice of disqualification to petition the commissioner for a hearing on the accuracy of the person's criminal history record information or to establish the person's rehabilitation under subsection c of section 3 of P L 2022, c 118 (C 26 2K-8 1 through C 26 2K-8 3) Upon the issuance of a final decision following a petition to the commissioner pursuant to this subsection, the commissioner shall notify the person as to whether the person remains disqualified from licensure

C 26 2K-8 3 Criminal history record background check cost

5 The department may require a candidate for a mobile intensive care paramedic license to bear the costs of the criminal history record background check as may be deemed necessary by the department

6 Section 3 of P L 1984, c 146 (C 26 2K-9) is amended to read as follows

C 26 2K-9 Revocation of certificate

3 The commissioner after notice and hearing may revoke the license of a mobile intensive care paramedic for violation of any provision of this act or regulation promulgated hereunder

7 Section 4 of P L 1984, c 146 (C 26 2K-10) is amended to read as follows

C 26 2K-10 Performance of advanced life support services, supervision from physician, authorized, approved scope of practice

4 a A mobile intensive care paramedic may perform advanced life support services, provided that the paramedic is following protocols which have been approved pursuant to paragraph (3) of subsection a of section 8 of this act, any standing orders the department may issue, or if the paramedic maintains direct voice communication with and is taking orders from a licensed physician or physician directed registered professional nurse, both of whom are affiliated with a mobile intensive care hospital which is approved by the commissioner to provide advanced life support services

b (1) A mobile intensive care paramedic may deliver advanced life support services, or any other services within the approved scope of practice for mobile intensive care paramedics, in a pre-hospital setting, in a mobile integrated health care setting, health care specialty setting, or any other hospital-controlled setting, through an approved mobile intensive care hospital, as determined by the commissioner and as authorized by the agency EMS medical director A mobile intensive care paramedic shall be permitted to provide advanced life support services when operating outside of a mobile intensive care unit in situations directly related to EMS first response or mobile integrated health as determined by the commissioner and as authorized by the mobile intensive care paramedic's agency EMS medical director A single mobile intensive care paramedic shall not be acknowledged as a mobile intensive care unit

(2) The authorized services provided under a mobile integrated health program shall be determined by the commissioner, and may include, but need not be limited to providing paramedicine care, chronic disease management, preventive care, and post-discharge follow-up visits, or providing referrals and transportation assistance to appropriate care and services to patients requiring health care services who do not require hospital-based treatment

c Nothing in this section shall be construed to alter the scope of practice of any licensed health care professional under Title 45 of the Revised Statutes or the scope or authority of any agency, board, department, or other entity in this State that is responsible for licensing health care workers

d The provisions of this section shall apply notwithstanding the provisions of section 12 of P L 1984, c 146 (C 26 2K-18) and notwithstanding the provisions of any law to the contrary

8 Section 6 of P L 1984, c 146 (C 26 2K-12) is amended to read as follows

C 26 2K-12 Mobile intensive care units

6 a (1) Only a hospital exclusively authorized to develop and maintain advanced life support services in the municipality in which the trauma center is located pursuant to section 1 of P L 2015, c 70 (C 26 2K-12 1), or a hospital authorized by the commissioner with an accredited emergency department may develop and maintain a mobile intensive care unit, and provide advanced life support services utilizing licensed physicians, registered professional nurses trained in advanced life support nursing, and mobile intensive care paramedics

(2) (a) A mobile intensive care unit, when in service, shall be staffed by a minimum of two persons, which two persons may be two mobile intensive care paramedics, two registered professional nurses trained in advanced life support nursing, or one mobile intensive care paramedic and one registered professional nurse trained in advanced life support nursing Any individual providing advanced life support as provided in this paragraph shall be authorized to render care within that individual's scope of practice, as determined by the commissioner and based on the agency EMS medical director's determination of competency

(b) The Department of Health shall establish criteria for and a process by which a hospital may apply to the department for permission to operate a mobile intensive care unit that is staffed by one emergency medical technician and one mobile intensive care paramedic or registered professional nurse trained in advanced life support nursing, if the hospital is experiencing a staffing shortage

(3) Agency EMS medical directors shall have the authority to establish advanced life support protocols, within the scope of practice for advanced life support providers established by this act and the commissioner, which protocols shall include, but shall not be limited to, protocols concerning medications, equipment, procedures, and clinical practice Such advanced life support protocols shall be submitted to the commissioner for approval The commissioner may approve or deny advanced life support protocols submitted by an agency EMS medical director or may approve such protocols subject to amendments that the commissioner deems to be necessary Aspects

of clinical practice that exceed the scope established by commissioner shall be submitted by an agency EMS medical director to the mobile intensive care advisory council for review and recommendation to the commissioner, which shall be acted upon by the commissioner within 90 days

(4) The commissioner with the approval of the State Board of Medical Examiners shall establish education and competency requirements which a board-certified or board-eligible emergency medicine physician, advanced practice nurse, or physician assistant who is employed by a hospital with a mobile intensive care unit shall be required to meet in order to obtain authorization from the department to deliver care within the respective scope of practice of the board-certified or board-eligible emergency medicine physician, advanced practice nurse, or physician assistant, as the case may be, in a pre-hospital setting or an interfacility setting An authorized board-certified or board-eligible emergency medicine physician, advanced practice nurse, or physician assistant may deliver such care if and to the extent approved by the agency EMS medical director

b A hospital authorized by the commissioner pursuant to subsection a of this section shall provide mobile intensive care unit services on a seven-day-a-week basis

c The commissioner shall establish, in writing, criteria which a hospital shall meet in order to qualify for the authorization

d The commissioner may withdraw his authorization if the hospital or unit violates any provision of this act or rules or regulations promulgated pursuant thereto

e Nothing in this section shall be construed to alter the scope of practice of any licensed health care professional under Title 45 of the Revised Statutes or the scope or authority of any agency, board, department, or other entity in this State that is responsible for licensing health care workers

9 Section 7 of P L 1984, c 146 (C 26 2K-13) is amended to read as follows

C 26 2K-13 Provision of life support services, advertisement or dissemination of information prohibited, impersonation of paramedic prohibited

7 a No person may advertise or disseminate information to the public that the person provides advanced life support services by a mobile intensive care unit unless the person is authorized to do so pursuant to section 6 of P L 1984, c 146 (C 26 2K-12)

b No person may impersonate or refer to himself or herself as a mobile intensive care paramedic unless the person is licensed or approved therefor, as appropriate

10 Section 8 of P L 1984, c 146 (C 26 2K-14) is amended to read as follows

C 26 2K-14 Liability for civil damages

8 No emergency medical technician, mobile intensive care paramedic, licensed physician, hospital or its board of trustees, officers and members of the medical staff, registered nurse, advanced practice nurse, physician assistant, or other employees of the hospital, first aid, ambulance or rescue squad, licensed emergency medical services agency, or officers and members of a first aid, ambulance or rescue squad shall be liable for any civil damages as the result of an act or the omission of an act committed while in training for or in the rendering of basic and advanced life support services in good faith and in accordance with this act

11 Section 10 of P L 1984, c 146 (C 26 2K-16) is amended to read as follows

C 26 2K-16 State Emergency Medical Services Medical Director, qualifications, responsibilities, mobile intensive care advisory council, purpose, roles

10 a (1) The Commissioner of Health shall appoint a State Emergency Medical Services Medical Director to the Office of Emergency Medical Services in the Department of Health The State Emergency Medical Services Medical Director shall be a licensed physician in this State and board certified in emergency medicine with leadership experience in the medical oversight of emergency medical services, specifically in advanced life support, basic life support, critical care transport, and emergency medical services dispatching In selecting the State Emergency Medical Services Medical Director, the Commissioner of Health shall give preference to a candidate who is board certified in emergency medical services The State Emergency Medical Services Medical Director shall not be permitted to be employed as an agency EMS medical director while serving as State Emergency Medical Services Medical Director

(2) The State Emergency Medical Services Medical Director shall have primary responsibility for the oversight, regulation, and discipline related to clinical issues pertaining to the provision of emergency medical services in New Jersey, and the Director of Emergency Medical Services shall have primary responsibility for the oversight of non-clinical issues related to the

provision of emergency medical services in New Jersey The State Emergency Medical Services Medical Director shall additionally be responsible for aiding the commissioner in promulgating rules and regulations establishing the scope of practice for providers of emergency medical services, including new standards for basic and advanced life support based on the National Highway Traffic Safety Administration's National EMS Scope of Practice Model, the recommendations of the mobile intensive care advisory council, and standards established by the commissioner

b The commissioner shall establish a State mobile intensive care advisory council, which shall advise the department on all matters of advanced life support, the Emergency Medical Service Helicopter Response Program and emergency medical transportation, annually review advanced life support scope of practice, and provide recommendations directly to the commissioner for clinical updates The council shall annually select a chairperson and a vice-chair from among its members The chairperson shall coordinate the activities of the advisory council Within 60 days following the effective date of P L 2022, c 118 (C 26 2K-8 1 et al), the council shall create new by-laws, and select a chair and vice-chair from among its members In the event that the chair position is vacant, the vice-chair shall act as chair of the council until the chair position is no longer vacant The chair shall appoint subcommittees to review and recommend policy on subjects including, but not limited to, advanced life support training programs, advanced life support patient care equipment, biomedical and telecommunications equipment and procedures, treatment protocols, and helicopter equipment and procedures, as well as other medical matters

C 26 2K-9 1 Mobile integrated health program established, Department of Health

12 a The Department of Health shall establish a mobile integrated health program In establishing the mobile integrated health program, the Department of Health shall consider relevant standards and criteria developed or adopted by nationally recognized agencies or organizations, as well as recommendations of interested stakeholders, including, but not limited to, the State Trauma System Advisory Committee and the Mobile Intensive Care Advisory Council

b The Department of Health shall establish, in writing, criteria by which an entity may apply for and receive authorization from the department to participate in the mobile integrated health program, and criteria by which an entity may lose authorization to participate in the mobile integrated health program

c The Commissioner of Health shall adopt rules and regulations as are necessary to effectuate the provisions of this section, which rules and

regulations shall be effective immediately upon filing with the Office of Administrative Law for a period not to exceed 18 months, and shall, thereafter, be amended, adopted, or readopted in accordance with the provisions of the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq)"

13 Section 11 of P L 1984, c 146 (C 26 2K-17) is amended to read as follows

C 26 2K-17 Rules and regulations

11 The commissioner shall promulgate such rules and regulations in accordance with the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq) as the commissioner deems necessary to effectuate the purposes of this act, and the State Board of Medical Examiners and the New Jersey Board of Nursing shall promulgate such rules and regulations as they deem necessary to carry out their functions under this act

14 This act shall take effect immediately

Approved October 21, 2022

CHAPTER 119

AN ACT concerning a grant program for teachers of certain subjects and amending P L 2019, c 256

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

1 Section 1 of P L 2019, c 256 (C 18A 6-137) is amended to read as follows

C 18A 6-137 Definitions

1 As used in sections 2 through 5 of P L 2019, c 256 (C 18A 6-138 through C 18A 6-141)

"Eligible teacher" means an individual who is employed as a teacher in a public school and who meets one of the following criteria (1) holds a valid and effective provisional or standard instructional certificate issued by the State Board of Examiners with an endorsement in a science field, mathematics, technology education, or computer science education, (2) is currently enrolled in a degree program or a coherent sequence of courses in science, mathematics,

technology, or computer science, (3) will enroll in a degree program or a coherent sequence of courses in science, mathematics, technology, or computer science within two years of the effective date of P L 2019, c 256 (C 18A 6-137 et seq) or within two years of participating in the grant program established pursuant to section 2 of P L 2019, c 256 (C 18A 6-138), or (4) is currently employed by a public school district to teach in a science, technology, engineering, mathematics, or computer science field and will teach a subject and a grade level in the nonpublic school for which the teacher holds appropriate certification, including certification without a specific subject matter endorsement where permitted by N J S 18A 26-1 et seq

"Nonpublic school" means an elementary or secondary school within the State, other than a public school, offering education for grades kindergarten through 12, or any combination of them, wherein any child may legally fulfill compulsory school attendance requirements and which complies with the requirements of Title VI of the "Civil Rights Act of 1964," Pub L 88-352 (42 U S C s 2000d et seq)

"Valid objection" means an explanation of why a school district disapproves of an eligible teacher employed by the school district from entering into a partnership with a participating nonpublic school A school district with a valid objection shall cite, with sufficient supporting proof, as determined by the Commissioner of Education, one or more of the following reasons

a the proposed teaching hours at the nonpublic school conflict with the teacher's public school work responsibilities and no resolution could be found after consulting with the teacher and nonpublic school, or

b approval of a proposed partnership between the nonpublic school and teacher would otherwise substantially impact the quality of student instruction in the school district

2 Section 3 of P L 2019, c 256 (C 18A 6-139) is amended to read as follows

C 18A 6-139 Application for participation

3 a A nonpublic school that wishes to participate in the grant program established under section 2 of P L 2019, c 256 (C 18A 6-138) shall submit an application to the Commissioner of Education, in a manner and on such forms as determined by the commissioner The commissioner shall establish the application deadlines for each school year In the event that the grant program is not operational by September 1, 2019, the commissioner shall allow nonpublic schools to submit applications during the course of the

2019-2020 school year for implementation of the program in that nonpublic school during the 2019-2020 school year

An application shall include the following

(1) the names of the nonpublic school, school district, and eligible teacher that will form a STEM partnership under the program,

(2) acknowledgement from the nonpublic school that the eligible teacher will teach at the nonpublic school during hours during which the teacher has no conflicting public school duties,

(3) the proposed schedule and grades to be taught by the eligible teacher at the nonpublic school,

(4) the number of students, based on enrollment projections, that will receive instruction from the eligible teacher under the proposed schedule at the nonpublic school,

(5) a certification from the nonpublic school that the eligible teacher shall provide only secular instruction at the nonpublic school, and

(6) any other information specified by the commissioner

Upon receiving a notification from a nonpublic school that a teacher employed by the school district plans to participate in the program, a school district may submit to the commissioner or designee any valid objection within 10 business days The notification from a nonpublic school that a teacher employed by the school district plans to participate in the program and the 10-business-day period for receipt of a valid objection from the district shall occur prior to application submission If a valid objection is received, then the commissioner shall reject the application and inform both the teacher and nonpublic school that the application was rejected

b The commissioner shall establish selection criteria for the awarding of grants under the program, including consideration of the application information submitted pursuant to subsection a of this section To the maximum extent possible, the commissioner shall select at least three nonpublic schools in each of the northern, central, and southern regions of the State to participate in the program, and nothing shall prohibit more than three nonpublic schools in each region of the State from participating During the program's operation, the program may be expanded beyond the nonpublic schools that were initially selected to participate, as determined by the commissioner and subject to the availability of funds

c The commissioner shall award grants under the program based upon review of the applications and subject to the limit of funds appropriated or otherwise made available for the program Grant funds for approved applications shall be allocated by the Department of Education to the school district of each eligible teacher participating in the program The school

district shall use the funds to provide compensation to a participating eligible teacher pursuant to this subsection including applicable federal employment payroll taxes The commissioner shall establish the amount of each grant awarded for an eligible teacher, subject to the following

(1) A participating teacher shall receive an amount equal to the teacher's annual salary as calculated on a per-hour basis multiplied by the number of hours the teacher will teach STEM classes at a nonpublic school under the program multiplied by 1 25

(2) In the event that sufficient funds are not appropriated to fully fund the compensation to be provided to participating eligible teachers pursuant to paragraph (1) of this subsection, the commissioner shall apportion the amount appropriated among the participating eligible teachers in proportion to the compensation each participating eligible teacher would have received had the full amount been appropriated

(3) Payments received by a participating teacher under the grant program shall not be considered "compensation" under N J S 18A 66-2

d Funds appropriated for the grant program shall be used exclusively for the hiring of eligible teachers to teach STEM classes at a participating nonpublic school, and the eligible teacher shall teach only the classes stipulated under the program

e If at any time a participating nonpublic school determines that a participating eligible teacher is not in compliance with the program or is violating the nonpublic school's code of conduct, the nonpublic school may submit information to the commissioner supporting its determination, and request that the teacher be removed from participation in the program at the nonpublic school The information submitted shall demonstrate noncompliance with the program, the nonpublic school's code of conduct, or the nonpublic school's faculty handbook After reviewing the information, the commissioner may terminate the teacher's participation in the program at that nonpublic school

f The grant program established pursuant to section 2 of P L 2019, c 256 (C 18A 6-138) shall not infringe upon the collective bargaining agreement between the majority representative of the collective negotiations unit in which the participating eligible teacher is a member and the school district in which the teacher is employed

g Any appropriation for the grant program made in a fiscal year that is not expended in that fiscal year shall be available to be used for the same purpose in the subsequent fiscal years

3 This act shall take effect immediately

Approved November 2, 2022

CHAPTER 120

AN ACT concerning the timely payment of unemployment compensation benefits and amending R S 43 21-6 and R S 43 21-16

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 permanent 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, and directions provided in advance to all employers regarding what information the division requires employers to provide to the division by electronic means immediately upon a separation from employment sufficient to enable the division to make a benefit determination, including any information relevant to whether the individual may be disqualified pursuant to subsections (a),(b),(d), or (e) of R S 43 21-5, shall be supplied by the division to employers without cost to them The directions provided to all employers in advance shall include that each employer provide the division with an email address for communications to and from the division When an employer

provides benefit instructions to the individual which disclose the date on which unemployment will commence, the employer shall immediately and simultaneously provide by electronic means that disclosure to the division together with the information required by the division pursuant to the directions provided in advance by the division An employer who fails to make the immediate and simultaneous disclosure to the department as required by this paragraph shall be liable for the penalties imposed by subsection (b) of R S 43 21-16 on employers for willful failure to furnish reports The division shall notify the employer by electronic means not more than seven calendar days after the department receives the disclosure of any failure of the employer to provide all of the information needed by the division to make a benefit determination Nothing in this section shall be construed so as to require an employer to re-hire an individual formerly in the employer's service Nothing in this section shall be construed as requiring the division to issue a benefit determination solely based on the information supplied by the employer Notwithstanding the provisions of this section which require employers to provide information to the division by electronic means, and the division to provide notifications to an employer by electronic means, the commissioner shall have the discretion to establish by rule an alternate method or methods for employers to provide the required information to the division and for the division to provide the required notifications to an employer in circumstances where it is established, to the satisfaction of the commissioner, that the employer is unable to provide the information to the division or is unable to receive notifications from the division by electronic means

(2) Any claimant 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

(3) The division may request that claimants obtain digital identity credentials, but only if the division provides opportunities for claimants to verify their identities even if they do not have the knowledge or access to the equipment needed to obtain the digital identity credentials Any request by the division for a claimant to obtain digital identity credentials shall include a statement that the claimant may use alternative procedures to verify identification, and fully describe the alternative procedures, which shall include personal assistance in person or by phone which shall be made available by representatives of the division as needed to prevent any delay in processing claims If the division requests that a claimant obtain digital identity credentials, and the claimant chooses to request a digital identity credential rather than utilize an alternative

procedure, but is denied the digital identity credential, the division shall issue the claimant a written appealable determination

(4) Any system that the division establishes for claimants or recipients of benefits to verify identity, to apply for, or to make appeals regarding, benefits either by phone or on-line, shall provide a clearly and prominently expressed option for the claimant or recipient, if not immediately provided personal assistance, to select from available appointment times an appointment time to speak with a representative to obtain assistance in verifying identity, filing a claim or appeal, or obtaining information regarding the status of a claim or appeal

(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 any disclosure of information to the division by an employer required by paragraph (1) of subsection (a) of this section upon a separation from work and any claim for benefits, and shall, by electronic means, notify the most recent employing unit and, successively as necessary, each employer in inverse chronological order during the base year The notification shall be made not later than seven calendar days after the employer provides to the department the disclosure required by paragraph (1) of subsection (a) of this section, or seven calendar days after the filing of the claim, whichever occurs first, and require said employing unit and employer to furnish, by electronic means, not more than seven calendar days after the notification is made, any information to the deputy which the employer failed to provide as required by paragraph (1) of subsection (a) of this section as may be necessary to determine the claimant's eligibility and his benefit rights with respect to the employer in question The claimant shall, at the time the claim is filed, be provided any information the division has received from the employer upon the separation from work and an opportunity to respond to that information If a claim is filed and the employer has provided the information required upon separation from work, the employer shall immediately be notified by electronic means of the opportunity to provide, by electronic means and in not more than seven calendar days, additional information in response to the claim for benefits If a claim is filed and the employer has failed to provide the information required upon the separation from work, the division shall immediately, by electronic means, request the required information and the employer shall provide the information, by electronic means and in not more than seven calendar days The division shall provide the claimant any additional information it receives and an opportunity to respond

If any employer or employing unit fails to respond to the notification or request within seven calendar days after a communication by electronic means of the notification or 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 a knowing, fraudulent nondisclosure or misrepresentation by the claimant or his agent, if it is determined that any information in such affidavit is erroneous, no penalty shall be imposed on the claimant

The deputy shall make an initial determination contingent upon the receipt of all necessary information and notify the claimant no later than three weeks from the date on which the division received the claim for benefits 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 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 provide information as required at the time of separation from employment, and failed to respond to the deputy's request for additional information, benefit payments based on the determination shall commence immediately, and 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 and the determination of the division to alter the initial determination after providing the claimant the information and an opportunity to respond 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

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

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 employer, within seven calendar days after a confirmed receipt of notification of an initial determination, including by electronic means, or the claimant, within 21 calendar days after the notification was mailed to the claimant's last-known address and addresses, files an appeal of the decision, the decision shall be final and benefits shall immediately 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 An appeal concerning an initial determination shall not be filed after whichever is applicable of the seven-day or 21-day period Benefits payable for periods pending an appeal shall be paid as such benefits accrue and be paid according to the initial determination but shall be, to the extent that the amount paid exceeds the amount determined in the appeal, regarded as an overpayment subject to the provisions of R S 43 21-16 regarding overpayments, including the requirement of that section that a claimant who makes knowing, fraudulent nondisclosure or misrepresentation is liable to repay the full amount of the overpayment, provided that if the appeal is an appeal of a determination that the claimant is disqualified under the provisions of R S 43 21-5, benefits pending determination of the appeal shall be withheld only for the period of disqualification as provided for in that section, and while the appeal is pending, the benefits otherwise provided by this act shall be paid for the period subsequent to such period of disqualification, provided further that if it is determined in the appeal that the claimant was not disqualified, the claimant shall be paid the benefits due for the period of the disqualification, except that no such benefits shall be paid to the claimant for any week during which the claimant has failed to provide

to the division a weekly certification evidencing the claimant's eligibility for benefits, 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 If an employer appeals the charging of benefits to the employer's account after the seven-day period to appeal the initial benefit determination, and, as a result of the appeal on the charging to the employer's account, the division, after the claimant is notified and given the opportunity to respond, reduces the amount charged to the employer's account, any resulting reduction in the amount of benefits shall take effect only after the resolution of the appeal of the charging, and any amount of benefits paid before the resolution of the appeal of the charging which exceeds the amount determined in that appeal shall be regarded as an overpayment caused by employer error and shall be charged to the employer's account, and the claimant shall not be liable to repay any portion of that overpayment where the overpayment is of regular Unemployment Compensation In the case of the recovery of an overpayment of benefit under any of the following programs authorized by the federal "Coronavirus Aid, Relief, and Economic Security (CARES) Act," Pub L 116-136 Federal Pandemic Unemployment Compensation (FPUC), Pandemic Emergency Unemployment Compensation (PEUC), Mixed Earners Unemployment Compensation (MEUC), Pandemic Unemployment Assistance (PUA), or the first week of regular Unemployment Compensation that is reimbursed in accordance with Section 2105 of the CARES Act, a recovery shall not be waived unless the division determines that the claimant is without fault and the repayment would be contrary to equity and good conscience

(2) (Deleted by amendment, P L 2022, c 120)

(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 Any change in the allowance, amount, or other characteristic of benefits by the deputy in any such determination, or the denial of benefits by the deputy in any such determination, shall be appealable in the same manner and under the same limitations as is provided in the case of initial determinations, except that, after an initial determination, the resolution of any appeal of the initial determination, and the payment of one

or more weeks of benefits pursuant to the initial determination, if a subsequent determination will result in any termination or reduction of those benefits from the amount or duration of benefits specified in the initial determination, the claimant shall be provided notification with a full written explanation of why the reduction or termination of benefits will occur, and provided, during the seven calendar days following the notification, an opportunity to file an appeal before the reduction or termination goes into effect If the claimant files an appeal during the seven-day period, benefits shall continue to be paid at the rate, and for the duration, stipulated in the initial determination until the appeal is resolved If the claimant does not file an appeal, or the claimant files an appeal and it is found in the resolution of the appeal that the amount in benefits paid during the processing of the appeal exceeded the amount determined in the appeal to be correct, or the claimant is found in the appeal to be ineligible for benefits, any resulting excess payment of benefits shall be regarded as an overpayment subject to the provisions of R S 43 21-16 regarding overpayments, including the requirement of that section that a claimant who makes knowing, fraudulent nondisclosure or misrepresentation is liable to repay the full amount of the overpayment

(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 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 and to the party's attorney, or upon the mailing of a copy thereof to such party at his last-known address and to the party's attorney 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, including failing to provide the information required by subsection (a) of this section upon a separation from employment, 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, including failing to provide the information required by subsection (a) of this section upon a separation from employment

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, including failing to provide the information required by subsection (a) of this section upon a separation from employment, 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 provide the required information or 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 R S 43 21-16 is amended to read as follows

Unemployment compensation offenses and penalties

43 21-16 (a) (1) Whoever makes a false statement or representation, knowing it to be false, or knowingly fails to disclose a material fact, to obtain or increase or attempts to obtain or increase any benefit or other payment under this chapter (R S 43 21-1 et seq), or under an employment security law of any other state or of the federal government, either for himself or for any other person, shall be liable to a fine of 25% of the amount fraudulently obtained, to be recovered in an action at law in the name of the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Workforce Development of the State of New Jersey or as provided in subsection (e) of R S 43 21-14, said fine when recovered shall be immediately deposited in the following manner 10 percent of the amount fraudulently obtained deposited into the unemployment compensation auxiliary fund for the use of said fund, and 15 percent of the amount fraudulently obtained deposited into the unemployment compensation fund, and each such false statement or representation or failure to disclose a material fact shall constitute a separate offense Any penalties imposed by this subsection shall be in addition to those otherwise prescribed in this chapter (R S 43 21-1 et seq)

(2) For purposes of any unemployment compensation program of the United States, if the department determines that any benefit amount is obtained by an individual due to fraud committed by the individual, the department shall assess a fine on the individual and deposit the recovered fine in the same manner as provided in paragraph (1) of subsection (a) of this section As used in this paragraph, "unemployment compensation program of the United States" means

(A) Unemployment compensation for federal civilian employees pursuant to 5 U S C 8501 et seq ,

(B) Unemployment compensation for ex-service members pursuant to 5 U S C 8521 et seq ,

(C) Trade readjustment allowances pursuant to 19 U S C 2291-2294,

(D) Disaster unemployment assistance pursuant to 42 U S C 5177(a),

(E) Any federal temporary extension of unemployment compensation,

(F) Any federal program that increases the weekly amount of unemployment compensation payable to individuals, and

(G) Any other federal program providing for the payment of unemployment compensation

(b) (1) An employing unit or any officer or agent of an employing unit or any other person who makes a false statement or representation, knowing it to be false, or who knowingly fails to disclose a material fact, to prevent or reduce the payment of benefits to any individual entitled thereto or to avoid becoming or remaining subject hereto or to avoid or reduce any contribution or other payment required from an employing unit under this chapter (R S 43 21-1 et seq), or under an employment security law of any other state or of the federal government, or who willfully fails or refuses to furnish any reports or information required hereunder, including failing to provide the information required by subsection (a) of R S 43 21-6 immediately upon a separation from employment, or to produce or permit the inspection or copying of records, as required hereunder, shall be liable to a fine of $500, or 25% of any amount fraudulently withheld, whichever is greater, to be recovered in an action at law in the name of the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Workforce Development of the State of New Jersey or as provided in subsection (e) of R S 43 21-14, said fine when recovered to be paid to the unemployment compensation auxiliary fund for the use of said fund, and each such false statement or representation or failure to disclose a material fact, and each day of such failure or refusal shall constitute a separate offense Any penalties imposed by this paragraph shall be in addition to those otherwise prescribed in this chapter (R S 43 21-1 et seq)

(2) (Deleted by amendment, P L 2022, c 120)

(3) Any employing unit, officer or agent of the employing unit, or any other person, determined by the controller to have knowingly violated, or attempted to violate, or advised another person to violate the transfer of employment experience provisions found at R S 43 21-7 (c)(7), or who otherwise knowingly attempts to obtain a lower rate of contributions by failing to disclose material information, or by making a false statement, or by a misrepresentation of fact, shall be subject to a fine of $5,000 or 25% of the contributions under-reported or attempted to be under-reported, whichever is greater, to be recovered as provided in subsection (e) of R S 43 21-14, and when recovered to be paid to the unemployment compensation auxiliary fund for the use of said fund For the purposes of this subsection, "knowingly" means having actual knowledge of, or acting with deliberate ignorance or reckless disregard for the prohibition involved

(c) Any person who shall willfully violate any provision of this chapter (R S 43 21-1 et seq) or any rule or regulation thereunder, the violation of which

is made unlawful or the observance of which is required under the terms of this chapter (R S 43 21-1 et seq), and for which a penalty is neither prescribed herein nor provided by any other applicable statute, shall be liable to a fine of $50 00, to be recovered in an action at law in the name of the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Workforce Development of the State of New Jersey or as provided in subsection (e) of R S 43 21-14, said fine when recovered to be paid to the unemployment compensation auxiliary fund for the use of said fund, and each day such violation continues shall be deemed to be a separate offense

(d) (1) When it is determined by a representative or representatives designated by 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 that any person, by reason of the knowing, fraudulent nondisclosure or misrepresentation by him, or by anyone acting as his agent, of a material fact, has received any sum as benefits under this chapter (R S 43 21-1 et seq) while any conditions for the receipt of benefits imposed by this chapter (R S 43 21-1 et seq) were not fulfilled in his case, or while he was disqualified from receiving benefits, or while otherwise not entitled to receive such sum as benefits, such person, unless the director (with the concurrence of the controller) directs otherwise by regulation, shall be liable to repay those benefits in full The person shall not be liable to repay all or any portion of the overpayment if the representative finds that the person received the overpayment of benefits because of errors or failures to provide information by the employer or errors by the division, and not because of an error, or knowing, fraudulent nondisclosure or misrepresentation, by the person If the representative finds that errors made by the person were a cause of the overpayment together with errors of the division, or errors or failures to provide information by the employer, but the person did not make a knowing, fraudulent nondisclosure or misrepresentation, the representative shall determine a portion of the overpayment for which the person is liable taking into consideration possible financial hardship to the person, whether recovery would be against equity and good conscience, and how much the person's errors, compared to errors of the division or employer, contributed to the overpayment occurring, but the amount to which the person shall be liable shall not exceed 50 percent of the overpayment The employer's account shall not be charged for the amount of an overpayment of benefits if the overpayment was caused by an error of the division and not by any error of the employer, but shall be charged if the overpayment was caused by an error or failure to provide information of the employer The sum for which the person is found liable to repay shall be deducted from any future benefits payable to the individual under this chapter (R S 43 21-1 et seq) or shall be paid by the individual to the division

for the unemployment compensation fund, and such sum shall be collectible in the manner provided for by law, including, but not limited to, the filing of a certificate of debt with the Clerk of the Superior Court of New Jersey, provided, however, that, except in the event of fraud, no person shall be liable for any such refunds or deductions against future benefits unless so notified before four years have elapsed from the time the benefits in question were paid Such person shall be promptly notified of the determination and the reasons therefor The person shall be provided a written notification of any determination regarding the repayment of an overpayment and the opportunity to file an appeal of the determination within 20 calendar days after a confirmed receipt of a notice of the determination or 30 calendar days after the notice was mailed to the last known address of the person, and a recovery of an overpayment shall not commence until the end of whichever is applicable of the 20- or 30-day periods and the resolution of any appeal made during those periods

(2) Interstate and cross-offset of state and federal unemployment benefits To the extent permissible under the laws and Constitution of the United States, the commissioner is authorized to enter into or cooperate in arrangements or reciprocal agreements with appropriate and duly authorized agencies of other states or the United States Secretary of Labor, or both, whereby

(A) Overpayments of unemployment benefits as determined under subsection (d) of R S 43 21-16 shall be recovered by offset from unemployment benefits otherwise payable under the unemployment compensation law of another state, and overpayments of unemployment benefits as determined under the unemployment compensation law of another state shall be recovered by offset from unemployment benefits otherwise payable under R S 43 21-1 et seq , and

(B) Overpayments of unemployment benefits as determined under applicable federal law, with respect to benefits or allowances for unemployment provided under a federal program administered by this State under an agreement with the United States Secretary of Labor, shall be recovered by offset from unemployment benefits otherwise payable under R S 43 21-1 et seq , or any federal program administered by this State, or under the unemployment compensation law of another state or any federal unemployment benefit or allowance program administered by another state under an agreement with the United States Secretary of Labor, if the other state has in effect a reciprocal agreement with the United States Secretary of Labor as authorized by subsection (g) of 42 U S C s 503, and if the United States agrees, as provided in the reciprocal agreement with this State entered into under subsection (g) of 42 U S C s 503, that overpayments of unemployment benefits as determined under subsection (d) of R S 43 21-16

and overpayments as determined under the unemployment compensation law of another state which has in effect a reciprocal agreement with the United States Secretary of Labor as authorized by subsection (g) of 42 U S C s 503, shall be recovered by offset from benefits or allowances otherwise payable under a federal program administered by this State or another state under an agreement with the United States Secretary of Labor

(3) The provisions of this subsection shall not be construed as requiring or permitting a waiver of the recovery of any overpayments of unemployment benefits if the waiver is prohibited by any federal law, regulation or administrative directive A recovery shall not be waived unless the division determines that the claimant is without fault and the repayment would be contrary to equity and good conscience in the case of the recovery of an overpayment of benefit under any of the following programs authorized by the federal "Coronavirus Aid, Relief, and Economic Security (CARES) Act," Pub L 116-136 Federal Pandemic Unemployment Compensation (FPUC), Pandemic Emergency Unemployment Compensation (PEUC), Mixed Earners Unemployment Compensation (MEUC), Pandemic Unemployment Assistance (PUA), or the first week of regular Unemployment Compensation that is reimbursed in accordance with Section 2105 of the CARES Act"

(e) (1) Any employing unit, or any officer or agent of an employing unit, which officer or agent is directly or indirectly responsible for collecting, truthfully accounting for, remitting when payable any contribution, or filing or causing to be filed any report or statement required by this chapter, or employer, or person failing to remit, when payable, any employer contributions, or worker contributions (if withheld or deducted), or the amount of such worker contributions (if not withheld or deducted), or filing or causing to be filed with the controller or the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Workforce Development of the State of New Jersey, any false or fraudulent report or statement, and any person who aids or abets an employing unit, employer, or any person in the preparation or filing of any false or fraudulent report or statement with intent to defraud the State of New Jersey or an employment security agency of any other state or of the federal government, or with intent to evade the payment of any contributions, interest or penalties, or any part thereof, which shall be due under the provisions of this chapter (R S 43 21-1 et seq), shall be liable for each offense upon conviction before any Superior Court or municipal court, to a fine not to exceed $1,000 00 or by imprisonment for a term not to exceed 90 days, or both, at the discretion of the court The fine upon conviction shall be payable to the unemployment compensation auxiliary fund Any penalties

imposed by this subsection shall be in addition to those otherwise prescribed in this chapter (R S 43 21-1 et seq)

(2) Any employing unit, officer or agent of the employing unit, or any other person, who knowingly violates, or attempts to violate, or advise another person to violate the transfer of employment experience provisions found at R S 43 21-7 (c)(7) shall be, upon conviction before any Superior Court or municipal court, guilty of a crime of the fourth degree For the purposes of this subsection, "knowingly" means having actual knowledge of, or acting with deliberate ignorance or reckless disregard for the prohibition involved

(f) Any employing unit or any officer or agent of an employing unit or any other person who aids and abets any person to obtain any sum of benefits under this chapter to which he is not entitled, or a larger amount as benefits than that to which he is justly entitled, shall be liable for each offense upon conviction before any Superior Court or municipal court, to a fine not to exceed $1,000 00 or by imprisonment for a term not to exceed 90 days, or both, at the discretion of the court The fine upon conviction shall be payable to the unemployment compensation auxiliary fund Any penalties imposed by this subsection shall be in addition to those otherwise prescribed in this chapter (R S 43 21-1 et seq)

(g) There shall be created in the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Workforce Development of the State of New Jersey an investigative staff for the purpose of investigating violations referred to in this section and enforcing the provisions thereof

(h) An employing unit or any officer or agent of an employing unit who makes a false statement or representation, knowing it to be false, or who knowingly fails to disclose a material fact, to reduce benefit charges to the employing unit pursuant to paragraph (1) of subsection (c) of R S 43 21-7, shall be liable to a fine of $1,000, to be recovered in an action at law in the name of the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Workforce Development of the State of New Jersey or as provided in subsection (e) of R S 43 21-14 The fine when recovered shall be paid to the unemployment compensation auxiliary fund for the use of the fund Each false statement or representation or failure to disclose a material fact, and each day of that failure or refusal shall constitute a separate offense Any penalties imposed by this subsection shall be in addition to those otherwise prescribed in R S 43 21-1 et seq

(i) The Department of Labor and Workforce Development shall arrange for the electronic receipt of death record notifications from the New Jersey Electronic Death Registration System, pursuant to section 16 of P L 2003, c 221 (C 26 8-24 1), and establish a verification system to confirm that benefits paid pursuant to the "Temporary Disability Benefits Law," P L 1948,

c 110 (C 43 21-25 et al), and the "unemployment compensation law," R S 43 21-1 et seq , are not being paid to deceased individuals

(j) The Department of Labor and Workforce Development shall arrange for the electronic receipt of identifying information from the Department of Corrections, pursuant to section 6 of P L 1976, c 98 (C 30 1B-6), and from the Administrative Office of the Courts and any county which does not provide county inmate incarceration information to the Administrative Office of the Courts, and establish a verification system to confirm that benefits paid pursuant to the "unemployment compensation law," R S 43 21-1 et seq , are not being paid to individuals who are incarcerated

3 This act shall take effect on the 270th day following enactment, except that the division shall, prior to the 270th day after enactment, take all administrative measures necessary to implement this act, including making all needed changes in forms and materials to be provided to employers, and notifying them of what is required to be in compliance with this act, including the requirements to provide the division with an email address for communication to and from the division and to use electronic means to communicate with the department

Approved November 3, 2022

CHAPTER 121

AN ACT concerning law enforcement and amending P L 2010, c 78

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

1 Section 1 of P L 2010, c 78 (C 52 27D-224 3) is amended to read as follows

C 52 27D-224 3 Emergency operations plan for venues, facilities, certain

1 All sports and entertainment facilities, movie theaters, and places of worship in the State shall annually prepare and maintain an emergency operations plan in coordination with the appropriate local fire, law enforcement, and emergency response agencies A copy of the plan shall be filed each year with the municipal emergency management coordinator and chief law enforcement officer who serves the municipality in which the sports and entertainment facility, movie theater, or place of worship is situated

The emergency operations plan shall include, but not be limited to, a copy of the building plans or building layout that identifies the internal and external access routes of the sports and entertainment facility, movie theater, or place of worship The chief law enforcement officer shall utilize the emergency operations plans submitted pursuant to this section to prepare and train for mass casualty and active shooter incidents at sports and entertainment facilities, movie theaters, and places of worship

An emergency operations plan shall not be considered a public record pursuant to P L 1963, c 73 (C 47 1A-1 et seq) or P L 2001, c 404 (C 47 1A-5 et al)

As used in this section

"Movie theater" means a premises capable of seating more than 1,000 people at which the display of motion pictures to the general public in exchange for a fee is the primary and principal business

"Place of worship" means a building capable of seating more than 500 people, including but not limited to a church, mosque, or synagogue, used primarily as a place of public or private worship on a permanent basis by a recognized and established religious sect or denomination registered as a not-for-profit organization pursuant to Section 501(c)(3) of the United States Internal Revenue Code, 26 U S C s 501 (c) (3)

"Sports and entertainment facility" means any privately or publicly owned or operated facility capable of seating more than 5,000 people and is used primarily for sports contests, entertainment, or both, such as a theater, stadium, museum, arena, automobile racetrack, or other place where performances, concerts, exhibits, games or contests are held

2 This act shall take effect of the first day of the seventh month following enactment

Approved November 14, 2022

CHAPTER 122

AN ACT concerning the submission of data on school buildings and grounds and amending P L 2019, c 106

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

1 Section 1 of P L 2019, c 106 (C 18A 41-7 1) is amended to read as follows

C 18A 41-7 1 Schools to provide critical incident mapping data to local law enforcement

1 a Each board of education of a school district, board of trustees of a charter school or renaissance school project, or chief school administrator of a nonpublic school shall provide to local law enforcement authorities critical incident mapping data for all schools and school grounds In the case of a school building located in a municipality in which there is no municipal police department, critical incident mapping data shall be provided to an entity designated by the Superintendent of State Police A board of education of a school district, board of trustees of a charter school or renaissance school project, or chief school administrator of a nonpublic school shall provide revised mapping data to the applicable law enforcement authorities or designated entities any time that there is a change to the critical incident mapping data

b Critical incident mapping data provided pursuant to subsection a of this section shall be

(1) compatible with all platforms and applications used by local, State, and federal law enforcement authorities,

(2) provided in a printable format, and

(3) verified for accuracy through an annual walkthrough of school buildings and school grounds

c As used in this section, "critical incident mapping data" means information provided in electronic or digital form to assist first responders in an emergency including, but not limited to

(1) aerial images of schools,

(2) floor plans, including room and suite numbers,

(3) building access points,

(4) locations of hazardous materials and utility shut-offs, and

(5) any other relevant location information

d Nothing in this section shall be construed to require local law enforcement authorities or designated entities to access critical incident mapping data using third party viewing software

2 This act shall take effect immediately and shall first apply to the first full school year following the date of enactment

Approved November 30, 2022

CHAPTER 123

AN ACT providing for annual Medicaid eligibility redeterminations 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 4D-3d Definitions, Medicaid eligibility redetermination

1 a As used in this section

"Beneficiary" means an individual eligible for medical assistance through Medicaid or NJ FamilyCare

"Commissioner" means the Commissioner of Human Services

"Division" means the Division of Medical Assistance and Health Services in the Department of Human Services

"Eligibility redetermination" means the administrative process by which the division or a county welfare agency reviews a beneficiary's income, financial resources, and circumstances relating to the beneficiary's application for continuation of benefits received under Medicaid or NJ FamilyCare

"Medicaid" means the Medicaid program established pursuant to P L 1968, c 413 (C 30 4D-1 et seq)

"NJ FamilyCare" means the NJ FamilyCare program established pursuant to P L 2005, c 156 (C 30 4J-8 et al)

b No later than the first day of the fourteenth month next following the expiration of the federal public health emergency declared in response to the SARS-CoV-2 pandemic, the commissioner shall direct the division or a county welfare agency to conduct an eligibility redetermination for a beneficiary no less than 365 days following the date of the beneficiary's initial enrollment in, or the date of the beneficiary's last eligibility redetermination for, Medicaid or NJ FamilyCare The commissioner shall determine the means and method by which an eligibility redetermination shall be conducted

c To the extent permitted under federal law and regulation, the commissioner, not later than the first day of the fourteenth month next following the expiration of the federal public health emergency declared in response to the SARS-CoV-2 pandemic, shall provide for at least 12 months of continuous Medicaid eligibility for adult eligibility groups without imposing any reporting requirements regarding changes of income or resources and regardless of the delivery system through which the beneficiary receives benefits

d The commissioner shall apply for such State plan amendments or waivers as may be necessary to implement the provisions of this act and to

secure federal financial participation for State Medicaid expenditures under the federal Medicaid program

C 30 4D-3e Rules, regulations

2 The Commissioner of Human Services shall adopt rules and regulations as shall be necessary to implement the provisions of this act, which rules and regulations shall be effective immediately upon filing with the Office of Administrative Law for a period not to exceed 18 months and may, thereafter, be amended, adopted, or readopted in accordance with the "Administrative Procedure Act" P L 1968, c 410 (C 52 14B-1 et seq)

3 This act shall take effect on the first day of the first full month next following the expiration of the federal public health emergency declared in response to the SARS-CoV-2 pandemic, except that the Commissioner of Human Services may take any anticipatory administrative action in advance thereof as may be necessary for the implementation of this act

Approved December 1, 2022

CHAPTER 124

AN ACT concerning the regulation of honey

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

C 24 1-1 1 Honey, raw, unprocessed

1 For the purposes of N J A C 8 24-1 5 et seq or any other applicable rule or regulation, honey that is raw and has not been processed, infused, pasteurized, or otherwise modified or combined with any other food or product shall not be deemed to be a "cottage food product," as defined in N J A C 8 24-1 5

2 This act shall take effect immediately

Approved December 1, 2022

CHAPTER 125

AN ACT concerning the gross income tax treatment of certain discharged student loan indebtedness of disabled veterans and supplementing chapter 6 of Title 54A of the New Jersey Statutes

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

C 54A 6-25 2 Gross income, student loan debt, total, permanently disabled veterans

1 Gross income shall not include amounts discharged through the Total and Permanent Disability discharge process of the United States Department of Education for student loan indebtedness of a taxpayer who is a totally and permanently disabled veteran As used herein, "totally and permanently disabled veteran" means an individual who has been determined by the United States Department of Veterans Affairs to have a service-connected disability that is 100 percent disabling or to be totally disabled based on an individual unemployability rating

2 This act shall take effect immediately

Approved December 5, 2022

CHAPTER 126

AN ACT concerning authorization to operate motor vehicles in New Jersey 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 3-15 2 Military members, spouses, dependents, out-of-state domicile, vehicle operation

1 Notwithstanding the provisions of any other law, rule, or regulation to the contrary, a member of the Armed Forces of the United States who is not domiciled in this State, the member's spouse, and any of the member's dependents may operate a motor vehicle on the public roadways of this State, provided that

a the person possesses a valid driver's license issued by the person's state of domicile, and

b the license authorizes the person to operate the same class of vehicle in the person's state of domicile that the person operates in this State

2 This act shall take effect immediately

Approved December 12, 2022

CHAPTER 127

AN ACT concerning student financial aid and supplementing P L 1994, c 48 (C 18A 3B-1 et al)

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

C 18A 3B-6c Financial aid award letter, consistent with financial aid shopping sheet, higher education

1 a In the event that a public or independent institution of higher education or a proprietary institution licensed to offer academic degrees provides a financial aid award letter to a student, the financial aid award letter shall

(1) be presented in a manner, and in such language, that is substantially similar to that which is used in, and uses terms as defined in, the financial aid shopping sheet provided to students pursuant to section 2 of P L 2019, c 201 (C 18A 3B-6b),

(2) clearly display the estimated net cost to attend the institution,

(3) clearly differentiate a student's eligibility for loans from a student's eligibility for other forms of financial aid, including grants and scholarships, and

(4) include a clear statement that the acceptance or declination of one or more loan offers shall not impact a student's eligibility for any other grants or scholarships detailed in the student's financial aid award letter

b A student enrolled in a public or independent institution of higher education or a proprietary institution licensed to offer academic degrees shall be ineligible to receive any form of student assistance from the State, including grants, scholarships, and loans, in the event that the institution or school fails to meet the requirements established pursuant to subsection a of this section, as determined by the Secretary of Higher Education Prior to revoking eligibility for student assistance from the State to a student enrolled in an institution that fails to meet the requirements established pursuant to subsection a of this section, the secretary shall provide that institution with an opportunity to come into compliance with the requirements

Nothing in this subsection shall be construed to prohibit a student from receiving any form of student assistance from the State for which the student is eligible at a different institution of higher education or proprietary institution licensed to offer academic degrees

2 This act shall take effect immediately and shall first apply to financial aid award letters that will be sent in the 2023-2024 academic year

Approved December 12, 2022

CHAPTER 128

AN ACT concerning education required for the Animal Health Technician job title in the civil service and supplementing Title 11A of the New Jersey Statues

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

C 11A 9-11 Animal Health Technician, credit hours, required

1 a The required number of specific credit hours in veterinary science/technology, animal science technology, zoology, biology, animal husbandry, or related fields at an accredited college or university shall be no greater than 12 hours for any job title of Animal Health Technician within the civil service local title listing

b An applicant with five years of experience in a veterinary office, animal hospital, animal shelter, or other similar place of work where animals are cared for or kept performing vaccinations, diagnostic tests, euthanasia, or various other medical treatments on animals or work involving animal nutrition, taxonomy, animal behavior, parasitology, or bacteriology and who does not meet all of the education requirements shall be eligible for the Animal Health Technician job title within the civil service local title listing

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

Approved December 12, 2022

CHAPTER 129

AN ACT concerning performance-based assessments for teacher candidates and supplementing chapter 26 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 26-35 Performance-based assessment, condition of eligibility, certificate of eligibility, prohibited

1 a Notwithstanding any law, rule, or regulation to the contrary, the State Board of Education shall not require a candidate for a certificate of eligibility with advanced standing or a certificate of eligibility to complete a Commissioner of Education approved performance-based assessment, including, but not limited to, the edTPA, as a condition of eligibility for a certificate of eligibility with advanced standing, a certificate of eligibility, or a standard certificate An educator preparation program shall require candidates to complete a performance-based assessment approved by the educator preparation program, embedded within the educator preparation program, beginning with candidates who will complete their educator preparation program in the Spring of 2024

b Notwithstanding any provision of this section or of any law, rule, or regulation to the contrary, a person who earned a certificate of eligibility with advanced standing or a certificate of eligibility during the 2019-2020, 2020-2021, or 2021-2022 school years, and who was unable to complete a Commissioner of Education approved performance-based assessment due to abrupt changes in teaching placements or modalities, asynchronous virtual learning environments, school district policies, or other restrictions or disruptions caused by the COVID-19 public health emergency, shall be exempt from the requirement to complete a performance-based assessment as a condition of earning a standard certificate, verified in a manner determined by the commissioner

c As used in this section

"Certificate of eligibility" means an instructional certificate with lifetime validity issued by the State Board of Examiners to candidates who meet degree, academic, and applicable test requirements for teacher certification

"Certificate of eligibility with advanced standing" means an instructional certificate with lifetime validity issued by the State Board of Examiners to candidates who meet degree, academic, and test requirements for teacher certification and complete an educator preparation program

"Performance-based assessment" means a multi-measure assessment process where candidates demonstrate the pedagogical knowledge and skills identified in the New Jersey Professional Standards for Teachers and their content knowledge and skill in teaching to the New Jersey Learning Standards in the grade band and subject area of a certificate sought

"Standard certificate" means a permanent instructional certificate issued by the State Board of Examiners to persons who meet all instructional certificate requirements

d The State Board of Education shall promulgate rules and regulations pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq) necessary to effectuate the provisions of this act

2 This act shall take effect immediately

Approved December 16, 2022

CHAPTER 130

AN ACT concerning child welfare, amending P L 1994, c 119, and supplementing Chapter 4C of Title 30

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

1 Section 2 of P L 1994, c 119 (C 9 6-8 75) is amended to read as follows

C 9 6-8 75 "New Jersey Task Force on Child Abuse and Neglect "

2 There is established the "New Jersey Task Force on Child Abuse and Neglect " For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the New Jersey Task Force on Child Abuse and Neglect is allocated within the Department of Children and Families, but, notwithstanding this allocation, the task force shall be independent of any supervision or control by the department or by any officer or employee thereof

a The purpose of the task force is to study and develop recommendations regarding the most effective means of improving the quality and scope of child protective and preventative services provided or supported by State government, including a review of the practices and policies utilized by the Division of Child Protection and Permanency and the Division of Family and Community Partnerships in the Department of Children and Families in order to

(1) optimize coordination of child abuse-related services and investigations,

(2) promote the safety of children at risk of abuse or neglect,

(3) ensure a timely determination with regard to reports of alleged child abuse,

(4) educate the public about the problems of, and coordinate activities relating to, child abuse and neglect,

(5) develop a Statewide plan to prevent child abuse and neglect and mechanisms to facilitate child abuse and neglect prevention strategies in coordination with the Division of Family and Community Partnerships,

(6) mobilize citizens and community agencies in a proactive effort to prevent and treat child abuse and neglect, and

(7) foster cooperative working relationships between State and local agencies responsible for providing services to victims of child abuse and neglect and their families

b The task force shall receive, evaluate, and approve applications of public and private agencies and organizations for grants from moneys annually appropriated from the "Children's Trust Fund" established pursuant to section 2 of P L 1985, c 197 (C 54A 9-25 4) Any portion of the moneys actually appropriated which are remaining at the end of a fiscal year shall lapse to the "Children's Trust Fund "

Grants shall be awarded to public and private agencies for the purposes of planning and establishing or improving programs and services for the prevention of child abuse and neglect, including activities which

(1) Provide Statewide educational and public informational seminars for the purpose of developing appropriate public awareness regarding the problems of child abuse and neglect,

(2) Encourage professional persons and groups to recognize and deal with problems of child abuse and neglect,

(3) Make information about the problems of child abuse and neglect available to the public and organizations and agencies which deal with problems of child abuse and neglect including by continuing to publish such information through a publicly accessible online portal, and

(4) Encourage the development of community prevention programs, including

(a) community-based educational programs on parenting, prenatal care, prenatal bonding, child development, basic child care, care of children with special needs, coping with family stress, personal safety and sexual abuse prevention training for children, and self-care training for latchkey children, and

(b) community-based programs relating to crisis care, aid to parents, child abuse counseling, peer support groups for abusive or potentially abusive parents and their children, lay health visitors, respite for crisis child care, and early identification of families where the potential for child abuse and neglect exists

The task force shall, in awarding grants, establish such priorities respecting the programs or services to be funded and the amounts of funding to be provided as it deems appropriate, except that the task force shall place particular emphasis on community-based programs and services which are designed to develop and

demonstrate strategies for the early identification, intervention, and assistance of families and children at risk in order to prevent child abuse and neglect

The task force shall adopt such rules and regulations pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq) to govern the awarding of grants pursuant to this subsection as may be necessary to establish adequate reporting requirements on the use of grant funds by recipient agencies and organizations and to permit the task force to evaluate the programs and services for which grants are awarded

c (1) The task force shall establish a Staffing and Oversight Review Subcommittee to review the performance and staffing levels of the Division of Child Protection and Permanency in order to develop recommendations regarding the department's performance, staffing levels, and the most effective methods of recruiting, hiring, and retaining staff within the division The subcommittee shall also review, analyze, and make recommendations regarding the department's performance in

(a) maintaining a case management information and data collection system that allows for the assessment, tracking, posting or web-based publishing, and utilization of key data indicators with consistent definitions and methodology, along with ensuring the accuracy of published data,

(b) implementing and sustaining a case practice model comprising a continuous set of activities that emphasizes quality investigation and assessment, which model shall include performing safety and risk assessments, engaging with youth and families, working with family teams, providing individualized planning and relevant services, performing continuous review and adaptation, and ensuring safe and sustained transition from the department,

(c) guaranteeing that the operation of the department's State Central Registry ensures that allegations of child abuse and neglect are received by the department's field offices in a timely manner and investigations are commenced within the required response time identified by the State Central Registry,

(d) providing the most appropriate and least restrictive placements when out-of-home placement is necessary, and in so doing allowing children to remain in their own communities, be placed with or maintain contact with siblings and relatives, and have their educational needs met, precluding children under age 13 from being placed in shelters, precluding children from being placed in out-of-State behavioral health facilities without written approval from the Assistant Commissioner for the Children's System of Care, and maintaining an adequate number and array of family-based placements to appropriately place children in family settings,

(e) providing comprehensive, culturally responsive services to address the identified needs of the children, youth, and families the department

serves, including but not limited to services for youth age 18 to 21, services for LGBTQI+ youth, mental health, and domestic violence services for birth parents whose families are involved with the child welfare system, preventive home visitation programs, trauma-informed care, and an adequate Statewide network of Family Success Centers,

(f) providing medical care to children and youth residing in resource family care, including appropriate medical assessment and treatment, pre-placement, and entry medical assessments under Early and Periodic Screening, Diagnosis, and Treatment (EPSDT), guidelines, dental examinations, up-to-date immunizations, follow-up care and treatment and mental health assessment and treatment, where appropriate, behavioral health treatment provided in the least restrictive setting for children and youth, and evaluating the sufficiency of funding for these medical services,

(g) maintaining a comprehensive training program for child welfare staff and supervisors, including specialized training for investigators which training shall include pre-service training covering the case practice model and permanency planning, adoption training, and training on case management systems, and mechanisms for staff completing training to demonstrate competency on required areas of training,

(h) making flexible funds available for use by caseworkers in crafting individualized service plans for children, youth, and families to meet the needs of children and families, facilitate family preservation and reunification where appropriate, ensure that families are able to provide appropriate care for children, and avoid the disruption of otherwise stable and appropriate placements,

(i) adjusting support rates for resource family care, adoption assistance, and independent living to ensure alignment with the United States Department of Agriculture estimates for the cost of raising a child or adolescent in the urban Northeast, the U S Department Housing and Urban Development Fair Market Value for average rent in New Jersey, the Internal Revenue Service estimates for monthly food and household expenses, and other appropriate State and national benchmarks identified by the subcommittee,

(j) strengthening and sustaining appropriate permanency and adoption practices for the children and youth the department serves, recognizing that the department's permanency work begins at intake and encompasses the elements of the case practice model, and

(k) generally beginning the process of preparing a child for adoption and seeking and securing an adoptive placement as soon as the child's permanency goal becomes adoption, but in no case later than as required by federal law, conducting five-month and 10-month placement reviews for

children in custody, commencing the adoption process as soon as a diligent search process has been completed and has failed to identify the location of both parents or a suitable family placement, and developing a child-specific recruitment plan for all children with a permanency goal of adoption needing the recruitment of an adoptive family, as well as evaluating the sufficiency of funding for such processes

(2) No later than the first day of the 12th month next following the date of enactment of P L 2022, c 130 (C 30 4C-3a et al), and annually thereafter, the subcommittee shall review the department's performance in the areas identified in this paragraph (1) of subsection c of this section, and shall issue a report with its findings and recommendations to the Governor and, pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1), to the Legislature

(3) The Department of Children and Families shall annually allocate to the task force sufficient funding to permit the subcommittee to hire independent contracted staff or obtain other resources needed to carry out the responsibilities set forth in this paragraph

(4) (a) The task force shall appoint at least 15 members to the subcommittee consisting of

(i) the Assistant Commissioner of the Division of Child Protection and Permanency and the Commissioner of Children and Families, or their designees, who shall serve ex-officio, and

(ii) at least 13 public members, including one representative of a State-based child advocacy organization, one attorney regularly engaged in the representation of parents in child protection matters, at least one attorney regularly engaged in the representation of the indigent, one attorney regularly engaged in the representation of children in out of home placement, one county human services director, one parent who has previously had involvement with the Division of Child Protection and Permanency, one alumni of the State's resource family care system, one resource family parent who is currently licensed by the State, and one representative of a State-based child abuse prevention focused organization

(b) The members of the subcommittee shall serve for a term of three years or until the appointment of a successor, with the exception that the terms of the original membership of the subcommittee shall be constituted as to provide that seven of the public members shall serve for a term of one year, four of the public members shall serve for two years, and two of the public members shall serve for a term of three years

(c) Members of the subcommittee shall be appointed and hold their initial organizational meeting within 45 days after the effective date of P L 2022, c 130 (C 30 4C-3a et al)

(d) The subcommittee shall designate a chairperson and vice chairperson from among its members, except that the commissioner's designee and the assistant commissioner of the Division of Child Protection and Permanency shall not serve as the chairperson or vice chairperson of the subcommittee

(e) The subcommittee shall be entitled to call to its assistance and avail itself of the services of employees of the department and seek the advice of experts as required and as may be available for the purposes of conducting the reviews required by this subsection

(5) The Commissioner of Children and Families shall ensure the subcommittee is provided with information necessary for the subcommittee to fulfill its obligations under this subsection, including information obtained through the Division of Child Protection and Permanency's continuous quality review process, and the subcommittee shall be entitled to review such information as part of the subcommittee's examination of the department's performance and the development of recommendations

(6) The task force may adopt rules and regulations pursuant to the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq) necessary to effectuate the purposes of this subsection

C 30 4C-3a Child protection worker caseload, limits, exceptions, temporary

2 a The Commissioner of Children and Families shall ensure that no child protection worker is concurrently responsible for more than 15 cases at any time, unless the commissioner determines that assignment of cases in excess of this limit is temporarily necessary to ensure the life and safety of any child under the care and supervision of the Department of Children and Families

b If the average daily caseload of child protection workers exceeds 15 cases per worker for two consecutive months, the department shall be considered non-compliant with caseload standards established pursuant to this section In such circumstances, the department shall

(1) within 14 days of initial non-compliance under this subsection, deliver to the Governor, the Staffing and Oversight Review Subcommittee of the New Jersey Task Force on Child Abuse and Neglect established pursuant to subsection c of section 2 of P L 1994, c 119 (C 9 6-8 75), and, pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1), the Legislature, notice of the non-compliance and a summary of emergent efforts being made to rectify the non-compliance, and

(2) post, on a monthly basis, on the department's Internet website, the average daily Statewide caseload of child protection workers, until such time as the average daily caseload has been maintained at 15 or fewer cases per worker for 30 days

c As used in this section, "child protection worker" means an employee of the Division of Child Protection and Permanency or the Institutional Abuse Investigation Unit in the Department of Children and Families, or any other agency or successor agency conducting child abuse investigations pursuant to section 4 of P L 1971, c 437 (C 9 6-8 11) or providing child protective services pursuant to P L 1951, c 138 (C 30 4C-1 et seq)

3 This act shall take effect immediately

Approved December 20, 2022

CHAPTER 131

AN ACT concerning the sale and possession of firearms and supplementing and amending various parts of the statutory law

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

C 2C 58-4 2 Findings, declarations

1 The Legislature finds and declares that

a The decision of the United States Supreme Court in New York State Rifle & Pistol Association v Bruen holds significant implications for carrying a handgun in New Jersey and the law governing the issuance of permits to carry a handgun The Bruen decision establishes that states cannot deny permits to carry a handgun to otherwise-qualified citizens who fail to show that they have the "proper cause" to carry a handgun New Jersey law relies on a similar standard, considering whether an applicant has a "justifiable need," in determining whether to issue a permit to carry a handgun

b In accordance with the precedent established in the Bruen decision, laws requiring showings of particularized need are no longer legally viable to determine whether a person may carry a handgun in public The Bruen decision does make clear, however, that the Legislature can enact laws to protect our communities from threats to public health, safety, and welfare posed by gun violence, which take into account as appropriate the Supreme Court's Second Amendment ruling while continuing to promote and enhance public safety

c Statistics show that expanding handgun carrying creates safety risks, helping to fuel the epidemic of gun violence For example, a study by researchers at the Johns Hopkins Bloomberg School of Public Health found that the estimated average rate of officer-involved shootings increased by 12 9 percent in 10 states that relaxed restrictions between 2014 and 2020 on

civilians carrying concealed firearms in public Accordingly, evidence demonstrates that more guns on the streets can translate into more acts of gun violence To mitigate the impact of having more people carrying guns in public places, steps must be taken to better ensure that those who exercise the right to carry are responsible, law-abiding, and appropriately trained individuals who would not pose undue safety risks if armed in public places

d In Bruen, the Supreme Court recognized that states may prohibit individuals who are not "law-abiding, responsible citizens" from carrying firearms in public, and endorsed the use of "licensing requirements for carrying a handgun for self-defense " Although the Court did not provide a complete list of lawful requirements, it specifically cited a "background check, mental health check, training in firearms handling and in laws regarding the use of force, among other possible requirements" as permissible The purpose of these checks, the Court explained, is to "ensure only that those bearing arms in the jurisdiction are in fact, 'law-abiding, responsible citizens '" It is thus important to bolster and improve the process in this State for ensuring that only such individuals possess and carry firearms Toward that end, this act strengthens the criteria and background investigation requirements that are used to determine whether an applicant is qualified to carry a firearm in New Jersey

e This act also designates places in which the carrying of a firearm or destructive device is prohibited Previously, application of the justifiable need standard minimized the serious dangers of misuse and accidental use inherent in the carrying of handguns in a public place Given the likelihood that a much greater number of individuals will now qualify to carry handguns in public, it is now both necessary and appropriate to clearly identify in the law those sensitive places where, due to heightened public safety concerns, carrying a dangerous, potentially lethal device or weapon, including a handgun, is not permissible These prohibitions are based on common sense principles and historical analogues

f Notwithstanding its rejection of a particularized need standard, the Bruen decision recognizes that the carrying of firearms in sensitive places can "be prohibited consistent with the Second Amendment " Indeed, the Court assumed it settled that "laws forbidding the carrying of firearms in sensitives places such as schools and government buildings," as well as other places such as "legislative assemblies, polling places, and courthouses," are "longstanding" and not subject to disputes regarding their constitutionality The Court added that other "sensitive place" regulations may be permissible if "consistent with the Second Amendment's text and historical understanding" – that is, "relevantly similar" to historical analogues

g The sensitive-place prohibitions on dangerous weapons set forth in this act are rooted in history and tradition They are analogous to historical laws that can be found from the Founding era to Reconstruction, which are also found in modern laws in many states History and tradition support at least the following location-based restrictions on carrying firearms

(1) Places that are the site of core constitutional activity, such as but not limited to the exercise of First Amendment rights, or that are otherwise vital to the functioning of democracy and our system of government That includes prohibitions of firearms in facilities within the criminal justice system,

(2) Schools, universities, other educational institutions, where people assemble for educational purposes and for the purposes of teaching, learning, research, and the pursuit of knowledge,

(3) Parks and other recreation spaces, including locations where children congregate,

(4) Locations that protect vulnerable classes of people, such as the young and the frail,

(5) Places where intoxicating substances are sold, places where large groups of individuals congregate, and places where volatile conditions may pose a threat to public safety, and

(6) Various forms of transportation and public infrastructure, whose safety, security, and stability are critical to supporting social function

h The historical record also supports restriction of firearm possession on private property when the owner has not given their consent Many states require a property owner's permission before another may enter private dwellings and private lands with a firearm or other weapons Requiring consent from the property owner before carrying weapons onto private property is also in line with both the reasonable expectations and property rights of New Jersey property owners

i Additionally, the fees to obtain a firearms purchaser identification permit or a permit to purchase a handgun in New Jersey were initially set by statute over 50 years ago at $5 and $2, respectively, and in over a half century the law has never been changed to increase these fees, notwithstanding the impact of inflation, increasing costs of background checks and related investigations, and the investment made over the years to technologically upgrade the firearms application and registration system established and maintained by the New Jersey State Police

j Accordingly, the Legislature finds it is necessary and proper to revise this State's procedural and substantive laws related to firearms to update the process and the standards applicable to firearm purchase and possession as well as our handgun carry law, and to continue to promote public safety and

reduce gun violence in a manner consistent with the Second Amendment principles articulated by the current Supreme Court jurisprudence These revisions will focus on factors other than the need or purpose a person may assert as justification to carry a handgun, such as the person's background and qualifications, with the ultimate goal of keeping New Jersey streets and neighborhoods safe from gun violence

2 N J S 2C 58-3 is amended to read as follows

Purchase of firearms

2C 58-3 a Permit to purchase a handgun

(1) A person shall not sell, give, transfer, assign or otherwise dispose of, nor receive, purchase, or otherwise acquire a handgun unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or has first secured a permit to purchase a handgun as provided by this section

(2) A person who is not a licensed retail dealer and sells, gives, transfers, assigns, or otherwise disposes of, or receives, purchases or otherwise acquires a handgun pursuant to this section shall conduct the transaction through a licensed retail dealer

The provisions of this paragraph shall not apply if the transaction is

(a) between members of an immediate family as defined in subsection n of this section,

(b) between law enforcement officers,

(c) between collectors of firearms or ammunition as curios or relics as defined in Title 18, U S C section 921 (a) (13) who have in their possession a valid Collector of Curios and Relics License issued by the Bureau of Alcohol, Tobacco, Firearms, and Explosives, or

(d) a temporary transfer pursuant to section 1 of P L 1992, c 74 (C 2C 58-3 1) or section 1 of P L 1997, c 375 (C 2C 58-3 2)

(3) Prior to a transaction conducted pursuant to this subsection, the retail dealer shall complete a National Instant Criminal Background Check of the person acquiring the handgun In addition

(a) the retail dealer shall submit to the Superintendent of State Police, on a form approved by the superintendent, information identifying and confirming the background check,

(b) every retail dealer shall maintain a record of transactions conducted pursuant to this subsection, which shall be maintained at the address displayed on the retail dealer's license for inspection by a law enforcement officer during reasonable hours,

(c) a retail dealer may charge a fee for a transaction conducted pursuant to this subsection, and

(d) any record produced pursuant to this subsection shall not be considered a public record pursuant to P L 1963, c 73 (C 47 1A-1 et seq) or P L 2001, c 404 (C 47 1A-5 et al)

b Firearms purchaser identification card

(1) A person shall not sell, give, transfer, assign or otherwise dispose of nor receive, purchase or otherwise acquire an antique cannon or a rifle or shotgun, other than an antique rifle or shotgun, unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or possesses a valid firearms purchaser identification card, and first exhibits the card to the seller, donor, transferor or assignor, and unless the purchaser, assignee, donee, receiver or holder signs a written certification, on a form prescribed by the superintendent, which shall indicate that the person presently complies with the requirements of subsection c of this section and shall contain the person's name, address and firearms purchaser identification card number or dealer's registration number The certification shall be retained by the seller, as provided in paragraph (4) of subsection a of N J S 2C 58-2, or, in the case of a person who is not a dealer, it may be filed with the chief police officer of the municipality in which the person resides or with the superintendent

(2) A person who is not a licensed retail dealer and sells, gives, transfers, assigns, or otherwise disposes of, or receives, purchases or otherwise acquires an antique cannon or a rifle or shotgun pursuant to this section shall conduct the transaction through a licensed retail dealer

The provisions of this paragraph shall not apply if the transaction is

(a) between members of an immediate family as defined in subsection n of this section,

(b) between law enforcement officers,

(c) between collectors of firearms or ammunition as curios or relics as defined in Title 18, U S C section 921 (a) (13) who have in their possession a valid Collector of Curios and Relics License issued by the Bureau of Alcohol, Tobacco, Firearms, and Explosives, or

(d) a temporary transfer pursuant to section 1 of P L 1992, c 74 (C 2C 58-3 1) and section 1 of P L 1997, c 375 (C 2C 58-3 2)

(3) Prior to a transaction conducted pursuant to this subsection, the retail dealer shall complete a National Instant Criminal Background Check of the person acquiring an antique cannon or a rifle or shotgun In addition

(a) the retail dealer shall submit to the Superintendent of State Police, on a form approved by the superintendent, information identifying and confirming the background check,

(b) every retail dealer shall maintain a record of transactions conducted pursuant to this section which shall be maintained at the address set forth on the retail dealer's license for inspection by a law enforcement officer during reasonable hours,

(c) a retail dealer may charge a fee, not to exceed $70, for a transaction conducted pursuant to this subsection, and

(d) any record produced pursuant to this subsection shall not be considered a public record pursuant to P L 1963, c 73 (C 47 1A-1 et seq) or P L 2001, c 404 (C 47 1A-5 et al)

c Who may obtain Except as hereinafter provided, a person shall not be denied a permit to purchase a handgun or a firearms purchaser identification card, unless the person is known in the community in which the person lives as someone who has engaged in acts or made statements suggesting the person is likely to engage in conduct, other than justified self-defense, that would pose a danger to self or others, or is subject to any of the disabilities set forth in this section or other sections of this chapter A handgun purchase permit or firearms purchaser identification card shall not be issued

(1) To any person who has been convicted of (a) any crime in this State or its felony counterpart in any other state or federal jurisdiction, or (b) a disorderly persons offense in this State involving an act of domestic violence as defined in section 3 of P L 1991, c 261 (C 2C 25-19) or its felony or misdemeanor counterpart involving an act of domestic violence as defined under a comparable statute in any other state or federal jurisdiction, whether or not armed with or possessing a weapon at the time of the offense,

(2) To any person who is presently confined for a mental disorder as a voluntary admission as defined in section 2 of P L 1987, c 116 (C 30 4-27 2) or who is presently involuntarily committed to inpatient or outpatient treatment pursuant to P L 1987, c 116 (C 30 4-27 1 et seq),

(3) To any person who suffers from a physical defect or disease which would make it unsafe for that person to handle firearms, to any person with a substance use disorder involving drugs as defined in section 2 of P L 1970, c 226 (C 24 21-2), or to any alcoholic as defined in section 2 of P L 1975, c 305 (C 26 2B-8) unless any of the foregoing persons produces a certificate of a medical doctor, treatment provider, or psychiatrist licensed in New Jersey, or other satisfactory proof, that the person is no longer suffering from that particular disability in a manner that would interfere with or handicap that person in the handling of firearms, to any person who knowingly falsifies any information on the application form for a handgun purchase permit or firearms purchaser identification card,

(4) To any person under the age of 18 years for a firearms purchaser identification card and to any person under the age of 21 years for a permit to purchase a handgun,

(5) To any person where the issuance would not be in the interest of the public health, safety or welfare because the person is found to be lacking the essential character of temperament necessary to be entrusted with a firearm,

(6) To any person who is subject to or has violated a temporary or final restraining order issued pursuant to the "Prevention of Domestic Violence Act of 1991", P L 1991, c 261 (C 2C 25-17 et seq) prohibiting the person from possessing any firearm or a temporary or final domestic violence restraining order issued in another jurisdiction prohibiting the person from possessing any firearm,

(7) To any person who as a juvenile was adjudicated delinquent for an offense which, if committed by an adult, would constitute a crime and the offense involved the unlawful use or possession of a weapon, explosive or destructive device or is enumerated in subsection d of section 2 of P L 1997, c 117 (C 2C 43-7 2),

(8) To any person whose firearm is seized pursuant to the "Prevention of Domestic Violence Act of 1991", P L 1991, c 261 (C 2C 25-17 et seq) and whose firearm has not been returned, or

(9) To any person named on the consolidated Terrorist Watchlist maintained by the Terrorist Screening Center administered by the Federal Bureau of Investigation,

(10) To any person who is subject to or has violated a court order prohibiting the custody, control, ownership, purchase, possession, or receipt of a firearm or ammunition issued pursuant to the "Extreme Risk Protective Order Act of 2018", P L 2018, c 35 (C 2C 58-20 et al),

(11) To any person who is subject to or has violated a court order prohibiting the custody, control, ownership, purchase, possession, or receipt of a firearm or ammunition issued pursuant to P L 2021, c 327 (C 2C 12-14 et al),

(12) To any person who is subject to or has violated a temporary or final restraining order issued pursuant to the "Sexual Assault Survivor Protection Act of 2015," P L 2015, c 147 (C 2C 14-13 et al),

(13) To any person who has previously been voluntarily admitted to inpatient treatment pursuant to P L 1987, c 116 (C 30 4-27 1 et seq) or involuntarily committed to inpatient or outpatient treatment pursuant to P L 1987, c 116 (C 30 4-27 1 et seq), unless the court has expunged the person's record pursuant to P L 1953, c 268 (C 30 4-80 8 et seq),

(14) To any person who is subject to an outstanding arrest warrant for an indictable crime in this State or for a felony, other than a felony to which

section 1 of P L 2022, c 50 (C 2A 160-14 1) would apply, in any other state or federal jurisdiction, or

(15) To any person who is a fugitive from justice due to having fled from any state or federal jurisdiction to avoid prosecution for a crime, other than a crime to which section 1 of P L 2022, c 50 (C 2A 160-14 1) would apply, or to avoid giving testimony in any criminal proceeding

In order to obtain a permit to purchase a handgun or a firearms purchaser identification card, the applicant shall demonstrate that, within four years prior to the date of the application, the applicant satisfactorily completed a course of instruction approved by the superintendent in the lawful and safe handling and storage of firearms The applicant shall be required to demonstrate completion of a course of instruction only once prior to obtaining either a firearms purchaser identification card or the applicant's first permit to purchase a handgun

The applicant shall not be required to demonstrate completion of a course of instruction in order to obtain any subsequent permit to purchase a handgun, to replace an existing firearms purchaser identification card, or to renew a firearms purchaser identification card

An applicant who is a law enforcement officer who has satisfied the requirements of subsection j of N J S 2C.39-6, a retired law enforcement officer who has satisfied the requirements of subsection l of N J S 2C 39-6, or a veteran who was honorably discharged as a member of the United States Armed Forces or National Guard who received substantially equivalent training shall not be required to complete the course of instruction required pursuant to the provisions of this subsection

A person who obtained a permit to purchase a handgun or a firearms purchaser identification card prior to the effective date of P L 2022, c 58 shall not be required to complete a course of instruction pursuant to this subsection

d Issuance The chief police officer of an organized full-time police department of the municipality where the applicant resides or the superintendent, in all other cases, shall upon application, issue to any person qualified under the provisions of subsection c of this section a permit to purchase a handgun or a firearms purchaser identification card

A firearms purchaser identification card issued following the effective date of P L 2022, c 58 shall display a color photograph and be electronically linked to the fingerprints of the card holder A person who obtained a firearms purchaser identification card prior to the effective date of P L 2022, c 58 shall not be required to obtain a firearms purchaser identification card that displays a color photograph and is electronically linked to fingerprints The superintendent shall establish guidelines as necessary to effectuate the issuance

of firearms purchaser identification cards that display a color photograph and which are electronically linked to the fingerprints of the card holder

The requirements of this subsection concerning firearms purchaser identification cards issued following the effective date of P L 2022, c 58 shall remain inoperative until such time as the superintendent establishes a system to produce cards that comply with this requirement and, until such time, applicants issued a firearms purchaser identification card shall be provided with cards that do not conform to the requirements of this section, which shall be afforded full force and effect until such time as the system is established and a compliant card is issued in accordance with this subsection An applicant issued a non-compliant firearms purchaser identification card shall obtain a card, at no cost to the applicant, which conforms to the requirements of this section no later than one year after receiving notice that the system to produce cards that comply with this requirement is operational

If an application for a permit or identification card is denied, the applicant shall be provided with a written statement of the reasons for the denial Any person aggrieved by the denial of a permit or identification card may request a hearing in the Superior Court of the county in which the person resides if the person is a resident of New Jersey or in the Superior Court of the county in which the person's application was filed if the person is a nonresident The request for a hearing shall be made in writing within 30 days of the denial of the application for a permit or identification card The applicant shall serve a copy of the request for a hearing upon the chief police officer of the municipality in which the person resides, if the person is a resident of New Jersey, and upon the superintendent in all cases The hearing shall be held and a record made thereof within 60 days of the receipt of the application for a hearing by the judge of the Superior Court No formal pleading and no filing fee shall be required as a preliminary to a hearing Appeals from the results of a hearing shall be in accordance with law

The Administrative Director of the Courts shall coordinate with the superintendent in the development of an electronic filing system to receive requests for hearings and serve the chief police officer and superintendent as required in this section

e Applications Applications for permits to purchase a handgun and for firearms purchaser identification cards shall be in the form prescribed by the superintendent and shall set forth the name, residence, place of business, age, date of birth, occupation, sex, any aliases or other names previously used by the applicant, gender, and physical description, including distinguishing physical characteristics, if any, of the applicant, and shall state whether the applicant is a citizen, whether the applicant is an alcoholic as defined in section 2 of P L 1975,

c 305 (C 26 2B-8) or is a drug-dependent person as defined in section 2 of PL 1970, c 226 (C 24 21-2), whether the applicant has ever been confined or committed to a mental institution or hospital for treatment or observation of a mental or psychiatric condition on a temporary, interim or permanent basis, giving the name and location of the institution or hospital and the dates of confinement or commitment, whether the applicant has been attended, treated or observed by any doctor or psychiatrist or at any hospital or mental institution on an inpatient or outpatient basis for any mental or psychiatric condition, giving the name and location of the doctor, psychiatrist, hospital or institution and the dates of the occurrence, whether the applicant presently or ever has been a member of any organization which advocates or approves the commission of acts of force and violence to overthrow the Government of the United States or of this State, or which seeks to deny others their rights under the Constitution of either the United States or the State of New Jersey, whether the applicant has ever been convicted of a crime or disorderly persons offense in this State or felony or misdemeanor in any other state or federal jurisdiction, whether the applicant is subject to a restraining order issued pursuant to the "Prevention of Domestic Violence Act of 1991", PL 1991, c 261 (C 2C 25-17 et seq) or an order entered under the provisions of a substantially similar statute under the laws of another jurisdiction prohibiting the applicant from possessing any firearm, whether the applicant is subject to a restraining order issued pursuant to the "Sexual Assault Survivor Protection Act of 2015," PL 2015, c 147 (C 2C 14-13 et al) or an order entered under the provisions of a substantially similar statute under the laws of another jurisdiction, whether the applicant is subject to a protective order issued pursuant to the "Extreme Risk Protective Order Act of 2018", PL 2018, c 35 (C 2C 58-20 et al), whether the applicant is subject to a protective order issued pursuant to PL 2021, c 327 (C 2C 12-14 et al) prohibiting the applicant from possessing any firearm, and other information as the superintendent shall deem necessary for the proper enforcement of this chapter For the purpose of complying with this subsection, the applicant shall waive any statutory or other right of confidentiality relating to institutional confinement The application shall be signed by the applicant and shall contain as references the names and addresses of two reputable citizens personally acquainted with the applicant

An applicant for a permit to purchase a handgun shall also certify, with respect to each handgun listed on the form, whether the applicant is purchasing the handgun on the applicant's own behalf or, if not, that the purchase is being made on behalf of a third party to whom the applicant may lawfully transfer the handgun

Application blanks shall be obtainable from the superintendent, from any other officer authorized to grant a permit or identification card, and from licensed retail dealers, or shall be made available through an online process established or made available by the superintendent

The chief police officer or the superintendent shall obtain the fingerprints of the applicant and shall have them compared with any and all records of fingerprints in the municipality and county in which the applicant resides and also the records of the State Bureau of Identification and the Federal Bureau of Investigation, provided that an applicant for a handgun purchase permit who possesses a valid firearms purchaser identification card, or who has previously obtained a handgun purchase permit from the same licensing authority for which the applicant was previously fingerprinted, and who provides other reasonably satisfactory proof of the applicant's identity, need not be fingerprinted again, however, the chief police officer or the superintendent shall proceed to investigate the application to determine whether or not the applicant has become subject to any of the disabilities set forth in this chapter

f Granting of permit or identification card, fee, term, renewal, revocation The application for the permit to purchase a handgun together with a fee of $25, or the application for the firearms purchaser identification card together with a fee of $50, shall be delivered or forwarded to the licensing authority who, upon determining that the application is complete, shall investigate the same and, provided the requirements of this section are met, shall grant the permit or the identification card, or both, if application has been made therefor, within 30 days from the date of receipt of the completed application for residents of this State and within 45 days for nonresident applicants A permit to purchase a handgun shall be valid for a period of 90 days from the date of issuance and may be renewed by the issuing authority for good cause for an additional 90 days A firearms purchaser identification card issued or renewed after the effective date of P L 2022, c 58 shall expire during the tenth calendar year following its date of issuance and on the same calendar day as the person's date of birth

If the date of birth of the firearms purchaser identification card holder does not correspond to a calendar day of the tenth calendar year, the card shall expire on the last day of the birth month of the card holder

A firearms purchaser identification card issued pursuant to this section may be renewed upon filing of a renewal application and payment of the required fee, provided that the holder is not subject to any of the disabilities set forth in subsection c of this section and complies with all other applicable requirements as set forth in statute and regulation If an application for renewal of a firearms purchaser identification card is denied, the applicant shall be provided with a

written statement of the reasons for the denial Any person aggrieved by the denial of an application for renewal of a firearms purchaser identification card may request a hearing in the Superior Court of the county in which the person resides if the person is a resident of New Jersey or in the Superior Court of the county in which the person's application was filed if the person is a nonresident The request for a hearing shall be made in writing within 30 days of the denial of the application for renewal of the firearms purchaser identification card The applicant shall serve a copy of the request for a hearing upon the chief police officer of the municipality in which the applicant resides, if the person is a resident of New Jersey, and upon the superintendent in all cases The hearing shall be held and a record made thereof within 60 days of the receipt of the application for a hearing by the judge of the Superior Court A formal pleading and filing fee shall not be required as a preliminary to a hearing Appeals from the results of a hearing shall be in accordance with law

The Administrative Director of the Courts shall coordinate with the superintendent in the development of an electronic filing system to receive requests for hearings and serve the chief police officer and superintendent as required in this section

A firearms purchaser identification card issued prior to the effective date of P L 2022, c 58 shall not expire

A firearms purchaser identification card shall be void if the holder becomes subject to any of the disabilities set forth in subsection c of this section, whereupon the card shall be returned within five days by the holder to the superintendent, who shall then advise the licensing authority Failure of the holder to return the firearms purchaser identification card to the superintendent within the five days shall be an offense under subsection a of N J S 2C 39-10 Any firearms purchaser identification card may be revoked by the Superior Court of the county wherein the card was issued, after hearing upon notice, upon a finding that the holder thereof no longer qualifies for the issuance of the permit The county prosecutor of any county, the chief police officer of any municipality or any citizen may apply to the court at any time for the revocation of the card

There shall be no conditions or requirements added to the form or content of the application, or required by the licensing authority for the issuance or renewal of a permit or identification card, other than those that are specifically set forth in this chapter

g Disposition of fees All fees for permits shall be paid to the State Treasury for deposit into the Victims of Crime Compensation Office account if the permit is issued by the superintendent, to the municipality if issued by the chief police officer, and to the county treasurer if issued by the judge of the Superior Court

h Form of permit, establishment of a web portal, disposition of the completed information (1) Except as otherwise provided in paragraph (2) of this subsection, the permit shall be in the form prescribed by the superintendent and shall be issued to the applicant electronically through e-mail or the web portal established or designated for this purpose by the superintendent or in such form or manner as may be authorized by the superintendent Prior to the time the applicant receives the handgun from the seller, the applicant shall provide to the seller an acknowledgement of the permit in the form required under the process established by the superintendent, and the seller shall complete all of the information required on the web portal This information shall be forwarded to the superintendent through the web portal, or in such other manner as may be authorized by the superintendent, and to the chief police officer of the municipality in which the purchaser resides, except that in a municipality having no chief police officer, the information shall be forwarded to the superintendent The purchaser shall retain a copy of the completed information and the seller shall retain a copy of the completed information as a permanent record

A transfer of a handgun between or among immediate family members, law enforcement officers, or collectors of firearms or ammunition as curios or relics shall be conducted via the web portal established or designated by the superintendent, which shall include among other things a certification that the seller and purchaser are in fact immediate family members, law enforcement officers, or collectors of firearms or ammunition as curios or relics

(2) The requirements of this subsection concerning the delivery and form of permit and disposition of copies shall not be applicable when these functions may be completed by utilizing an electronic system as described in paragraph (2) of subsection b of N J S 2C 58-2 or section 5 of P L 2022, c 55 (C 2C 58-3 3a)

i Restriction on number of firearms person may purchase Only one handgun shall be purchased or delivered on each permit and no more than one handgun shall be purchased within any 30-day period, but this limitation shall not apply to

(1) a federal, State, or local law enforcement officer or agency purchasing handguns for use by officers in the actual performance of their law enforcement duties,

(2) a collector of handguns as curios or relics as defined in Title 18, United States Code, section 921 (a) (13) who has in the collector's possession a valid Collector of Curios and Relics License issued by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives,

(3) transfers of handguns among licensed retail dealers, registered wholesale dealers and registered manufacturers,

(4) transfers of handguns from any person to a licensed retail dealer or a registered wholesale dealer or registered manufacturer,

(5) any transaction where the person has purchased a handgun from a licensed retail dealer and has returned that handgun to the dealer in exchange for another handgun within 30 days of the original transaction, provided the retail dealer reports the exchange transaction to the superintendent, or

(6) any transaction where the superintendent issues an exemption from the prohibition in this subsection pursuant to the provisions of section 4 of P L 2009, c 186 (C 2C 58-3 4)

The provisions of this subsection shall not be construed to afford or authorize any other exemption from the regulatory provisions governing firearms set forth in chapter 39 and chapter 58 of Title 2C of the New Jersey Statutes,

A person shall not be restricted as to the number of rifles or shotguns the person may purchase, provided the person possesses a valid firearms purchaser identification card and provided further that the person signs the certification required in subsection b of this section for each transaction

j Firearms passing to heirs or legatees Notwithstanding any other provision of this section concerning the transfer, receipt or acquisition of a firearm, a permit to purchase or a firearms purchaser identification card shall not be required for the passing of a firearm upon the death of an owner thereof to the owner's heir or legatee, whether the same be by testamentary bequest or by the laws of intestacy The person who shall so receive, or acquire the firearm shall, however, be subject to all other provisions of this chapter If the heir or legatee of the firearm does not qualify to possess or carry it, the heir or legatee may retain ownership of the firearm for the purpose of sale for a period not exceeding 180 days, or for a further limited period as may be approved by the chief law enforcement officer of the municipality in which the heir or legatee resides or the superintendent, provided that the firearm is in the custody of the chief law enforcement officer of the municipality or the superintendent during that period

k Sawed-off shotguns Nothing in this section shall be construed to authorize the purchase or possession of any sawed-off shotgun

l Nothing in this section and in N J S 2C 58-2 shall apply to the sale or purchase of a visual distress signalling device approved by the United States Coast Guard, solely for possession on a private or commercial aircraft or any boat, provided, however, that no person under the age of 18 years shall purchase nor shall any person sell to a person under the age of 18 years a visual distress signalling device

m The provisions of subsections a and b of this section and paragraphs (4) and (5) of subsection a of N J S 2C 58-2 shall not apply to the purchase of firearms by a law enforcement agency for use by law enforcement officers

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in the actual performance of the officers' official duties, which purchase may be made directly from a manufacturer or from a licensed dealer located in this State or any other state

n For the purposes of this section, "immediate family" means a spouse, domestic partner as defined in section 3 of P L 2003, c 246 (C 26 8A-3), partner in a civil union couple as defined in section 2 of P L 2006, c 103 (C 37 1-29), parent, stepparent, grandparent, sibling, stepsibling, child, stepchild, and grandchild, as related by blood or by law

o Registration of handguns owned by new residents Any person who becomes a resident of this State following the effective date of P L 2022, c 52 and who transports into this State a firearm that the person owned or acquired while residing in another state shall apply for a firearms purchaser identification card within 60 days of becoming a New Jersey resident, and shall register any handgun so transported into this State within 60 days as provided in this subsection

A person who registers a handgun pursuant to this subsection shall complete a registration statement, which shall be in a form prescribed by the superintendent The information provided in the registration statement shall include, but shall not be limited to, the name and address of the person and the make, model, and serial number of the handgun being registered Each registration statement shall be signed by the person, and the signature shall constitute a representation of the accuracy of the information contained in the registration statement

The registration statement shall be submitted to the law enforcement agency of the municipality in which the person resides or, if the municipality does not have a municipal law enforcement agency, any State Police station

Within 60 days prior to the effective date of P L 2022, c 52, the superintendent shall prepare the form of registration statement as described in this subsection and shall provide a suitable supply of statements to each organized full-time municipal police department and each State Police station

A person who fails to apply for a firearms purchaser identification card or register a handgun as required pursuant to this subsection shall be granted 30 days to comply with the provisions of this subsection If the person does not comply within 30 days, the person shall be liable to a civil penalty of $250 for a first offense and shall be guilty of a disorderly persons offense for a second or subsequent offense

If a person is in possession of multiple firearms or handguns in violation of this subsection, the person shall be guilty of one offense under this subsection provided the violation is a single event

The civil penalty shall be collected pursuant to the "Penalty Enforcement Law of 1999," P L 1999, c 274 (C 2A 58-10 et seq) in a summary proceeding before the municipal court having jurisdiction A law enforcement officer having enforcement authority in that municipality may issue a summons for a violation, and may serve and execute all process with respect to the enforcement of this subsection consistent with the Rules of Court

p A chief police officer or the superintendent may delegate to subordinate officers or employees of the law enforcement agency the responsibilities established pursuant to this section

3 N J S 2C 58-4 is amended to read as follows

Permits to carry handguns

2C 58-4 a Scope and duration of authority Any person who holds a valid permit to carry a handgun issued pursuant to this section shall be authorized to carry a handgun in a holster concealed on their person in all parts of this State, except as prohibited by subsection e of N J S 2C 39-5 and section 7 of P L 2022, c 131 (C 2C 58-4 6) One permit shall be sufficient for all handguns owned by the holder thereof, but the permit shall apply only to a handgun carried by the actual and legal holder of the permit and, except as otherwise provided in subsection b of section 6 of P L 2022, c 131 (C 2C 58-4 5), shall not be construed to authorize a holder to carry a handgun openly, provided that a brief, incidental exposure of a handgun while transferring it to or from a holster or due to the shifting of the person's body position or clothing shall be deemed a de minimis infraction within the contemplation of N J S 2C 2-11

All permits to carry handguns shall expire two years from the date of issuance or, in the case of an employee of an armored car company, upon termination of the employee's employment by the company occurring prior thereto whichever is earlier in time, and they may thereafter be renewed every two years in the same manner and subject to the same conditions as in the case of original applications

b Application forms All applications for permits to carry handguns, and all applications for renewal of permits, shall be made on the forms and in the manner prescribed by the superintendent Each application shall set forth the full name, date of birth, sex, residence, occupation, place of business or employment, any aliases or other names previously used by the applicant, and physical description of the applicant, and any other information the superintendent may prescribe for the determination of the applicant's eligibility for a permit and for the proper enforcement of this chapter The application shall be signed by the applicant under oath, and shall be endorsed by not less than four

reputable persons who are not related by blood or by law to the applicant and have known the applicant for at least three years preceding the date of application, and who shall certify thereon that the applicant has not engaged in any acts or made any statements that suggest the applicant is likely to engage in conduct, other than lawful self-defense, that would pose a danger to the applicant or others The reputable persons also shall provide relevant information supporting the certification, including the nature and extent of their relationship with the applicant and information concerning their knowledge of the applicant's use of drugs or alcohol

c Investigation and approval Each application shall be accompanied by a $200 application fee and shall in the first instance be submitted to the chief police officer of the municipality in which the applicant resides, or to the superintendent if (1) the applicant is an employee of an armored car company, (2) there is no chief police officer in the municipality where the applicant resides, (3) the applicant does not reside in this State, or (4) the applicant is a mayor or other elected member of the municipal governing body

In the case of an application made to the chief police officer of a municipality, $150 of the fee shall be retained by the municipality and the remaining $50 shall be forwarded to the superintendent The fee amount retained by the municipality shall be used to defray the costs of investigation, administration, and processing of the permit to carry handgun applications Application fees made to the superintendent shall be deposited into the Victims of Crime Compensation Office account

The chief police officer, or the superintendent, as the case may be, shall determine whether the application is complete and, if so, shall cause the fingerprints of the applicant to be taken and compared with any and all records maintained by the municipality, the county in which it is located, the State Bureau of Identification and the Federal Bureau of Identification or, for an applicant who previously submitted fingerprints in order to apply for a firearms purchaser identification card or a permit to purchase a handgun in accordance with N J S 2C 58-3 or a permit to carry a handgun in accordance with this section, may solicit such other identification information as may be authorized by the superintendent for the conduct of a comparable criminal record check The chief police officer or the superintendent, as the case may be, shall also determine and record a complete description of each handgun the applicant intends to carry The chief police officer, or the superintendent, as the case may be, shall interview the applicant and the persons endorsing the application under subsection b of this section, and shall make inquiry concerning, and investigate to the extent warranted, whether the applicant is likely to engage in conduct that would result in harm to the applicant or others, including, but not limited to,

whether the applicant has any history of threats or acts of violence by the applicant directed toward self or others or any history of use, attempted use, or threatened use of physical force by the applicant against another person, or other incidents implicating the disqualifying criteria set forth in subsection c of N J S 2C 58-3, including but not limited to determining whether the applicant has been subject to any recent arrests or criminal charges for disqualifying crimes or has been experiencing any mental health issues such as suicidal ideation or violent impulses, and the applicant's use of drugs or alcohol

The chief police officer or the superintendent may require such other information from the applicant or any other person, including but not limited to publicly available statements posted or published online by the applicant, as the chief police officer or superintendent deems reasonably necessary to conduct the review of the application

An application shall not be approved by the chief police officer or the superintendent unless the applicant demonstrates that the applicant is not subject to any of the disabilities set forth in subsection c of N J S 2C 58-3, that the applicant is thoroughly familiar with the safe handling and use of handguns, including providing proof of completion of any training or proficiency requirements established under the law, and that the applicant is in compliance with the liability insurance requirement of section 4 of P L 2022, c 131 (C 2C 58-4 3)

Once the application is deemed complete by the chief police officer or the superintendent, if it is not approved or denied by the chief police officer or the superintendent within 90 days of filing, it shall be deemed to have been approved, provided, however, the chief police officer or the superintendent may, for good cause shown and upon written notification to the applicant, extend by up to an additional 30 days the time period for which the application may be approved or denied The written notification sent to the applicant shall provide a detailed explanation of the reasons for the extension An applicant also may agree in writing to an additional extension of time past the 120 day statutory time frame

A chief police officer or the superintendent may delegate to subordinate officers or employees of the law enforcement agency the responsibilities established pursuant to this section

d Issuance of permit, establishment of web portal, disposition of completed information If the application has been approved by the chief police officer or the superintendent, as the case may be, the chief police officer or the superintendent shall issue the permit to the applicant in the form prescribed by the superintendent

The permit shall be issued to the applicant electronically through electronic mail or through the web portal established or designated for this purpose by the superintendent, or in such form or manner as may be authorized by the superintendent, if, but only if, the chief police officer or superintendent determines that the applicant

(1) has not engaged in any acts or made any statements that suggest the applicant is likely to engage in conduct, other than lawful self-defense, that would pose a danger to the applicant or others and is not subject to any of the disabilities set forth in subsection c of N J S 2C 58-3,

(2) is thoroughly familiar with the safe handling and use of handguns,

(3) has completed the training requirements established pursuant to subsection g of this section, provided that any requirement for classroom instruction and target training shall not be required for a renewal applicant who completed the instruction and training when obtaining a permit to carry a handgun issued within the previous two years, and

(4) is in compliance with the liability insurance requirement of section 4 of P L 2022, c 131 (C 2C 58-4 3)

The provisions of this section requiring the issuance of a permit to carry a handgun utilizing the web portal established pursuant to this subsection and requiring the superintendent or chief police officer to determine that an applicant has completed the training requirement pursuant to subsection c of this section and paragraph (3) of this subsection and is in compliance with the liability insurance requirements pursuant to subsection c of this section and paragraph (4) of this subsection shall remain inoperative until the first day of the seventh month next following the date of enactment of P L 2022, c 131 (C 2C 58-4 2 et al)

e Appeals from denial of applications An applicant who is denied a permit to carry a handgun shall be provided with a written statement of the reasons for the denial Any applicant aggrieved by the denial by the chief police officer or the superintendent of approval for a permit to carry a handgun may request a hearing in the Superior Court of the county in which the applicant resides or in any county in which the applicant intends to carry a handgun, in the case of a nonresident, by filing a written request for a hearing within 30 days of the denial The aggrieved applicant shall serve copies of the request upon the superintendent, the county prosecutor, and the chief police officer of the municipality where the applicant resides, if the applicant is a resident of this State The hearing shall be held within 60 days of the filing of the request, and no formal pleading or filing fee shall be required Appeals from the determination at the hearing shall be in accordance with law and the rules governing the courts of this State

The Administrative Director of the Courts shall coordinate with the superintendent in the development of an electronic filing system to receive requests for hearings and serve the chief police officer and superintendent as required in this section

f Revocation of permits Any permit issued under this section shall be void at the time the holder thereof becomes subject to any of the disabilities set forth in subsection c of N J S 2C 58-3, and the holder of a void permit shall immediately surrender the permit to the superintendent who shall give notice to the licensing authority Any permit may be revoked by the Superior Court, after hearing upon notice to the holder, if the court finds that the holder is no longer qualified for the issuance of a permit The county prosecutor of any county, the chief police officer of any municipality, the superintendent, or any citizen may apply to the court at any time for the revocation of any permit issued pursuant to this section

g Training requirement (1) On or prior to the first day of the seventh month following the enactment of P L 2022, c 131 (C 2C 58-4 2 et al), the superintendent shall establish training requirements in the lawful and safe handling and storage of firearms, which shall consist of an online course of instruction, in-person classroom instruction, and target training administered by a certified firearm instructor on a firing range approved by the superintendent and on the list of approved ranges published on the State Police website The training shall include, but not be limited to, demonstration of a level of proficiency in the use of a handgun in such manner as required by the superintendent and training, developed or approved in conjunction with the Police Training Commission, on justification in the use of deadly force under State law

(2) A person who obtained a permit pursuant to this section prior to the first day of the seventh month following the date of enactment of P L 2022, c 131 (C 2C 58-4 2 et al) and which permit is not scheduled to expire until at least one year following the enactment of P L 2022, c 131 (C 2C 58-4 2 et al) shall comply with the training requirement established pursuant to this subsection no later than the first day of the tenth month following the date of enactment of P L 2022, c 131 (C 2C 58-4 2 et al)

h For purposes of this section, "holster" means a device or sheath that securely retains a handgun which, at a minimum, conceals and protects the main body of the firearm, maintains the firearm in a consistent and accessible position, and renders the trigger covered and inaccessible while the handgun is fully seated in the holster

C 2C 58-4 3 Liability insurance, handgun, public, carrying

4 a Every private citizen who carries a handgun in public in this State shall maintain liability insurance coverage insuring against loss resulting from liability imposed by law for bodily injury, death, and property damage sustained by any person arising out of the ownership, maintenance, operation or use of a firearm carried in public wherein such coverage shall be at least in an amount or limit of $300,000, exclusive of interest and costs, on account of injury to or death of more than one person and for damage to property, in any one incident

b Proof of liability insurance, as required pursuant to subsection a of this section, shall be produced by the person carrying a handgun in public, within a reasonable amount of time following any injury, death, or property damage alleged to have been caused by the person carrying the handgun in public This requirement shall be satisfied by delivering a full and complete copy of the applicable policy or policies of insurance that meet the standards established by subsection a of this section and that were in force at the time of the injury, death, or property damage

Notwithstanding the provisions of this subsection, disclosure of policy information under this section shall not constitute an admission that the alleged injury, death, or property damage is subject to the policy

' Information concerning the insurance policy shall not be admissible as evidence at trial by reason of disclosure pursuant to this subsection The disclosure shall be confidential and available only to the injured person, representative of the decedent, or owner of damaged property and the attorney representing the injured person, representative of the decedent, or owner of damaged property and personnel in the office of the attorney '

c A violation of this section shall be a crime of the fourth degree and shall constitute full and sufficient grounds for revocation of a permit to carry a handgun issued pursuant to N J S 2C 58-4

C 2C 58-4 4 Safety requirements, handgun carry

5 Safe carry requirements for authorized holders of a permit to carry a handgun

a The holder of a permit to carry a handgun issued pursuant to N J S 2C 58-4 shall not

(1) use or consume alcohol, a cannabis item, or a controlled substance while carrying a handgun,

(2) be under the influence of alcohol, cannabis, or a controlled substance while carrying a handgun,

(3) carry a handgun in public outside of a holster or carry a handgun in public in a holster that does not meet the requirements of subsection h of N J S 2C 58-4,

(4) carry more than two firearms under the permittee's control at one time, or

(5) engage in an unjustified display of a handgun

A violation of this subsection shall be a crime of the fourth degree, and any such violation shall constitute full and sufficient grounds for revocation of a permit to carry a handgun issued pursuant to N J S 2C 58-4

b The holder of a permit to carry a handgun issued pursuant to N J S 2C 58-4, if stopped or detained by a law enforcement officer while carrying a handgun in public or traveling with a handgun in a motor vehicle, shall

(1) immediately disclose to the law enforcement officer that they are carrying a handgun or that a handgun is stored in the vehicle, and

(2) display the permit to carry a handgun issued pursuant to N J S 2C 58-4

A violation of paragraph (1) of this section shall be a crime of the fourth degree A person who violates paragraph (2) of this subsection shall be guilty of a disorderly persons offense for a first offense and subject to a $100 fine and a crime of the fourth degree for a second or subsequent offense

c A holder of a permit to carry a handgun issued pursuant to N J S 2C 58-4 who is carrying a handgun in public and is detained by a law enforcement officer as part of a criminal investigation shall provide the handgun to the law enforcement officer upon request for purposes of inspecting the handgun The provisions of this subsection shall not be construed to affect or otherwise limit the authority of a law enforcement officer to conduct a lawful search or seizure

A violation of this subsection shall be a crime of the fourth degree

C 2C 58-4 5 Restrictions, public carrying, handgun

6 Requirements and restrictions on the lawful carrying of a handgun in public

Except as permitted pursuant to N J S 2C 39-6, in addition to any criminal penalties under subsection b of N J S 2C 39-5, sections 5 and 7 of P L 2022, c 131 (C 2C 58-4 4 and C 2C 58-4 6), or any other law, it shall be a crime of the fourth degree for any person in a public place

a to carry a handgun concealed on or about their person, except as permitted in accordance with N J S 2C 39-6, without possessing on their person a valid and lawfully issued permit to carry under N J S 2C 58-4 and proof of the liability insurance required pursuant to section 4 of P L 2022, c 131 (C 2C 58-4 3), or

b to carry a handgun openly, whether or not in possession of a valid and lawfully issued permit to carry under N J S 2C 58-4 and proof of the liability insurance required pursuant to section 4 of P L 2022, c 131 (C 2C 58-4 3)

C 2C 58-4 6 Prohibited areas, carrying, firearms, destructive device

7 Places where the carrying of a firearm or destructive device is prohibited

a Except as otherwise provided in this section and in the case of a brief, incidental entry onto property, which shall be deemed a de minimis infraction within the contemplation of N J S 2C 2-11, it shall be a crime of the third degree for any person, other than a person lawfully carrying a firearm within the authorized scope of an exemption set forth in N J S 2C 39-6, to knowingly carry a firearm as defined in subsection f of N J S 2C 39-1 and a crime of the second degree to knowingly possess a destructive device as defined in subsection c of N J S 2C 39-1 in any of the following places, including in or upon any part of the buildings, grounds, or parking area of

(1) a place owned, leased, or under the control of State, county or municipal government used for the purpose of government administration, including but not limited to police stations,

(2) a courthouse, courtroom, or any other premises used to conduct judicial or court administrative proceedings or functions,

(3) a State, county, or municipal correctional or juvenile justice facility, jail and any other place maintained by or for a governmental entity for the detention of criminal suspects or offenders,

(4) a State-contracted half-way house,

(5) a location being used as a polling place during the conduct of an election and places used for the storage or tabulation of ballots,

(6) within 100 feet of a place where a public gathering, demonstration or event is held for which a government permit is required, during the conduct of such gathering, demonstration or event,

(7) a school, college, university or other educational institution, and on any school bus,

(8) a child care facility, including a day care center,

(9) a nursery school, pre-school, zoo, or summer camp,

(10) a park, beach, recreation facility or area or playground owned or controlled by a State, county or local government unit, or any part of such a place, which is designated as a gun-free zone by the governing authority based on considerations of public safety,

(11) youth sports events, as defined in N J S 5 17-1, during and immediately preceding and following the conduct of the event, except that this provision shall not apply to participants of a youth sports event which is

a firearm shooting competition to which paragraph (3) of subsection b of section 14 of P L 1979, c 179 (C 2C 58-6 1) applies,

(12) a publicly owned or leased library or museum,

(13) a shelter for the homeless, emergency shelter for the homeless, basic center shelter program, shelter for homeless or runaway youth, children's shelter, child care shelter, shelter for victims of domestic violence, or any shelter licensed by or under the control of the Juvenile Justice Commission or the Department of Children and Families,

(14) a community residence for persons with developmental disabilities, head injuries, or terminal illnesses, or any other residential setting licensed by the Department of Human Services or Department of Health,

(15) a bar or restaurant where alcohol is served, and any other site or facility where alcohol is sold for consumption on the premises,

(16) a Class 5 Cannabis retailer or medical cannabis dispensary, including any consumption areas licensed or permitted by the Cannabis Regulatory Commission established pursuant to section 31 of P L 2019, c 153 (C 24 6I-24),

(17) a privately or publicly owned and operated entertainment facility within this State, including but not limited to a theater, stadium, museum, arena, racetrack or other place where performances, concerts, exhibits, games or contests are held,

(18) a casino and related facilities, including but not limited to appurtenant hotels, retail premises, restaurant and bar facilities, and entertainment and recreational venues located within the casino property,

(19) a plant or operation that produces, converts, distributes or stores energy or converts one form of energy to another,

(20) an airport or public transportation hub,

(21) a health care facility, including but not limited to a general hospital, special hospital, psychiatric hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, assisted living center, home health care agency, residential treatment facility, residential health care facility, medical office, or ambulatory care facility,

(22) a facility licensed or regulated by the Department of Human Services, Department of Children and Families, or Department of Health, other than a health care facility, that provides addiction or mental health treatment or support services,

(23) a public location being used for making motion picture or television images for theatrical, commercial or educational purposes, during the time such location is being used for that purpose,

(24) private property, including but not limited to residential, commercial, industrial, agricultural, institutional or undeveloped property, unless the owner has provided express consent or has posted a sign indicating that it is permissible to carry on the premises a concealed handgun with a valid and lawfully issued permit under N J S 2C 58-4, provided that nothing in this paragraph shall be construed to affect the authority to keep or carry a firearm established under subsection e of N J S 2C 39-6, and

(25) any other place in which the carrying of a firearm is prohibited by statute or rule or regulation promulgated by a federal or State agency

b (1) A person, other than a person lawfully carrying a firearm within the authorized scope of an exemption set forth in subsection a , c , or l of N J S 2C 39-6, who is otherwise authorized under the law to carry or transport a firearm shall not do so while in a vehicle in New Jersey, unless the handgun is unloaded and contained in a closed and securely fastened case, gunbox, or locked unloaded in the trunk of the vehicle

(2) A holder of a valid and lawfully issued permit to carry a handgun shall not leave a handgun outside of their immediate possession or control within a parked vehicle, unless the handgun is unloaded and contained in a closed and securely fastened case, or gunbox, and is not visible from outside of the vehicle, or is locked unloaded in the trunk or storage area of the vehicle

A violation of paragraph (1) or (2) of this subsection is a crime of the fourth degree

c Notwithstanding the provisions of subsections a and b of this section, the holder of a valid and lawfully issued permit to carry under N J S 2C 58-4 who is otherwise prohibited under this section from carrying a concealed firearm into the parking area of a prohibited location specified in subsection a of this section shall be permitted to

(1) transport a concealed handgun or ammunition within a vehicle into or out of the parking area, provided that the handgun is unloaded and contained in a closed and securely fastened case, gunbox, or locked unloaded in the trunk or storage area of the vehicle,

(2) store a handgun or ammunition within a locked lock box and out of plain view within the vehicle in the parking area,

(3) transport a concealed handgun in the immediate area surrounding their vehicle within a prohibited parking lot area only for the limited purpose of storing or retrieving the handgun within a locked lock box in the vehicle's trunk or other place inside the vehicle that is out of plain view, and

(4) transport a concealed handgun between a vehicle parked within a prohibited parking lot area and a place other than a prohibited place enumerated in subsection a of this section, provided that the person

immediately leaves the parking lot area and does not enter into or on the grounds of the prohibited place with the handgun

d The holder of a valid and lawfully issued permit to carry under N J S 2C 58-4 shall not be in violation of subsection a of this section while the holder is traveling along a public right-of-way that touches or crosses any of the places enumerated in subsection a of this section if the concealed handgun is carried on their person in accordance with the provisions of this act or is being transported in a vehicle by the permit holder in accordance with all other applicable provisions of law

e (1) Nothing in this act shall be construed to prohibit the holder of a valid and lawfully issued permit under N J S 2C 58-4 who is lawfully authorized to provide security at a place enumerated in subsection a of this section from carrying a firearm, openly or concealed, provided that the authorization is set forth in writing, and only to the extent permitted by the entity responsible for security at the place in question

(2) Unless otherwise required or prohibited by law, the owner or entity in control of any place enumerated in subsection a of this section or owner or entity responsible for providing security may allow or prohibit retired law enforcement officers who are authorized to possess and carry a handgun pursuant to subsection l of N J S 2C 39-6 or qualified retired law enforcement officers within the meaning of the federal "Law Enforcement Officers Safety Act of 2004," Pub L 108-277 to carry a concealed handgun on the premises of such place

f Nothing in this section shall be construed to prohibit an employee of an armored car company who is the holder of a valid and lawfully issued permit to carry a handgun issued pursuant to N J S 2C 58-4 who is contractually authorized to provide services for a client at a place enumerated in subsection a of this section from carrying a firearm, openly, in the regular course of employment

g Nothing in this section shall prohibit the carrying or transporting of a firearm in accordance with subsections e and f of N J S 2C 39-6 or where it is otherwise expressly authorized by law

8 N J S 2C 39-6 is amended to read as follows

Exemptions

2C 39-6 a Provided a person complies with the requirements of subsection j of this section, N J S 2C 39-5 does not apply to

(1) Members of the Armed Forces of the United States or of the National Guard while actually on duty, or while traveling between places of duty and

carrying authorized weapons in the manner prescribed by the appropriate military authorities,

(2) Federal law enforcement officers, and any other federal officers and employees required to carry firearms in the performance of their official duties,

(3) Members of the State Police and, under conditions prescribed by the superintendent, members of the Marine Law Enforcement Bureau of the Division of State Police,

(4) A sheriff, undersheriff, sheriff's officer, prosecutor's detective or investigator, State investigator employed by the Division of Criminal Justice of the Department of Law and Public Safety, investigator employed by the State Commission of Investigation, inspector of the Alcoholic Beverage Control Enforcement Bureau of the Division of State Police in the Department of Law and Public Safety authorized to carry weapons by the Superintendent of State Police, State park police officer, or State conservation police officer,

(5) Except as hereinafter provided, a State correctional police officer, or a prison or jail warden of any penal institution in this State or the warden's deputies, or an employee of the Department of Corrections engaged in the interstate transportation of convicted offenders, while in the performance of the employee's duties, and when required to possess the weapon by a superior officer, or a correctional police officer or keeper of a penal institution in this State at all times while in the State of New Jersey, provided the person annually passes an examination approved by the superintendent testing the person's proficiency in the handling of firearms,

(6) A civilian employee of the United States Government under the supervision of the commanding officer of any post, camp, station, base or other military or naval installation located in this State who is required, in the performance of the employee's official duties, to carry firearms, and who is authorized to carry firearms by the commanding officer, while in the actual performance of the employee's official duties,

(7) (a) A regularly employed member, including a detective, of the police department of any county or municipality, or of any State, interstate, municipal or county park police force or boulevard police force, at all times while in the State of New Jersey,

(b) A special law enforcement officer authorized to carry a weapon as provided in subsection b of section 7 of P.L. 1985, c. 439 (C. 40A:14-146.14),

(c) An airport security officer or a special law enforcement officer appointed by the governing body of any county or municipality, except as provided in subparagraph (b) of this paragraph, or by the commission, board or other body having control of a county park or airport or boulevard police

force, while engaged in the actual performance of the officer's official duties and when specifically authorized by the governing body to carry weapons,

(8) A full-time, paid member of a paid or part-paid fire department or force of any municipality who is assigned full-time or part-time to an arson investigation unit created pursuant to section 1 of P L 1981, c 409 (C 40A 14-7 1) or to the county arson investigation unit in the county prosecutor's office, while either engaged in the actual performance of arson investigation duties or while actually on call to perform arson investigation duties and when specifically authorized by the governing body or the county prosecutor, as the case may be, to carry weapons Prior to being permitted to carry a firearm, a member shall take and successfully complete a firearms training course administered by the Police Training Commission pursuant to P L 1961, c 56 (C 52 17B-66 et seq), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm,

(9) A juvenile correctional police officer in the employment of the Juvenile Justice Commission established pursuant to section 2 of P L 1995, c 284 (C 52 17B-170) subject to the regulations promulgated by the commission,

(10) A designated employee or designated licensed agent for a nuclear power plant under license of the Nuclear Regulatory Commission, while in the actual performance of the person's official duties, if the federal licensee certifies that the designated employee or designated licensed agent is assigned to perform site protection, guard, armed response or armed escort duties and is appropriately trained and qualified, as prescribed by federal regulation, to perform those duties Any firearm utilized by an employee or agent for a nuclear power plant pursuant to this paragraph shall be returned each day at the end of the employee's or agent's authorized official duties to the employee's or agent's supervisor All firearms returned each day pursuant to this paragraph shall be stored in locked containers located in a secure area,

(11) A county correctional police officer at all times while in the State of New Jersey, provided the officer annually passes an examination approved by the superintendent testing the officer's proficiency in the handling of firearms,

(12) A county prosecutor, assistant prosecutor, federal prosecutor, municipal prosecutor, Attorney General, assistant attorney general, deputy attorney general and federal, State, county, or municipal court judge, including a judge of the Tax Court and any other court of limited jurisdiction established, altered, or abolished by law, a judge of the Office of Administrative Law, a judge of the Division of Workers' Compensation at all times while in this State Prior to being permitted to carry a firearm, a person subject to this paragraph shall take and successfully complete a firearms

training course administered by the Police Training Commission pursuant to P L 1961, c 56 (C 52 17B-66 et seq), and shall annually qualify in the use of a handgun or similar weapon prior to being permitted to carry a firearm The superintendent may issue identification cards indicating that such a person is permitted to carry a handgun pursuant to this paragraph

b Subsections a , b and c of N J S 2C 39-5 do not apply to

(1) A law enforcement officer employed by a governmental agency outside of the State of New Jersey while actually engaged in the officer's official duties, provided, however, that the officer has first notified the superintendent or the chief law enforcement officer of the municipality or the prosecutor of the county in which the officer is engaged, or

(2) A licensed dealer in firearms and the dealer's registered employees during the course of their normal business while traveling to and from their place of business and other places for the purpose of demonstration, exhibition or delivery in connection with a sale, provided, however, that the weapon is carried in the manner specified in subsection g of this section

c Provided a person complies with the requirements of subsection j of this section, subsections b and c of N J S 2C 39-5 do not apply to

(1) A special agent of the Division of Taxation who has passed an examination in an approved police training program testing proficiency in the handling of any firearm which the agent may be required to carry, while in the actual performance of the agent's official duties and while going to or from the agent's place of duty, or any other police officer, while in the actual performance of the officer's official duties,

(2) A State deputy conservation police officer or a full-time employee of the Division of Parks and Forestry having the power of arrest and authorized to carry weapons, while in the actual performance of the officer's official duties,

(3) (Deleted by amendment, P L 1986, c 150)

(4) A court attendant appointed by the sheriff of the county or by the judge of any municipal court or other court of this State, while in the actual performance of the attendant's official duties,

(5) A guard employed by any railway express company, banking or building and loan or savings and loan institution of this State, while in the actual performance of the guard's official duties,

(6) A member of a legally recognized military organization while actually under orders or while going to or from the prescribed place of meeting and carrying the weapons prescribed for drill, exercise or parade,

(7) A municipal humane law enforcement officer, authorized pursuant to subsection d of section 25 of P L 2017, c 331 (C 4 22-14 1), or humane law enforcement officer of a county society for the prevention of cruelty to

animals authorized pursuant to subsection c of section 29 of P L 2017, c 331 (C 4 22-14 5), while in the actual performance of the officer's duties,

(8) An employee of a public utilities corporation actually engaged in the transportation of explosives,

(9) A railway policeman, except a transit police officer of the New Jersey Transit Police Department, at all times while in the State of New Jersey, provided that the person has passed an approved police academy training program consisting of at least 280 hours The training program shall include, but need not be limited to, the handling of firearms, community relations, and juvenile relations,

(10) A campus police officer appointed under P L 1970, c 211 (C 18A 6-4 2 et seq) at all times Prior to being permitted to carry a firearm, a campus police officer shall take and successfully complete a firearms training course administered by the Police Training Commission, pursuant to P L 1961, c 56 (C 52 17B-66 et seq), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm,

(11) (Deleted by amendment, P L 2003, c 168)

(12) A transit police officer of the New Jersey Transit Police Department, at all times while in the State of New Jersey, provided the officer has satisfied the training requirements of the Police Training Commission, pursuant to subsection c of section 2 of P L 1989, c 291 (C 27 25-15 1),

(13) A parole officer employed by the State Parole Board at all times Prior to being permitted to carry a firearm, a parole officer shall take and successfully complete a basic course for regular police officer training administered by the Police Training Commission, pursuant to P L 1961, c 56 (C 52 17B-66 et seq), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm,

(14) A Human Services police officer at all times while in the State of New Jersey, as authorized by the Commissioner of Human Services,

(15) A person or employee of any person who, pursuant to and as required by a contract with a governmental entity, supervises or transports persons charged with or convicted of an offense,

(16) A housing authority police officer appointed under P L 1997, c 210 (C 40A 14-146 19 et al) at all times while in the State of New Jersey, or

(17) A probation officer assigned to the "Probation Officer Community Safety Unit" created by section 2 of P L 2001, c 362 (C 2B 10A-2) while in the actual performance of the probation officer's official duties Prior to being permitted to carry a firearm, a probation officer shall take and successfully complete a basic course for regular police officer training administered by the Police Training Commission, pursuant to P L 1961, c 56

(C 52 17B-66 et seq), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm

d (1) Subsections c and d of N J S 2C 39-5 do not apply to antique firearms, provided that the antique firearms are unloaded or are being fired for the purposes of exhibition or demonstration at an authorized target range or in another manner approved in writing by the chief law enforcement officer of the municipality in which the exhibition or demonstration is held, or if not held on property under the control of a particular municipality, the superintendent

(2) Subsection a of N J S 2C 39-3 and subsection d of N J S 2C 39-5 do not apply to an antique cannon that is capable of being fired but that is unloaded and immobile, provided that the antique cannon is possessed by (a) a scholastic institution, a museum, a municipality, a county or the State, or (b) a person who obtained a firearms purchaser identification card as specified in N J S 2C 58-3

(3) Subsection a of N J S 2C 39-3 and subsection d of N J S 2C 39-5 do not apply to an unloaded antique cannon that is being transported by one eligible to possess it, in compliance with regulations the superintendent may promulgate, between its permanent location and place of purchase or repair

(4) Subsection a of N J S 2C 39-3 and subsection d of N J S 2C 39-5 do not apply to antique cannons that are being loaded or fired by one eligible to possess an antique cannon, for purposes of exhibition or demonstration at an authorized target range or in the manner as has been approved in writing by the chief law enforcement officer of the municipality in which the exhibition or demonstration is held, or if not held on property under the control of a particular municipality, the superintendent, provided that performer has given at least 30 days' notice to the superintendent

(5) Subsection a of N J S 2C 39-3 and subsection d of N J S 2C 39-5 do not apply to the transportation of unloaded antique cannons directly to or from exhibitions or demonstrations authorized under paragraph (4) of subsection d of this section, provided that the transportation is in compliance with safety regulations the superintendent may promulgate Those subsections shall not apply to transportation directly to or from exhibitions or demonstrations authorized under the law of another jurisdiction, provided that the superintendent has been given 30 days' notice and that the transportation is in compliance with safety regulations the superintendent may promulgate

e Nothing in subsections b , c , and d of N J S 2C 39-5 shall be construed to prevent a person keeping or carrying about the person's place of business, residence, premises or other land owned or possessed by the person, any firearm, or from carrying the same, in the manner specified in subsection g of this section, from any place of purchase to the person's residence or place of business, between the person's dwelling and place of

business, between one place of business or residence and another when moving, or between the person's dwelling or place of business and place where the firearms are repaired, for the purpose of repair For the purposes of this section, a place of business shall be deemed to be a fixed location

f Nothing in subsections b , c , and d of N J S 2C 39-5 shall be construed to prevent

(1) A member of any rifle or pistol club organized in accordance with the rules prescribed by the National Board for the Promotion of Rifle Practice, in going to or from a place of target practice, carrying firearms necessary for target practice, provided that the club has filed a copy of its charter with the superintendent and annually submits a list of its members to the superintendent and provided further that the firearms are carried in the manner specified in subsection g of this section,

(2) A person carrying a firearm or knife in the woods or fields or upon the waters of this State for the purpose of hunting, target practice or fishing, provided that the firearm or knife is legal and appropriate for hunting or fishing purposes in this State and the person has in the person's possession a valid hunting license, or, with respect to fresh water fishing, a valid fishing license,

(3) A person transporting any firearm or knife while traveling

(a) Directly to or from any place for the purpose of hunting or fishing, provided the person has in the person's possession a valid hunting or fishing license, or

(b) Directly to or from any target range, or other authorized place for the purpose of practice, match, target, trap or skeet shooting exhibitions, provided in all cases that during the course of the travel all firearms are carried in the manner specified in subsection g of this section and the person has complied with all the provisions and requirements of Title 23 of the Revised Statutes and any amendments thereto and all rules and regulations promulgated thereunder, or

(c) In the case of a firearm, directly to or from any exhibition or display of firearms which is sponsored by any law enforcement agency, any rifle or pistol club, or any firearms collectors club, for the purpose of displaying the firearms to the public or to the members of the organization or club, provided, however, that not less than 30 days prior to the exhibition or display, notice of the exhibition or display shall be given to the Superintendent of the State Police by the sponsoring organization or club, and the sponsor has complied with any reasonable safety regulations the superintendent may promulgate Any firearms transported pursuant to this section shall be transported in the manner specified in subsection g of this section,

(4) A person from keeping or carrying about a private or commercial aircraft or any boat, or from transporting to or from the aircraft or boat for

the purpose of installation or repair of a visual distress signaling device approved by the United States Coast Guard

g Any weapon being transported under paragraph (2) of subsection b , subsection e , or paragraph (1) or (3) of subsection f of this section shall be carried unloaded and contained in a closed and fastened case, gunbox, securely tied package, or locked in the trunk of the automobile in which it is being transported, and in the course of travel shall include only deviations as are reasonably necessary under the circumstances

h Nothing in subsection d of N J S 2C 39-5 shall be construed to prevent any employee of a public utility, as defined in R S 48 2-13, doing business in this State or any United States Postal Service employee, while in the actual performance of duties which specifically require regular and frequent visits to private premises, from possessing, carrying or using any device which projects, releases or emits any substance specified as being noninjurious to canines or other animals by the Commissioner of Health and which immobilizes only on a temporary basis and produces only temporary physical discomfort through being vaporized or otherwise dispensed in the air for the sole purpose of repelling canine or other animal attacks

The device shall be used solely to repel only those canine or other animal attacks when the canines or other animals are not restrained in a fashion sufficient to allow the employee to properly perform the employee's duties

Any device used pursuant to this act shall be selected from a list of products, which consist of active and inert ingredients, permitted by the Commissioner of Health

i (1) Nothing in N J S 2C 39-5 shall be construed to prevent any person who is 18 years of age or older and who has not been convicted of a crime, from possession for the purpose of personal self-defense of one pocket-sized device which contains and releases not more than three-quarters of an ounce of chemical substance not ordinarily capable of lethal use or of inflicting serious bodily injury, but rather, is intended to produce temporary physical discomfort or disability through being vaporized or otherwise dispensed in the air Any person in possession of any device in violation of this subsection shall be deemed and adjudged to be a disorderly person, and upon conviction thereof, shall be punished by a fine of not less than $100

(2) Notwithstanding the provisions of paragraph (1) of this subsection, nothing in N J S 2C 39-5 shall be construed to prevent a health inspector or investigator operating pursuant to the provisions of section 7 of P L 1977, c 443 (C 26 3A2-25) or a building inspector from possessing a device which is capable of releasing more than three-quarters of an ounce of a chemical substance, as described in paragraph (1) of this subsection, while in the actual

performance of the inspector's or investigator's duties, provided that the device does not exceed the size of those used by law enforcement

j A person shall qualify for an exemption from the provisions of N J S 2C 39-5, as specified under subsections a and c of this section, if the person has satisfactorily completed a firearms training course approved by the Police Training Commission

The exempt person shall not possess or carry a firearm until the person has satisfactorily completed a firearms training course and shall annually qualify in the use of a revolver or similar weapon For purposes of this subsection, a "firearms training course" means a course of instruction in the safe use, maintenance and storage of firearms which is approved by the Police Training Commission The commission shall approve a firearms training course if the requirements of the course are substantially equivalent to the requirements for firearms training provided by police training courses which are certified under section 6 of P L 1961, c 56 (C 52 17B-71) A person who is specified in paragraph (1), (2), (3), or (6) of subsection a of this section shall be exempt from the requirements of this subsection

k Nothing in subsection d of N J S 2C 39-5 shall be construed to prevent any financial institution, or any duly authorized personnel of the institution, from possessing, carrying or using for the protection of money or property, any device which projects, releases or emits tear gas or other substances intended to produce temporary physical discomfort or temporary identification

l Nothing in subsection b of N J S 2C 39-5 shall be construed to prevent a law enforcement officer who retired in good standing, including a retirement because of a disability pursuant to section 6 of P L 1944, c 255 (C 43 16A-6), section 7 of P L 1944, c 255 (C 43 16A-7), section 1 of P L 1989, c 103 (C 43 16A-6 1), or any substantially similar statute governing the disability retirement of federal law enforcement officers, provided the officer was a regularly employed, full-time law enforcement officer for an aggregate of four or more years prior to the officer's disability retirement and further provided that the disability which constituted the basis for the officer's retirement did not involve a certification that the officer was mentally incapacitated for the performance of the officer's usual law enforcement duties and any other available duty in the department which the officer's employer was willing to assign to the officer or does not subject that retired officer to any of the disabilities set forth in subsection c of N J S 2C 58-3 which would disqualify the retired officer from possessing or carrying a firearm, who semi-annually qualifies in the use of the handgun the officer is permitted to carry in accordance with the requirements and procedures established by the Attorney General pursuant to subsection j of this section and pays the actual costs associated with

those semi-annual qualifications, who is 75 years of age or younger, and who was regularly employed as a full-time member of the State Police, a full-time member of an interstate police force, a full-time member of a county or municipal police department in this State, a full-time member of a State law enforcement agency, a full-time sheriff, undersheriff or sheriff's officer of a county of this State, a full-time State or county correctional police officer, a full-time State correctional police officer or county correctional police officer, a full-time State or county park police officer, a full-time special agent of the Division of Taxation, a full-time Human Services police officer, a full-time transit police officer of the New Jersey Transit Police Department, a full-time campus police officer exempted pursuant to paragraph (10) of subsection c of this section, a full-time State conservation police officer exempted pursuant to paragraph (4) of subsection a of this section, a full-time Palisades Interstate Park officer appointed pursuant to R S 32 14-21, a full-time Burlington County Bridge police officer appointed pursuant to section 1 of P L 1960, c 168 (C 27 19-36 3), a full-time housing authority police officer exempted pursuant to paragraph (16) of subsection c of this section, a full-time juvenile correctional police officer exempted pursuant to paragraph (9) of subsection a of this section, a full-time parole officer exempted pursuant to paragraph (13) of subsection c of this section, a full-time railway policeman exempted pursuant to paragraph (9) of subsection c of this section, a full-time county prosecutor's detective or investigator, a full-time federal law enforcement officer, or is a qualified retired law enforcement officer, as used in the federal "Law Enforcement Officers Safety Act of 2004," Pub L 108-277, domiciled in this State from carrying a handgun in the same manner as law enforcement officers exempted under paragraph (7) of subsection a of this section A retired law enforcement officer shall be entitled to carry a handgun pursuant to this subsection under the following conditions

(1) The retired law enforcement officer shall make application in writing to the Superintendent of State Police for approval to carry a handgun every two years A renewal application shall be submitted in the same manner

(2) Upon receipt of the written application of the retired law enforcement officer, the superintendent shall request a verification of service from the chief law enforcement officer of the organization in which the retired officer was last regularly employed as a full-time law enforcement officer prior to retiring The verification of service shall include

(a) The name and address of the retired officer,

(b) The date that the retired officer was hired and the date that the officer retired,

(c) A list of all handguns known to be registered to that officer,

(d) A statement that, to the reasonable knowledge of the chief law enforcement officer, the retired officer is not subject to any of the restrictions set forth in subsection c of N J S 2C 58-3, and

(e) A statement that the officer retired in good standing

(3) If the superintendent approves a retired officer's application or reapplication to carry a handgun pursuant to the provisions of this subsection, the superintendent shall notify in writing the chief law enforcement officer of the municipality wherein that retired officer resides In the event the retired officer resides in a municipality which has no chief law enforcement officer or law enforcement agency, the superintendent shall maintain a record of the approval

(4) The superintendent shall issue to an approved retired officer an identification card permitting the retired officer to carry a handgun pursuant to this subsection This identification card shall be valid for two years from the date of issuance and shall be valid throughout the State The identification card shall not be transferable to any other person The identification card shall be carried at all times on the person of the retired officer while the retired officer is carrying a handgun The retired officer shall produce the identification card for review on the demand of any law enforcement officer or authority

(5) Any person aggrieved by the denial of the superintendent of approval for a permit to carry a handgun pursuant to this subsection may request a hearing in the Superior Court of New Jersey in the county in which the person resides by filing a written request for a hearing within 30 days of the denial Copies of the request shall be served upon the superintendent and the county prosecutor The hearing shall be held within 30 days of the filing of the request, and no formal pleading or filing fee shall be required Appeals from the determination of the hearing shall be in accordance with law and the rules governing the courts of this State

(6) A judge of the Superior Court may revoke a retired officer's privilege to carry a handgun pursuant to this subsection for good cause shown on the application of any interested person A person who becomes subject to any of the disabilities set forth in subsection c of N J S 2C 58-3 shall surrender, as prescribed by the superintendent, the person's identification card issued under paragraph (4) of this subsection to the chief law enforcement officer of the municipality wherein the person resides or the superintendent, and shall be permanently disqualified to carry a handgun under this subsection

(7) The superintendent may charge a reasonable application fee to retired officers to offset any costs associated with administering the application process set forth in this subsection

m Nothing in subsection d of N J S 2C 39-5 shall be construed to prevent duly authorized personnel of the New Jersey Division of Fish and

Wildlife, while in the actual performance of duties, from possessing, transporting or using any device that projects, releases or emits any substance specified as being non-injurious to wildlife by the Director of the Division of Animal Health in the Department of Agriculture, and which may immobilize wildlife and produces only temporary physical discomfort through being vaporized or otherwise dispensed in the air for the purpose of repelling bear or other animal attacks or for the aversive conditioning of wildlife

n Nothing in subsection b , c , d or e of N J S 2C 39-5 shall be construed to prevent duly authorized personnel of the New Jersey Division of Fish and Wildlife, while in the actual performance of duties, from possessing, transporting or using hand held pistol-like devices, rifles or shotguns that launch pyrotechnic missiles for the sole purpose of frightening, hazing or aversive conditioning of nuisance or depredating wildlife, from possessing, transporting or using rifles, pistols or similar devices for the sole purpose of chemically immobilizing wild or non-domestic animals, or, provided the duly authorized person complies with the requirements of subsection j of this section, from possessing, transporting or using rifles or shotguns, upon completion of a Police Training Commission approved training course, in order to dispatch injured or dangerous animals or for non-lethal use for the purpose of frightening, hazing or aversive conditioning of nuisance or depredating wildlife

C 2C 58-4 7 Regulations, necessary to implementation

9 Notwithstanding any provision of the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq) to the contrary, the Superintendent of State Police may adopt immediately upon filing with the Office of Administrative Law such regulations as the superintendent deems necessary to implement the provisions of P L 2022, c 131 (C 2C 58-4 2 et al), which shall be effective for a period not to exceed 18 months, and may thereafter be amended, adopted, or readopted by the superintendent in accordance with the requirements of the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq)

C 2C 58-4 8 Application determinations, pending, filed, submitted

10 a Notwithstanding the provisions of subsection d of N J S 2C 58-4, application determinations for a permit to carry a handgun that were pending before the Superior Court and filed prior to the date of enactment of P L 2022, c 131 (C 2C 58-4 2 et al) shall be made by the court A Judge of the Superior Court may rely on the approval by the chief police officer or superintendent, as the case may be, as the basis for issuing the permit

b Application determinations for a permit to carry a handgun that are submitted on or after the date of enactment of P L 2022, c 131 (C 2C 58-4 2

et al) shall be made by a chief police officer or superintendent, as the case may be, in accordance with subsection d of N J S 2C 58-4

C 2C 58-4 9 Severability

11 The provisions of P L 2022, c 131 (C 2C 58-4 2 et al) are severable, if any provision, or application of any provision, of this amendatory and supplementary act is held invalid by any court, the holding or judgment shall not affect the remaining provisions or applications of the provisions thereof

12 Sections 2, 3, 7, and 10 of this act shall take effect immediately and the remainder of this act shall take effect on the first day of the seventh month next following the date of enactment, but the Attorney General, Superintendent of State Police, and Commissioner of Banking and Insurance may take such anticipatory action as is necessary for the implementation of this act

Approved December 22, 2022

CHAPTER 132

AN ACT concerning basic life support services, specialty care transport units, and amending P L 2021, c 477

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

1 Section 1 of P L 2021, c 477 is amended to read as follows

1 a As used in this section

"ACLS certification" means valid certification in Advanced Cardiac Life Support as issued by the American Heart Association

"Advanced life support" means an advanced level of pre-hospital, inter-hospital, and emergency service care which includes basic life support functions, cardiac monitoring, cardiac defibrillation, telemetered electrocardiography, administration of anti-arrhythmic agents, intravenous therapy, administration of specific medications, drugs and solutions, use of adjunctive ventilation devices, trauma care and other techniques and procedures authorized in writing by the Commissioner of Health

"Basic life support" means a basic level of pre-hospital care which includes patient stabilization, airway clearance, cardiopulmonary resuscitation, hemorrhage control, initial wound care and fracture stabilization, and other techniques and procedures authorized by the Commissioner of Health

"Emergency medical technician-paramedic" means a person trained in advanced life support services and certified by the Commissioner of Health to render advanced life support services as part of a mobile intensive care unit

"First responder" means a police officer, firefighter, or other person who has been trained to provide emergency medical first response services in a program recognized by the Commissioner of Health

"ITLS certification" means valid certification in International Trauma Life Support as issued by the American College of Emergency Physicians

"Mobile intensive care nurse" means a registered nurse who has completed at least one year of full-time nursing care performing advanced clinical skills in the critical care unit or emergency department of an acute care hospital, possesses Emergency Medical Technician-Basic, cardiopulmonary resuscitation, and ACLS certifications, possesses PALS or Pediatric Education for Prehospital Professionals-Advanced certification or has successfully completed the Emergency Nurse Pediatric Course to the standards of the Emergency Nurses Association, possesses either PHTLS or ITLS certification, has successfully completed at least a mobile intensive care unit field internship consisting of at least 100 hours, has successfully intubated at least five patients and has demonstrated proficiency in pre-hospital advanced life support treatment to the satisfaction of the nurse's mobile intensive care program's medical director, is physically capable of performing the duties of a mobile intensive care nurse, and is endorsed by the medical director of a mobile intensive care program

"Mobile intensive care unit" means a specialized emergency medical service vehicle operated for the provision of advanced life support services under the direction of an authorized hospital

"PALS certification" means valid certification in Pediatric Advanced Life Support as issued by the American Heart Association

"PHTLS certification" means valid certification in Pre-Hospital Trauma Life Support as issued by the National Association of EMTs

"Specialty care transport nurse" means a registered nurse who has completed at least one year of full time nursing care performing advanced clinical skills in an acute care hospital's critical care unit or emergency department and possesses valid certification as either a critical care registered nurse or a certified emergency nurse, holds certifications in CPR and ACLS, holds certification in PALS or has successfully completed the Emergency Nurse Pediatric Course to the standards of the Emergency Nurses Association, has additional training in endotrachael intubation and has been deemed competent by the medical director, and has documented completion of competencies for advanced life support equipment, including, but not

limited to, cardiac monitor/defibrillator, external pacemaker, IV pump, ventilator, intra-aortic balloon pump, specialized respirators, and incubators

"Specialty care transport unit" means a specialized transport medical service vehicle that is validly licensed by the department and operated in accordance with rules and regulations promulgated by the department

b (1) Until January 1, 2024, a basic life support services vehicle other than a basic life support services vehicle described in subsection d of this section, when in service, shall be staffed by a minimum of two emergency medical technicians or by a minimum of one emergency medical technician and one first responder Any individual staffing a basic life support vehicle as provided in this paragraph shall be authorized to render care within that individual's scope of practice In the case of a vehicle staffed by one emergency medical technician and one first responder, the emergency medical technician shall be present in the patient compartment of the vehicle at all times when a patient is present in the vehicle

(2) Until January 1, 2023, a mobile intensive care unit, when in service, shall be staffed by a minimum of two persons, which two persons may be two emergency medical technician-paramedics, two mobile intensive care nurses, one emergency medical technician-paramedic and one mobile intensive care nurse, or one emergency medical technician and one emergency medical technician-paramedic or mobile intensive care nurse Any individual staffing a mobile intensive care unit as provided in this paragraph shall be authorized to render care within that individual's scope of practice In the case of a mobile intensive care unit staffed by one emergency medical technician and one emergency medical technician-paramedic or mobile intensive care nurse, the emergency medical technician-paramedic or mobile intensive care nurse shall provide primary patient care

(3) Until January 1, 2024, a specialty care transport unit, when in service, shall be staffed by a minimum of one specialty care transport nurse and one emergency medical technician Any individual staffing a specialty care transport unit as provided in this paragraph shall be authorized to render care within that individual's scope of practice The specialty care transport nurse shall provide primary patient care

c Each individual staffing a basic life support vehicle, a mobile intensive care unit, or a specialty care transport unit pursuant to subsection b of this section shall be at least 18 years of age In addition, a first responder staffing a basic life support vehicle pursuant to paragraph (1) of subsection b of this section shall

(1) be certified to administer cardio-pulmonary resuscitation,

(2) be able to operate a basic life support vehicle, and

(3) have completed a training program that has been approved by the basic life support agency medical director and that includes, at a minimum safe vehicle operations, patient lifting and moving, safe use of patient restraints, basic first aid, and documentation

d The provisions of subsection b of this section shall not apply to a basic life support vehicle dispatched in response to a 9-1-1 emergency call, which vehicles, when in service, shall be staffed by a minimum of two emergency medical technicians

e Nothing in this section shall be construed to

(1) revise the requirements for certification, or to practice, as an emergency medical technician, an emergency medical technician-paramedic, a mobile intensive care nurse, or a specialty care transport nurse in New Jersey,

(2) revise the scope of practice authorized for emergency medical technicians, emergency medical technician-paramedics, mobile intensive care nurses, or specialty care transport nurses in New Jersey,

(3) revise the standards or requirements for equipment for basic life support vehicles, mobile intensive care units, or specialty care transport units, or

(4) alter the provisions of subsection b of section 2 of P L 1971, c 136 (C 26 2H-2) or section 13 of P L 1987, c 284 (C 27 5F-30)

2 This act shall take effect immediately

Approved December 22, 2022

CHAPTER 133

AN ACT concerning new federal partnership tax audit regime, ending COVID-related tax extensions, eliminating requirement to affirmatively elect New Jersey S Corporation status, and administering these changes under the gross income tax and the corporation business tax, supplementing Title 54A of the New Jersey Statutes and P L 145, c 162, 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 54A 2-2 is amended to read as follows

Partners and partnerships

54A 2-2 a A partnership as such shall not be subject to the New Jersey Gross Income Tax Individuals carrying on business as partners shall be liable for the New Jersey Gross Income Tax only in their separate or individual capacities, except as provided under section b of this section

b A partnership shall report any federal partnership audit adjustments made by the Internal Revenue Service pursuant section 6225(a)(1) of the Internal Revenue Code (26 U S C s 6225(a)(1)) to the Division of Taxation in the Department of the Treasury in accordance with subsection d of section 8 of P L 2022, c 133 (C 54 50-49) The partners of the reviewed year shall make payment of any New Jersey Gross Income Tax liability that results from the federal partnership audit adjustments reported on the Federal Adjustments Report, unless the partnership makes the election to pay tax on the partner's behalf

Failure of the partnership, partner, tiered partner, indirect partner, or member to report or pay federal adjustments pursuant to section 6225(a) and section 6225(c) of the Internal Revenue Code shall not prevent the director from assessing the partnership, partner, tiered partner, indirect partner, or member for taxes they owe, using the best information available, in the event that the partnership, partner, tiered partner, indirect partner, or member fails to timely make any report or payment required by this section for any reason

c The director may adopt rules and regulations that the director deems necessary to effectuate the provisions of this section

2 N J S 54A 5-4 is amended to read as follows

Taxability of partners

54A 5-4 a Except as provided in subsections b and c of this section, a partnership or association as such shall not be subject to the tax imposed by this act, but the income or gain of a partner or member of a partnership or association shall be subject to the tax and the tax shall be imposed on the partner's or member's share, whether or not distributed, of the income or gain received by the partnership or association for its taxable year ending within or with the partner's or member's taxable year

b A partnership shall report and make payment of any New Jersey gross income tax liability that results from the federal partnership audit adjustments in accordance with subsection d of section 8 of P L 2022, c 133 (C 54 50-49)

c Failure of the partnership, partner, indirect partner, tiered partner, or member to report or pay federal adjustments that result from the federal

partnership audit adjustments shall not prevent the director from assessing a partnership, partner, indirect partner, tiered partner, or member for taxes they owe, using the best information available, if the partnership, partner, indirect partner, tiered partner, or member fails to timely make any report or payment required by this section for any reason

3 N J S 54A 8-7 is amended to read as follows

Report of change in federal taxable income or credit

54A 8-7 a Report of change in federal taxable income or credit If the amount of a taxpayer's federal taxable income or earned income tax credit reported on the taxpayer's federal income tax return for any taxable year is changed or corrected by the United States Internal Revenue Service or other competent authority, or as the result of a renegotiation of a contract or subcontract with the United States, the taxpayer shall report such change or correction in federal taxable income or earned income tax credit within 90 days after the final determination of such change, correction, or renegotiation, or as otherwise required by the director, and shall concede the accuracy of such determination or state wherein it is erroneous Any taxpayer filing an amended federal income tax return, including a return or other information filed pursuant to section 6225(c) of the Internal Revenue Code (26 U S C s 6225(c)), shall also file within 90 days thereafter an amended return under this act, and shall give such information as the director may require The director may by regulation prescribe such exceptions to the requirements of this section as the director deems appropriate

b A partnership shall report the Final Federal Adjustments from a federal partnership audit or administrative adjustment request pursuant to section 6225(a)(1) of the Internal Revenue Code (26 U S C s 6225(a)(1)) by filing the Federal Adjustments Report as prescribed by the director within 90 days after the Final Determination Date of the federal adjustments arising from a partnership-level audit

c The director may assess the federally audited partnership, partners, or both, for taxes they owe, using the best information available, even if the partnership or tiered partner fails to timely make any report required by this section for any reason

d The director shall adopt rules and regulations the director may deem necessary to effectuate the provisions of this section

4 N J S 54A 9-4 is amended to read as follows

Limitations on assessment

54A 9-4 (a) General Except as otherwise provided in this section, any tax under this act shall be assessed within 3 years after the return was filed (whether or not such return was filed on or after the date prescribed)

(b) Time return deemed filed

(1) Early return For purposes of this section a return of income tax, except withholding tax, filed before the last day prescribed by law or by regulations promulgated pursuant to law for the filing thereof, shall be deemed to be filed on such last day

(2) Return of withholding tax For purposes of this section, if a return of withholding tax for any period ending with or within a calendar year is filed before April 15 of the succeeding calendar year, such return shall be deemed to be filed on April 15 of such succeeding calendar year

(c) Exceptions

(1) Assessment at any time The tax may be assessed at any time if--

(A) No return is filed,

(B) A false or fraudulent return is filed with intent to evade tax, or

(C) The taxpayer fails to comply with N J S 54A 8-7, in not reporting a change or correction increasing the taxpayer's Federal taxable income as reported on his Federal income tax return, or in not reporting a change or correction which is treated in the same manner as if it were a deficiency for Federal income tax purposes, in not filing an amended return, or, for both partners and partnerships, in not reporting final federal adjustments resulting from a partnership audit pursuant to section 6225(a)(1) of the Internal Revenue Code (26 U S C s 6225(a)(1))

(2) Extension by agreement Where, before the expiration of the time prescribed in this section for the assessment of tax, both the director and the taxpayer have consented in writing to its assessment after such time, the tax may be assessed at any time prior to the expiration of the period agreed upon The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon

(3) Report of changed or corrected Federal income If the taxpayer shall, pursuant to subsection a of N J S 54A 8-7, report a change or correction or file an amended return increasing the taxpayer's Federal taxable income or report a change or correction which is treated in the same manner as if it were a deficiency for Federal income tax purposes, the assessment (if not deemed to have been made upon the filing of the report or amended return) may be made at any time within 2 years after such report or amended return was filed The amount of such assessment of tax shall not exceed the amount of the increase in New Jersey tax attributable to such Federal change or

correction The provisions of this paragraph shall not affect the time within which or the amount for which an assessment may otherwise be made

(4) Recovery of erroneous refund An erroneous refund shall be considered an underpayment of tax on the date made, and an assessment of a deficiency arising out of an erroneous refund may be made at any time within 3 years from the making of the refund, except that the assessment may be made within 5 years from the making of the refund if it appears that any part of the refund was induced by fraud or misrepresentation of a material fact

(5) Request for prompt assessment If a return is required for a decedent or for the decedent's estate during the period of administration, the tax shall be assessed within 18 months after written request therefor (made after the return is filed) by the executor, administrator or other person representing the estate of such decedent, but not more than 3 years after the return was filed, except as otherwise provided in this subsection and subsection (d)

(6) Final federal adjustments resulting from a Federal Partnership Audit Tax may be assessed against the partnership, direct or indirect partners, or both, within two years of the time that a partnership files a Federal Adjustments Report as required by N J S 54A 8-7 that includes Final Federal Adjustments from a federal partnership audit or administrative adjustments request that would result in additional New Jersey income tax for one or more direct or indirect partners

(d) Omission of income on return The tax may be assessed at any time within 6 years after the return was filed if--

(1) An individual omits from his New Jersey income an amount properly includible therein which is in excess of 25% of the amount of New Jersey income stated in the return, or

(2) An estate or trust omits income from its return in an amount in excess of 25% of its income determined as if it were an individual, computing his New Jersey income under this act

For purposes of this subsection there shall not be taken into account any amount which is omitted in the return if such amount is disclosed in the return, or in a statement attached to the return, in a manner adequate to apprise the director of the nature and amount of such item

(e) Suspension of running of period of limitation The running of the period of limitations on assessment or collection of tax or other amount (or of a transferee's liability) shall, after the mailing of a notice of deficiency, be suspended for the period during which the director is prohibited under subsection (c) of section N J S 54A 9-2 from making the assessment or from collecting by levy

5 N J S 54A 9-8 is amended to read as follows

Limitations on credit or refund

54A 9-8 (a) General Claim for credit or refund of an overpayment of income tax shall be filed by the taxpayer within 3 years from the time the return was filed or 2 years from the time the tax was paid, whichever of such periods expires the later, or if no return was filed, within 2 years from the time the tax was paid If the claim is filed within the 3-year period, the amount of the credit or refund shall not exceed the portion of the tax paid within the 3 years immediately preceding the filing of the claim plus the period of any extension of time for filing the return If the claim is not filed within the 3-year period, but is filed within the 2-year period, the amount of the credit or refund shall not exceed the portion of the tax paid during the 2 years immediately preceding the filing of the claim Except as otherwise provided in this section, if no claim is filed, the amount of a credit or refund shall not exceed the amount which would be allowable if a claim had been filed on the date the credit or refund is allowed

(b) Extension of time by agreement If an agreement under the provisions of paragraph (2) of subsection (c) of N J S 54A 9-4 (extending the period for assessment of income tax) is made within the period prescribed in subsection (a) for the filing of a claim for credit or refund, the period for filing a claim for credit or refund, or for making credit or refund if no claim is filed, shall not expire prior to 6 months after the expiration of the period within which an assessment may be made pursuant to the agreement or any extension thereof The amount of such credit or refund shall not exceed the portion of the tax paid after the execution of the agreement and before the filing of the claim or the making of the credit or refund, as the case may be, plus the portion of the tax paid within the period which would be applicable under subsection (a) if a claim had been filed on the date the agreement was executed

(c) Notice of change or correction of Federal income If a taxpayer is required by N J S 54A 8-7 to report a change or correction in Federal taxable income reported on the taxpayer's Federal income tax return, or to report a change or correction which is treated in the same manner as if it were an overpayment for Federal income tax purposes, or to file an amended return with the director, claim for credit or refund of any resulting overpayment of tax shall be filed by the taxpayer within 2 years from the time the notice of such change or correction or such amended return was required to be filed with the director The amount of such credit or refund shall not exceed the amount of the reduction in tax attributable to such Federal change, correction or items amended on the taxpayer's amended Federal income tax return This

subsection shall not affect the time within which or the amount for which a claim for credit or refund may be filed apart from this subsection

(d) Failure to file claim within prescribed period No credit or refund shall be allowed or made, except as provided in subsection (e) of this section or subsection (d) of N J S 54A 9-10, after the expiration of the applicable period of limitation specified in this act, unless a claim for credit or refund is filed by the taxpayer within such period Any later credit shall be void and any later refund erroneous No period of limitations specified in any other law shall apply to the recovery by a taxpayer of moneys paid in respect of taxes under this act

(e) Effect of petition to director If a notice of deficiency for a taxable year has been mailed to the taxpayer under N J S 54A 9-2 and if the taxpayer files a timely petition with the director under N J S 54A 9-9, the director may determine that the taxpayer has made an overpayment for such year (whether or not the director also determines a deficiency for such year) No separate claim for credit or refund for such year shall be filed, and no credit or refund for such year shall be allowed or made, except--

(1) As to overpayments determined by a decision of the director which has become final, and

(2) As to any amount collected in excess of an amount computed in accordance with the decision of the director which has become final, and

(3) As to any amount claimed as a result of a change or correction described in subsection (c)

(f) Limit on amount of credit or refund The amount of overpayment determined under subsection (e) shall, when the decision of the director has become final, be credited or refunded in accordance with subsection (a) of section N J S 54A 6-6 and shall not exceed the amount of tax which the director determines as part of the director's decision was paid--

(1) After the mailing of the notice of deficiency, or

(2) Within the period which would be applicable under subsections (a), (b) or (c), if on the date of the mailing of the notice of a deficiency a claim had been filed (whether or not filed) stating the grounds upon which the director finds that there is an overpayment

(g) Early return For purposes of this section, any return filed before the last day prescribed for the filing thereof shall be considered as filed on such last day, determined without regard to any extension of time granted the taxpayer

(h) Prepaid income tax For purposes of this section, any tax paid by the taxpayer before the last day prescribed for its payment, any income tax withheld from the taxpayer during any calendar year, and any amount paid by the taxpayer as estimated income tax for a taxable year shall be deemed to have been paid by the taxpayer on the fifteenth day of the fourth month

following the close of the taxpayer's taxable year with respect to which such amount constitutes a credit or payment

(i) Return and payment of withholding tax Notwithstanding subsection (h), for purposes of this section with respect to any withholding tax--

(1) If a return for any period ending with or within a calendar year is filed before April 15 of the succeeding calendar year, such return shall be considered filed on April 15 of such succeeding calendar year, and

(2) If a tax with respect to remuneration paid during any period ending with or within a calendar year is paid before April 15 of the succeeding calendar year, such tax shall be considered paid on April 15 of such succeeding calendar year

(j) Final federal adjustments resulting from a partnership audit or administrative adjustments request If a partnership files a Federal Adjustments Report with final federal adjustments resulting from a partnership audit or administrative adjustments request that do not result in a federal imputed underpayment, and which are not taken into account by the partnership in the federal adjustment year partnership return, then the partners may claim a credit or refund of the related State tax by filing an amended return or other schedule as required by the director The amount of such credit or refund shall not exceed the amount of the reduction in New Jersey tax attributable to such final federal adjustments This subsection shall not affect the time within which or the amount for which a claim for credit or refund may be filed apart from this subsection

C 54 50-47 Definitions

6 As used in sections 6 through 12 of P L 2022, c 133 (C 54 50-47 through C 54 50-53)

"Administrative adjustment request" means an administrative adjustment request filed by a partnership under section 6227 of the federal Internal Revenue Code (26 U S C s 6227)

"Allocation factor" means the allocation factor as required on the New Jersey Gross Income Tax Business Allocation Schedule NJ-NR-A

"Audited partnership" means a partnership subject to a partnership-level audit resulting in a federal adjustment

"Corporate partner" means a partner that is a corporation subject to tax pursuant to section 2 of P L 1945, c 162 (C 54 10A-2) or is subject to the requirements of section 12 of P L 2002, c 40 (C 54 10A-15 11)

"Director" means the Director of the Division of Taxation in the Department of the Treasury

"Direct partner" means a partner that holds an interest directly in a partnership or pass-through entity

"Exempt partner" means a partner that is exempt from taxation under section 3 of P L 1945, c 162 (C 54 10A-3)

"Federal adjustment" means a change to an item or amount determined under the federal Internal Revenue Code that is used by a taxpayer to compute tax owed under the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq , or Corporation Business Tax Act (1945), P L 1945, c 162 (C 54 10A-1 et seq), whether that change results from action by the Internal Revenue Service, including a partnership-level audit, or the filing of an amended federal return, federal refund claim, or an administrative adjustment request by the taxpayer A federal adjustment is positive to the extent that it increases State taxable income as determined under N J S 54A 5-1 or subsection (k) of section 4 of P L 1945, c 162 (C 54 10A-4) and is negative to the extent that it decreases State taxable income as determined under N J S 54A 5-1 or subsection (k) of section 4 of P L 1945, c 162 (C 54 10A-4)

"Federal Adjustments Report" includes methods or forms required by N J S 54A 8-7 or section 13 of P L 1945, c 162 (C 54 10A-13) for use by a taxpayer to report final federal adjustments, including an amended New Jersey tax return, information return, or a uniform multistate report

"Federal partnership representative" means the person the partnership designates for the taxable year as the partnership's representative, or the person the Internal Revenue Service has appointed to act as the federal partnership representative, pursuant to section 6223(a) of the federal Internal Revenue Code (26 U S C s 6223(a))

"Final determination date" means the following

a Except as provided in b and c below, if the federal adjustment arises from an Internal Revenue Service audit or other action by the Internal Revenue Service, the final determination date is the first day on which no federal adjustments arising from that audit or other action remain to be finally determined, whether by Internal Revenue Service decision with respect to which all rights of appeal have been waived or exhausted, by agreement, or, if appealed or contested, by a final decision with respect to which all rights of appeal have been waived or exhausted For agreements required to be signed by the Internal Revenue Service and the taxpayer, the final determination date is the date on which the last party signed the agreement

b For federal adjustments arising from an Internal Revenue Service audit or other action by the Internal Revenue Service, if the taxpayer filed as a member of a composite return Form NJ-1080(c) or as a member of a combined group filing a combined return for corporation business tax

purposes, the final determination date means the first day on which no related federal adjustments arising from that audit remain to be finally determined, as described in a above for the entire group

c If the federal adjustment results from filing an amended federal return, a federal refund claim, or an administrative adjustment request, or if it is a federal adjustment reported on an amended federal return or other similar report filed pursuant to 6225(c) of the federal Internal Revenue Code (26 U S C s 6225(c)), the final determination date means the day on which the amended return, refund claim, administrative adjustment request, or other similar report was filed

"Final federal adjustment" means a federal adjustment after the final determination date for that federal adjustment has passed

"Indirect partner" means a partner in a partnership or pass-through entity that itself holds an interest directly, or through another indirect partner, in a partnership, or pass-through entity

"Nonresident partner" means an individual, trust, or estate partner that is not a resident partner

"Partner" means a person that holds an interest directly or indirectly in a partnership or other pass-through entity

"Partnership" means an entity subject to taxation under subchapter K of the federal Internal Revenue Code or is otherwise taxed as a partnership for federal income tax purposes

"Partnership-level audit" means an examination by the Internal Revenue Service at the partnership-level pursuant to Subchapter C of Title 26, Subtitle F, Chapter 63 of the federal Internal Revenue Code, as enacted by the Bipartisan Budget Act of 2015, Pub L 114-74, which results in federal adjustments

"Pass-through entity" means an entity not taxed as a C corporation

"Reallocation adjustment" means a federal adjustment resulting from a partnership-level audit or an administrative adjustment request that changes the shares of one or more items of partnership income, gain, loss, expense, or credit allocated to direct partners A positive reallocation adjustment means the portion of a reallocation adjustment that would increase federal income for one or more direct partners, and a negative reallocation adjustment means the portion of a reallocation adjustment that would decrease federal income for one or more direct partners pursuant to regulations promulgated under section 6225 of the federal Internal Revenue Code (26 U S C s 6225)

"Resident partner" means an individual, trust, or estate partner that is a resident of New Jersey under subsections (m) and (o) of N J S 54A 1-2 for the relevant tax period

"Reviewed year" means the taxable year of a partnership that is subject to a partnership-level audit from which federal adjustments arise

"Taxpayer" means the same as defined under subsection (l) of N J S 54A 1-2 or subsection (h) of section 4 of P L 1945, c 162 (C 54 10A-4) and, unless the context clearly indicates otherwise, includes a partnership subject to a partnership-level audit or a partnership that has made an administrative adjustment request, as well as a tiered partner of that partnership

"Tiered partner" means any partner that is a partnership or pass-through entity

To the extent terms used in this section are not defined in this section or elsewhere in chapter 9 of Title 54A of the New Jersey Statutes, the definition of such terms shall conform as closely as possible to the terminology used in the amendments to the federal Internal Revenue Code pertaining to the comprehensive partnership audit regime as contained in the Bipartisan Budget Act of 2015, Pub L 114-74, as amended, and this section shall be so interpreted

C 54 50-48 Adjustment reports, federal taxable income, general

7 Reporting Adjustments to Federal Taxable Income – General Rule Except in the case of final federal adjustments that are required to be reported by a partnership and its partners using the procedures in section 8 of P L 2022, c 133 (C 54 50-49), and final federal adjustments required to be reported for federal purposes in the partnership return for the adjustment year, a taxpayer shall report and pay any New Jersey Gross Income Tax or New Jersey Corporation Business Tax due with respect to final federal adjustments arising from an audit or other action by the Internal Revenue Service or reported by the taxpayer on a timely filed amended federal income tax return, including a return or other similar report filed pursuant to section 6225(c)(2) of the federal Internal Revenue Code (26 U S C s 6225(c)(2)), or federal claim for refund by filing a federal adjustments report with the Division of Taxation for the reviewed year and, if applicable, paying the additional New Jersey Gross Income Tax or New Jersey Corporation Business Tax owed by the taxpayer no later than 180 days after the final determination date

C 54 50-49 Adjustment reports, partnership-level audit, administrative adjustment request

8 Reporting Federal Adjustments – Partnership-Level Audit and Administrative Adjustment Request

a Except for adjustments required to be reported for federal purposes in the partnership return for the adjustment year, and the distributive share of adjustments that have been reported as required under section 7 of P L 2022, c 133 (C 54 50-48), partnerships and partners shall report final federal

adjustments arising from a partnership-level audit or an administrative adjustment request and make payments as required under this section

b State Partnership Representative

(1) With respect to an action required or permitted to be taken by a partnership under this section and a proceeding under R S 54 49-18 with respect to that action, the State partnership representative for the reviewed year shall have the sole authority to act on behalf of the partnership, and the partnership's direct partners and indirect partners shall be bound by those actions

(2) The State partnership representative for the reviewed year is the partnership's federal partnership representative unless the partnership designates in writing another person as its State partnership representative

(3) The division may establish reasonable qualifications for and procedures for designating a person, other than the federal partnership representative, to be the State partnership representative

c Reporting and Payment Requirements for Partnerships Subject to a Final Federal Adjustment and their Direct Partners Final federal adjustments subject to the requirements of this section, except for those subject to a properly made election under subsection d of this section shall be reported as follows

(1) No later than 90 days after the final determination date, the partnership shall

(a) file a completed federal adjustments report, including information as required by the director, with the division,

(b) notify each of its direct partners of their distributive share of the final federal adjustments including information as required by the director,

(c) file an amended New Jersey Form 1065 as required under N J S 54A 8-7 and pay the amount required, and

(d) file an amended composite return for direct partners and pay the additional amount that would have been due had the final federal adjustments been reported properly as required

(2) No later than 180 days after the final determination date, each direct partner that is taxed under the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq , or Corporation Business Tax Act (1945), P L 1945, c 162 (C 54 10A-1 et seq), shall

(a) file a Federal Adjustments Report reporting their distributive share of the adjustments reported to them under subparagraph (b) of paragraph (1) of subsection c of this section as required under this section or N J S 54A 8-7, and

(b) Pay any additional amount of tax due as if final federal adjustments had been properly reported, plus any penalty and interest due under N J S 54A 9-5, N J S 54A 9-6, R S 54 49-3, or R S 54 49-4

d Election – Partnership Pays Subject to the limitations in paragraph (3) of this subsection, an audited partnership making an election under this section shall

(1) no later than 90 days after the final determination date, file a completed Federal Adjustments Report, including information as required by the director, and notify the division that it is making the election under this section,

(2) no later than 180 days after the final determination date, pay an amount, determined as follows, in lieu of taxes owed by its direct and indirect partners

(a) exclude from final federal adjustments the distributive share of these adjustments reported to a direct exempt partner not subject to tax under section 3 of P L 1945, c 162 (C 54 10A-3)

(b) for the total distributive shares of the remaining final federal adjustments reported to direct corporate partners subject to tax under section 2 of P L 1945, c 162 (C 54 10A-2), apportion and allocate such adjustments as provided under sections 6 through 10 of P L 1945, c 162 (C 54 10A-6 through C 54 10A-10), section 19 of P L 2018, c 48 (C 54 10A-4 7) and subsection a of sections 3 through 4 of P L 2001, c 136 (C 54 10A-15 6 through C 54 10A-15 7) and multiply the resulting amount by the highest tax rate under section 5 of P L 1945, c 162 (C 54 10A-5),

(c) for the total distributive shares of the remaining final federal adjustments reported to nonresident direct partners subject to tax under the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq , determine the amount of such adjustments which is New Jersey source income under paragraph (3) of subsection (a) of N J S 54A 5-8 and multiply the resulting amount by the highest tax rate under N J S 54A 2-1,

(d) For the total distributive shares of the remaining final federal adjustments reported to tiered partners

(i) determine the amount of such adjustments which is of a type that it would be subject to sourcing to New Jersey under paragraph (3) of subsection (a) of N J S 54A 5-8 and then determine the portion of this amount that would be sourced to the State applying these rules,

(ii) determine the amount of such adjustments which is of a type that it would not be subject to sourcing to New Jersey by a nonresident partner under subsection (c) of N J S 54A 5-8,

(iii) determine the portion of the amount determined in subsubparagraph (ii) of this subparagraph that can be established, under regulation issued by the division, to be properly allocable to nonresident indirect partners or other partners not subject to tax on the adjustments, or that can be excluded under procedures for modified reporting and payment method allowed under subparagraph (f) of this paragraph,

(e) multiply the total of the amounts determined in subsubparagraphs (i) and (ii) of this subparagraph reduced by the amount determined in subsubparagraph (iii) of this subparagraph by the highest tax rate under N J S 54A 2-1,

(f) for the total distributive shares of the remaining final federal adjustments reported to resident direct partners subject to tax under the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq , multiply that amount by the highest tax rate under N J S 54A 2-1,

(g) add the amounts determined in subparagraphs (b), (c), (e), and (f) of this paragraph, along with penalty and interest as provided in N J S 54A 9-5, N J S54A 9-6, R S 54 49-3, or R S 54 49-4

(3) Final federal adjustments subject to this election exclude

(a) the distributive share of final audit adjustments that are required to be included in the unitary business income of any direct or indirect corporate partner, provided that the audited partnership can reasonably determine this, and

(b) any final federal adjustments resulting from an administrative adjustment request

(4) An audited partnership not otherwise subject to any reporting or payment obligation to New Jersey that makes an election under this subsection consents to be subject to New Jersey laws related to reporting, assessment, payment, and collection of New Jersey tax calculated under the election

e Tiered Partners The direct and indirect partners of an audited partnership that are tiered partners, and all of the partners of those tiered partners that are subject to tax under the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq , or Corporation Business Tax Act (1945), P L 1945, c 162 (C 54 10A-1 et seq), are subject to the reporting and payment requirements of subsection c of this section and the tiered partners are entitled to make the elections provided in subsections d and f of this section The tiered partners or their partners shall make required reports and payments no later than 90 days after the time for filing and furnishing statements to tiered partners and their partners as established under section 6226 of the federal Internal Revenue Code (26 U S C s 6226) and the regulations thereunder The division may adopt regulations to establish procedures and interim time periods for the reports and payments required by tiered partners and their partners and for making the elections under this section

f Modified Reporting and Payment Method Under procedures adopted by and subject to the approval of the division, an audited partnership or tiered partner may enter into an agreement with the division to utilize an alternative reporting and payment method, including applicable time requirements or any other provision of this section, if the audited partnership

or tiered partner demonstrates that the requested method will reasonably provide for the reporting and payment of taxes, penalties, and interest due under the provisions of this section Application for approval of an alternative reporting and payment method must be made by the audited partnership or tiered partner within the time for election as provided in subsection d or e of this section, as appropriate

g Effect of Election by Audited Partnership or Tiered Partner and Payment of Amount Due

(1) The elections made pursuant to subsections d and f of this section are irrevocable, unless the division, in its discretion, determines otherwise

(2) If properly reported and paid by the audited partnership or tiered partner, the amount determined in paragraph (2) of subsection d of this section, or similarly under an optional election under subsection f of this section will be treated as paid in lieu of taxes owed by its direct and indirect partners, to the extent applicable, on the same final federal adjustments The direct partners or indirect partners may not take any deduction or credit for this amount or claim a refund of the amount in this State Nothing in this subsection shall preclude a direct resident partner from claiming a credit against taxes paid to this State pursuant to N J S 54A 4-1, any amounts paid by the audited partnership or tiered partner on the resident partner's behalf to another state or local tax jurisdiction in accordance with the provisions of N J S 54A 4-1

h Failure of Audited Partnership or Tiered Partner to Report or Pay Nothing in this section prevents the division from assessing direct partners or indirect partners for taxes they owe, using the best information available, in the event that a partnership or tiered partner fails to timely make any report or payment required by this section for any reason

C 54 50-50 Assessment, additional tax, interest, penalties

9 Assessments of Additional New Jersey Tax, Interest, and Penalties Arising from Adjustments to Federal Taxable Income – Statute of Limitations

a The division shall assess additional tax, interest, and penalties arising from final federal adjustments arising from an audit by the Internal Revenue Service, including a partnership-level audit, or reported by the taxpayer on an amended federal income tax return or as part of an administrative adjustment request by the following dates

(1) Timely Reported Federal Adjustments If a taxpayer files with the division a Federal Adjustments Report or an amended New Jersey Form 1065 or amended New Jersey Corporation Business Tax return as required within the period specified in section 7 or 8 of P L 2022, c 133 (C 54 50-48 or C 54 50-49), the division may assess any amounts, including in-lieu-of

amounts, taxes, interest, and penalties arising from those federal adjustments if the division issues a notice of the assessment to the taxpayer no later than

(a) The expiration of the limitations period specified in N J S 54A 9-4 and N J S 54 49-6, or

(b) The expiration of the one-year period following the date of filing with the division of the federal adjustments report

b Untimely Reported Federal Adjustments If the taxpayer fails to file the Federal Adjustments Report within the period specified in section 7 or 8 of P L 2022, c 133 (C 54 50-48 or C 54 50-49), as appropriate, or the Federal Adjustments Report filed by the taxpayer omits final federal adjustments or understates the correct amount of tax owed, the division may assess amounts or additional amounts including in-lieu-of amounts, taxes, interest, and penalties arising from the final federal adjustments, if it mails a notice of the assessment to the taxpayer by a date which is the latest of the following

(1) The expiration of the limitations period specified in N J S 54A 9-4 and N J S 54 49-6, or

(2) The expiration of the two-year period following the date the Federal Adjustments Report was filed with the division, or

(3) Absent fraud, the expiration of the six-year period following the final determination date

C 54 50-51 Estimated payments, pending audit

10 Estimated New Jersey Tax Payments During the Course of a Federal Audit

A taxpayer may make estimated payments to the division, following the process prescribed by the division, of the New Jersey Gross Income Tax or Corporation Business Tax expected to result from a pending Internal Revenue Service audit, prior to the due date of the Federal Adjustments Report, without having to file the report with the division The estimated tax payments shall be credited against any tax liability ultimately found to be due to New Jersey ("Final New Jersey Tax Liability") and will limit the accrual of further statutory interest on that amount If the estimated tax payments exceed the final tax liability and statutory interest ultimately determined to be due, the taxpayer is entitled to a refund or credit for the excess, provided the taxpayer files a Federal Adjustments Report or claim for refund or credit of tax no later than one year following the final determination date

C 54 50-52 Tax refund, credit claims, federal adjustments

11 Claims for Refund or Credits of Tax Arising from Final Federal Adjustments Made by the IRS

a Except for final federal adjustments required to be reported for federal purposes in the partnership return for the adjustment year, a taxpayer may file a claim for refund or credit of tax arising from federal adjustments made by the Internal Revenue Service on or before the later of

(1) The expiration of the last day for filing a claim for refund or credit of New Jersey tax, including any extensions, or

(2) One year from the date a Federal Adjustments Report prescribed in section 7 or 8 of P L 2022, c 133 (C 54 50-48 or C 54 50-49), as applicable, was due to the division, including any extensions pursuant to this section

b The Federal Adjustments Report shall serve as the means for the taxpayer to report additional tax due, report a claim for refund or credit of tax, and make other adjustments, including to its net operating losses, resulting from adjustments to the taxpayer's federal taxable income

C 54 50-53 Adjustments after expiration, time extension

12 Scope of Adjustments and Extensions of Time

a Unless otherwise agreed in writing by the taxpayer and the division, any adjustments by the division or by the taxpayer made after the expiration of the N J S 54A 9-4, N J S 54A 9-8, R S 54 49-3, or R S 54 49-14 are limited to changes to the taxpayer's tax liability arising from federal adjustments

b The time periods provided for in this section may be extended

(1) Automatically, upon written notice to the division, by 60 days for an audited partnership or tiered partner which has 10,000 or more direct partners, or

(2) By written agreement between the taxpayer and the division as set forth by the director

c Any extension granted for filing the Federal Adjustments Report extends the last day prescribed by law for assessing any additional tax arising from the adjustments to federal taxable income and the period for filing a claim for refund or credit of taxes

13 Section 12 of P L 2002, c 40 (C 54 10A-15 11) is amended to read as follows

C 54 10A-15 11 Tax payment by certain partnerships, definitions

12 a (1) A partnership that is not a qualified investment partnership or an investment club and that is not listed on a United States national stock exchange shall, on or before the 15th day of the fourth month succeeding the close of each privilege period, remit a payment of tax The amount of tax shall be equal to the sum of all of the share of the entire net income of the

partnership for that privilege period of all nonresident noncorporate partners, multiplied by an allocation factor determined, pursuant to section 6 of P L 1945, c 162 (C 54 10A-6), based on the allocation fractions of the partnership for that privilege period, and multiplied by 0637 plus all of the share of the entire net income of the partnership for that privilege period of all nonresident corporate partners, multiplied by an allocation factor determined, pursuant to section 6 of P L 1945, c 162 (C 54 10A-6), based on the allocation fractions of the partnership for that privilege period, and multiplied by 09 Entire net income shall not include additional income that results from any federal partnership audit adjustments made by the Internal Revenue Service under section 6225(a)(1) of the federal Internal Revenue Code (26 U S C s 6225(a)(1))

(2) (a) A partnership that is subject to the tax payment requirements of paragraph (1) of this subsection shall make installment payments of 25% of that tax on or before the 15th day of each of the fourth month, sixth month and ninth month of the privilege period and on or before the 15th day of the first month succeeding the close of the privilege period

(b) A partnership required to make an installment payment pursuant to subparagraph (a) of this paragraph shall be deemed to make an installment payment subject to the provisions of section 5 of P L 1981, c 184 (C 54 10A-15 4) and shall be liable for any additions to tax provided thereunder

(3) A partnership shall not be required to remit a payment of tax pursuant to paragraph (1) of this subsection for any nonresident that reasonably expects to be refunded the payment on account of a tax credit pursuant to section 5 of P L 2019, c 320 (C 54A 12-5)

b An amount of tax paid by a partnership pursuant to paragraph (1) of subsection a of this section and an installment payment paid pursuant to subparagraph (a) of paragraph (2) of subsection a of this section shall be credited to the partnership accounts of its nonresident partners in proportion to each nonresident partner's share of allocated entire net income and the multiplier rate for that partner class under subsection a of this section, and each amount of tax so credited shall be deemed to have been paid by the respective partner in respect of the privilege period or taxable year of the partner Provided, however, that only a nonresident partner who files a New Jersey tax return and reports income that is subject to tax in this State may apply the tax paid by the partnership and credited to the nonresident partner's partnership account against the partner's tax liability, and provided further that a partnership that pays tax pursuant to this section shall not be entitled to claim a refund of payments credited to any of its nonresident partners

c For the purposes of this section

"Investment club" means an entity that is classified as a partnership for federal income tax purposes, all of the owners of which are individuals, all of the assets of which are securities, cash, or cash equivalents, the market value of the total assets of which do not exceed, as measured on the last day of its privilege period, an amount equal to the lesser of $250,000 or $35,000 per owner of the entity, and which is not required to register itself or its membership interests with the federal Securities and Exchange Commission, provided that beginning with privilege periods commencing on or after January 1, 2003 the director shall prescribe the total asset value amounts which shall apply by increasing the $250,000 total asset amount and the per owner $35,000 amount hereinabove by an inflation adjustment factor, which amounts shall be rounded to the next highest multiple of $100 The inflation adjustment factor shall be equal to the factor calculated by dividing the consumer price index for urban wage earners and clerical workers for the nation, as prepared by the United States Department of Labor for September of the calendar year prior to the calendar year in which the privilege period begins, by that index for September of 2001,

"Nonresident noncorporate partner" means an individual, an estate or a trust subject to taxation pursuant to the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq , that is not a resident taxpayer or a resident estate or trust under that act,

"Nonresident corporate partner" means a partner that is not an individual, an estate or a trust subject to taxation pursuant to the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq , that is not a corporation exempt from tax pursuant to section 3 of P L 1945, c 162 (C 54 10A-3), and that does not maintain a regular place of business in this State other than a statutory office, and

"Partner" means an owner of an interest in the partnership, in whatever manner that owner and ownership interest are designated

14 Section 18 of P L 2000, c 161 (C 42 1A-18) is amended to read as follows

C 42 1A-18 Partnership obligations, liability of partners

18 a Except as otherwise provided in subsections b and c of this section, all partners are liable jointly and severally for all obligations of the partnership unless otherwise agreed by the claimant or provided by law In addition, the entity is also liable for all obligations of the partnership as provided by P L 2019, c 320 (C 54A 12-1 et al)

b A person admitted as a partner into an existing partnership is not personally liable for any partnership obligation incurred before the person's admission as a partner

c An obligation of a partnership incurred while the partnership is a limited liability partnership, whether arising in contract, tort, or otherwise, is solely the obligation of the partnership A partner is not personally liable, directly or indirectly, by way of contribution or otherwise, for such an obligation solely by reason of being or so acting as a partner This subsection applies notwithstanding anything inconsistent in the partnership agreement that existed immediately before the vote required to become a limited liability partnership under subsection b of section 47 of the "Uniform Partnership Act (1996)," P L 2000, c 161 (C 42 1A-47)

d In addition, the entity is also liable for all obligations of the partnership as provided by P L 2022, c 133 (C 54 50-47 et al)

15 Section 92 of P L 2012, c 50 (C 42 2C-92) is amended to read as follows

C 42 2C-92 Tax Classification

92 Tax Classification

a For all purposes of taxation under the laws of this State, a limited liability company formed under this act or qualified to do business in this State as a foreign limited liability company with two or more members shall be classified as a partnership unless classified otherwise for federal income tax purposes, in which case the limited liability company shall be classified in the same manner as it is classified for federal income tax purposes For all purposes of taxation under the laws of this State, a member or a transferee of a member of a limited liability company formed under this act or qualified to do business in this State as a foreign limited liability company shall be treated as a partner in a partnership unless the limited liability company is classified otherwise for federal income tax purposes, in which case the member or transferee of a member shall have the same status as the member or transferee of a member has for federal income tax purposes

b For all purposes of taxation on income under the laws of this State and only for those purposes, a limited liability company formed under this act or qualified to do business in this State as a foreign limited liability company with one member is disregarded as an entity separate from its owner, unless classified otherwise for federal tax purposes, in which case the limited liability company will be classified in the same manner as it is classified for federal income tax purposes For all purposes of taxation on income under the laws of this State and

only for those purposes, the sole member or a transferee of all of the limited liability company interest of the sole member of a limited liability company formed under this act or qualified to do business in this State as a foreign limited liability company is treated as the direct owner of the underlying assets of the limited liability company and of its operations, unless the limited liability company is classified otherwise for federal income tax purposes, in which case the member or transferee of a member will have the same status as the member or transferee of a member has for federal income tax purposes

c With respect to a limited liability company that is taxed as a partnership for federal income tax purposes, the entity is also liable for all obligations of the partnership as provided by P L 2022, c 133 (C 54 50-47 et al) in addition to its liabilities in section 30 of P L 2012, c 50 (C 42 2C-30)

16 Section 1 of P L 2020, c 19 is amended to read as follows

1 a A taxpayer required to make and file an annual or quarterly return or report pursuant to the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq , or the "Corporation Business Tax Act (1945)," P L 1945, c 162 (C 54 10A-1 et seq), on an original due date of April 15, 2020, shall be granted by the Director of the Division of Taxation in the Department of the Treasury an automatic extension of time to file those returns or reports and to pay the tax due until July 15, 2020

b The provisions involving payment of interest upon any overpayment of tax pursuant to N J S 54A 9-7 and section 7 of P L 1992, c 175 (C 54 49-15 1), are hereby extended until the date of enactment of P L 2022, c 133 (C 54 50-47 et al)

c A taxpayer granted an automatic extension pursuant to subsection a of this section shall not be subject to penalties or interest if the return or report is filed and the tax due is paid on or before July 15, 2020, or by such other date that may be permitted by the director in accordance with regulations in effect on the effective date of P L 2020, c 19

d Notwithstanding any provision of the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq) to the contrary, the director may adopt immediately upon filing with the Office of Administrative Law such rules and regulations as the director determines to be necessary and appropriate to effectuate the purposes of this section

17 Section 2 of P L 2020, c 19 is amended to read as follows

2 The statute of limitations to assess any tax pursuant to N J S 54A 9-4 and R S 54 49-6 is hereby extended until the date of enactment of P L 2022, c 133 (C 54 50-47 et al)

18 Any assessment of tax that was allowed as a result of the extension of the statute of limitations in section 2 of P L 2020, c 19, but that was assessed after the date of enactment of P L 2022, c 133 (C 54 50-47 et al), shall be voided The Director of the Division of Taxation in the Department of the Treasury shall return any amounts collected from a taxpayer as a result of such assessment

19 Section 4 of P L 1945, c 162 (C 54 10A-4) is amended to read as follows

C 54 10A-4 Definitions

4 For the purposes of this act, unless the context requires a different meaning

(a) "Commissioner" or "director" shall mean the Director of the Division of Taxation of the State Department of the Treasury

(b) "Allocation factor" shall mean the proportionate part of a taxpayer's net worth or entire net income used to determine a measure of its tax under this act

(c) "Corporation" shall mean any corporation, joint-stock company or association and any business conducted by a trustee or trustees wherein interest or ownership is evidenced by a certificate of interest or ownership or similar written instrument, any other entity classified as a corporation for federal income tax purposes, and any state or federally chartered building and loan association or savings and loan association

(d) "Net worth" shall mean the aggregate of the values disclosed by the books of the corporation for (1) issued and outstanding capital stock, (2) paid-in or capital surplus, (3) earned surplus and undivided profits, and (4) surplus reserves which can reasonably be expected to accrue to holders or owners of equitable shares, not including reasonable valuation reserves, such as reserves for depreciation or obsolescence or depletion Notwithstanding the foregoing, net worth shall not include any deduction for the amount of the excess depreciation described in paragraph (2) (F) of subsection (k) of this section The foregoing aggregate of values shall be reduced by 50% of the amount disclosed by the books of the corporation for investment in the capital stock of one or more subsidiaries, which investment is defined as ownership (1) of at least 80% of the total combined voting power of all classes of stock of the

subsidiary entitled to vote and (2) of at least 80% of the total number of shares of all other classes of stock except nonvoting stock which is limited and preferred as to dividends In the case of investment in an entity organized under the laws of a foreign country, the foregoing requisite degree of ownership shall effect a like reduction of such investment from the net worth of the taxpayer, if the foreign entity is considered a corporation for any purpose under the United States federal income tax laws, such as (but not by way of sole examples) for the purpose of supplying deemed paid foreign tax credits or for the purpose of status as a controlled foreign corporation In calculating the net worth of a taxpayer entitled to reduction for investment in subsidiaries, the amount of liabilities of the taxpayer shall be reduced by such proportion of the liabilities as corresponds to the ratio which the excluded portion of the subsidiary values bears to the total assets of the taxpayer

In the case of banking corporations which have international banking facilities as defined in subsection (n), the foregoing aggregate of values shall also be reduced by retained earnings of the international banking facility Retained earnings means the earnings accumulated over the life of such facility and shall not include the distributive share of dividends paid and federal income taxes paid or payable during the tax year

If in the opinion of the director, the corporation's books do not disclose fair valuations the director may make a reasonable determination of the net worth which, in his opinion, would reflect the fair value of the assets, exclusive of subsidiary investments as defined aforesaid, carried on the books of the corporation, in accordance with sound accounting principles, and such determination shall be used as net worth for the purpose of this act

(e) (Deleted by amendment, P L 1998, c 114)

(f) "Investment company" shall mean any corporation whose business during the period covered by its report consisted, to the extent of at least 90% thereof of holding, investing and reinvesting in stocks, bonds, notes, mortgages, debentures, patents, patent rights and other securities for its own account, but this shall not include any corporation which (1) is a merchant or a dealer of stocks, bonds and other securities, regularly engaged in buying the same and selling the same to customers, or (2) had less than 90% of its average gross assets in New Jersey, at cost, invested in stocks, bonds, debentures, mortgages, notes, patents, patent rights or other securities or consisting of cash on deposit during the period covered by its report, or (3) is a banking corporation, a savings institution, or a financial business corporation as defined in the Corporation Business Tax Act

(g) "Regulated investment company" shall mean any corporation which for a period covered by its report, is registered and regulated under the Investment Company Act of 1940 (54 Stat 789), as amended

(h) "Taxpayer" shall mean any corporation, any combined group filing a mandatory or elective New Jersey combined return, and any partnership required, or consenting, to report or to pay taxes, interest or penalties under this act "Taxpayer" shall not include a partnership that is listed on a United States national stock exchange

(i) "Fiscal year" shall mean an accounting period ending on any day other than the last day of December on the basis of which the taxpayer is required to report for federal income tax purposes

(j) Except as herein provided, "privilege period" shall mean the calendar or fiscal accounting period for which a tax is payable under this act

(k) "Entire net income" shall mean total net income from all sources, whether within or without the United States, and shall include the gain derived from the employment of capital or labor, or from both combined, as well as profit gained through a sale or conversion of capital assets

For the purpose of this act, the amount of a taxpayer's entire net income shall be deemed prima facie to be equal in amount to the taxable income, before net operating loss deduction and special deductions, which the taxpayer is required to report, or, if the taxpayer is classified as a partnership for federal tax purposes, would otherwise be required to report, to the United States Treasury Department for the purpose of computing its federal income tax, provided however, that in the determination of such entire net income,

(1) Entire net income shall exclude for the periods set forth in paragraph (2)(F)(i) of this subsection, any amount, except with respect to qualified mass commuting vehicles as described in section 168(f)(8)(D)(v) of the Internal Revenue Code as in effect immediately prior to January 1, 1984, which is included in a taxpayer's federal taxable income solely as a result of an election made pursuant to the provisions of paragraph (8) of that section

(2) Entire net income shall be determined without the exclusion, deduction or credit of

(A) The amount of any exemption or credit allowed in any law of the United States imposing any tax on or measured by the income of corporations

(B) Any part of any income from dividends or interest on any kind of stock, securities or indebtedness, except as provided in paragraph (5) of subsection (k) of this section

(C) Taxes paid or accrued to the United States, a possession oi territory of the United States, a state, a political subdivision thereof, or the District of Columbia, or to any foreign country, state, province, territory or subdivision

thereof, on or measured by profits or income, or business presence or business activity, or the tax imposed by this act, or any tax paid or accrued with respect to subsidiary dividends excluded from entire net income as provided in paragraph (5) of subsection (k) of this section

(D) (Deleted by amendment, P L 1985, c 143)

(E) (Deleted by amendment, P L 1995, c 418)

(F) (i) The amount by which depreciation reported to the United States Treasury Department for property placed in service on and after January 1, 1981, but prior to taxpayer fiscal or calendar accounting years beginning on and after the effective date of P L 1993, c 172, for purposes of computing federal taxable income in accordance with section 168 of the Internal Revenue Code in effect after December 31, 1980, exceeds the amount of depreciation determined in accordance with the Internal Revenue Code provisions in effect prior to January 1, 1981, but only with respect to a taxpayer's accounting period ending after December 31, 1981, provided, however, that where a taxpayer's accounting period begins in 1981 and ends in 1982, no modification shall be required with respect to this paragraph (F) for the report filed for such period with respect to property placed in service during that part of the accounting period which occurs in 1981 The provisions of this subparagraph shall not apply to assets placed in service prior to January 1, 1998 of a gas, gas and electric, and electric public utility that was subject to the provisions of P L 1940, c 5 (C 54 30A-49 et seq) prior to 1998

(ii) For the periods set forth in subparagraph (F)(i) of paragraph (2) of this subsection, any amount, except with respect to qualified mass commuting vehicles as described in section 168(f)(8)(D)(v) of the Internal Revenue Code as in effect immediately prior to January 1, 1984, which the taxpayer claimed as a deduction in computing federal income tax pursuant to a qualified lease agreement under paragraph (8) of that section

The director shall promulgate rules and regulations necessary to carry out the provisions of this section, which rules shall provide, among others, the manner in which the remaining life of property shall be reported

(G) (i) The amount of any civil, civil administrative, or criminal penalty or fine, including a penalty or fine under an administrative consent order, assessed and collected for a violation of a State or federal environmental law, an administrative consent order, or an environmental ordinance or resolution of a local governmental entity, and any interest earned on the penalty or fine, and any economic benefits having accrued to the violator as a result of a violation, which benefits are assessed and recovered in a civil, civil administrative, or criminal action, or pursuant to an administrative consent order The provisions of this paragraph shall not apply to a penalty or fine

assessed or collected for a violation of a State or federal environmental law, or local environmental ordinance or resolution, if the penalty or fine was for a violation that resulted from fire, riot, sabotage, flood, storm event, natural cause, or other act of God beyond the reasonable control of the violator, or caused by an act or omission of a person who was outside the reasonable control of the violator

(ii) The amount of treble damages paid to the Department of Environmental Protection pursuant to subsection a of section 7 of P.L. 1976, c. 141 (C. 58:10-23.11f), for costs incurred by the department in removing, or arranging for the removal of, an unauthorized discharge upon failure of the discharger to comply with a directive from the department to remove, or arrange for the removal of, the discharge

(H) The amount of any sales and use tax paid by a utility vendor pursuant to section 71 of P.L. 1997, c. 162

(I) Interest paid, accrued or incurred for the privilege period to a related member, as defined in section 5 of P.L. 2002, c. 40 (C. 54:10A-4.4), except that a deduction shall be permitted to the extent that the taxpayer establishes by clear and convincing evidence, as determined by the director, that (i) a principal purpose of the transaction giving rise to the payment of the interest was not to avoid taxes otherwise due under Title 54 of the Revised Statutes or Title 54A of the New Jersey Statutes, (ii) the interest is paid pursuant to arm's length contracts at an arm's length rate of interest, and (iii)(aa) the related member was subject to a tax on its net income or receipts in this State or another state or possession of the United States or in a foreign nation, (bb) a measure of the tax includes the interest received from the related member, and (cc) the rate of tax applied to the interest received by the related member is equal to or greater than a rate three percentage points less than the rate of tax applied to taxable interest by this State pursuant to section 5 of P.L. 1945, c. 162 (C. 54:10A-5)

A deduction shall also be permitted if the taxpayer establishes by clear and convincing evidence, as determined by the director, that the disallowance of a deduction is unreasonable, or the taxpayer and the director agree in writing to the application or use of an alternative method of apportionment under section 8 of P.L. 1945, c. 162 (C. 54:10A-8), nothing in this subsection shall be construed to limit or negate the director's authority to otherwise enter into agreements and compromises otherwise allowed by law

A deduction shall also be permitted to the extent that the taxpayer establishes by a preponderance of the evidence, as determined by the director, that the interest is directly or indirectly paid, accrued or incurred to (i) a related member in a foreign nation which has in force a comprehensive

income tax treaty with the United States and the related member (aa) was subject to tax in the foreign nation on a tax base that included the payment paid, accrued, or incurred, and (bb) under which the related member's income received from the transaction was taxed at an effective tax rate equal to or greater than a rate of three percentage points less than the rate of tax applied to taxable interest by the State of New Jersey pursuant to section 5 of P L 1945, c 162 (C 54 10A-5), provided however that the taxpayer shall disclose on its return for the privilege period the name of the related member, the amount of the interest, the relevant foreign nation, and such other information as the director may prescribe or (ii) to an independent lender and the taxpayer guarantees the debt on which the interest is required The adjustments required by this subparagraph shall not apply to transactions between related members included in a combined group reported on a New Jersey combined return

(J) (i) Amounts deducted for federal tax purposes pursuant to section 199 of the federal Internal Revenue Code of 1986, 26 U S C s 199, except that this exclusion shall not apply to amounts deducted pursuant to that section that are exclusively based upon domestic production gross receipts of the taxpayer which are derived only from any lease, rental, license, sale, exchange, or other disposition of qualifying production property which the taxpayer demonstrates to the satisfaction of the director was manufactured or produced by the taxpayer in whole or in significant part within the United States but not qualified production property that was grown or extracted by the taxpayer "Manufactured or produced" as used in this paragraph shall be limited to performance of an operation or series of operations the object of which is to place items of tangible personal property in a form, composition, or character different from that in which they were acquired The change in form, composition, or character shall be a substantial change, and result in a transformation of property into a different or substantially more usable product

(ii) For privilege periods beginning after December 31, 2017, notwithstanding the provisions of P L 1945, c 162 (C 54 10A-1 et seq) or any other law to the contrary, for the purposes of determining the amount of income pursuant to P L 1945, c 162 (C 54 10A-1 et seq) that is net of expenses, no amounts shall be taken as a deduction pursuant to section 199A of the Internal Revenue Code (26 U S C s 199A)

(K) For privilege periods beginning after December 31, 2017, the interest deduction limitation in subsection (j) of section 163 of the Internal Revenue Code (26 U S C s 163), shall apply on a pro-rata basis to interest paid to both related and unrelated parties, regardless of whether the related parties are

subject to the add-back provision of either subparagraph (I) of paragraph (2) of this subsection or in section 5 of P L 2002, c 40 (C 54 10A-4 4)

(3) The director may, whenever necessary to properly reflect the entire net income of any taxpayer, determine the year or period in which any item of income or deduction shall be included, without being limited to the method of accounting employed by the taxpayer

(4) There shall be allowed as a deduction from entire net income of a banking corporation, to the extent not deductible in determining federal taxable income, the eligible net income of an international banking facility determined as follows

(A) The eligible net income of an international banking facility shall be the amount remaining after subtracting from the eligible gross income the applicable expenses,

(B) Eligible gross income shall be the gross income derived by an international banking facility, which shall include, but not be limited to, gross income derived from

(i) Making, arranging for, placing or carrying loans to foreign persons, provided, however, that in the case of a foreign person which is an individual, or which is a foreign branch of a domestic corporation (other than a bank), or which is a foreign corporation or foreign partnership which is controlled by one or more domestic corporations (other than banks), domestic partnerships or resident individuals, all the proceeds of the loan are for use outside of the United States,

(ii) Making or placing deposits with foreign persons which are banks or foreign branches of banks (including foreign subsidiaries) or foreign branches of the taxpayers or with other international banking facilities,

(iii) Entering into foreign exchange trading or hedging transactions related to any of the transactions described in this paragraph, or

(iv) Such other activities as an international banking facility may, from time to time, be authorized to engage in,

(C) Applicable expenses shall be any expense or other deductions attributable, directly or indirectly, to the eligible gross income described in subparagraph (B) of this paragraph

(5) (A) (i) Entire net income shall exclude 100% of dividends which were included in computing such taxable income for federal income tax purposes, paid to the taxpayer by one or more subsidiaries owned by the taxpayer to the extent of the 80% or more ownership of investment described in subsection (d) of this section for privilege periods beginning on or before December 31, 2016

(ii) For privilege periods beginning after December 31, 2016 and before January 1, 2019, entire net income shall exclude 95% of dividends which were included in computing such taxable income for federal income tax purposes, paid or deemed paid, to the taxpayer by one or more subsidiaries owned by the taxpayer to the extent of the 80% or more ownership of investment described in subsection (d) of this section For the purposes of calculating the tax liability owed for the paid or deemed paid dividends included in entire net income by this subsubparagraph (ii), the taxpayer shall use either their three-year average allocation factor for the taxpayer's 2014 through 2016 tax years reported on the taxpayer's tax returns or 3 5 percent, whichever is lower

(iii) For privilege periods beginning on and after January 1, 2019, entire net income shall exclude 95% of dividends which were included in computing such taxable income for federal income tax purposes, paid or deemed paid to the taxpayer by one or more subsidiaries owned by the taxpayer to the extent of the 80% or more ownership of investment described in subsection (d) of this section

(B) Entire net income shall exclude 50% of dividends which were included in computing such taxable income for federal income tax purposes, paid or deemed paid to the taxpayer by one or more subsidiaries owned by the taxpayer to the extent of 50% or more ownership of investment, such ownership of investment calculated in the same manner as the 80% or more of ownership of investment is calculated as described in subsection (d) of this section

(C) To the extent a subsidiary received dividends from other subsidiaries and included those dividends in its entire net income for the purposes of determining its tax liability pursuant to section 5 of P L 1945, c 162 (C 54 10A-5) and paid tax on those dividends, the taxpayer receiving those same dividends from the subsidiary shall exclude those dividends from its entire net income based on the subsidiary's allocation factor used by the subsidiary in determining its tax liability pursuant to section 5 of P L 1945, c 162 (C 54 10A-5) This subparagraph (C) shall not apply to privilege periods ending on and after July 31, 2019

(D) For privilege periods ending on and after July 31, 2019 but before July 31, 2020, to the extent a subsidiary received dividends from other subsidiaries and included those dividends in its entire net income for the purposes of determining its tax liability pursuant to section 5 of P L 1945, c 162 (C 54 10A-5) and paid tax on those dividends, the taxpayer receiving those same dividends from the subsidiary shall exclude those dividends from its entire net income

(E) For privilege periods ending on and after July 31, 2020, for purposes of this paragraph (5), the members of a combined group filing a New Jersey

combined return shall be treated as one taxpayer with regard to dividends and deemed dividends that were received as part of the unitary business of the combined group

(6) (A) Net operating loss deduction For privilege periods ending before July 31, 2019, there shall be allowed as a deduction for the privilege period the net operating loss carryover to that period

(B) Net operating loss carryover A net operating loss for any privilege period ending after June 30, 1984 shall be a net operating loss carryover to each of the seven privilege periods following the period of the loss and a net operating loss for any privilege period ending after June 30, 2009 shall be a net operating loss carryover to each of the twenty privilege periods following the period of the loss The entire amount of the net operating loss for any privilege period (the "loss period") shall be carried to the earliest of the privilege periods to which the loss may be carried The portion of the loss which shall be carried to each of the other privilege periods shall be the excess, if any, of the amount of the loss over the sum of the entire net income, computed without the exclusions permitted in paragraphs (4) and (5) of this subsection or the net operating loss deduction provided by subparagraph (A) of this paragraph, for each of the prior privilege periods to which the loss may be carried

(C) Net operating loss For purposes of this paragraph the term "net operating loss" means the excess of the deductions over the gross income used in computing entire net income without the net operating loss deduction provided for in subparagraph (A) of this paragraph and the exclusions in paragraphs (4) and (5) of this subsection

(D) Change in ownership Where there is a change in 50% or more of the ownership of a corporation because of redemption or sale of stock and the corporation changes the trade or business giving rise to the loss, no net operating loss sustained before the changes may be carried over to be deducted from income earned after such changes In addition where the facts support the premise that the corporation was acquired under any circumstances for the primary purpose of the use of its net operating loss carryover, the director may disallow the carryover

(E) Notwithstanding the provisions of this paragraph (6) of subsection (k) of this section to the contrary, for privilege periods beginning during calendar year 2002 and calendar year 2003, no deduction for any net operating loss carryover shall be allowed and for privilege periods beginning during calendar year 2004 and calendar year 2005, there shall be allowed as a deduction for the privilege period so much of the net operating loss carryover as reduces entire net income otherwise calculated by 50% If and

only to the extent that any net operating loss carryover deduction is disallowed by reason of this subparagraph (E), the date on which the amount of the disallowed net operating loss carryover deduction would otherwise expire shall be extended by a period equal to the period for which application of the net operating loss was disallowed by this subparagraph

Provided, that this subparagraph (E) shall not restrict the surrender or acquisition of corporation business tax benefit certificates pursuant to section 1 of P L 1997, c 334 (C 34 1B-7 42a) and shall not restrict the application of corporation business tax benefit certificates pursuant to section 2 of P L 1997, c 334 (C 54 10A-4 2)

(F) Reduction for discharge of indebtedness A net operating loss for any privilege period ending after June 30, 2014, and any net operating loss carryover to such privilege period, shall be reduced by the amount excluded from federal taxable income under subparagraph (A), (B), or (C) of paragraph (1) of subsection (a) of section 108 of the federal Internal Revenue Code (26 U S C s 108), for the privilege period of the discharge of indebtedness

(7) The entire net income of gas, electric and gas and electric public utilities that were subject to, or would have been subject to tax if doing business in this State, the provisions of P L 1940, c 5 (C 54 30A-49 et seq) prior to 1998, shall be adjusted by substituting the New Jersey depreciation allowance for federal tax depreciation with respect to assets placed in service prior to January 1, 1998 For gas, electric, and gas and electric public utilities that were subject to, or would have been subject to tax if doing business in this State, the provisions of P L 1940, c 5 (C 54 30A-49 et seq) prior to 1998, the New Jersey depreciation allowance shall be computed as follows All depreciable assets placed in service prior to January 1, 1998 shall be considered a single asset account The New Jersey tax basis of this depreciable asset account shall be an amount equal to the carryover adjusted basis for federal income tax purposes on December 31, 1997 of all depreciable assets in service on December 31, 1997, increased by the excess, of the "net carrying value," defined to be adjusted book basis of all assets and liabilities, excluding deferred income taxes, recorded on the public utility's books of account on December 31, 1997, over the carryover adjusted basis for federal income tax purposes on December 31, 1997 of all assets and liabilities owned by the gas, electric, or gas and electric public utility as of December 31, 1997 "Books of account" for gas, gas and electric, and electric public utilities means the uniform system of accounts as promulgated by the Federal Energy Regulatory Commission and adopted by the Board of Public Utilities The following adjustments to entire net income shall be made pursuant to this section

(A) Depreciation for property placed in service prior to January 1, 1998 shall be adjusted as follows

(i) Depreciation for federal income tax purposes shall be disallowed in full

(ii) A deduction shall be allowed for the New Jersey depreciation allowance The New Jersey depreciation allowance shall be computed for the single asset account described above based on the New Jersey tax basis as adjusted above as if all assets in the single asset account were first placed in service on January 1, 1998 Depreciation shall be computed using the straight line method over a thirty-year life A full year's depreciation shall be allowed in the initial tax year No half-year convention shall apply The depreciable basis of the single account shall be reduced by the adjusted federal tax basis of assets sold, retired, or otherwise disposed of during any year on which gain or loss is recognized for federal income tax purposes as described in subparagraph (B) of this paragraph

(B) Gains and losses on sales, retirements and other dispositions of assets placed in service prior to January 1, 1998 shall be recognized and reported on the same basis as for federal income tax purposes

(C) The Director of the Division of Taxation shall promulgate regulations describing the methodology for allocating the single asset account in the event that a portion of the utility's operations are separated, spun-off, transferred to a separate company or otherwise desegregated

(8) In the case of taxpayers that are gas, electric, gas and electric, or telecommunications public utilities as defined pursuant to subsection (q) of this section, the director shall have authority to promulgate rules and issue guidance correcting distortions and adjusting timing differences resulting from the adoption of P L 1997, c 162 (C 54 10A-5 25 et al)

(9) Notwithstanding paragraph (1) of this subsection, entire net income shall not include the income derived by a corporation organized in a foreign country from the international operation of a ship or ships, or from the international operation of aircraft, if such income is exempt from federal taxation pursuant to section 883 of the federal Internal Revenue Code of 1986, 26 U S C s 883

(10) Entire net income shall exclude all income of an alien corporation the activities of which are limited in this State to investing or trading in stocks and securities for its own account, investing or trading in commodities for its own account, or any combination of those activities, within the meaning of section 864 of the federal Internal Revenue Code of 1986, 26 U S C s 864, as in effect on December 31, 1998 Notwithstanding the previous sentence, if an alien corporation undertakes one or more infrequent, extraordinary or non-recurring activities, including but not limited to the sale of tangible property, only the income from such infrequent, extraordinary or non-

recurring activity shall be subject to the tax imposed pursuant to P L 1945, c 162 (C 54 10A-1 et seq), and that amount of income subject to tax shall be determined without regard to the allocation to that specific transaction of any general business expense of the taxpayer and shall be specifically assigned to this State for taxation by this State without regard to section 6 of P L 1945, c 162 (C 54 10A-6) For the purposes of this paragraph, "alien corporation" means a corporation organized under the laws of a jurisdiction other than the United States or its political subdivisions

(11) No deduction shall be allowed for research and experimental expenditures, to the extent that those research and experimental expenditures are qualified research expenses or basic research payments for which an amount of credit is claimed pursuant to section 1 of P L 1993, c 175 (C 54 10A-5 24) unless those research and experimental expenditures are also used to compute a federal credit claimed pursuant to section 41 of the federal Internal Revenue Code of 1986, 26 U S C s 41

(12) (A) Notwithstanding the provisions of subsection (k) of section 168 of the federal Internal Revenue Code of 1986, 26 U S C s 168, subsection (b) of section 1400L of the federal Internal Revenue Code of 1986, 26 U S C s 1400L, or any other federal law, for property acquired after September 10, 2001, the depreciation deduction otherwise allowed pursuant to section 167 of the federal Internal Revenue Code of 1986, 26 U S C s 167, shall be determined pursuant to the provisions of the federal Internal Revenue Code of 1986 (26 U S C s 1 et seq) in effect on December 31, 2001

(B) The director shall prescribe the rules and regulations necessary to carry out the provisions of this paragraph, including, among others, those for determining the adjusted basis of the acquired property for the purposes of the Corporation Business Tax Act (1945), P L 1945, c 162

(13) (A) Notwithstanding the provisions of section 179 of the federal Internal Revenue Code of 1986, 26 U S C s 179, for property placed in service on or after January 1, 2004, the costs that a taxpayer may otherwise elect to treat as an expense which is not chargeable to a capital account shall be determined pursuant to the provisions of the federal Internal Revenue Code of 1986 (26 U S C s 1 et seq) in effect on December 31, 2002

(B) The director shall prescribe the rules and regulations necessary to carry out the provisions of this paragraph, including, among others, those for determining the adjusted basis of the acquired property for the purposes of the Corporation Business Tax Act (1945), P L 1945, c 162

(14) Notwithstanding the provisions of subsection (i) of section 108 of the federal Internal Revenue Code of 1986 (26 U S C s 108), for privilege periods beginning after December 31, 2008 and before January 1, 2011, entire net

income shall include the amount of discharge of indebtedness income excluded for federal income tax purposes pursuant to subsection (1) of section 108 of the federal Internal Revenue Code of 1986 (26 U S C s 108), and for privilege periods beginning on or after January 1, 2014 and before January 1, 2019, entire net income shall exclude the amount of discharge of indebtedness income included for federal income tax purposes, pursuant to subsection (1) of section 108 of the federal Internal Revenue Code of 1986 (26 U S C s 108)

(15) Entire net income shall exclude the gain or income derived from the sale or assignment of a tax credit transfer certificate pursuant to section 7 of P L 2011, c 149 (C 34 1B-248) and section 10 of P L 2014, c 63 (C 34 1B-251)

(16) (A) There shall be allowed as a deduction an amount computed in accordance with this paragraph

(B) For purposes of this paragraph, "net deferred tax liability" means deferred tax liabilities that exceed the deferred tax assets of the combined group, as computed in accordance with generally accepted accounting principles, and "net deferred tax asset" means that deferred tax assets exceed the deferred tax liabilities of the combined group, as computed in accordance with generally accepted accounting principles

(C) Only publicly traded companies, including affiliated corporations participating in the filing of a publicly traded company's financial statements prepared in accordance with generally accepted accounting principles, as of the effective date of this paragraph, shall be eligible for this deduction

(D) If the provisions of sections 18 through 23 of P L 2018, c 48 (C 54 10A-4 6 to C 54 10A-4 11) result in an aggregate increase to the members' net deferred tax liability or an aggregate decrease to the members' net deferred tax asset, or an aggregate change from a net deferred tax asset to a net deferred tax liability, the combined group shall be entitled to a deduction, as determined in this paragraph

(E) For 10 years beginning with the combined group's first privilege period beginning on or after January 1 of the fifth year after the effective date of P L 2018, c 48 (C 54 10A-5 41 et al), a combined group shall be entitled to a deduction from combined group entire net income equal to one-tenth of the amount necessary to offset the increase in the net deferred tax liability or decrease in the net deferred tax asset, or aggregate change from a net deferred tax asset to a net deferred tax liability Such increase in the net deferred tax liability or decrease in the net deferred tax asset or the aggregate change from a net deferred tax asset to a net deferred tax liability shall be computed based on the change that would result from the imposition of the unitary reporting requirements under sections 1 and 18 through 23 of P L 2018, c 48

(C 54 10A-5 41 and C 54 10A-4 6 to C 54 10A-4 11) but for the deduction provided under this paragraph as of the effective date of this paragraph

(F) The deferred tax impact determined in subparagraph (E) of this paragraph must be converted to the annual Deferred Tax Deduction amount, as follows

(i) the deferred tax impact determined in subparagraph (E) of this paragraph shall be divided by the rate determined under section 5 of P L 1945, c 162 (C 54 10A-5) at the effective date of P L 2018, c 48 (C 54 10A-5 41 et al),

(ii) the resulting amount shall be further divided by the New Jersey unitary business allocation factor that was used by the combined group in the calculation of the deferred tax assets and deferred tax liabilities as described in subparagraph (E) of this paragraph,

(iii) the resulting amount represents the total net Deferred Tax Deduction available over the ten-year period as described in subparagraph (E) of this paragraph

(G) The deduction calculated under this paragraph shall not be adjusted as a result of any events happening subsequent to such calculation, including, but not limited to, any disposition or abandonment of assets Such deduction shall be calculated without regard to the federal tax effect and shall not alter the tax basis of any asset If the deduction under this section is greater than combined group entire net income, any excess deduction shall be carried forward and applied as a deduction to combined group entire net income in future privilege periods until fully utilized

(H) Any combined group intending to claim a deduction under this paragraph shall file a statement with the director on or before July 1 of the year subsequent to the first privilege period for which a combined return is required Such statement shall specify the total amount of the deduction which the combined group claims on such form and in such manner as prescribed by the director No deduction shall be allowed under this paragraph for any privilege period except to the extent claimed on such timely filed statement in accordance with this paragraph

(l) "Real estate investment trust" shall mean any corporation, trust or association qualifying and electing to be taxed as a real estate investment trust under federal law

(m) "Financial business corporation" shall mean any corporate enterprise which is (1) in substantial competition with the business of national banks and which (2) employs moneyed capital with the object of making profit by its use as money, through discounting and negotiating promissory notes, drafts, bills of exchange and other evidences of debt, buying and selling exchange, making of or dealing in secured or unsecured loans and discounts, dealing in securities

and shares of corporate stock by purchasing and selling such securities and stock without recourse, solely upon the order and for the account of customers, or investing and reinvesting in marketable obligations evidencing indebtedness of any person, copartnership, association or corporation in the form of bonds, notes or debentures commonly known as investment securities, or dealing in or underwriting obligations of the United States, any state or any political subdivision thereof, or of a corporate instrumentality of any of them This shall include, without limitation of the foregoing, business commonly known as industrial banks, dealers in commercial paper and acceptances, sales finance, personal finance, small loan and mortgage financing businesses, as well as any other enterprise employing moneyed capital coming into competition with the business of national banks, provided that the holding of bonds, notes, or other evidences of indebtedness by individual persons not employed or engaged in the banking or investment business and representing merely personal investments not made in competition with the business of national banks, shall not be deemed financial business Nor shall "financial business" include national banks, production credit associations organized under the Farm Credit Act of 1933 or the Farm Credit Act of 1971, Pub L 92-181 (12 U S C s 2091 et seq), stock and mutual insurance companies duly authorized to transact business in this State, security brokers or dealers or investment companies or bankers not employing moneyed capital coming into competition with the business of national banks, real estate investment trusts, or any of the following entities organized under the laws of this State credit unions, savings banks, savings and loan and building and loan associations, pawnbrokers, and State banks and trust companies

(n) "International banking facility" shall mean a set of asset and liability accounts segregated on the books and records of a depository institution, United States branch or agency of a foreign bank, or an Edge or Agreement Corporation that includes only international banking facility time deposits and international banking facility extensions of credit as such terms are defined in section 204 8(a)(2) and section 204 8(a)(3) of Regulation D of the board of governors of the Federal Reserve System, 12 CFR Part 204, effective December 3, 1981 In the event that the United States enacts a law, or the board of governors of the Federal Reserve System adopts a regulation which amends the present definition of international banking facility or of such facilities' time deposits or extensions of credit, the Commissioner of Banking and Insurance shall forthwith adopt regulations defining such terms in the same manner as such terms are set forth in the laws of the United States or the regulations of the board of governors of the Federal Reserve System

The regulations of the Commissioner of Banking and Insurance shall thereafter provide the applicable definitions

(o) "S corporation" means a corporation that has elected to be an "S corporation" pursuant to section 1361 of the federal Internal Revenue Code of 1986, 26 U S C s 1361, for the taxable year

(p) "New Jersey S corporation" means a taxpayer that has made a valid election to be an S corporation for federal tax purposes, and that has not made a valid election pursuant to subsection d of section 20 of P L 2022, c 133 (C 54 10A-5 22)

(q) "Public Utility" means "public utility" as defined in R S 48 2-13

(r) "Qualified investment partnership" means a partnership under this act that has more than 10 members or partners with no member or partner owning more than a 50% interest in the entity and that derives at least 90% of its gross income from dividends, interest, payments with respect to securities loans, and gains from the sale or other disposition of stocks or securities or foreign currencies or commodities or other similar income (including but not limited to gains from swaps, options, futures or forward contracts) derived with respect to its business of investing or trading in those stocks, securities, currencies or commodities, but "investment partnership" shall not include a "dealer in securities" within the meaning of section 1236 of the federal Internal Revenue Code of 1986, 26 U S C s 1236

(s) "Savings institution" means a state or federally chartered building and loan association, savings and loan association, or savings bank

(t) "Partnership" means an entity classified as a partnership for federal income tax purposes

(u) "Prior net operating loss conversion carryover" means a net operating loss incurred in a privilege period ending prior to July 31, 2019 and converted from a pre-allocation net operating loss to a post-allocation net operating loss as follows

(1) As used in this subsection

"Base year" means the last privilege period ending prior to July 31, 2019

"Base year BAF" means the taxpayer's business allocation factor as provided in sections 6 through 10 of P L 1945, c 162 (C 54 10A-6 through C 54 10A-10) for purposes of calculating entire net income for the base year, as such section was in effect for the last privilege period ending prior to July 31, 2019

"UNOL" means the unabsorbed portion of net operating loss as calculated under paragraph (6) of subsection (k) of this section as such paragraph was in effect for the last privilege period ending prior to July 31, 2019, that was not deductible in previous privilege periods and was eligible

for carryover on the last day of the base year subject to the limitations for deduction under such subsection, including any net operating loss sustained by the taxpayer during the base year

(2) The prior net operating loss conversion carryover shall be calculated as follows

(A) The taxpayer shall first calculate the tax value of its UNOL for the base year and for each preceding privilege period for which there is a UNOL The value of the UNOL for each privilege period is equal to the product of (I) the amount of the taxpayer's UNOL for a privilege period, and (II) the taxpayer's base year BAF This result shall equal the taxpayer's prior net operating loss conversion carryover

(B) The taxpayer shall continue to carry over its prior net operating loss conversion carryover to offset its allocated entire net income as provided in sections 6 through 10 of P L 1945, c 162 (C 54 10A-6 through C 54 10A-10) for privilege periods ending on and after July 31, 2019 Such carryover periods shall not exceed the twenty privilege periods following the privilege period of the initial loss The entire amount of the prior net operating loss conversion carryover for any privilege period shall be carried to the earliest of the privilege periods to which the loss may be carried The portion of the prior net operating loss conversion carryover which shall be carried to each of the other privilege periods shall be the excess, if any, of the amount of the prior net operating loss conversion carryover over the sum of the entire net income, computed without the exclusions permitted in paragraphs (4) and (5) of subsection (k) of this section allocated to this State

(C) The prior net operating loss conversion carryover computed under this subsection shall be applied against the entire net income allocated to this State before the net operating loss carryover computed under subsection (v) of this section

(v) "Net operating loss deduction" means the amount allowed as a deduction for the net operating loss carryover to the privilege period, calculated as follows

(1) Net operating loss carryover A net operating loss for any privilege period ending on or after July 31, 2019, shall be a net operating loss carryover to each of the twenty privilege periods following the period of the loss The entire amount of the net operating loss for any privilege period shall be carried to the earliest of the privilege periods to which the loss may be carried The portion of the loss which shall be carried to each of the other privilege periods shall be the excess, if any, of the amount of the loss over the sum of the entire net income, computed without the exclusions permitted in paragraphs (4) and (5) of subsection (k) of this section allocated to this State

(2) Net operating loss For purposes of this paragraph the term "net operating loss" means the excess of the deductions over the gross income used in computing entire net income, without regard to any net operating loss carryover, and computed without the exclusions in paragraphs (4) and (5) of subsection (k) of this section, allocated to this State pursuant to sections 6 through 10 of P L 1945, c 162 (C 54 10A-6 through C 54 10A-10)

(3) Reduction for discharge of indebtedness A net operating loss for any privilege period ending on or after July 31, 2019, and any net operating loss carryover to such privilege period, shall be reduced by the amount excluded from federal taxable income under subparagraph (A), (B), or (C) of paragraph (1) of subsection (a) of section 108 of the federal Internal Revenue Code, 26 U S C s 108, for the privilege period of the discharge of indebtedness

(4) A net operating loss carryover shall not include any net operating loss incurred during any privilege period ending prior to July 31, 2019

(5) Change in ownership Where there is a change in 50% or more of the ownership of a corporation because of redemption or sale of stock and the corporation changes the trade or business giving rise to the loss, no net operating loss sustained before the changes may be carried over to be deducted from income earned after such changes In addition, where the facts support the premise that the corporation was acquired under any circumstances for the primary purpose of the use of its net operating loss carryover, the director may disallow the carryover, provided, however, this paragraph shall not apply between members of a combined group reported on a New Jersey combined return

(w) "Taxable net income" means entire net income allocated to this State as calculated pursuant to sections 6 through 8 of P L 1945, c 162 (C 54 10A-6 through 54 10A-8) as modified by subtracting any prior net operating loss conversion carryforward calculated pursuant to subsection (u) of this section, and any net operating loss calculated pursuant to subsection (v) of this section

(x) "Affiliated group" means, for purposes of section 23 of P L 2018, c 48 (C 54 10A-4 11), an affiliated group as defined in section 1504 of the federal Internal Revenue Code, 26 U S C s 1504, except such affiliated group shall include all U S domestic corporations that are commonly owned, directly or indirectly, by any member of such affiliated group, without regard to whether the affiliated group includes (1) corporations included in more than one federal consolidated return, (2) corporations engaged in one or more unitary businesses, or (3) corporations that are not engaged in a unitary business with any other member of the affiliated group

For purposes of this subsection

"U S domestic corporations" means (1) business entities wherever incorporated or formed that are U S domestic corporations, are deemed to be, or are treated as U S domestic corporations under the provisions of the federal Internal Revenue Code, or (2) any entities incorporated or formed under the laws of a foreign nation that are required to file federal tax returns if such entities have effectively connected income within the meaning of the federal Internal Revenue Code, and

"Commonly owned" means that more than 50 percent of the voting control of each member of an affiliated group is directly or indirectly owned by a common owner or owners, either corporate or non-corporate, whether or not the owner or owners are members of the affiliated group Whether voting control is indirectly owned shall be determined in accordance with section 318 of the federal Internal Revenue Code (26 U S C s 318)

(y) "Combinable captive insurance company" means an entity that is treated as an association taxable as a corporation under the federal Internal Revenue Code

(1) more than 50% of the voting stock of which is owned or controlled, directly or indirectly, by a single entity that is treated as an association taxable as a corporation under the federal Internal Revenue Code, and not exempt from federal income tax,

(2) that is licensed as a captive insurance company under the laws of this State or another jurisdiction,

(3) whose business includes providing, directly and indirectly, insurance or reinsurance covering the risks of its parent, members of its affiliated group, or both, and

(4) 50% or less of whose gross receipts for the privilege period consist of premiums from arrangements that constitute insurance for federal income tax purposes

A combinable captive insurance company shall not be exempt under section 3 of P L 1945, c 162 (C 54 10A-3) A captive insurance company that does not meet the definition of combinable captive insurance company shall be excluded as provided in subsection k of section 18 of P L 2018, c 48 (C 54 10A-4 6) and shall be exempt under section 3 of P L 1945, c 162 (C 54 10A-3)

For purposes of this definition

"Affiliated group" shall have the same meaning as that term is given by section 1504 of the federal Internal Revenue Code, 26 U S C s 1504, except that the term "common parent corporation" as used in section 1504 of the federal Internal Revenue Code, 26 U S C s 1504, shall mean any person, as defined in section 7701 of the federal Internal Revenue Code, 26 U S C

s 7701, and references to "at least 80%" in section 1504 of the federal Internal Revenue Code, 26 U S C s 1504, shall be read as "50% or more " Section 1504 of the federal Internal Revenue Code, 26 U S C s 1504, shall be read without regard to the exclusions provided for in subsection (b) of that section

"Gross receipts" includes the amounts included in gross receipts for purposes of paragraph (15) of subsection (c) of section 501 of the federal Internal Revenue Code, 26 U S C s 501, except that those amounts also include all premiums

"Premiums" includes consideration for annuity contracts and excludes any part of the consideration for insurance, reinsurance, or annuity contracts that do not provide bona fide insurance, reinsurance, or annuity benefits

(z) "Combined group" means the group of all companies that have common ownership and are engaged in a unitary business, where at least one company is subject to tax under this chapter, and shall include all business entities, except as provided for under any section of the Corporation Business Tax Act (1945), P L 1945, c 162 (C 54 10A-1 et seq)

A combined group shall be treated, for privilege periods ending on and after July 31, 2020, as one taxpayer for purposes of paragraph (1) of subsection (c) of section 5 of P L 1945, c 162 (C 54 10A-5) and section 1 of P L 2018, c 48 (C 54 10A-5 41) for the income derived from the unitary business, provided however, with regard to the surtax imposed pursuant to section 1 of P L 2018, c 48 (C 54 10A-5 41) and for that purpose only, the portion of income that is attributable to a member which is a public utility exempt from the surtax shall not be included when computing the surtax due

(aa) "Common ownership" means that more than 50% of the voting control of each member of a combined group is directly or indirectly owned by a common owner or owners, either corporate or non-corporate, whether or not the owner or owners are members of the combined group Whether voting control is indirectly owned shall be determined in accordance with section 318 of the federal Internal Revenue Code, 26 U S C s 318

(bb) "Group privilege period" means, if two or more members in the combined group file in the same federal consolidated tax return, the same income year as that used on the federal consolidated tax return and, in all other cases, the privilege period of the managerial member

(cc) "Managerial member" means if the combined group has a common parent corporation and that common parent corporation is a taxable member, the managerial member shall be the common parent corporation In other cases, the combined group shall select a taxable member as its managerial member or, in the discretion of the director or upon failure of the combined

group to select its managerial member, the director shall designate a taxable member of the combined group as managerial member

(dd) "Member" means a business entity that is a part of a combined group A corporation exempt pursuant to section 3 of P L 1945, c 162 (C 54 10A-3) from the tax imposed by P L 1945, c 162 (C 54 10A-1 et seq) shall not be a member of a combined group

(ee) "Nontaxable member" means a member that is (i) not subject to tax pursuant to the Corporation Business Tax Act (1945), P L 1945, c 162 (C 54 10A-1 et seq), or (ii) (deleted by amendment, P L 2020, c 118 (C 54 10A-5 46 et al)

(ff) "Taxable member" means a member that is subject to tax pursuant to the Corporation Business Tax Act (1945), P L 1945, c 162 (C 54 10A-1 et seq)

A New Jersey S corporation shall only be included as a taxable member of a combined group filing a New Jersey combined return if the New Jersey S Corporation elects to be included as a member and taxed at the same rate as the other members of the combined group A New Jersey S corporation that does not elect to be included shall be excluded as a member of the combined return and shall file a separate return

(gg) "Unitary business" means a single economic enterprise that is made up either of separate parts of a single business entity or of a group of business entities under common ownership that are sufficiently interdependent, integrated, and interrelated through their activities so as to provide a synergy and mutual benefit that produces a sharing or exchange of value among them and a significant flow of value among the separate parts "Unitary business" shall be construed to the broadest extent permitted under the Constitution of the United States A business conducted by a partnership which is in a unitary business with the combined group shall be treated as the business of the partners that are members of the combined group, whether the partnership interest is held directly or indirectly through a series of partnerships, to the extent of a partner's distributive share of partnership income The amount of partnership income to be included in the partner's entire net income shall be determined in accordance with subsection a of section 3 of P L 2001, c 136 (C 54 10A-15 6) or subsection a of section 4 of P L 2001, c 136 (C 54 10A-15 7), as applicable A business conducted directly or indirectly by one corporation is unitary with that portion of a business conducted by another corporation through its direct or indirect interest in a partnership

20 Section 3 of P L 1993, c 173 (C 54 10A-5 22) is amended to read as follows

C 54 10A-5 22 Election as a New Jersey S corporation

3 a (Deleted by amendment P L 2022, c 133)

b A New Jersey S Corporation and each shareholder shall consent to the following jurisdictional requirements

(1) That this State shall have the right and jurisdiction to tax and collect the tax on each shareholder's S corporation income as defined pursuant to section 12 of P L 1993, c 173 (C 54A 5-10) and, if applicable, the pass-through business alternative income tax pursuant to P L 2019, c 320 (C 54A 12-1 et al),

(2) That New Jersey's right and jurisdiction to tax the income as set forth in paragraph (1) of this subsection shall not be affected by a change of a shareholder's residency, except as provided by the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq , and

(3) If shareholders that are not initial shareholders of the corporation, while the corporation is a New Jersey S corporation, fail to consent to New Jersey's jurisdiction to tax S corporation income to such shareholders, this State shall have the right and jurisdiction to collect a payment of tax each year directly from the corporation equal to the S corporation income allocated to this State, as defined pursuant to section 12 of P L 1993, c 173 (C 54A 5-10), of the nonconsenting shareholders for the accounting or privilege period multiplied by the maximum tax bracket rate provided under N J S 54A 2-1 for the accounting or privilege period In such case, the corporation shall have the right, but not the obligation, to recover payments made by the corporation pursuant to this paragraph from each nonconsenting shareholder

c The consents to jurisdictional requirements shall be filed within one calendar month of the time at which a federal S corporation election would be required if such accounting or privilege period were a "taxable year" for which a federal S corporation election were to be made pursuant to section 1362 of the federal Internal Revenue Code of 1986, 26 U S C s 1362 Such elections may only be opted out of or revoked pursuant to subsection d of this section

d Notwithstanding any law or regulation to the contrary, any S corporation may elect not to be taxed as a New Jersey S corporation This election shall have the consent of 100 percent of the shareholders of the S corporation on the date on which the election is made An election to opt out under this subsection may be made for any taxable year at any time during the preceding taxable year or at any time on or before the due date or extended due date of the S corporation's tax return An election to opt out made pursuant to this subsection shall be effective for the taxable year for which the election is made and for each succeeding taxable year until revoked An election to opt out made pursuant to this subsection may be

revoked if shareholders holding more than 50 percent of the shares of stock of the S corporation on the date on which the revocation is made consent to the revocation and such revocation shall be effective on the first day of the taxable year if made on or before the fifteenth day of the third month thereof, if the revocation is made after such date, the revocation shall be effective for the following taxable year, unless the shareholders revoke the revocation before December 31 of the current year An election to opt out or revocation made pursuant to this subsection shall be made in a form and manner prescribed by the director Any S corporation doing business in New Jersey, or having or exercising its franchise in New Jersey, or deriving receipts, engaging in contracts, or employing or owning capital or property in New Jersey, or registered to do business in New Jersey, that does not make this election to opt out will be taxed as a New Jersey S corporation

e A corporation shall report any change in its shareholders or their share of ownership to the Director of the Division of Taxation in a form and manner determined by the director

21 Section 4 of P L 1993, c 173 (C 54 10A-5 23) is amended to read as follows

C 54 10A-5 23 Requirements for New Jersey S corporation

4 a Each shareholder of a New Jersey S corporation shall satisfy the requirements of paragraph b of this section

b Deliver a consent to the jurisdictional requirements as set forth in section 3 of P L 1993, c 173 (C 54 10A-5 22), in a form and manner determined by the director

c A New Jersey S corporation shall make payments to the Director of the Division of Taxation on behalf of each nonconsenting shareholder in an amount equal to the shareholder's pro rata share of S corporation income allocated to this State, as defined pursuant to section 12 of P L 1993, c 173 (C 54A 5-10), reflected on the corporation's return for the accounting or privilege period, multiplied by the maximum tax bracket rate provided under N J S 54A 2-1 in effect at the end of the accounting or privilege period The payments shall be made no later than the time for filing of the return for the accounting or privilege period The director may, by regulation, require that amounts estimated to be equal to the liability expected to be due pursuant to this subsection be withheld from any distribution made to a nonconsenting shareholder

d If a shareholder that is not an initial shareholder of a New Jersey S corporation fails to deliver a consent to the jurisdictional requirements set forth in section 3 of P L 1993, c 173 (C 54 10A-5 22), and objects to New Jersey's

jurisdiction to withhold payments pursuant to subsection c of this section, then this State shall have the right and jurisdiction to collect a tax each year directly from the corporation equal to the pro rata share of the S corporation income allocated to this State, as defined pursuant to section 12 of P L 1993, c 173 (C 54A 5-10), of the nonconsenting shareholder times the maximum tax bracket rate provided under N J S 54A 2-1 for the appropriate accounting or privilege period In such case, the corporation shall have the right, but not the obligation, to recover payments made by the corporation pursuant to this subsection from each nonconsenting shareholder The corporation shall not be liable for the pass-through business alternative income tax pursuant to P L 2019, c 320 (C 54A 12-1 et al) relative to collections made in a taxable year for such nonconsenting members

22 Section 12 of P L 1993, c 173 (C 54A 5-10) is amended to read as follows

C 54A 5-10 Definitions

12 For the purposes of the "New Jersey Gross Income Tax Act," N J S 54A 1-1 et seq

"New Jersey S corporation" means a corporation that has made a valid election to be an S corporation for federal tax purposes for the taxable year, and that has not made a valid election pursuant to subsection d of section 20 of P L 2022, c 133 (C 54 10A-5 22)

"Pro rata share" means the portion of any items attributable to an S corporation shareholder for a taxable year determined in the manner provided in, and subject to any election made under subsection (a) of section 1377 or subsection (e) of section 1362 of the federal Internal Revenue Code of 1986, 26 U S C s 1377 and s 1362

"Pro rata share of S corporation income" means the sum of the shareholder's proportionate share of

For a New Jersey S corporation, the S corporation income allocated to this State of all New Jersey S corporations, and the S corporation income not allocated to this State

"S corporation" means a corporation that has elected to be an "S corporation" pursuant to section 1361 of the federal Internal Revenue Code, 26 U S C s 1361, for the taxable year

"S corporation income" means the net of an S corporation's items of income, loss or deduction taken into account by the shareholder in the manner provided in section 1366 of the federal Internal Revenue Code of 1986, 26 U S C s 1366, provided however that

a S corporation income shall be determined without the exclusion, deduction or credit of

(1) any dividend exclusion or deduction otherwise allowed pursuant to paragraph 5 of subsection (k) of section 4 of P L 1945, c 162 (C 54 10A-4),

(2) taxes paid or accrued to the United States, a possession or territory of the United States, a state including this State, a political subdivision thereof, or the District of Columbia on or measured by profits or income, or business presence or business activity, of the corporation,

(3) any income taxes paid or accrued to the United States, a possession or territory of the United States, a state including this State, a political subdivision thereof, or the District of Columbia paid or accrued by the S corporation on behalf of, or in satisfaction of the liabilities of, shareholders of the corporation,

(4) interest income on obligations of any state other than this State, or of a political subdivision thereof, or of the federal government, except as deducted pursuant to subsection b of this section, or

(5) interest on indebtedness incurred or continued, expenses paid and incurred to purchase, carry, manage or conserve, and expenses of collection of the income or gain from obligations the income or gain from which is deductible pursuant to subsection b of this definition, and

b S corporation income shall be determined after deduction of any gains or income derived from obligations which are referred to in N J S 54A 6-14 or from securities which evidence ownership in a qualified investment fund as defined in section 2 of P L 1987, c 310 (C 54A 6-14 1), and any interest excluded from gross income pursuant to N J S 54A 6-14, or distributions excluded from income pursuant to section 2 of P L 1987, c 310 (C 54A 6-14 1), and

c The character of any S corporation item taken into account by a shareholder of an S corporation shall be determined as if such items were received or incurred by the S corporation and not its shareholder

"S corporation income allocated to this State" means that portion of the S corporation income that is allocated to this State by the allocation factor of the corporation for the fiscal or calendar accounting period pursuant to sections 6 through 10 of P L 1945, c 162 (C 54 10A-6 through 54 10A-10), reduced by any tax imposed pursuant to paragraph (3) of subsection (c) of section 5 of P L 1945, c 162 (C 54 10A-5)

"S corporation income not allocated to this State" means S corporation income less S corporation income allocated to this State

23 Section 13 of P L 1993, c 173 (C 54A 5-11) is amended to read as follows

C 54A 5-11 Initial basis of shareholder of S corporation stock

13 a A resident shareholder of S corporation stock held by the shareholder on the first day of the first taxable year following enactment of this section shall have an initial basis in the stock of that S corporation and any indebtedness of the S corporation equal to the basis of the stock determined as though the stock was stock of a corporation not an S corporation plus any indebtedness of the S corporation to the shareholder and shall be determined as of the first day of the first taxable year following enactment of this section

b A resident shareholder of S corporation stock to which subsection a of this section does not apply shall have an initial basis in the stock of the S corporation and any indebtedness of the S corporation as determined pursuant to the federal Internal Revenue Code of 1986, determined as of the date that is the latest to occur of the date on which the shareholder last became a resident of this State, the date on which the shareholder acquired the stock of the corporation, or the effective date of the corporation's most recent S election under the federal Internal Revenue Code of 1986

c The initial basis of a resident shareholder in the stock and indebtedness of an S corporation shall be adjusted after the date specified in subsections a or b of this section in the manner required by section 1011 of the federal Internal Revenue Code of 1986, 26 U S C s 1011, except that such adjustments shall be limited to that portion of S corporation income allocated to this State and S corporation income not allocated to this State that is included in the shareholder's pro rata share of S corporation income and except that, with respect to any taxable period during which the shareholder is a resident of this State

(1) any modification made pursuant to the definition of S corporation income pursuant to section 12 of PL 1993, c 173 (C 54A 5-10) other than those for income exempt from taxation by this State pursuant to paragraph (5) of subsection a and subsection b of that definition shall be taken into account, and

(2) any adjustments made pursuant to section 1367 of the federal Internal Revenue Code of 1986, 26 U S C s 1367, for a taxable period during which this State did not measure the income of a shareholder of an S corporation by reference to the S corporation's income shall not be taken into account

d A nonresident shareholder of S corporation stock shall have an initial basis in the stock of the S corporation and any indebtedness of the S corporation of zero as of the date that is the latest to occur of the date on which the shareholder last became a nonresident of this State, the date on which the shareholder acquired the stock of the corporation, or the effective

date of the corporation's most recent S election under the federal Internal Revenue Code of 1986

e The initial basis of a nonresident shareholder in the stock and indebtedness of an S corporation shall be adjusted after the date specified in subsection d of this section as provided in section 1367 of the of the federal Internal Revenue Code of 1986, 26 U S C s 1367, except that such adjustments shall be limited to that portion of S corporation income allocated to this State that is included in the shareholder's pro rata share of S corporation income In computing S corporation income allocated to this State any modification made pursuant to the definition of S corporation income pursuant to section 12 of P L 1993, c 173 (C 54A 5-10) for income exempt from taxation by this State pursuant to paragraph (5) of subsection a and subsection b of that definition shall not be taken into account

f The basis in the hands of a resident shareholder of an S corporation in stock of the S corporation shall be reduced by the amount of any cash distribution which is not taxable to the shareholder as a result of the application of section 16 of P L 1993, c 173 (C 54A 5-14)

g For purposes of this section, any person acquiring stock or indebtedness of an S corporation by gift shall be considered to have acquired the stock or indebtedness at the time the donor acquired the stock or indebtedness

C 54 10A-5 22a Regulatory requirements, granting retroactive election, authorization

24 The Directors of the Divisions of Revenue and Enterprise Services and Taxation, when determining whether to grant retroactive election of S corporation status, shall liberally construe regulatory requirements in favor of the corporation and shall have the discretion to authorize retroactive S corporation status in circumstances in which a taxpayer may not be capable of meeting all regulatory requirements for such retroactive election through no fault of the taxpayer

25 Sections 1 through 18 and section 25 of this act shall take effect immediately, and sections 1 through 16 shall apply to any adjustments to a taxpayer's federal taxable income on or after January 1, 2020 Sections 19 through 24 of this act shall take effect immediately but shall apply for taxable years and privilege periods beginning after the date of enactment and the Directors of the Divisions of Taxation and Revenue and Enterprise Services shall take such anticipatory administrative action in advance as is necessary to effectuate the purposes of this act

Approved December 22, 2022

CHAPTER 134

AN ACT concerning State economic development programs and amending various parts of the statutory law

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

1 Section 9 of P L 1996, c 25 (C 34 1B-120) is amended to read as follows

C 34 1B-120 Certificate of compliance indicating amount of tax credits, elect to waive requirement, minimum employee time, criteria

9 a As determined by the authority, a business which is awarded a grant of tax credits under P L 1996, c 25 (C 34 1B-112 et seq) shall submit annually, no later than March 1st of each year, commencing in the year in which the grant of tax credits is issued and for the remainder of the commitment duration, a certificate of compliance that indicates that the business continues to maintain the number of retained full-time jobs as specified in the project agreement Upon receipt and review thereof during the tax credit term, the authority shall issue a certificate of compliance indicating the amount of tax credits that the business may apply against liability pursuant to section 7 of P L 2004, c 65 (C 34 1B-115 3) Any reduction in the number of retained full-time jobs below the number prescribed under the terms of the project agreement shall proportionately reduce the amount of tax credits the business may apply against liability in that tax period and the credits that may no longer be applied for that tax period shall be forfeited However, if in any tax period, the number of retained full-time jobs drops below the minimum number of retained full-time jobs indicated in the paragraph of subsection b of section 7 of P L 2004, c 65 (C 34 1B-115 3) pursuant to which the project agreement was executed such that the business would no longer be eligible to apply the credits for the number of years for which it was approved, then the authority shall reduce the amount of tax credits the business may apply against liability and the number of years in which the business may apply the tax credits The grant shall be subject to recapture provisions pursuant to the project agreement

b Following the termination of the public health emergency declared by the Governor pursuant to Executive Order No 103 of 2020, as extended, a business that has entered into an incentive agreement may elect, before December 31, 2023, to waive, for the period beginning on July 1, 2022 and ending on December 31, 2023, the requirement that a full-time employee who is employed by the business shall spend at least 60 percent of the

employee's time at the qualified business facility, provided, however, that a business that makes such an election shall satisfy the following criteria

(1) any full-time employee employed by the business shall spend at least 10 percent of the employee's time at the qualified business facility through the 2023 tax period, and

(2) following the receipt by the business of its tax credit certificate or tax credit transfer certificate for the 2022 tax period, the business shall make a payment of an amount equal to five percent of the amount of tax credit the business receives for the 2022 tax period, which payment shall be made to the authority, and which payment the authority shall hold and make available for the provision of loans, guarantees, equity investments, and grants, or other forms of financing to support small business and downtown or commercial corridor activation activities within the municipality in which the qualified business facility is located, as may be designated by the chief executive officer of the authority

2 Section 6 of P L 1996, c 26 (C 34 1B-129) is amended to read as follows

C 34 1B-129 Employment incentive grant criteria, tax credit transfer certificate, elect to waive requirement, minimum employee time, criteria

6 a The amount of the employment incentive awarded as a grant by the authority shall either be awarded in cash or as a tax credit In each case, the amount of the grant shall be not less than 10 percent and not more than 50 percent of the withholdings of the business, or not less than 10 percent and not more than 30 percent of the estimated tax of the partners of an eligible partnership whether paid directly by the partner or by the eligible partnership on behalf of the partner's account, or any combination thereof, and shall be subject to the provisions of sections 10 and 11 of P L 1996, c 26 (C 34 1B-133 and C 34 1B-134) In no case shall the aggregate amount of the employment incentive grant awarded pursuant to a business employment incentive agreement entered into on or after July 1, 2003 exceed an average of $50,000 for all new employees over the term of the grant The employment incentive shall be based on criteria developed by the authority after considering the following

(1) The number of eligible positions to be created,

(2) The expected duration of those positions,

(3) The type of contribution the business can make to the long-term growth of the State's economy,

(4) The amount of other financial assistance the business will receive from the State for the project,

(5) The total dollar investment the business is making in the project,

(6) Whether the business is a designated industry,

(7) Impact of the business on State tax revenues, and

(8) Such other related factors determined by the authority

b A business may be eligible to be awarded a grant, either in cash or in tax credits, of up to 80 percent of the withholdings of the business or up to 50 percent of the estimated tax of the partners of an eligible partnership if the grant promotes smart growth and the goals, strategies, and policies of the State Development and Redevelopment Plan, established pursuant to section 5 of P L 1985, c 398 (C 52 18A-200), as determined by and based upon criteria promulgated by the authority following consultation with the Office of State Planning in the Department of State

c The term of the grant shall not exceed 10 years

d At the discretion of the authority, the grant may apply to new employees or partners in eligible positions created during the base years, and during the remainder of the term of the grant

e Within 180 days of the date of enactment of P L 2015, c 194 (C 34 1B-137 1 et al), a business that was approved for a grant prior to the enactment of P L 2015, c 194 (C 34 1B-137 1 et al), may direct the authority to convert the grant to a tax credit against the tax liability otherwise due 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 direction to convert the grant to a tax credit shall be irrevocable An approved tax credit shall be issued in the manner and for the amounts as follows and may only be applied in the tax period for which they are issued and shall not be carried forward

(1) For grants accrued but not paid during calendar years 2008 through 2013, the tax credit shall be equal to an approved amount and shall be issued in five installments over a five-year period beginning in the 2017 tax accounting or privilege period of the business or tax credit transferee in the following percentages in year one, five percent of the accrued amount, in year two, 20 percent of the accrued amount, in year three, 25 percent of the accrued amount, in year four, 25 percent of the accrued amount, in year five, 25 percent of the accrued amount To the extent any amount in this paragraph has not been approved by the authority by the commencement of State fiscal year 2017, the aggregate tax credit that would have been issued in State fiscal year 2017 shall be issued in the year the amount is approved and the five-year period shall commence in that fiscal year,

(2) For a grant accrued but not paid during calendar year 2014, the tax credit shall be equal to any approved amount and shall be issued in four equal

installments over a four-year period beginning in the 2019 tax accounting or privilege period of the business or tax credit transferee,

(3) For a grant accrued but not paid during calendar year 2015, the tax credit shall be equal to any approved amount and shall be issued in four equal installments over a four-year period beginning in the 2019 tax accounting or privilege period of the business or tax credit transferee,

(4) For a grant accrued but not paid during calendar year 2016, the tax credit shall be equal to any approved amount and shall be issued in three equal installments over a three-year period beginning in the 2020 tax accounting or privilege period of the business or tax credit transferee,

(5) For a grant accrued but not paid during calendar year 2017, the tax credit shall be equal to any approved amount and shall be issued in three equal installments over a three-year period beginning in the 2020 tax accounting or privilege period of the business or tax credit transferee,

(6) For a grant accrued but not paid during calendar year 2018, the tax credit shall be equal to any approved amount and shall be issued in two equal installments over a two-year period beginning in the 2022 tax accounting or privilege period of the business or tax credit transferee,

(7) For a grant accrued but not paid during calendar year 2019, the tax credit shall be equal to any approved amount and shall be issued in two equal installments over a two-year period beginning in the 2022 tax accounting or privilege period of the business or tax credit transferee,

(8) For a grant accrued but not paid during calendar year 2020, the tax credit shall be equal to any approved amount and shall be issued in two equal installments over a two-year period beginning in the 2023 tax accounting or privilege period of the business or tax credit transferee,

(9) For a grant accrued but not paid during calendar year 2021, the tax credit shall be equal to any approved amount and shall be issued in two equal installments over a two-year period beginning in the 2023 tax accounting or privilege period of the business or tax credit transferee,

(10) For a grant accrued but not paid during calendar year 2022, the tax credit shall be equal to any approved amount and shall be paid in two equal installments over a two-year period beginning in the 2023 tax accounting or privilege period of the business or tax credit transferee,

(11) For a grant accrued but not paid during calendar year 2023, the tax credit shall be equal to any approved amount and shall be issued in two equal installments over a two-year period beginning in the 2023 tax accounting or privilege period of the business or tax credit transferee,

(12) For a grant accrued but not paid during calendar year 2024, the tax credit shall be equal to any approved amount and shall be issued in the 2025 tax accounting or privilege period of the business or tax credit transferee, and

(13) For a grant accrued but not paid during calendar year 2025, the tax credit shall be equal to any approved amount and shall be issued in the 2025 tax accounting or privilege period of the business or tax credit transferee

f The amount of the credit allowed pursuant to this section shall be applied against the tax otherwise due under 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 C 54 18A-3), section 1 of P L 1950, c 231 (C 17 32-15), or N J S 17B 23-5, prior to all other credits and payments If the credit exceeds the amount of tax liability otherwise due from a business that pays taxes under 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 C 54 18A-3), section 1 of P L 1950, c 231 (C 17 32-15), or N J S 17B 23-5, that amount of excess shall be an overpayment for the purposes of R S 54 49-15, provided, however, that section 7 of P L 1992, c 175 (C 54 49-15 1) shall not apply

g (1) A business that does not pay taxes under 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 may apply to the executive director of the authority for a tax credit transfer certificate, covering one or more years

(2) A business that has received a tax credit pursuant to subsection e of this section, which credit exceeds the amount of the tax liability otherwise due, may apply to the executive director of the authority for a tax credit transfer certificate, covering one or more years

(3) Upon the executive director's approval of an application for a tax credit transfer certificate, the division shall review and issue the tax credit transfer certificate The tax credit transfer certificate, upon receipt thereof by the business, may be sold or assigned, in full or in part, in an amount not less than $100,000, or the amount of the refundable tax credit issued if less than $100,000, of tax credits 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 tax credit transfer certificate provided to the business shall include a statement waiving the business's right to claim that amount of the credit against the taxes that the business has elected to sell or assign The sale or assignment of any amount of a tax credit transfer certificate allowed under this section shall not be exchanged for consideration received by the business of less than 75 percent of the transferred credit amount before considering any further discounting to present value which shall 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 privileges, limitations, and conditions that apply to the use of the credit by the business that originally applied for and was allowed the tax credit, including treating the amount of excess as an overpayment under subsection f of this section The tax credit transferee may not transfer its tax credit to any other party

h Following the termination of the public health emergency declared by the Governor pursuant to Executive Order No 103 of 2020, as extended, a business that has entered into an incentive agreement may elect, before December 31, 2023, to waive, for the period beginning on July 1, 2022 and ending on December 31, 2023, the requirement that a full-time employee who is employed by the business shall spend at least 60 percent of the employee's time at the qualified business facility, provided, however, that a business that makes such an election shall satisfy the following criteria

(1) any full-time employee employed by the business shall spend at least 10 percent of the employee's time at the qualified business facility through the 2023 tax period, and

(2) following the receipt by the business of its tax credit certificate or tax credit transfer certificate for the 2022 tax period, the business shall make a payment of an amount equal to five percent of the amount of tax credit the business receives for the 2022 tax period, which payment shall be made to the authority, and which payment the authority shall hold and make available for the provision of loans, guarantees, equity investments, and grants, or other forms of financing to support small business and downtown or commercial corridor activation activities within the municipality in which the qualified business facility is located, as may be designated by the chief executive officer of the authority

3 Section 3 of P L 2007, c 346 (C 34 1B-209) is amended to read as follows

C 34 1B-209 Credit for qualified business facilities, conditions for eligibility, allowance

3 a (1) A business, upon application to and approval from the authority, shall be allowed a credit of 100 percent of its capital investment, made after the effective date of P L 2007, c 346 (C 34 1B-207 et seq) but prior to its submission of documentation pursuant to subsection c of this section, in a qualified business facility within an eligible municipality, pursuant to the restrictions and requirements of this section To be eligible for any tax credits authorized under this section, a business shall demonstrate to the authority, at the time of application, that the State's financial support of the proposed

capital investment in a qualified business facility will yield a net positive benefit to both the State and the eligible municipality The value of all credits approved by the authority pursuant to P L 2007, c 346 (C 34 1B-207 et seq) shall not exceed $1,750,000,000, except as may be increased by the authority as set forth in paragraph (5) of subsection a of section 35 of P L 2009, c 90 (C 34 1B-209 3) and section 6 of P L 2010, c 57 (C 34 1B-209 4)

(2) A business, other than a tenant eligible pursuant to paragraph (3) of this subsection, shall make or acquire capital investments totaling not less than $50,000,000 in a qualified business facility, at which the business shall employ not fewer than 250 full-time employees to be eligible for a credit under this section A business that acquires a qualified business facility shall also be deemed to have acquired the capital investment made or acquired by the seller

(3) A business that is a tenant in a qualified business facility, the owner of which has made or acquired capital investments in the facility totaling not less than $50,000,000, shall occupy a leased area of the qualified business facility that represents at least $17,500,000 of the capital investment in the facility at which the tenant business and up to two other tenants in the qualified business facility shall employ not fewer than 250 full-time employees in the aggregate to be eligible for a credit under this section The amount of capital investment in a facility that a leased area represents shall be equal to that percentage of the owner's total capital investment in the facility that the percentage of net leasable area leased by the tenant is of the total net leasable area of the qualified business facility Capital investments made by a tenant shall be deemed to be included in the calculation of the capital investment made or acquired by the owner, but only to the extent necessary to meet the owner's minimum capital investment of $50,000,000 Capital investments made by a tenant and not allocated to meet the owner's minimum capital investment threshold of $50,000,000 shall be added to the amount of capital investment represented by the tenant's leased area in the qualified business facility

(4) A business shall not be allowed tax credits under this section if the business participates in a business employment incentive agreement, pursuant to P L 1996, c 26 (C 34 1B-124 et seq), relating to the same capital and employees that qualify the business for this credit, or if the business receives assistance pursuant to P L 1996, c 25 (C 34 1B-112 et seq) A business that is allowed a tax credit under this section shall not be eligible for incentives authorized pursuant to P L 2002, c 43 (C 52 27BBB-1 et al) A business shall not qualify for a tax credit under this section, based upon its capital investment and the employment of full-time employees, if that capital investment or employment was the basis for which a grant was provided to the business pursuant to the "InvestNJ Business Grant Program Act," P L 2008, c 112 (C 34 1B-237 et seq)

(5) Full-time employment for an accounting or a privilege period shall be determined as the average of the monthly full-time employment for the period

(6) The capital investment of the owner of a qualified business facility is that percentage of the capital investment made or acquired by the owner of the building that the percentage of net leasable area of the qualified business facility not leased to tenants is of the total net leasable area of the qualified business facility

(7) A business shall be allowed a tax credit of 100 percent of its capital investment, made after the effective date of P.L. 2011, c. 89 but prior to its submission of documentation pursuant to subsection c. of this section, in a qualified business facility that is part of a mixed use project, provided that (a) the qualified business facility represents at least $17,500,000 of the total capital investment in the mixed use project, (b) the business employs not fewer than 250 full-time employees in the qualified business facility, and (c) the total capital investment in the mixed use project of which the qualified business facility is a part is not less than $50,000,000. The allowance of credits under this paragraph shall be subject to the restrictions and requirements, to the extent that those are not inconsistent with the provisions of this paragraph, set forth in paragraphs (1) through (6) of this subsection, including, but not limited to, the requirement that the business shall demonstrate to the authority, at the time of application, that the State's financial support of the proposed capital investment in a qualified business facility will yield a net positive benefit to both the State and the eligible municipality.

(8) In determining whether a proposed capital investment will yield a net positive benefit, the authority shall not consider the transfer of an existing job from one location in the State to another location in the State as the creation of a new job, unless (a) the business proposes to transfer existing jobs to a municipality in the State as part of a consolidation of business operations from two or more other locations that are not in the same municipality whether in-State or out-of-State, or (b) the business's chief executive officer, or equivalent officer, submits a certification to the authority indicating that the existing jobs are at risk of leaving the State and that the business's chief executive officer, or equivalent officer, has reviewed the information submitted to the authority and that the representations contained therein are accurate, and the business intends to employ not fewer than 500 full-time employees in the qualified business facility. In the event that this certification by the business's chief executive officer, or equivalent officer, is found to be willfully false, the authority may revoke any award of tax credits in their entirety, which revocation shall be in addition to any other criminal or civil penalties that the business and the officer may be subject to. When considering an application

involving intra-State job transfers, the authority shall require the company to submit the following information as part of its application a full economic analysis of all locations under consideration by the company, all lease agreements, ownership documents, or substantially similar documentation for the business's current in-State locations, and all lease agreements, ownership documents, or substantially similar documentation for the potential out-of-State location alternatives, to the extent they exist Based on this information, and any other information deemed relevant by the authority, the authority shall independently verify and confirm, by way of making a factual finding by separate vote of the authority's board, the business's assertion that the jobs are actually at risk of leaving the State, before a business may be awarded any tax credits under this section

b (1) If applications under this section have been received by the authority 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), then, to the extent that there remains sufficient financial authorization for the award of a tax credit, the authority is authorized to consider those applications and to make awards of tax credits to eligible applicants, provided that the authority shall take final action on those applications no later than December 31, 2013

(2) A business shall apply for the credit under this section 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), and shall submit its documentation for approval of its credit amount no later than December 31, 2023

(3) If a business has submitted an application under this section and that application has not been approved for any reason, the lack of approval shall not serve to prejudice in any way the consideration of a new application as may be submitted for the qualified business facility for the provision of incentives offered pursuant to the "New Jersey Economic Opportunity Act of 2013," P L 2013, c 161 (C 52 27D-489p et al)

(4) Tax credits awarded pursuant to P L 2007, c 346 (C 34 1B-207 et seq) for applications submitted to and approved by the authority 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), shall be administered by the authority in the manner established prior to that date

(5) With respect to an application received by the authority 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) for a qualified business facility that is located on or adjacent to the campus of an acute care medical facility, (a) the minimum number of full-time employees required for eligibility under the program may be employed by any number of tenants or other occupants of the

facility, in the aggregate, and the initial satisfaction of the requirement following completion of the project shall be deemed to satisfy the employment requirements of the program in all respects, and (b) if the capital investment in the facility exceeds $100,000,000, the determination of the net positive benefit yield shall be based on the benefits generated during a period of up to 30 years following the completion of the project, as determined by the authority

c (1) The amount of credit allowed shall, except as otherwise provided, be equal to the capital investment made by the business, or the capital investment represented by the business's leased area, or area owned by the business as a condominium, and shall be taken over a 10-year period, at the rate of one-tenth of the total amount of the business's credit for each tax accounting or privilege period of the business, beginning with the tax period in which the business is first certified by the authority as having met the investment capital and employment qualifications, subject to any reduction or disqualification as provided by subsection d of this section as determined by annual review by the authority In conducting its annual review, the authority may require a business to submit any information determined by the authority to be necessary and relevant to its review

The credit amount that may be taken for a tax period of the business that exceeds the final liabilities of the business for the tax period may be carried forward for use by the business in the next 20 successive tax periods, and shall expire thereafter, provided that the value of all credits approved by the authority against tax liabilities pursuant to P L 2007, c 346 (C 34 1B-207 et seq) in any fiscal year shall not exceed $260,000,000

The amount of credit allowed for a tax period to a business that is a tenant in a qualified business facility shall not exceed the business's total lease payments for occupancy of the qualified business facility for the tax period

A business may elect to suspend its obligations for the 2020, 2021, 2022, or 2023 tax period, or any combination thereof, due to the COVID-19 pandemic, provided that the business shall make such election in writing to the authority before the issuance of the tax credit for the corresponding tax year and such suspension shall extend the term of the eligibility period by a corresponding amount of time The authority shall modify the approval letter, and the business shall execute the modification within the time period provided by the authority The modification shall provide that the failure to submit the annual report due to the suspension shall not be a forfeiture or an uncertified tax period

(2) A business that is a partnership shall not be allowed a credit under this section directly, but the amount of credit of an owner of a business shall be determined by allocating to each owner of the partnership that proportion of the credit of the business that is equal to the owner of the partnership's

share, whether or not distributed, of the total distributive income or gain of the partnership for its tax period ending within or at the end of the owner's tax period, or that proportion that is allocated by an agreement, if any, among the owners of the partnership that has been provided to the Director of the Division of Taxation in the Department of the Treasury by the time and accompanied by the additional information as the director may require

(3) The amount of credit allowed may be applied against the tax liability otherwise due pursuant to section 5 of P L 1945, c 162 (C 54 10A-5), pursuant to sections 2 and 3 of P L 1945, c 132 (C 54 18A-2 and C 54 18A-3), pursuant to section 1 of P L 1950, c 231 (C 17 32-15), or pursuant to N J S 17B 23-5

d (1) If, in any tax period, fewer than 200 full-time employees of the business at the qualified business facility are employed in new full-time positions, the amount of the credit otherwise determined pursuant to final calculation of the award of tax credits pursuant to subsection c of this section shall be reduced by 20 percent for that tax period and each subsequent tax period until the first period for which documentation demonstrating the restoration of the 200 full-time employees employed in new full-time positions at the qualified business facility has been reviewed and approved by the authority, for which tax period and each subsequent tax period the full amount of the credit shall be allowed, provided, however, that for businesses applying before January 1, 2010, there shall be no reduction if a business relocates to an urban transit hub from another location or other locations in the same municipality For the purposes of this paragraph, a "new full-time position" means a position created by the business at the qualified business facility that did not previously exist in this State

(2) If, in any tax period, the business reduces the total number of full-time employees in its Statewide workforce by more than 20 percent from the number of full-time employees in its Statewide workforce in the last tax accounting or privilege period prior to the credit amount approval under subsection a of this section, then the business shall forfeit its credit amount for that tax period and each subsequent tax period, until the first tax period for which documentation demonstrating the restoration of the business's Statewide workforce to the threshold levels required by this paragraph has been reviewed and approved by the authority, for which tax period and each subsequent tax period the full amount of the credit shall be allowed

(3) If, in any tax period, (a) the number of full-time employees employed by the business at the qualified business facility located in an urban transit hub within an eligible municipality drops below 250, or (b) the number of full-time employees, who are not the subject of intra-State job transfers, pursuant to paragraph (8) of subsection a of this section, employed by the business at any

other business facility in the State, whether or not located in an urban transit hub within an eligible municipality, drops by more than 20 percent from the number of full-time employees in its workforce in the last tax accounting or privilege period prior to the credit amount approval under this section, then the business shall forfeit its credit amount for that tax period and each subsequent tax period, until the first tax period for which documentation demonstrating the restoration of the number of full-time employees employed by the business at the qualified business facility to 250 or an increase above the 20 percent reduction has been reviewed and approved by the authority, for which tax period and each subsequent tax period the full amount of the credit shall be allowed

(4) (i) If the qualified business facility is sold in whole or in part during the 10-year eligibility period, the new owner shall not acquire the capital investment of the seller and the seller shall forfeit all credits for the tax period in which the sale occurs and all subsequent tax periods, provided, however, that any credits of tenants shall remain unaffected

(ii) If a tenant subleases its tenancy in whole or in part during the 10-year eligibility period, the new tenant shall not acquire the credit of the sublessor, and the sublessor tenant shall forfeit all credits for the tax period of its sublease and all subsequent tax periods

(5) Following the termination of the public health emergency declared by the Governor pursuant to Executive Order No 103 of 2020, as extended, a business that has entered into an incentive agreement may elect, before December 31, 2023, to waive, for the period beginning on July 1, 2022 and ending on December 31, 2023, the requirement that a full-time employee who is employed by the business shall spend at least 60 percent of the employee's time at the qualified business facility, provided, however, that a business that makes such an election shall satisfy the following criteria

(i) any full-time employee employed by the business shall spend at least 10 percent of the employee's time at the qualified business facility through the 2023 tax period, and

(ii) following the receipt by the business of its tax credit certificate or tax credit transfer certificate for the 2022 tax period, the business shall make a payment of an amount equal to five percent of the amount of tax credit the business receives for the 2022 tax period, which payment shall be made to the authority, and which payment the authority shall hold and make available for the provision of loans, guarantees, equity investments, and grants, or other forms of financing to support small business and downtown or commercial corridor activation activities within the municipality in which the qualified business facility is located, as may be designated by the chief executive officer of the authority

e (1) The Executive Director of the New Jersey Economic Development Authority, in consultation with the Director of the Division of Taxation in the Department of the Treasury, shall adopt rules in accordance with the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq) as are necessary to implement P L 2007, c 346 (C 34 1B-207 et seq), including, but not limited to examples of and the determination of capital investment, the enumeration of eligible municipalities, specific delineation of urban transit hubs, the determination of the limits, if any, on the expense or type of furnishings that may constitute capital improvements, the promulgation of procedures and forms necessary to apply for a credit, including the enumeration of the certification procedures and allocation of tax credits for different phases of a qualified business facility or mixed use project, and provisions for credit applicants to be charged an initial application fee, and ongoing service fees, to cover the administrative costs related to the credit

(2) Through regulation, the authority shall establish standards 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

f A business that has executed an approval letter may request before December 31, 2023 to terminate the award, commencing with the 2020 tax period or any subsequent tax period ending on or before December 31, 2023, due to the COVID-19 public health emergency, provided that the business shall submit a certification from the business's chief executive officer or equivalent officer stating that the termination is due, directly or indirectly, to the public health emergency and describing the impact of the public health emergency on the business All credits for the tax period in which the termination is requested and all subsequent tax periods shall be forfeited, provided however that any credits of the business shall remain unaffected A termination agreement executed by the authority and business shall not be amended

4 Section 6 of P L 2011, c 149 (C 34 1B-247) is amended to read as follows

C 34 1B-247 Limits on combined value of approved credits

6 a (1) The combined value of all credits approved by the authority pursuant to P L 2007, c 346 (C 34 1B-207 et seq) and P L 2011, c 149 (C 34 1B-242 et al) prior to December 31, 2013 shall not exceed $1,750,000,000, except as may be increased by the authority as set forth in

paragraph (5) of subsection a of section 35 of P.L.2009, c.90 (C.34:1B-209.3). Following the enactment of the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.), there shall be no monetary cap on the value of credits approved by the authority attributable to the program pursuant to the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.).

(2) (Deleted by amendment, P.L.2013, c.161)

(3) (Deleted by amendment, P.L.2013, c.161)

(4) (Deleted by amendment, P.L.2013, c.161)

(5) (Deleted by amendment, P.L.2013, c.161)

b. (1) A business shall submit an application for tax credits prior to July 1, 2019. The authority shall not approve an application for tax credits unless the application was submitted prior to July 1, 2019.

(2) (a) A business shall submit its documentation indicating that it has met the capital investment and employment requirements and all conditions of approvals specified in the incentive agreement for certification of its tax credit amount, to the authority's satisfaction, within three years following the date of approval of its application by the authority. The authority shall have the discretion to grant two six-month extensions of this deadline. If the authority accepts the documentation, the authority shall request that the Division of Taxation in the Department of the Treasury issue a tax credit based on the approved documentation to be used by the business during the eligibility period. Except as provided in subparagraphs (b) and (c) of this paragraph, in no event shall the incentive effective date occur later than four years following the date of approval of an application by the authority.

(b) As of the effective date of P.L.2017, c.314, a business which applied for the tax credit prior to July 1, 2014 under P.L.2011, c.149 (C.34:1B-242 et al.), shall submit its documentation to the authority no later than July 28, 2019, indicating that it has met the capital investment and employment requirements specified in the incentive agreement for certification of its tax credit amount.

(c) If the Governor declares an emergency, then the chief executive officer of the authority shall have the discretion to grant an extension for the duration of the emergency and the board of the authority, upon recommendation of the chief executive officer, may grant two additional six-month extensions, provided that (i) the extensions are due to the economic disruption caused by the emergency, (ii) the project is delayed due to unforeseeable acts related to the project beyond the eligible business's control and without its fault or negligence, (iii) the eligible business is using best efforts, with all due diligence, to proceed with the completion of the project and the submission of the certification, and (iv) the eligible business has

made, and continues to make, all reasonable efforts to prevent, avoid, mitigate, and overcome the delay

(3) Full-time employment for an accounting or privilege period shall be determined as the average of the monthly full-time employment for the period

(4) A business seeking a credit for a mega project shall apply for the credit within four years after the effective date of the "New Jersey Economic Opportunity Act of 2013," P L 2013, c 161 (C 52 27D-489p et al)

c (1) In conducting its annual review, the authority may require a business to submit any information determined by the authority to be necessary and relevant to its review

The credit amount for any tax period for which the documentation of a business's credit amount remains uncertified as of a date three years after the closing date of that period shall be forfeited, although credit amounts for the remainder of the years of the eligibility period shall remain available to it

The credit amount may be taken by the tax certificate holder for the tax period for which it was issued or may be carried forward for use by the tax certificate holder in any of the next 20 successive tax periods, and shall expire thereafter The tax certificate holder may transfer the tax credit amount on or after the date of issuance or at any time within three years of the date of issuance for use by the transferee in the tax period for which it was issued or in any of the next 20 successive tax periods Notwithstanding the foregoing, no more than the amount of tax credits equal to the total credit amount divided by the duration of the eligibility period in years may be taken in any tax period

A business may elect to suspend its obligations for the 2020, 2021, 2022, or 2023 tax period, or any combination thereof, due to the COVID-19 pandemic, provided that the business shall make such election in writing to the authority before the issuance of the tax credit for the corresponding tax year and such suspension shall extend the term of the eligibility period by a corresponding amount of time The authority shall amend the incentive agreement, and the business shall execute the amended incentive agreement within the time period provided by the authority The amended incentive agreement shall provide that the failure to submit the annual report due to the suspension shall not be a forfeiture or an uncertified tax period

(2) Credits granted to a partnership shall be passed through to the partners, members, or owners, respectively, pro-rata or pursuant to an executed agreement among the partners, members, or owners documenting an alternate distribution method provided to the Director of the Division of Taxation in the Department of the Treasury accompanied by any additional information as the director may require

(3) The amount of credit allowed may be applied against the tax liability otherwise due pursuant to section 5 of P L 1945, c 162 (C 54 10A-5), pursuant to sections 2 and 3 of P L 1945, c 132 (C 54 18A-2 and C 54 18A-3), pursuant to section 1 of P L 1950, c 231 (C 17 32-15), or pursuant to N J S 17B 23-5

(4) In order to respond to the profoundly negative impact of the COVID-19 pandemic on the State's economy and finances, the authority may request a tax certificate holder, at the tax certificate holder's discretion, to defer the application of a credit amount allowed pursuant to this section to a later tax period Upon request, the authority and the tax certificate holder shall negotiate the terms of the deferral, which shall hold the certificate holder harmless, which will be made in the incentive agreement or as an addendum to the incentive agreement

d (1) If, in any tax period, the business reduces the total number of full-time employees in its Statewide workforce by more than 20 percent from the number of full-time employees in its Statewide workforce in the last tax period prior to the credit amount approval under section 3 of P L 2011, c 149 (C 34 1B-244), then the business shall forfeit its credit amount for that tax period and each subsequent tax period, until the first tax period for which documentation demonstrating the restoration of the business's Statewide workforce to the threshold levels required by the incentive agreement has been reviewed and approved by the authority, for which tax period and each subsequent tax period the full amount of the credit shall be allowed

(2) If, in any tax period, the number of full-time employees employed by the business at the qualified business facility located within a qualified incentive area drops below 80 percent of the number of new and retained full-time jobs specified in the incentive agreement, then the business shall forfeit its credit amount for that tax period and each subsequent tax period, until the first tax period for which documentation demonstrating the restoration of the number of full-time employees employed by the business at the qualified business facility to 80 percent of the number of jobs specified in the incentive agreement

(3) (a) If the qualified business facility is sold by the owner in whole or in part during the eligibility period, the new owner shall not acquire the capital investment of the seller and the seller shall forfeit all credits for the tax period in which the sale occurs and all subsequent tax periods, provided however that any credits of the business shall remain unaffected

(b) In connection with a regional distribution facility of foodstuffs, the business entity or entities which own or lease the facility shall qualify as a business regardless of (i) the type of the business entity or entities which own or lease the facility, (ii) the ownership or leasing of the facility by more than one business entity, or (iii) the ownership of the business entity or entities which own or lease the facility The ownership or leasing, whether

by members, shareholders, partners, or other owners of the business entity or entities, shall be treated as ownership or leasing by affiliates The members, shareholders, partners, or other ownership or leasing participants and others that are tenants in the facility shall be treated as affiliates for the purpose of counting the full-time employees and capital investments in the facility The business entity or entities may distribute credits to members, shareholders, partners, or other ownership or leasing participants in accordance with their respective interests If the business entity or entities or their members, shareholders, partners, or other ownership or leasing participants lease space in the facility to members, shareholders, partners, or other ownership or leasing participants or others as tenants in the facility, the leases shall be treated as a lease to an affiliate, and the business entity or entities shall not be subject to forfeiture of the credits For the purposes of this section, leasing shall include subleasing and tenants shall include subtenants

(4) (a) For a project located within a Garden State Growth Zone, if, in any tax period, the number of full-time employees employed by the business at the qualified business facility located within a qualified incentive area increases above the number of full-time employees specified in the incentive agreement, then the business shall be entitled to an increased base credit amount for that tax period and each subsequent tax period, for each additional full-time employee added above the number of full-time employees specified in the incentive agreement, until the first tax period for which documentation demonstrating a reduction of the number of full-time employees employed by the business at the qualified business facility, at which time the tax credit amount will be adjusted accordingly pursuant to this section

(b) For a project located within a Garden State Growth Zone which qualifies under the "Municipal Rehabilitation and Economic Recovery Act," P L 2002, c 43 (C 52 27BBB-1 et al), or 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, and which qualifies for a tax credit pursuant to subsubparagraph (ii) of subparagraphs (a) through (e) of paragraph (6) of subsection d of section 5 of P L 2011, c 149 (C 34 1B-246), if, in any tax period the number of full-time employees employed by the business at the qualified business facility located within a qualified incentive area increases above the number of full-time employees specified in the incentive agreement such that the business shall then meet the minimum number of employees required in subparagraph (b), (c), (d), or (e) of paragraph (6) of subsection d of section 5 of P L 2011, c 149 (C 34 1B-246), then the authority shall recalculate the total tax credit amount per full-time job by using the certified capital investment of the project allowable under the applicable

subsubparagraph and the number of full-time jobs certified on the date of the recalculation and applying those numbers to subparagraph (b), (c), (d), or (e) of paragraph (6) of subsection d of section 5 of P L 2011, c 149 (C 34 1B-246), until the first tax period for which documentation demonstrating a reduction of the number of full-time employees employed by the business at the qualified business facility, at which time the tax credit amount shall be adjusted accordingly pursuant to this section

e The authority shall not enter into an incentive agreement with a business that has previously received incentives pursuant to the "Business Retention and Relocation Assistance Act," P L 1996, c 25 (C 34 1B-112 et seq), the "Business Employment Incentive Program Act," P L 1996, c 26 (C 34 1B-124 et al), or any other program administered by the authority unless

(1) the business has satisfied all of its obligations underlying the previous award of incentives or is compliant with section 4 of P L 2011, c 149 (C 34 1B-245), or

(2) the capital investment incurred and new or retained full-time jobs pledged by the business in the new incentive agreement are separate and apart from any capital investment or jobs underlying the previous award of incentives

f A business which has already applied for a tax credit incentive 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 the tax credits, or has not executed an agreement with the authority, may proceed under that application or seek to amend the application or reapply for a tax credit incentive award for the same project or any part thereof for the purpose of availing itself of any more favorable provisions of the program

g A business that has entered into an incentive agreement may request before December 31, 2023 to terminate the incentive agreement, commencing with the 2020 tax period or any subsequent tax period ending on or before December 31, 2023, due to the COVID-19 public health emergency, provided that the business shall submit a certification from the business's chief executive officer or equivalent officer stating that the termination is due, directly or indirectly, to the public health emergency and describing the impact of the public health emergency on the business All credits for the tax period in which the termination occurs and all subsequent tax periods shall be forfeited, provided however that any credits of the business shall remain unaffected A termination agreement executed by the authority and business shall not be amended

h A business that has entered into an incentive agreement may request, before December 31, 2023, to reduce the number of new or retained full-time jobs specified in the incentive agreement based on a certification of the business of the eligible positions at the qualified business facility

commencing with the 2020 tax period and, at the discretion of the business, whether the reduction shall continue for each subsequent tax period remaining in the eligibility period, provided that the business maintains the minimum number of new or retained full-time jobs required to be eligible pursuant to subsection c of section 3 of P L 2011, c 149 (C 34 1B-244) The reduction in employment shall first apply to the number of new full-time employees, and then shall apply to the number of retained full-time employees

The authority shall calculate a new tax credit total amount for the 2020 tax period and the remainder of the eligibility period based on the reduced employment and shall amend the incentive agreement to reflect the recalculated award amount In no event shall the modification result in an increase in employment or tax credit amount

1 Following the termination of the public health emergency declared by the Governor pursuant to Executive Order No 103 of 2020, as extended, a business that has entered into an incentive agreement may elect, before December 31, 2023, to waive, for the period beginning on July 1, 2022 and ending on December 31, 2023, the requirement that a full-time employee who is employed by the business shall spend at least 60 percent of the employee's time at the qualified business facility, provided, however, that a business that makes such an election shall satisfy the following criteria

(1) any full-time employee employed by the business shall spend at least 10 percent of the employee's time at the qualified business facility through the 2023 tax period, and

(2) following the receipt by the business of its tax credit certificate or tax credit transfer certificate for the 2022 tax period, the business shall make a payment of an amount equal to five percent of the amount of tax credit the business receives for the 2022 tax period, which payment shall be made to the authority, and which payment the authority shall hold and make available for the provision of loans, guarantees, equity investments, and grants, or other forms of financing to support small business and downtown or commercial corridor activation activities within the municipality in which the qualified business facility is located, as may be designated by the chief executive officer of the authority

5 This act shall take effect immediately

Approved December 22, 2022

CHAPTER 135

AN ACT appropriating $64 929 million from constitutionally dedicated corporation business tax revenues for the development of lands by the State for recreation and conservation purposes

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

1 a There is appropriated the sum of $64 929 million from dedicated corporation business tax revenues pursuant to Article VIII, Section II, paragraph 6 of the State Constitution in the "Preserve New Jersey Green Acres Fund," established pursuant to section 6 of the "Preserve New Jersey Act," P L 2016, c 12 (C 13 8C-48), to the Department of Environmental Protection for the development of lands by the State for recreation and conservation purposes in accordance with the provisions of the "Preserve New Jersey Act," P L 2016, c 12 (C 13 8C-43 et seq) Of the amount appropriated pursuant to this paragraph, the sum of $281,000 is available due to interest earnings on the dedicated corporation business tax revenues pursuant to Article VIII, Section II, paragraph 6 of the State Constitution

b The funds appropriated pursuant to subsection a of this section shall be allocated as follows

Project	**Amount**
BOATING & FISHING ACCESS	
Access Facilities	1,000,000
CAMPING DEVELOPMENT	
Camping, Cabin/Shelter Program	5,000,000
Sanitary Facilities	5,000,000
HABITAT IMPROVEMENTS & ACCESS	
Habitat Improvements & Access	1,000,000
INFRASTRUCTURE	
Bridge Repairs	500,000
Building Repairs and Renovations	5,000,000
Dam Inspections, Repairs, Removals	1,000,000
Health and Life Safety Projects	10,000,000
Historic Structure Stabilization and Repairs	7,500,000
Recreational Development	19,000,000
Road Repairs	2,000,000

IN-HOUSE PROJECTS	500,000
PALISADES INTERSTATE PARK COMMISSION	1,000,000
OTHER	
Contingency Fund for Repairs	3,196,600
Administration	3,232,400
TOTAL	**$64,929,000**

c Notwithstanding the provisions of subsection e of section 6 of P L 2016, c 12 (C 13 8C-48) or any other law to the contrary, the expenditure of funds pursuant to this section shall not require the approval of the Joint Budget Oversight Committee, or its successor The department may reallocate funds among the projects identified in subsection b of this section, subject to the approval of the Director of the Division of Budget and Accounting in the Department of the Treasury The department shall send written notification of any such reallocation of funds to the President of the Senate, the Speaker of the General Assembly, the Legislative Budget and Finance Officer, the Joint Budget Oversight Committee, or its successor, and the Chairs of the Senate Environment and Energy Committee and Assembly Environment and Solid Waste Committee, or their respective successor committees

2 There is appropriated from the General Fund to the "Preserve New Jersey Green Acres Fund," established pursuant to section 6 of the "Preserve New Jersey Act," P L 2016, c 12 (C 13 8C-48), the sum of $64 929 million to implement the provisions of section 1 of this act

3 This act shall take effect immediately

Approved December 22, 2022

CHAPTER 136

AN ACT appropriating $17,288,315 from constitutionally dedicated corporation business tax revenues for the purpose of providing grants, as awarded by the New Jersey Historic Trust, for certain historic preservation projects and associated administrative expenses

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

1 a There is appropriated to the New Jersey Historic Trust the sum of $15,758,315 from dedicated corporation business tax revenues pursuant to

Article VIII, Section II, paragraph 6 of the State Constitution in the "Preserve New Jersey Historic Preservation Fund," established pursuant to section 9 of the "Preserve New Jersey Act," P.L. 2016, c. 12 (C. 13:8C-51), for the purpose of providing for historic preservation projects approved as eligible for such funding: (1) capital preservation grants as listed in subsection b. of this section, (2) historic site management grants as listed in subsection c. of this section, and (3) special project initiatives as listed in subsection d. of this section.

b. The following historic preservation projects are eligible for funding in the form of capital preservation grants, as awarded by the New Jersey Historic Trust, using moneys appropriated pursuant to subsection a. of this section:

County	Municipality	Name of Organization	Project Name	Grant Award
Atlantic	Margate	Save Lucy Committee, Inc	Lucy, the Margate Elephant	$669,133
Burlington	Chesterfield Township	Fernbrook Environmental Education Center, Inc	Fernbrook Farm Historic District	$150,000
Burlington	Southampton Township	Sally Stretch Keen Memorial Library	Vincentown Historic District	$85,622
Camden	Camden City	Camden County Historical Society	Benjamin Cooper Ferry and Tavern	$750,000
Camden	Camden City	Home Port Alliance for the USS New Jersey, Inc	USS New Jersey (BB-62)	$750,000
Camden	Camden City	NJDEP, Division of Parks and Forestry	Walt Whitman Neighborhood	$750,000
Camden	Haddonfield Borough	Historical Society of Haddonfield	Greenfield Hall	$150,000
Cape May	Cape May City	Mid-Atlantic Center for the Arts & Humanities (Cape May MAC)	Emlen Physick Estate	$110,475
Cape May	Lower Township	Historic Cold Spring Village (HCSV) Foundation	Historic Cold Spring Village Historic District	$88,415
Cape May	Lower Township	Naval Air Station Wildwood (NASW) Foundation	Hangar No. 1	$473,780
Essex	Montclair Township	Montclair Historical Society dba Montclair History Center	Israel Crane House	$366,000
Essex	Newark City	City of Newark	Newark City Hall	$750,000
Hudson	Hoboken City	City of Hoboken	Hoboken City Hall	$598,726
Hudson	Hoboken City	Hoboken Public Library	Hoboken Free Public Library and Manual Training School Phase II Commitment	$750,000
Hunterdon	Delaware Township	Friends of Locktown Stone Church, Inc	Locktown Baptist Church	$148,869

Hunterdon	Raritan Township	Hunterdon Land Trust	Case-Dvoor Farmstead	$500,000
Mercer	Hamilton Township	Historical Society of Hamilton Township, Inc	Isaac Pearson House	$150,000
Mercer	Trenton City	New Jersey Community Capital (Community Loan Fund of NJ, Inc) and the City of Trenton	East Trenton Public Library Phase II Commitment	$750,000
Mercer	Trenton City	120 East State	First Presbyterian Church and Cemetery	$750,000
Mercer	Trenton City	Trent House Association, Inc	William Trent House	$299,870
Middlesex	Piscataway Township	Piscataway Township	Metlar House (Knapp House/Bodine House)	$138,000
Monmouth	Farmingdale Borough	Allaire Village, Inc	Deserted Village of Allaire Historic District	$150,000
Morris	Chatham Township	Historical Society of the Township of Chatham	Mount Vernon School	$266,050
Morris	Chester Borough	Chester Historical Society	Chester's Rockefeller Center	$45,610
Morris	Chester Borough	Morris County Park Commission	Merchiston Farm (Bamboo Brook)	$260,605
Morris	Hanover Township	Township of Hanover	Joseph Tuttle House	$7,965
Morris	Mount Olive Township	Township of Mount Olive	Seward House Phase II Commitment	$672,000
Morris	Morris Plains Borough	Stickley Museum at Craftsman Farms	Craftsman Farms (White Cottage)	$150,000
Morris	Morristown Town	Morris County Historical Society	Acorn Hall	$102,300
Morris	Randolph Township	Friends Meeting House and Cemetery Association of Randolph Township	Friends Meetinghouse	$74,525
Morris	Rockaway Borough	Township of Rockaway and Historical Society of Rockaway Township	Ford-Faesch Manor House	$68,390
Morris	Washington Township	Washington Township Land Trust of Morris County, Inc	German Valley Historic District (Obadiah LaTourette Grist and Saw Mill)	$31,064
Passaic	Clifton City	City of Clifton	United States Animal Quarantine Station	$453,600
Passaic	Paterson City	Passaic County	Lambert Castle Tower (Belle Vista)	$750,000
Passaic	Paterson City	Passaic County	Lambert Castle (Belle Vista) Phase III Commitment	$750,000

Somerset	Somerville Borough	Borough of Somerville	Daniel Robert House	$218,907
Sussex	Newton Town	Sussex County Historical Society	Newton Town Plot Historic District (Old Newton Academy)	$147,780
Union	Berkeley Heights Township	Union County	Feltville Historic District	$191,248
Union	Elizabeth City	NJDEP, Division of Parks and Forestry	Boxwood Hall	$128,140
Union	Plainfield City	Historical Society of Plainfield	Nathaniel Drake House	$135,240
Union	Rahway City	Merchants & Drovers Tavern Museum	Merchants and Drovers Tavern	$45,000
TOTAL				**$13,827,314**

c The following historic preservation projects are eligible for funding in the form of historic site management grants, as awarded by the New Jersey Historic Trust, using moneys appropriated pursuant to subsection a of this section

County	**Municipality**	**Name of Organization**	**Project Name**	**Grant Award**
Atlantic	Atlantic City	City of Atlantic City	Atlantic City Fire Station #4	$50,000
Bergen	Alpine Borough	Palisades Interstate Park Commission	Palisades Interstate Park	$71,686
Bergen	Oradell Borough	Borough of Oradell	Oradell Railroad Station	$34,958
Burlington	Fieldsboro Borough	Friends of White Hill Mansion	White Hill Mansion	$35,131
Burlington	Moorestown Township	Community House of Moorestown	Moorestown Community House	$34,163
Burlington	Pemberton Township	New Jersey Pinelands Commission	Fenwick Manor	$31,387
Cape May	Cape May City	Mid-Atlantic Center for the Arts & Humanities (Cape May MAC)	Emlen Physick Estate	$61,845
Cape May	Cape May Point Borough	Cape May Point Science Center	St Mary's by the Sea (fka Shoreham Hotel)	$59,955
Cape May	Middle Township	Cape May County Historical and Genealogical Society	John Holmes House	$7,014
Cumberland	Greenwich Township	Cumberland County Historical Society	Greenwich Historic District (Log Granary)	$11,750
Cumberland	Millville City	Millville Army Airfield Museum	Millville Army Air Field Historic District	$22,500

Essex	Nutley Township	Van Riper House, Inc	Van Riper House	$64,080
Hunterdon	High Bridge Borough	Borough of High Bridge	Solitude House	$6,375
Hunterdon	Stockton Borough	Delaware River Mill Society	Prallsville District	$8,250
Mercer	Trenton City	City of Trenton	Mansion House (Ellarslie, McCall House)	$75,000
Mercer	Trenton City	120 East State	First Presbyterian Church and Cemetery	$75,000
Monmouth	Rumson Borough	SLTCC Landmark Friends, Inc	Seabright Lawn Tennis & Cricket Club	$18,337
Monmouth	Shrewsbury Borough	Monmouth County Historical Association	Allen House	$41,587
Morris	Washington Township	Washington Township Land Trust of Morris County, Inc	German Valley Historic District (Obadiah LaTourette Grist and Saw Mill)	$21,000
Ocean	Beach Haven Borough	Long Beach Island Historical Association	Beach Haven Historic District (LBI Historical Association)	$25,181
Ocean	Point Pleasant Beach Borough	Borough of Point	Tower Cottage Pleasant Beach	$72,750
Passaic	Paterson City	Hamilton Partnership for Paterson, Inc	Great Falls of the Passaic	$75,000
Somerset	Montgomery Township	Stoutsburg Sourland African American Museum	True Farmstead	$75,000
Union	Fanwood Borough	Borough of Fanwood	Fanwood Railroad Station Complex	$75,000
Union	Plainfield City	Jerusalem Lodge No 26 F & AM	Plainfield Masonic Temple,Jerusalem Lodge No 26 F & AM	$75,000
Union	Scotch Plains Township	Fanwood-Scotch Plains Rotary Frazee House, Inc	Elizabeth and Gershom Frazee House	$33,263
Union	Union Township	Liberty Hall Museum, Inc	Liberty Hall (Governor William Livingston House)	$75,000
Union	Westfield Town	Town of Westfield	Westfield Fire Headquarters	$45,000
TOTAL				**$1,281,212**

d Of the funds appropriated pursuant to subsection a of this section, the sum of $649,789 shall be used by the New Jersey Historic Trust for the purpose of the following special project initiatives

County	Municipality	Name of Organization	Project Name	Grant Award
Camden	Camden City	New Beginnings	Survey of Civil Rights Sites in Camden	$99,789
Mercer	Princeton Boro	D & R Canal Commission	Master Plan for the Delaware and Raritan Canal	$550,000
TOTAL				**$649,789**

e Any transfer of any funds, or change in project sponsor, site, or type, listed in subsection b , c , or d of this section shall require the approval of the Joint Budget Oversight Committee or its successor

f To the extent that moneys remain available after the projects listed in subsection b , c , or d of this section are offered funding pursuant thereto, any project that previously received funding for historic preservation purposes appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Historic Preservation Trust Fund established pursuant to section 21 of P L 1999, c 152 (C 13 8C-21), or that receives funding pursuant to this act, shall be eligible to receive additional funding, as determined by the New Jersey Historic Trust, subject to the approval of the Joint Budget Oversight Committee or its successor

For the purposes of this subsection, "Green Acres bond act" means P L 2009, c 117, P L 2007, c 119, P L 1995, c 204, P L 1992, c 88, and P L 1987, c 265

g The expenditure of moneys appropriated pursuant to this section is subject to the provisions of the "Preserve New Jersey Act," P L 2016, c 12 (C 13 8C-43 et seq)

2 There is appropriated to the New Jersey Historic Trust from the "Preserve New Jersey Historic Preservation Fund," established pursuant to section 9 of the "Preserve New Jersey Act," P L 2016, c 12 (C 13 8C-51), the sum of $1,530,000 for paying administrative costs associated with administering the applicable provisions of P L 2016, c 12 (C 13 8C-43 et seq)

3 There is appropriated from the General Fund to the "Preserve New Jersey Historic Preservation Fund," established pursuant to section 9 of the "Preserve New Jersey Act," P L 2016, c 12 (C 13 8C-51), the sum of $17,288,315 to implement the provisions of this act

4 This act shall take effect immediately

Approved December 22, 2022

CHAPTER 137

AN ACT appropriating $53,249,310 from constitutionally dedicated corporation business tax revenues for the acquisition of lands by the State for recreation and conservation purposes, including Blue Acres projects, and certain administrative expenses

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

1 a There is appropriated to the Department of Environmental Protection the sum of $40,600,760 from dedicated corporation business tax revenues pursuant to Article VIII, Section II, paragraph 6 of the State Constitution in the "Preserve New Jersey Green Acres Fund," established pursuant to section 6 of the "Preserve New Jersey Act," P L 2016, c 12 (C 13 8C-48), for the acquisition of lands by the State for recreation and conservation purposes in accordance with the provisions of the "Preserve New Jersey Act," P L 2016, c 12 (C 13 8C-43 et seq) Of the amount appropriated pursuant to this subsection, the sum of $207,000 is available due to interest earnings on the dedicated corporation business tax revenues pursuant to Article VIII, Section II, paragraph 6 of the State Constitution

b The funds appropriated pursuant to subsection a of this section shall be allocated for the acquisition of lands within the locations of the projects set forth in paragraphs (1) through (10) of this subsection

Project	County	Municipality
(1) CAPE MAY PENINSULA		
	Cape May	Cape May City
		Cape May Point Boro
		Dennis Twp
		Lower Twp
		Middle Twp
		Ocean City
		Sea Isle City
		Upper Twp
		West Cape May Boro
		Woodbine Boro
(2) CROSSROADS OF THE AMERICAN REVOLUTION		
	Bergen	Bogota Boro
		Carlstadt Boro
		East Rutherford Boro
		Fort Lee Boro
		Garfield City

	Hackensack City
	Hasbrouck Heights Boro
	Leonia Boro
	Little Ferry Boro
	Lodi Boro
	Lyndhurst Twp
	Maywood Boro
	Moonachie Boro
	New Milford Boro
	North Arlington Boro
	Palisades Park Boro
	Ridgefield Park Village
	River Edge Boro
	Rochelle Park Twp
	Rutherford Boro
	South Hackensack Twp
	Teterboro Boro
	Wallington Boro
	Wood-Ridge Boro
Burlington	Beverly City
	Bordentown City
	Bordentown Twp
	Burlington City
	Burlington Twp
	Edgewater Park Twp
	Fieldsboro Boro
	Florence Twp
	Hainesport Twp
	Mansfield Twp
	Maple Shade Twp
	Moorestown Twp
	Mount Holly Twp
	Mount Laurel Twp
	Palmyra Boro
	Riverside Twp
	Riverton Boro
	Springfield Twp
	Westampton Twp
	Willingboro Twp
Camden	Audubon Boro
	Audubon Park Boro
	Brooklawn Boro
	Camden City
	Cherry Hill Twp
	Collingswood Boro
	Gloucester City
	Haddon Heights Boro
	Haddon Twp
	Haddonfield Boro

	Merchantville Boro
	Mount Ephraim Boro
	Oaklyn Boro
	Pennsauken Twp
	Woodlynne Boro
Essex	Belleville Twp
	Irvington Twp
	Livingston Twp
	Maplewood Twp
	Millburn Twp
	Newark City
	Nutley Twp
Gloucester	National Park Boro
	West Deptford Twp
	Westville Boro
Hunterdon	Delaware Twp
	East Amwell Twp
	Flemington Boro
	Franklin Twp
	Frenchtown Boro
	Kingwood Twp
	Lambertville City
	Raritan Twp
	Readington Twp
	Stockton Boro
	West Amwell Twp
Mercer	All municipalities
Middlesex	All municipalities
Monmouth	Aberdeen Twp
	Allentown Boro
	Colts Neck Twp
	Englishtown Boro
	Freehold Boro
	Freehold Twp
	Holmdel Twp
	Manalapan Twp
	Marlboro Twp
	Matawan Boro
	Millstone Twp
	Roosevelt Boro
	Upper Freehold Twp
	Wall Twp
Morris	Boonton Town
	Boonton Twp
	Butler Boro
	Chatham Boro
	Chatham Twp
	Chester Boro

	Denville Twp
	Dover Town
	East Hanover Twp
	Florham Park Boro
	Hanover Twp
	Harding Twp
	Kinnelon Boro
	Lincoln Park Boro
	Long Hill Twp
	Madison Boro
	Mendham Boro
	Mendham Twp
	Mine Hill Twp
	Montville Twp
	Morris Plains Boro
	Morris Twp
	Morristown Town
	Mountain Lakes Boro
	Parsippany-Troy Hills Twp
	Pequannock Twp
	Randolph Twp
	Riverdale Boro
	Rockaway Boro
	Rockaway Twp
	Victory Gardens Boro
	Wharton Boro
Passaic	Clifton City
	Passaic City
Somerset	All municipalities
Union	All municipalities

(3) DELAWARE AND RARITAN CANAL GREENWAY

Hunterdon	Delaware Twp
	Kingwood Twp
	Lambertville City
	Stockton Boro
	West Amwell Twp
Mercer	Ewing Twp
	Hamilton Twp
	Hopewell Twp
	Lawrence Twp
	Princeton Boro
	Trenton City
Middlesex	New Brunswick City
	Plainsboro Twp
	South Brunswick Twp
Somerset	Franklin Twp

(4) DELAWARE BAY WATERSHED GREENWAY

Atlantic	Buena Boro
	Buena Vista Twp
Cape May	Dennis Twp
	Lower Twp
	Middle Twp
	Upper Twp
Cumberland	All municipalities
Gloucester	Clayton Boro
	Elk Twp
	Franklin Twp
	Glassboro Boro
	Monroe Twp
	Newfield Boro
Salem	Alloway Twp
	Carneys Point Twp
	Elmer Boro
	Elsinboro Twp
	Lower Alloways Creek Twp
	Mannington Twp
	Oldmans Twp
	Pennsville Twp
	Pilesgrove Twp
	Pittsgrove Twp
	Quinton Twp
	Upper Pittsgrove Twp
	Woodstown Boro

(5) DELAWARE RIVER WATERSHED GREENWAY

Burlington	Bordentown City
	Bordentown Twp
	Chesterfield Twp
	Cinnaminson Twp
	Delanco Twp
	Delran Twp
	Eastampton Twp
	Hainesport Twp
	Lumberton Twp
	Mansfield Twp
	Medford Twp
	Moorestown Twp
	Mount Holly Twp
	Mount Laurel Twp
	North Hanover Twp
	Pemberton Twp
	Riverside Twp
	Southampton Twp
	Springfield Twp
	Westhampton Twp

	Willingboro Twp
Camden	Berlin Twp
	Camden City
	Clementon Boro
	Gibbsboro Boro
	Gloucester Twp
	Haddon Twp
	Lindenwold Boro
	Pine Hill Boro
	Voorhees Twp
Gloucester	Deptford Twp
	East Greenwich Twp
	Elk Twp
	Greenwich Twp
	Harrison Twp
	Logan Twp
	National Park Boro
	South Harrison Twp
	Westville Boro
	Woolwich Twp
	West Deptford Twp
Hunterdon	Alexandria Twp
	Delaware Twp
	Frenchtown Boro
	Kingwood Twp
	Lambertville City
	Stockton Boro
	West Amwell Twp
Mercer	Ewing Twp
	Hamilton Twp
	Hopewell Twp
	Robbinsville Twp
	Trenton City
Monmouth	Allentown Boro
	Millstone Twp
	Upper Freehold Twp
Ocean	Jackson Twp
	Plumsted Twp
Salem	Oldmans Twp
	Pilesgrove Twp
	Upper Pittsgrove Twp

(6) HIGHLANDS GREENWAY

Bergen	Mahwah Twp
	Oakland Boro
Hunterdon	Alexandria Twp
	Bethlehem Twp
	Bloomsbury Boro
	Califon Boro

	Clinton Town
	Clinton Twp
	Glen Gardner Boro
	Hampton Boro
	High Bridge Boro
	Holland Twp
	Lebanon Boro
	Lebanon Twp
	Milford Boro
	Tewksbury Twp
	Union Twp
Morris	Boonton Town
	Boonton Twp
	Butler Boro
	Chester Boro
	Chester Twp
	Denville Twp
	Dover Town
	Hanover Twp
	Harding Twp
	Jefferson Twp
	Kinnelon Boro
	Mendham Boro
	Mendham Twp
	Mine Hill Twp
	Montville Twp
	Morris Plains Boro
	Morris Twp
	Morristown Town
	Mount Arlington Boro
	Mount Olive Twp
	Mountain Lakes Boro
	Netcong Boro
	Parsippany-Troy Hills Twp
	Pequannock Twp
	Randolph Twp
	Riverdale Boro
	Rockaway Boro
	Rockaway Twp
	Roxbury Twp
	Victory Gardens Boro
	Washington Twp
	Wharton Boro
Passaic	Bloomingdale Boro
	Pompton Lakes Boro
	Ringwood Boro
	Wanaque Boro
	West Milford Twp
Somerset	Bedminster Twp

	Bernards Twp
	Bernardsville Boro
	Far Hills Boro
	Peapack-Gladstone Boro
Sussex	Byram Twp
	Franklin Boro
	Green Twp
	Hamburg Boro
	Hardyston Twp
	Hopatcong Boro
	Ogdensburg Boro
	Sparta Twp
	Stanhope Boro
	Vernon Twp
Warren	Allamuchy Twp
	Alpha Boro
	Belvidere Town
	Franklin Twp
	Frelinghuysen Twp
	Greenwich Twp
	Hackettstown Town
	Harmony Twp
	Hope Twp
	Independence Twp
	Liberty Twp
	Lopatcong Twp
	Mansfield Twp
	Oxford Twp
	Phillipsburg Town
	Pohatcong Twp
	Washington Boro
	Washington Twp
	White Twp

(7) HISTORIC RESOURCES

Allaire State Park

Monmouth	Howell Twp
	Wall Twp

Fort Mott Officers Quarters

Salem	Pennsville Twp

Griggstown Muletenders Barracks

Somerset	Franklin Twp

Historic Sites

Burlington	Medford Twp
Monmouth	Red Bank Boro

Monmouth Battlefield

Monmouth	Freehold Twp
	Manalapan Twp

New Bridge Landing		
	Bergen	New Milford Boro
		River Edge Boro
Princeton Battlefield		
	Mercer	Princeton Boro
Proprietary House		
	Middlesex	Perth Amboy City
Register Eligible Sites		
	Somerset	Green Brook Twp
		Watchung Boro
Rockingham Farmstead		
	Somerset	Franklin Twp
Twin Lights		
	Monmouth	Highlands Boro
Washington Crossing State Park		
	Mercer	Ewing Twp
		Hopewell Twp
Waterloo Village		
	Sussex	Byram Twp
		Stanhope Boro
(8) PINELANDS		
	Atlantic	Brigantine City
		Buena Boro
		Buena Vista Twp
		Corbin City
		Egg Harbor City
		Egg Harbor Twp
		Estell Manor City
		Folsom Boro
		Galloway Twp
		Hamilton Twp
		Hammonton Town
		Mullica Twp
		Port Republic City
		Weymouth Twp
	Burlington	Bass River Twp
		Evesham Twp
		Medford Lakes Boro
		Medford Twp
		New Hanover Twp
		North Hanover Twp
		Pemberton Twp
		Shamong Twp
		Southampton Twp
		Springfield Twp
		Tabernacle Twp
		Washington Twp

	Woodland Twp
	Wrightstown Boro
Camden	Berlin Boro
	Berlin Twp
	Chesilhurst Boro
	Waterford Twp
	Winslow Twp
Cape May	Dennis Twp
	Middle Twp
	Upper Twp
	Woodbine Boro
Cumberland	Maurice River Twp
	Vineland City
Gloucester	Franklin Twp
	Monroe Twp
Ocean	Barnegat Twp
	Beachwood Boro
	Berkeley Twp
	Eagleswood Twp
	Jackson Twp
	Lacey Twp
	Lakehurst Boro
	Little Egg Harbor Twp
	Manchester Twp
	Ocean Twp
	Plumsted Twp
	South Toms River Boro
	Stafford Twp
	Toms River Twp
	Tuckerton Boro

(9) RIDGE AND VALLEY GREENWAY

Sussex	Andover Boro
	Andover Twp
	Branchville Boro
	Frankford Twp
	Fredon Twp
	Green Twp
	Hampton Twp
	Lafayette Twp
	Montague Twp
	Newton Town
	Sandyston Twp
	Stillwater Twp
	Sussex Boro
	Walpack Twp
	Wantage Twp
Warren	Blairstown Twp
	Frelinghuysen Twp

	Hackettstown Town
	Hardwick Twp
	Hope Twp
	Knowlton Twp
	Liberty Twp

(10) URBAN PARKS

Bergen	Edgewater Boro
Camden	Camden City
Essex	Belleville Twp
	Bloomfield Twp
	Caldwell Boro
	Cedar Grove Twp
	East Orange City
	Glen Ridge Boro
	Irvington Twp
	Maplewood Twp
	Montclair Twp
	Newark City
	Nutley Twp
	Orange City Twp
	South Orange Village Twp
	West Orange Twp
Hudson	All municipalities
Mercer	Trenton City
Middlesex	Edison Twp
Monmouth	Long Branch City
Passaic	Paterson City
	Totowa Boro
Union	Elizabeth City
	Fanwood Boro
	Garwood Boro
	Hillside Twp
	Linden City
	Plainfield City
	Rahway City
	Roselle Boro
	Roselle Park Boro
	Union Twp
	Winfield Twp

TOTAL $40,600,760

c The expenditure of funds appropriated pursuant to subsection a of this section for any project listed in subsection b of this section shall not require the approval of the Joint Budget Oversight Committee, or its successor

d To the extent that moneys remain available after the projects listed in subsection b of this section are offered funding pursuant thereto, any State

project that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, the Garden State Green Acres Preservation Trust Fund, established pursuant to the "Garden State Preservation Trust Act," P L 1999, c 152 (C 13 8C-1 et seq), or the "Preserve New Jersey Green Acres Fund," established pursuant to section 6 of the "Preserve New Jersey Act," P L 2016, c 12 (C 13 8C-48), for recreation and conservation purposes shall be eligible to receive additional funding, as determined by the Department of Environmental Protection, subject to the approval of the Joint Budget Oversight Committee or its successor

For the purposes of this subsection, "Green Acres bond act" means P L 2009, c 117, P L 2007, c 119, P L 1995, c 204, P L 1992, c 88, and P L 1989, c 183

2 a There is appropriated to the Department of Environmental Protection the sum of $10 million from dedicated corporation business tax revenues pursuant to Article VIII, Section II, paragraph 6 of the State Constitution in the "Preserve New Jersey Green Acres Fund," established pursuant to section 6 of the "Preserve New Jersey Act," P L 2016, c 12 (C 13 8C-48), for the acquisition, for recreation and conservation purposes, of lands throughout the State that have been damaged by, or may be prone to incurring damage caused by, storms or storm-related flooding, or that may buffer or protect other lands from such damage Of the amount appropriated pursuant to this subsection, the sum of $71,000 is available due to interest earnings on the dedicated corporation business tax revenues pursuant to Article VIII, Section II, paragraph 6 of the State Constitution

b The funds appropriated pursuant to subsection a of this section shall be allocated as follows

Project	**County**	**Municipality**	**Amount**
BLUE ACRES	Every county	Every municipality	$10,000,000
TOTAL			**$10,000,000**

c The expenditure of moneys appropriated pursuant to this section is subject to the provisions of the "Preserve New Jersey Act," P L 2016, c 12 (C 13 8C-43 et seq)

3 a There is reappropriated to the Department of Environmental Protection the unexpended balances, due to project cancellations or cost savings, of the amounts appropriated or reappropriated from this act, any Green Acres bond act, any annual appropriations act, the Garden State Green Acres Preservation Trust Fund, established pursuant to the "Garden State Preservation Trust Act,"

PL 1999, c 152 (C 13 8C-1 et seq), or the "Preserve New Jersey Green Acres Fund," established pursuant to section 6 of the "Preserve New Jersey Act," PL 2016, c 12 (C 13 8C-48), for State projects to acquire or develop lands for recreation and conservation purposes, for the purpose of providing additional funding, as determined by the Department of Environmental Protection, to any State project that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, the Garden State Green Acres Preservation Trust Fund, or the "Preserve New Jersey Green Acres Fund" for recreation and conservation purposes or that receives funding approved pursuant to section 1 of this act, subject to the approval of the Joint Budget Oversight Committee or its successor Any such additional funding provided from a Green Acres bond act may include administrative costs

b For the purposes of this section, "Green Acres bond act" means PL 2009, c 117, PL 2007, c 119, PL 1995, c 204, PL 1992, c 88, and PL 1989, c 183

4 There is appropriated to the Department of Environmental Protection the sum of $2,648,550 from dedicated corporation business tax revenues pursuant to Article VIII, Section II, paragraph 6 of the State Constitution in the "Preserve New Jersey Green Acres Fund," established pursuant to section 6 of the "Preserve New Jersey Act," PL 2016, c 12 (C 13 8C-48), for paying administrative costs associated with administering the applicable provisions of PL 2016, c 12 (C 13 8C-43 et seq)

5 There is appropriated from the General Fund to the "Preserve New Jersey Green Acres Fund," established pursuant to section 6 of the "Preserve New Jersey Act," PL 2016, c 12 (C 13 8C-48), the sum of $53,249,310 to implement the provisions of this act

6 This act shall take effect immediately

Approved December 22, 2022

CHAPTER 138

AN ACT concerning the New Jersey Student Learning Standards and supplementing Title 18A of the New Jersey Statutes

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

C 18A 7F-4 4 New Jersey Student Learning Standards, information literacy, definition

1 a As used in this act, the term "information literacy" means a set of skills that enables an individual to recognize when information is needed and to locate, evaluate, and use effectively the needed information Information literacy includes, but is not limited to, digital, visual, media, textual, and technological literacy

b The State Board of Education shall adopt New Jersey Student Learning Standards in information literacy The content of information literacy shall include, at a minimum

(1) the research process and how information is created and produced,

(2) critical thinking and using information resources,

(3) research methods, including the difference between primary and secondary sources,

(4) the difference between facts, points of view, and opinions,

(5) accessing peer-reviewed print and digital library resources,

(6) the economic, legal, and social issues surrounding the use of information, and

(7) the ethical production of information

c Each school district shall incorporate instruction on information literacy in an appropriate place in the curriculum of students in grades kindergarten through 12 as part of the district's implementation of the New Jersey Student Learning Standards The school library media specialist shall be included in the development of curriculum concerning information literacy whenever possible

C 18A 7F-4 5 Committee, established, standards, review

2 The Department of Education shall convene a committee comprised of educators, the majority of which shall include certified school library media specialists, as well as teaching staff members across a broad spectrum of subject areas, to develop New Jersey Student Learning Standards in information literacy The committee shall engage experts to review the standards it develops

C 18A 7F-4 6 Public hearings, comment

3 Prior to adopting New Jersey Student Learning Standards concerning information literacy, the State board shall conduct at least one public hearing in the northern part of the State, at least one public hearing in the central part of the State, and at least one public hearing in the southern part of the State for the purpose of permitting the public to comment on the rigor, clarity, and reasonableness of the standards developed by the committee

C 18A 7F-4 7 Effective date, adopted standards, concurrent

4 This act shall take effect immediately The standards adopted by the State Board of Education pursuant to subsection b of section 1 of P L 2022, c 138 (C 18A 7F-4 4) shall occur concurrent with each update to the New Jersey Student Learning Standards required pursuant to section 4 of P L 2007, c 260 (C 18A 7F-46)

Approved January 4, 2023

CHAPTER 139

AN ACT concerning inspections under the construction code and amending P L 1975, c 217 and P L 1999, c 440

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

1 Section 6 of P L 1975, c 217 (C 52 27D-124) is amended to read as follows

C 52 27D-124 Powers of the commissioner

6 The commissioner shall have all the powers necessary or convenient to effectuate the purposes of P L 1975, c 217 (C 52 27D-119 et seq), including, but not limited to, the following powers in addition to all others granted by P L 1975, c 217 (C 52 27D-119 et seq)

a To adopt, amend and repeal, after consultation with the code advisory board, rules (1) relating to the administration and enforcement of P L 1975, c 217 (C 52 27D-119 et seq) and (2) the qualifications or licensing, or both, of all persons employed by enforcing agencies of the State to enforce P L 1975, c 217 (C 52 27D-119 et seq) or the code, except that, plumbing inspectors shall be subject to the rules adopted by the commissioner only insofar as such rules are compatible with such rules and regulations, regarding health and plumbing for public and private buildings, as may be promulgated by the Public Health Council in accordance with Title 26 of the Revised Statutes

b To enter into agreements with federal and State of New Jersey agencies, after consultation with the code advisory board, to provide insofar as practicable (1) single-agency review of construction plans and inspection of construction and (2) intergovernmental acceptance of such review and inspection to avoid unnecessary duplication of effort and fees The commissioner shall have the power to enter into such agreements although the federal standards are not identical with State standards, provided that the

same basic objectives are met The commissioner shall have the power through such agreements to bind the State of New Jersey and all governmental entities deriving authority therefrom

c To take testimony and hold hearings relating to any aspect of or matter relating to the administration or enforcement of P L 1975, c 217 (C 52 27D-119 et seq), including but not limited to prospective interpretation of the code so as to resolve inconsistent or conflicting code interpretations, and, in connection therewith, issue subpoenas to compel the attendance of witnesses and the production of evidence The commissioner may designate one or more hearing examiners to hold public hearings and report on such hearings to the commissioner

d To encourage, support or conduct, after consultation with the code advisory board, educational and training programs for employees, agents and inspectors of enforcing agencies, either through the Department of Community Affairs or in cooperation with other departments of State government, enforcing agencies, educational institutions, or associations of code officials

e To study the effect of P L 1975, c 217 (C 52 27D-119 et seq) and the code to ascertain their effect upon the cost of building construction and maintenance, and the effectiveness of their provisions for insuring the health, safety, and welfare of the people of the State of New Jersey

f To make, establish and amend, after consultation with the code advisory board, such rules as may be necessary, desirable or proper to carry out his powers and duties under P L 1975, c 217 (C 52 27D-119 et seq)

g To adopt, amend, and repeal rules and regulations providing for the charging of and setting the amount of fees for the following code enforcement services, licenses or approvals performed or issued by the department, pursuant to the "State Uniform Construction Code Act," P L 1975, c 217 (C 52 27D-119 et seq)

(1) Plan review, construction permits, certificates of occupancy, demolition permits, moving of building permits, elevator permits and sign permits, and

(2) Review of applications for and the issuance of licenses certifying an individual's qualifications to act as a construction code official, subcode official or assistant under P L 1975, c 217 (C 52 27D-119 et seq)

(3) (Deleted by amendment, P L 1983, c 338)

h To adopt, amend and repeal rules and regulations providing for the charging of and setting the amount of construction permit surcharge fees to be collected by the enforcing agency and remitted to the department to support those activities which may be undertaken with moneys credited to the Uniform Construction Code Revolving Fund

i To adopt, amend and repeal rules and regulations providing for

(1) Setting the amount of and the charging of fees to be paid to the department by a private agency for the review of applications for and the issuance of approvals authorizing a private agency to act as an on-site inspection and plan review agency, a private on-site inspection agency, including a supplemental private on-site inspection agency, or an in-plant inspection agency,

(2) (Deleted by amendment, P L 2005, c 212)

(3) (Deleted by amendment, P L 2005, c 212)

j To enforce and administer the provisions of the "State Uniform Construction Code Act," P L 1975, c 217 (C 52 27D-119 et seq) and the code promulgated thereunder, and to prosecute or cause to be prosecuted violators of the provisions of that act or the code promulgated thereunder in administrative hearings and in civil proceedings in State and local courts

k To monitor the compliance of local enforcing agencies with the provisions of the "State Uniform Construction Code Act," P L 1975, c 217 (C 52 27D-119 et seq), to order corrective action, or issue penalties, as may be necessary where a local enforcing agency is found to be failing to carry out its responsibilities under that act, to supplant or replace the local enforcing agency for a specific project, and to order it dissolved and replaced by the department where the local enforcing agency repeatedly or habitually fails to enforce the provisions of the "State Uniform Construction Code Act " This shall include the power to compel an enforcing agency to, within 15 business days, notify the department of any instance where the enforcing agency is unable to meet a deadline or other obligation imposed by law or regulation, and the power to order corrective action or issue penalties as may be necessary where an enforcing agency is unable to meet its obligations under P L 1975, c 217 (C 52 27D-119 et seq)

l To adopt, amend, and repeal rules and regulations implementing the provisions of P L 1999, c 15, P L 2003, c 44, and section 1 of P L 2015, c 146 (C 52 27D-123f) concerning the installation and maintenance of carbon monoxide sensors

2 Section 14 of P L 1975, c 217 (C 52 27D-132) is amended to read as follows

C 52 27D-132 Inspection of construction by enforcing agency, right of entry, stop construction orders, violations, reinspection

14 a The enforcing agency shall periodically inspect all construction undertaken pursuant to a construction permit issued by it to ensure that the construction or alteration is performed in accordance with the conditions of

the construction permit and consistent with the requirements of the code and any ordinance implementing said code

b The owner of any premises upon which a building or structure is being constructed shall be deemed to have consented to the inspection by the enforcing agency and the department, of the entire premises and of any and all construction being performed on it until a certificate of occupancy has been issued An inspector, or team of inspectors, on presentation of proper credentials, shall have the right to enter and inspect such premises, and any and all construction thereon, for purposes of ensuring compliance with the provisions of the applicable construction permit, the code, and other applicable laws and regulations All inspection pursuant to P L 1975, c 217 (C 52 27D-119 et seq) shall be between the hours of 9 a m and 5 p m on business days or at another time that has been agreed upon by the owner and the relevant inspecting entity, whether the enforcing agency, department, or private on-site inspection agency, or when construction is actually being undertaken, provided, however, that inspections may be conducted at other times if the enforcing agency has reasonable cause to believe that an immediate danger to life, limb or property exists, or if permission is given by an owner, or the owner's agent, architect, engineer or builder No person shall accompany an inspector or team of inspectors on any inspection pursuant to P L 1975, c 217 (C 52 27D-119 et seq), unless the person's presence is necessary for the enforcement of P L 1975, c 217 (C 52 27D-119 et seq), or the code, or unless consent is given by an owner or the owner's agent, architect, engineer or builder

c If the construction of a structure or building is being undertaken contrary to the provisions of a construction permit, P L 1975, c 217 (C 52 27D-119 et seq), the code, or other applicable laws or ordinances, the enforcing agency may issue a stop construction order in writing which shall state the conditions upon which construction may be resumed and which shall be given to the owner or the holder of the construction permit or to the person performing the construction If the person doing the construction is not known, or cannot be located with reasonable effort, the notice may be delivered to the person in charge of, or apparently in charge of, the construction No person shall continue, or cause or allow to be continued, the construction of a building or structure in violation of a stop construction order, except with the permission of the enforcing agency to abate a dangerous condition or remove a violation, or except by court order If an order to stop construction is not obeyed, the enforcing agency may apply to the appropriate court as otherwise established by law for an order enjoining the violation of the stop construction order The remedy for violation of such

an order provided in this subsection shall be in addition to, and not in limitation of, any other remedies provided by law or ordinance

d When an inspector or team of inspectors finds a violation of the provisions of a construction permit, the code, or other applicable laws and regulations at an owner-occupied single-family residence, and issues a notice of violation and an order to terminate the violation, the enforcing agency shall require the same inspector or team of inspectors who found the violation to undertake any subsequent reinspection thereof at the premises When the same inspector or team of inspectors cannot be assigned to undertake the reinspection, the enforcing agency may assign an available inspector provided the scope of the reinspection shall be limited to the violation for which the reinspection is required The requirements of this subsection shall not apply to violations of the plumbing or electrical subcodes, or to fire safety code violations, or to any violation of any other subcode that the Department of Community Affairs determines to be a health or safety violation Nothing in this subsection shall be construed to infringe upon the right of a property owner to request a different inspector, team of inspectors, or supervisor, to perform any required reinspection

e The owner, agent, or other responsible person in charge of work shall notify the enforcing agency when the work is ready for any required inspection under the code This notice shall be given in writing at least 24 hours prior to the date and time requested for the inspection The enforcing agency shall perform an inspection within three business days of the date for which the inspection is requested The owner, agent, or other responsible person in charge of work may provide oral notice for inspections of minor work projects, as defined by the code

(1) The owner, agent, or other responsible person in charge of work shall be present and prepared at the time of any inspection that has been scheduled upon the owner, agent, or other responsible person's request A failure by the owner, agent, or other responsible person in charge of work to be present and prepared for inspection shall be considered a failed inspection

(2) If the enforcing agency is unable to perform a requested inspection within three business days of the date for which the inspection is requested, the enforcing agency shall inform the owner, agent, or other responsible person in charge of work in writing within 24 hours of receiving the request, at which time the enforcing agency and the owner, agent, or other responsible person in charge of work may agree to a different date and time for inspection The enforcing agency shall commit the agreed upon inspection date to writing and provide a copy to the owner, agent, or other responsible person in charge of work

(3) If the enforcing agency is unable to perform the requested inspection within three business days of the date for which the inspection is requested and the enforcing agency and the owner, agent, or responsible person in charge of work are unable to come to an agreement pursuant to paragraph (2) of this subsection, the owner, agent, or other responsible person in charge of work may choose to contract with a private on-site inspection agency authorized by the department to conduct on-site inspections pursuant to paragraph 1 of section 6 of P L 1975, c 217 (C 52 27D-124) to perform the requested inspection or inspections

(a) The owner, agent, or other responsible person in charge of work shall notify the enforcing agency in writing of any choice to utilize an authorized private on-site inspection agency to conduct the requested inspection or inspections

(b) The owner, agent, or other responsible person in charge of work may elect to utilize the private on-site inspection agency to conduct all subsequent associated inspections In the event of a project with multiple units in one building, this provision shall apply to the specific unit or units affected by the inspection delay

(c) The use of a private on-site inspection agency by an owner, agent, or other responsible person for on-site inspections shall be subject to the conflict-of-interest provisions in the code In addition to those requirements, no private on-site inspection agency shall perform an inspection for any owner, agent, or other responsible person in charge of work, if an owner, agent, or other responsible person is currently employed by or affiliated with any individual affiliated with the private on-site inspection agency or has employed or was associated with an individual affiliated with the private on-site inspection agency within a timeframe established by the commissioner by regulation

(d) The enforcing agency shall, if warranted, provide a fee reconciliation to the owner for an inspection completed by a private on-site inspection agency as a result of a missed inspection The enforcing agency shall perform the reconciliation at the conclusion of the project This reconciliation shall be based on the fees already paid less administrative costs for the enforcing agency and shall not exceed the amount already paid for the project, nor shall it exceed the amount that the enforcing agency is authorized to impose for inspections, and shall take into account the administrative costs of the enforcing agency

(4) If the owner, agent, or other responsible person in charge of work believes an enforcing agency has demonstrated a repeated inability to conduct inspections for a construction project within the timelines required by this section, as established by the commissioner by regulation, the owner, agent, or other responsible person in charge of work may notify the

department in writing to request authorization to utilize an authorized private on-site inspection agency Within 15 business days of receiving a notification under this paragraph, the department shall determine whether the enforcing agency has demonstrated repeated inability, and, if the department determines, shall authorize the owner, agent, or other responsible person in charge of work to utilize an authorized private on-site inspection agency for all or a portion of the necessary inspections for the remainder of the project

f Each enforcing agency shall establish a process for ensuring inspections are performed within three business days of a requested inspection date, as required by subsection e of this section Authorized processes include, but are not limited to, the use of supplemental shared services agreements with other municipalities or enforcing agencies or the use of contracted private on-site inspection agencies, including supplemental private on-site inspection agencies

g (1) At timeframes established by the commissioner by regulation, adopted in accordance with the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), the municipal construction official shall submit an annual report detailing compliance with the code The report shall include, at a minimum information related to the staffing, staff titles, and expenses of the enforcing agency, in addition to any other information required by the commissioner The annual report shall take into account projected work and agency resource needs for the next budget year

(2) A municipality that enters into a contract for supplemental services pursuant to subsection f of this section shall provide a copy of the contract to the department upon entering into the contract

(3) The information required by paragraphs (1) and (2) of this subsection, in addition to the inspection log, the municipal monthly activity reports, and the fee schedule shall be maintained by the municipal construction official or enforcing agency, and the municipal construction official or enforcing agency shall make the information and documents described in this paragraph available to the department upon request

(4) The department may utilize the information provided pursuant to this subsection to determine appropriate staffing levels for the enforcing agency If the department determines that an enforcing agency has not maintained appropriate staffing levels, the department may require the municipality to take corrective actions to ensure that the enforcing agency's staffing needs are met

(5) The department may take corrective action, including the issuance of penalties, pursuant to subsection k of section 6 of P L 1975, c 217 (C 52 27D-124), if an enforcing agency fails to maintain or provide the information required by this subsection or maintain appropriate staffing levels, as determined by the department pursuant to paragraph (4) of this subsection

h If an enforcing agency is unable to meet its obligations under P L 1975, c 217 (C 52 27D-119 et seq), the enforcing agency shall promptly notify the department within 15 business days The department may take corrective action, including the issuance of penalties, pursuant to subsection k of section 6 of P L 1975, c 217 (C 52 27D-124) if an enforcing agency fails to meet its obligations under P L 1975, c 217 (C 52 27D-119 et seq)

3 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, a stormwater management 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,

(3) the operation, management or administration of data processing services, or

(4) the operation and management of a county hospital pursuant to the "Local Hospital Authority Law," P L 2006, c 46 (C 30 9-23 15 et al),

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,

s Private on-site inspection agency services, as may be authorized by rules and regulations adopted by the Department of Community Affairs

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)

As used in this section, "stormwater management system" means the same as that term is defined in section 3 of P L 2019, c 42 (C 40A 26B-3)

C 52 27D-132 1 Rules, regulations

4 In accordance with the "Administrative Procedure Act," P L 1968, c 410 (C 52 14B-1 et seq), the commissioner shall propose within six months and adopt within nine months rules and regulations to effectuate the provisions of P L 2022, c 139 (C 52 27D-132 1 et al), including rules that provide for the use of supplemental shared services agreements, the authorization of private on-site inspection agencies by the department to conduct on-site inspections, and the use of private on-site inspection agencies by municipalities and enforcing agencies In addition to the activity described in subparagraph (b) of paragraph (3) of subsection e of section 14 of P L 1975, c 217 (C 52 27D-132), the rules and regulations shall allow an enforcing agency to

a enter into a supplemental shared service agreement or contract with a supplemental private on-site inspection agency to conduct an on-site inspection for the purpose of meeting all required inspection timeframes,

b enter into an agreement with a private on-site inspection agency to conduct an on-site inspection on a project-specific basis, and

c authorize the owner, agent, or other authorized person in charge of work to directly contract with an authorized private on-site inspection agency to perform all inspections on a project-specific basis

5 Sections 1 through 3 of this act shall take effect immediately upon the adoption of the rules and regulations by the Department of Community Affairs to effectuate the provisions of this act, provided, however, that the Department of Community Affairs shall take anticipatory action as necessary to prepare for the implementation of the provisions of this act Section 4 of this act shall take effect immediately

Approved January 5, 2023

CHAPTER 140

AN ACT concerning certain asbestos violations and amending P L 1984, c 173

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

1 Section 9 of P L 1984, c 173 (C 34 5A-40) is amended to read as follows

C 34 5A-40 Enforcement

9 P L 1984, c 173 (C 34 5A-32 et seq), and its standards and regulations, shall be enforced by the Commissioner of Labor and Workforce Development and the Commissioner of Health, who have the right-of-entry to all pertinent premises and records for purposes of inspection and information Both commissioners may employ the following powers and remedies in enforcing their respective responsibilities under P L 1984, c 173 (C 34 5A-32 et seq)

a Whenever either commissioner finds that a person has violated any provision of P L 1984, c 173 (C 34 5A-32 et seq) for which that commissioner has the responsibility of enforcement, that commissioner may issue an administrative order specifying the provision or provisions of the act which the person has violated, ordering abatement of the violation and giving notice of the person's right to a hearing on the matters contained in the order The person shall have 10 calendar days from receipt of the order within which to deliver to the commissioner a written request for a hearing After the hearing, and upon finding that a violation has occurred, the commissioner may issue a final order If no hearing is requested, the order shall become final upon expiration of the

10-day period A request for a hearing shall not automatically stay the effect of an administrative order A stay of an administrative order may only be granted by the commissioner upon a written request and a factual basis clearly supporting the appropriateness of the stay

b Either commissioner may institute an action or proceeding in the Superior Court for injunctive or other relief for any violation of P L 1984, c 173 (C 34 5A-32 et seq) for which that commissioner has the responsibility of enforcement, and the court may proceed in the action in a summary manner In the proceeding, the relief may restrain any violation or compel the taking of any action required pursuant to P L 1984, c 173 (C 34 5A-32 et seq), and the court may grant temporary or interlocutory relief The relief may include, singularly or in combination

(1) A temporary or permanent restraining order or injunctive relief,

(2) Assessment of the violator for the costs of any investigation or inspection leading to the establishment of the violation and for the reasonable costs of preparing and litigating the case, and

(3) Assessment of the violator for the costs incurred by the State in correcting or terminating any adverse health and environmental effects resulting from the violation

c Either commissioner may assess a civil administrative penalty for any violation of P L 1984, c 173 (C 34 5A-32 et seq) for which that commissioner has the responsibility of enforcement not to exceed $100,000 for each violation Each day during which the violation continues shall constitute an additional, separate and distinct offense No assessment shall be levied pursuant to this section until after the violator has been notified by certified mail or personal service The notice shall include a reference to the section of the statute violated, a concise statement of the facts alleged to constitute a violation, a statement of the amount of civil administrative penalties to be imposed, and a statement of the violator's right to a hearing The violator shall have 10 calendar days from receipt of the notice within which to deliver to the commissioner a written request for a hearing After the hearing, and upon finding that a violation has occurred, the commissioner may issue a final order after assessing the amount of the fine specified in the notice If no hearing is requested, the notice shall become a final order after the expiration of the 10-day period Payment of the assessment is due when a final order is issued or the notice becomes a final order The authority to levy a civil administrative penalty is in addition to all other enforcement provisions and the payment of any assessment shall not be deemed to affect the availability of any other enforcement provisions in connection with the violation for which the assessment is levied The department may compromise any civil administrative penalty assessed under this section in an

amount the department determines appropriate Any penalty imposed pursuant to this section may be recovered with costs in a summary proceeding commenced by the commissioner pursuant to the "Penalty Enforcement Law of 1999," P L 1999, c 274 (C 2A 58-10 et seq) The balance of a penalty imposed pursuant to this section in excess of $25,000 shall be allocated to the department that assessed the penalty and used to fund asbestos programs

d A person who violates an administrative order issued pursuant to subsection a of this section, or a court order issued pursuant to subsection b of this section, or who fails to pay in full an administrative assessment pursuant to subsection c of this section is subject, upon order of a court of competent jurisdiction, to a civil penalty not to exceed $50,000 per day for such violation

The pursuit of any of the remedies specified in this section shall not preclude the commissioner from seeking any other remedy

2 Section 10 of P L 1984, c 173 (C 34 5A-41) is amended to read as follows

C 34 5A-41 Violations, penalties

10 Any person who knowingly hinders or delays the Commissioners of Labor and Workforce Development or Health or the authorized representative thereof, in the performance of the duty to enforce P L 1984, c 173 (C 34 5A-32 et seq), or knowingly submits false or misleading information on any license or permit application required by P L 1984, c 173 (C 34 5A-32 et seq), or fails to obtain licenses or permits required by the provisions of P L 1984, c 173 (C 34 5A-32 et seq), or refuses to make these licenses or permits accessible to either commissioner, or the authorized representative thereof, or otherwise violates any provision of P L 1984, c 173 (C 34 5A-32 et seq) or any regulation adopted under P L 1984, c 173 (C 34 5A-32 et seq), shall, upon conviction, be guilty of a crime of the third degree and, notwithstanding the provisions of N J S 2C 43-3, shall be subject to a fine of not more than $100,000 in addition to any other appropriate disposition authorized by subsection b of N J S 2C 43-2 The balance of a penalty imposed pursuant to this section in excess of $25,000 shall be allocated to the department that was the subject of the violation and used to fund asbestos programs

3 This act shall take effect immediately

Approved January 10, 2023

CHAPTER 141

AN ACT concerning organic farming 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 10-80 "Organic Farming Board" established, definitions

1 There is established in the Division of Marketing and Development in the Department of Agriculture the Organic Farming Board

a The purpose of the board shall be to develop, administer, and oversee programs in consultation with the Department of Agriculture on topics related to organic farming, including the certification program established pursuant to P L 2003, c 176 (4 10-79), the federal organic farming certification program implemented by the United States Department of Agriculture, best practices for organic and regenerative farming, incentives to encourage more organic and regenerative farming in the State, new techniques to carry out organic and regenerative farming, and programs to provide outreach, education, and marketing support to organic and regenerative farms in New Jersey

b The board shall consist of seven members as follows

(1) two certified organic farmers to be appointed by the Governor,

(2) two organic farmers from historically underserved communities to be appointed by the Governor, one of whom shall be recommended by the Speaker of the General Assembly and one of whom shall be recommended by the Senate President,

(3) one regenerative farmer, to be appointed by the Governor, and

(4) two organic trade representatives to be appointed by the Governor

c The chairperson shall be a member of the board and shall be elected by the board for a term of three years The public members shall serve for terms of three years and may be reappointed and may serve until a successor has been appointed Of the public members first appointed, three shall be appointed for terms of three years, two shall be appointed for terms of two years, and two shall be appointed for a term of one year Vacancies in the membership of the board shall be filled in the same manner provided for the original appointments

d The board shall organize as soon as practicable following the appointment of a majority of its members The chairperson shall appoint a secretary who need not be a member of the board The board shall meet quarterly in different regions of the State as determined by the chairperson in consultation with other members of the board The board shall invite organizations,

including, but not limited to, the Northeast Organic Farming Association of New Jersey, the Foodshed Alliance, North Jersey RC and D, the Natural Resources Conservation Service in the United States Department of Agriculture, or other agricultural organizations and farmers in order to enhance the public process, provided that a representative of the agricultural organization or a farmer is not serving as an organic trade representative on the board

e The public members shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties and within the limits of funds available to the board

f The board 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

g The Department of Agriculture shall provide staff support to the board and the board shall be entitled to call to its assistance other State representatives or specialists as necessary

h Every two years, the board shall submit a written report on the status of organic farming in the State, including any recommendations for legislative or regulatory action, to the Governor and to the Legislature pursuant to section 2 of P L 1991, c 164 (C 52 14-19 1) The report shall also be posted on the Department of Agriculture's Internet website

i The board shall report monthly to the State Board of Agriculture and the Department of Agriculture on any actions taken, needs of the board, achievements, and updates within the organic farming community The board may submit quarterly reports directly to the Department of Agriculture, and the department shall respond with a follow-up response within 30 days after the submission of the quarterly report

j As used in this section

"Regenerative farming" means farming and grazing practices that (a) prioritize soil health and ecosystem health, (b) reduce reliance on synthetic inputs, (c) reverse climate change by rebuilding soil organic matter, sequestering carbon, and restoring degraded soil biodiversity, and (d) engage in conservation practices to ensure the long-term health of the farm's ecosystem, among many benefits

"Organic trade representative" means a representative of an individual, or a not-for-profit or for-profit partnership, corporation, association, cooperative, or entity, who is legally registered and operating in the State, who engages in the business of aggregating, processing, and distributing organic fiber, feeds, and other organic agricultural-based supply and consumer products, including any commodity or product derived from

organic livestock, that is marketed in the United States for human or livestock consumption, or who directly engages with, or supports and advocates for, organic and regenerative farmers in New Jersey

2 This act shall take effect immediately

Approved January 10, 2023

CHAPTER 142

AN ACT concerning mass layoffs and severance requirements and amending P L 2019, c 423

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

1 Section 3 of P L 2019, c 423 is amended to read as follows

3 P L 2019, c 423 shall take effect on the 90th day next following the effective date of P L 2022, c 142

2 This act shall take effect immediately

Approved January 10, 2023

JOINT RESOLUTIONS

JOINT RESOLUTION NO 1

A JOINT RESOLUTION permanently designating March 8th as "International Women's Day" in New Jersey

WHEREAS, "International Women's Day" commemorates the role of ordinary women in making a difference in history, and is rooted in the global, centuries-old struggle of women to fully participate in society on an equal footing with men, and

WHEREAS, The idea of a "Women's Day" first emerged as the result of various labor and suffrage movements in North America and Europe in the early twentieth century, and

WHEREAS, In 1910, at an international meeting in Copenhagen with over 100 women present from 17 countries, "Women's Day" was established to honor the movement for women's rights and assist in achieving universal suffrage for women, and

WHEREAS, As a result of a decision made at the Copenhagen meeting, "International Women's Day" was designated for the first time in Austria, Denmark, Germany, and Switzerland on March 19, 1911, and

WHEREAS, The United Nations celebrated its first official "International Women's Day" on March 8, 1975, the same year that was proclaimed "International Women's Year", and

WHEREAS, Gender equality is a fundamental human right, and the full participation of women in every aspect of society is integral in solving the world's most threatening social, economic, and political problems, and

WHEREAS, The theme of this year's "International Women's Day," "Break the Bias" calls on the global community to focus its attention on accelerating gender parity, to challenge inequality in all areas of life, and to take meaningful action on creating a more equitable and inclusive world, and

WHEREAS, Healthy women are the backbone of a thriving, stable, and resilient society, and

WHEREAS, The coronavirus disease 2019 (COVID-19) pandemic further exacerbated the gender inequalities and health disparities women experience in their everyday lives and introduced new challenges that are unprecedented to society at large, and

WHEREAS, For example, findings from a study conducted by the United Nations indicate that the pandemic will add approximately 47 million to the staggering pool of 435 million women living in extreme poverty,

and in December 2020, United States labor statistics show that women lost 156,000 jobs while men gained 16,000 jobs in the same period, and

WHEREAS, New Jersey has been at the forefront of fighting for women's equality and the reduction of health disparities among women, particularly women of color and those of lower socio-economic status, and

WHEREAS, "International Women's Day" is a time to raise public awareness of the inequity in women's health in New Jersey, to begin efforts to improve such inequities, and to encourage all women to prioritize their health and well-being, and

WHEREAS, "International Women's Day" is celebrated by countries around the globe to celebrate the past, present, and future achievements of women as well as the obstacles women continue to face in their struggle for equal rights and gender parity, and

WHEREAS, It is proper and fitting to permanently designate March 8th as "International Woman's Day" in the State of New Jersey in order to reflect on the progress made in, and to reaffirm the world's commitment to, pursuing strategies that guarantee the basic human rights of women and girls, to promote the meaningful and significant participation of women in all aspects of society, to encourage equitable access to health care for all women and girls, and to support policy initiatives that seek to achieve gender equality and empower women worldwide, now, therefore,

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

C 36 2-416 "International Women's Day" designated

1 March 8th shall be permanently designated as "International Women's Day" in the State of New Jersey in order to reflect on the progress made in, and to reaffirm the world's commitment to, pursuing strategies that guarantee the basic human rights of women and girls, to promote the meaningful and significant participation of women in all aspects of society, to encourage equitable access to health care for all women and girls, and to support policy initiatives that seek to achieve gender equality and empower women worldwide

C 36 2-417 Annual observance

2 The Governor is respectfully requested to annually issue a proclamation recognizing March 8th in New Jersey calling upon public officials,

the citizens of the State, and other interested groups to observe the week with appropriate activities and programs

3 This joint resolution shall take effect immediately

Approved March 28, 2022

JOINT RESOLUTION NO 2

A JOINT RESOLUTION designating March as "Triple Negative Breast Cancer Awareness Month "

WHEREAS, Breast cancer is among the most commonly diagnosed cancers and the second deadliest cancer among women in the United States, and

WHEREAS, Approximately 8,330 women in New Jersey were diagnosed with breast cancer in 2021, and

WHEREAS, Triple Negative Breast Cancer is a form of breast cancer that accounts for roughly 15 to 30 percent of all diagnosed invasive breast cancer cases in the United States, and

WHEREAS, More than 53,700 new breast cancer cases in 2019 in the United States were Triple Negative Breast Cancer, with higher prevalence among younger women, Black and Hispanic women, women with type 2 diabetes, women carrying excess weight in the abdomen area, and women with certain gene mutations, and

WHEREAS, Due to its aggressive behavior, Triple Negative Breast Cancer grows quickly and is more likely to return following successful treatment as compared to other types of breast cancer, and

WHEREAS, Individuals diagnosed with metastatic Triple Negative Breast Cancer have less than a 30 percent chance of surviving five years following diagnosis, and

WHEREAS, Breast cancer patients with an early diagnosis can often be treated with chemotherapy, radiation, and surgery, however, there are limited therapies available for Triple Negative Breast Cancer, and

WHEREAS, Recent innovation in targeted therapies have fueled advances in the fight against Triple Negative Breast Cancer, and

WHEREAS, According to certain studies, Triple Negative Breast Cancer mortality rates are often higher if patients have Medicaid or Medicare or if patients have a lower socio-economic status, and

WHEREAS, Furthermore, compared with non-Hispanic white women, black women are 48 percent less likely to receive guideline adherent care and have an approximate two-fold higher mortality incidence, which can result in a disproportionately higher risk of death from Triple Negative Breast Cancer, and

WHEREAS, Advances in breast cancer screening and treatment over the last several decades have reduced the overall breast cancer mortality rate, yet the disproportionate impact of Triple Negative Breast Cancer on racial and ethnic minority communities raises considerations about the underlying determinants driving the disparities, and

WHEREAS, It is necessary to promote Triple Negative Breast Cancer education, raise awareness about the disease-related disparities, and tackle health disparities within the health care delivery system such as inadequate access to screening, diagnostic testing, and care, to improve early detection and survival, now, therefore,

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

C 36 2-418 "Triple Negative Breast Cancer Awareness Month" designated

1 March of each year is designated as "Triple Negative Breast Cancer Awareness Month "

C 36 2-419 Annual observance

2 The Governor may annually issue a proclamation recognizing March as "Triple Negative Breast Cancer Awareness Month" and call on public officials and the residents of the State of New Jersey to observe the month with appropriate activities and programs

3 This joint resolution shall take effect immediately

Approved March 30, 2022

JOINT RESOLUTION NO 3

A JOINT RESOLUTION Designating the month of April of each year as "Military Child Appreciation Month" in New Jersey and designating the last full week of April of each year as "Military Child Appreciation Week" in New Jersey

WHEREAS, According to the Military Child Education Coalition, there are approximately two million United States military children under the age of eighteen, 1 1 million of whom are school-aged, and

WHEREAS, Many military children have known only war since September 11, 2001, including some military children whose parent made the ultimate sacrifice, and

WHEREAS, Military children often have to adapt their lives to the requirements of their parent's military obligations, and shoulder responsibilities beyond their years and burdens outside of their control, and

WHEREAS, Military children face an average of six to nine relocations and school transitions during their school years, creating disruptions due to separation from family and friends, as well as the necessity of adjusting to new schools and environments, and

WHEREAS, The average military family moves three times more often than their civilian counterpart, and those moves are often to areas not chosen by the military family, and

WHEREAS, In 1986, Secretary of Defense Caspar Weinberger established the month of April as the United States Department of Defense's "Month of the Military Child" in an effort to increase public knowledge and understanding of the issues surrounding children who have a parent in the military, and

WHEREAS, Since 1986, there have been an increasing number of awareness campaigns aimed at recognizing the needs of military children in all areas, such as coping with the deployment of a parent to war zones, and

WHEREAS, Every April, the United States military services and communities around the world recognize military children for their daily sacrifices and the challenges they must overcome, and

WHEREAS, In 2009, New Jersey joined the Interstate Compact on Educational Opportunity for Military Children to remove barriers to educational success imposed on the children of military families due to the frequent moves and deployment of a parent, and

WHEREAS, New Jersey will further its commitment to the brave men and women who serve their country and State by supporting and recognizing these children and young American heroes, and by pledging its gratitude for their sacrifices, now, therefore,

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

C 36 2-420 "Military Child Appreciation Month" and "Military Child Appreciation Week" designated

1 In order to recognize the sacrifice and bravery of military children and to encourage the State of New Jersey's continued commitment and support for military children living in this State

a The month of April of each year is designated as "Military Child Appreciation Month" in New Jersey

b The last full week of April of each year is designated as "Military Child Appreciation Week" in New Jersey

C 36 2-421 Annual observation

2 The Governor is respectfully requested to annually issue a proclamation calling upon public officials and the citizens of the State to observe "Military Child Appreciation Month" and "Military Child Appreciation Week" with appropriate activities and programs

3 This joint resolution shall take effect immediately

Approved April 12, 2022

JOINT RESOLUTION NO 4

A JOINT RESOLUTION expressing support for the commissioning of the SSN-796, the U S S New Jersey, to take place in New Jersey

WHEREAS, The SSN-796, a Virginia-class nuclear-powered cruise missile fast-attack submarine set for completion in late 2022 or 2023, will be the third United States Navy ship to bear the name the U S S New Jersey, and

WHEREAS, The BB-16, a Virginia-class battleship, was the first ship to bear the name the U S S New Jersey and was a member of the Great White Fleet, and

WHEREAS, The BB-62, an Iowa-class battleship, better known as the Battleship New Jersey, was the second ship to bear the name the U S S New Jersey and it saw action in World War II, Korea, Vietnam, and Lebanon and is the most decorated battleship in Naval history with 19 Battle Stars, and

WHEREAS, The Battleship New Jersey is recognized as the official State Ship and is one of New Jersey's top tourist attractions being moored on the Camden City waterfront as a museum and memorial, and

WHEREAS, On May 24, 2015, Secretary of the Navy, Ray Mabus, announced that the SSN-796 would be the third ship to bear the name the U S S New Jersey, and

WHEREAS, A ship's commissioning is an historic event that brings together our military, veterans, and local community with significant economic benefits for the surrounding region, and

WHEREAS, A commissioning committee, that supports and maintains collaborative efforts with the Navy, has come together to support the SSN-796, and

WHEREAS, The U S S New Jersey Commissioning Committee recommends the Camden waterfront in view of the Battleship New Jersey as a proper and fitting location to host the commissioning ceremony and related activities, and

WHEREAS, A letter, agreed upon and signed by all members of the New Jersey Congressional Delegation in support of New Jersey as the location for the commissioning of the SSN-796, will be sent to the Secretary of the Navy upon the nominee's confirmation by the United States Senate, now, therefore,

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

1 The State of New Jersey hereby expresses its support for the commissioning ceremony and activities of the SSN-796, the U S S New Jersey, to take place on the Camden waterfront

2 Copies of this resolution, as filed with the Secretary of State, shall be transmitted by the Clerk of the General Assembly or the Secretary of the Senate to the Secretary of Defense, the Secretary of the United States Navy, the Chief of Naval Operations, the Chairman of the Board of Trustees of the Battleship New Jersey, the Adjutant General of the New Jersey Department of Military and Veterans Affairs, and to every member of Congress elected from this State

3 This joint resolution shall take effect immediately

Approved September 15, 2022

JOINT RESOLUTION NO 5

A JOINT RESOLUTION designating the month of March of each year as "Irish-American Heritage Month" in New Jersey and amending P L 1997, J R 2

WHEREAS, Many Irish people emigrated from Ireland to the United States in search of better economic opportunities, political and religious freedom, and to escape famine, poverty, and oppression in their native land, and

WHEREAS, While emigration from Ireland has occurred throughout American history, the most well-known mass emigration from Ireland to the United States occurred in the mid-19th century during the Great Hunger, a period of mass starvation and disease in Ireland that occurred due to the failure of the potato crop, and

WHEREAS, The Irish resilience is legendary because despite being starved out of their land by the Great Hunger of the 1840s, the Irish people survived and prospered, and

WHEREAS, Many call that terrible period the Great Hunger and not the Great Famine as a famine suggests there was a lack of food to feed the hungry, but that was not the case, because while people were starving the government of the day exported record levels of livestock, grain, and food, turning a blind eye to the starving, and

WHEREAS, The failure of the crop was the impetus, but the failure to act by the English government was the reason for the levels of human suffering, and

WHEREAS, Despite often arriving destitute, Irish-Americans contributed significantly to the culture and economic growth of the United States by taking less desirable and often dangerous jobs, such as domestic work, farming, coal mining, and the building of roads, bridges, canals, and railroads, and

WHEREAS, There was a mass emigration of Irish to the United States in the years prior to the Civil War and an estimated 150,000 Irish immigrants served in the Union Army, with Irish units suffering casualties of over 40 percent at Fredericksburg and playing a key role in the defeat of Pickett's Charge at Gettysburg, and

WHEREAS, Through hard work and determination, Americans of Irish descent achieved social and occupational gains through the generations and became teachers, policemen, firemen, lawyers, authors, artists, business owners, athletes, soldiers, and politicians, and

WHEREAS, According to the United States Census, approximately 32 million Americans report having Irish ancestry and 1 3 million people in New Jersey claimed Irish heritage, and

WHEREAS, Notable Irish-Americans from New Jersey have influenced the United States and New Jersey, such as President Grover Cleveland, musician Bruce Springsteen, actors John Travolta and Anne Hathaway, professor and human rights activist Edward Neafsey, and United States Supreme Court Justice William J Brennan, and

WHEREAS, March is a significant month in Irish-American history and culture because the feast of Saint Patrick, the patron saint of Ireland, is celebrated on March 17 and the day is now recognized throughout the country and State as an occasion to celebrate Irish-American history and culture through parades and celebrations, and

WHEREAS, The week including March 17 is currently designated as "Irish-American History and Heritage Week" in New Jersey, and

WHEREAS, The State of New Jersey can recognize Irish-American contributions to the culture and economic growth of the United States and the State of New Jersey, acknowledge the historical struggles of Irish-Americans, and recognize individuals with Irish ancestry by designating the month of March as "Irish-American Heritage Month" in New Jersey, now, therefore,

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

1 Section 1 of P L 1997, J R 2 (C 36 2-43) is amended to read as follows

C 36 2-43 Irish-American History and Heritage Week designated

1 a The week including March 17 of every year is designated as "Irish-American History and Heritage Week"

b The month of March of each year is designated as "Irish-American Heritage Month" in the State of New Jersey to recognize and celebrate the contributions of Irish-Americans

c The Governor is respectfully requested to annually issue a proclamation recognizing "Irish-American History and Heritage Week" and "Irish-American Heritage Month" in New Jersey, and call upon public officials and citizens of this State to observe the day with appropriate activities and programs

2 This joint resolution shall take effect immediately

Approved September 15, 2022

JOINT RESOLUTION NO 6

A JOINT RESOLUTION designating April 13th as Borinqueneers Day in New Jersey

WHEREAS, New Jersey residents include persons of Puerto Rican and Hispanic descent, many of whom have served in the Armed Forces of the United States, and

WHEREAS, The 65th Infantry Regiment was comprised largely of Puerto Rican soldiers, members of which were colloquially known as Borinqueneers, and

WHEREAS, Borinquen is the historical name of Puerto Rico, and

WHEREAS, Members of the 65th Infantry Regiment fought in World War I, World War II, and the Korean War, and

WHEREAS, Borinqueener soldiers served with distinction in these conflicts, receiving numerous combat awards, including the Distinguished Service Cross, Silver Star, Bronze Star, and many Purple Hearts, and

WHEREAS, The 65th Infantry Regiment was awarded the Presidential Unit Commendation, the Meritorious Unit Commendation, and two Korean Presidential Unit Citations in recognition of its service in Korea, and

WHEREAS, Borinqueneers endured years of unfair treatment and discrimination while fighting for the United States, despite their distinguished service, and

WHEREAS, In 2016, the 65th Infantry Regiment was awarded the Congressional Gold Medal in recognition of the Borinqueneers' service to the United States, and

WHEREAS, The Borinqueneers' service is now honored by the federal government on April 13 of every year pursuant to an act of Congress, and

WHEREAS, The State of New Jersey similarly recognizes the contributions of its Puerto Rican and Hispanic service members and veterans, now, therefore,

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

C 36 2-422 Borinqueneers Day designated

1 April 13th is designated Borinqueneers Day

2 This joint resolution shall take effect immediately

Approved September 15, 2022

JOINT RESOLUTION NO 7

A JOINT RESOLUTION designating October 15th of each year as "New Jersey Railroad Workers Day"

WHEREAS, By allowing for the efficient transportation of consumer goods and commuters, railroads continue to serve a crucial, and often overlooked, role in connecting and sustaining the modern, globalized economy, and

WHEREAS, Without the continuous operations of the freight railroad sector, global supply chains can easily become disrupted, thereby increasing consumer prices, reducing access to necessary goods and services, and diminishing standards of living, and

WHEREAS, The passenger railroad sector also plays a similarly important role in ensuring that the workforce can affordably and reliably commute to their places of employment, which service is vital for businesses located inside and outside of this State, and

WHEREAS, The operations of freight and passenger railroads would not be possible without the tireless efforts of railroad workers, who work long hours to ensure that freight containers are properly handled and passenger trains are safely operated, and

WHEREAS, Due to the constant demand for freight and passenger rail service, many railroad workers are often forced to work irregular shifts, sacrificing time away from their friends and family, and

WHEREAS, Railroad workers have also shown a willingness to work in dangerous conditions during times of crisis to ensure that the public receives crucial freight and passenger rail services, and

WHEREAS, During the COVID-19 pandemic, railroad workers served as frontline workers who, despite the dangers of working in close proximity to one another, worked to alleviate supply chain backlogs and transport essential healthcare workers, and

WHEREAS, Without the contributions of railroad workers, there is little doubt that the COVID-19 pandemic would have unleashed even more harm on the physical and economic well-being of the people of this State, and

WHEREAS, Moreover, in the midst of Russia's recent invasion of Ukraine, New Jersey's brother and sister railroad workers in Ukraine have also been indispensable in shuttling innocent civilians to safety and transporting supplies to the front lines of defense, and

WHEREAS, Whether during times of peace or times of crisis, railroad workers provide an invaluable service for the people of this State, and others throughout the world, by ensuring that the modern, globalized economy continues to function, now, therefore,

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

C 36 2-423 "New Jersey Railroad Workers Day" designated

1 October 15th of each year is designated as "New Jersey Railroad Workers Day" in the State of New Jersey to honor and celebrate the important contributions of railroad workers in supporting the State's economy

C 36 2-424 Annual proclamation

2 The Governor is respectfully requested to annually issue a proclamation designating October 15th as "New Jersey Railroad Workers Day" and shall call upon the public officials and citizens of this State to observe the day with appropriate activities and programs

3 This joint resolution shall take effect immediately

Approved October 14, 2022

JOINT RESOLUTION NO 8

A JOINT RESOLUTION designating October of each year as "First Responders Appreciation Month "

WHEREAS, New Jersey's first responders include paid and volunteer members of law enforcement agencies, fire departments, emergency medical services, and other organizations in the public safety sector who work

tirelessly to keep the residents of this State safe by taking the call and responding in times of crisis, and

WHEREAS, First responders make a vital and irreplaceable contribution to our State with their willingness to make our communities stronger and safer, and

WHEREAS, In carrying out their duties, first responders frequently are called upon to put their own lives in jeopardy as they respond to dangerous and devastating incidents and disasters and, tragically, some have paid the ultimate price carrying out their devotion to service of others, and

WHEREAS, These burdens are carried not only by first responders, but also by their families and loved ones who make great personal sacrifices in order for the first responders to unstintingly serve the residents of this State, and

WHEREAS, The deep commitment exhibited by first responders to our communities is worthy of admiration and the residents of New Jersey owe a debt of gratitude to the first responders who make our State safe and secure, and

WHEREAS, Acts of kindness and appreciation from the communities they serve provide first responders with needed encouragement and support to confront the uncertainty they face every day, and

WHEREAS, It is fitting and proper that the State of New Jersey recognize October of each year as "First Responders Appreciation Month" to salute the contributions of law enforcement, firefighters, and emergency services personnel to the security and well-being of this State, now, therefore,

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

C 36 2-425 "First Responders Appreciation Month" designated

1 The month of October is designated as "First Responders Appreciation Month" in recognition of the commitment and service first responders provide to residents of this State

C 36 2-426 Annual proclamation

2 The Governor respectfully is requested to issue annually a proclamation recognizing October as "First Responders Appreciation Month" in New Jersey and to call upon public officials and the citizens of this State to observe the day with appropriate activities and programs

3 This joint resolution shall take effect immediately

Approved October 31, 2022

JOINT RESOLUTION NO 9

A JOINT RESOLUTION designating the second week of November of each year as "National Apprenticeship Week in New Jersey"

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

WHEREAS, The National Apprenticeship Act of 1937 was approved on August 16, 1937, thereby establishing the National Registered Apprenticeship System, a comprehensive system of partnering among employers, labor education institutions, and federal and state governments to shape skilled training for American workers, and

WHEREAS, The State of New Jersey recognizes that the 21st century economy demands a highly-skilled workforce that possesses industry-recognized post-secondary degrees and credentials, and the ability to respond immediately to changing economic and business needs, and

WHEREAS, The Workforce Innovation and Opportunity Act (WIOA), signed into law on July 22, 2014, provides Americans with increased access to training, education, and work-based learning experiences necessary to succeed in the labor market, and

WHEREAS, WIOA requires states to strategically align workforce development to ensure that employment and work-based training services are coordinated, so that job-seekers acquire industry-recognized credentials for in-demand occupations that meet the employers' needs, and

WHEREAS, The registered apprenticeship system has been used for more than 80 years to meet the needs of employers seeking a highly-skilled workforce and the needs of employees seeking a flexible training model which combines related technical instruction with structured, on-the-job learning experiences, and

WHEREAS, Registered apprenticeship is a vital component of talent development strategies in many high demand and high growth sectors, and

WHEREAS, According to the United States Department of Labor, New Jersey currently has more than 7,200 active registered apprentices and more than 700 registered apprenticeship sponsors, and

WHEREAS, Completion of an apprenticeship program leads to an industry-driven, nationally recognized credential that certifies occupational proficiency, which other employers will recognize as valuable and on which the apprentice can build to further his or her skills, knowledge, and education, now, therefore,

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

C 36 2-427 "National Apprenticeship Week in New Jersey" designated

1 The second week of November of each year is designated as "National Apprenticeship Week in New Jersey," in acknowledgement of the importance of apprenticeship programs in our State and the positive impact they have on individuals and businesses

C 36 2-428 Annual proclamation

2 The Governor is requested to annually issue a proclamation recognizing the second week of November as "National Apprenticeship Week in New Jersey" and shall call upon public officials and all residents of the State to observe the week with appropriate activities and programs

3 This joint resolution shall take effect immediately

Approved November 7, 2022

JOINT RESOLUTION NO 10

A JOINT RESOLUTION urging Congress to include funding for affordable housing in federal "Build Back Better" legislation

WHEREAS, Housing insecurity has long been a substantial threat to the public's health and safety, and the COVID-19 pandemic has served to highlight and heighten the dangers associated with this housing crisis, and

WHEREAS, The pandemic has caused untold economic hardship for New Jersey residents and communities, who, through no fault of their own, have been faced with the threat of foreclosures and evictions, and

WHEREAS, Many people have suffered and struggled due to the physical, emotional and economic impacts of the coronavirus pandemic, however, people of color, especially women of color and other marginalized

renters, have been disproportionately impacted by the virus and its effect on the housing crisis, and

WHEREAS, In New Jersey, in order to afford a modest, two-bedroom apartment, on average, a renter would need an income of $31 96 per hour, however, this is often far above the income of many working families, seniors, and people with disabilities in this State, and

WHEREAS, Only a small percentage of households eligible for rental assistance receive such assistance due in large part to decades of chronic underfunding, and

WHEREAS, Addressing the housing crisis and bridging the gap between incomes and housing costs through the expansion of rental assistance programs is of utmost importance, and

WHEREAS, On September 27, 2021, the United States House of Representatives introduced H R 5376, commonly referred to as the "Build Back Better Act," which would provide funding and establish programs relating to a broad array of areas, including among others, housing, education, labor, childcare, health care, taxes, immigration, and the environment, and

WHEREAS, This legislation was passed by the U S House of Representatives on November 19, 2021, and

WHEREAS, Congress is currently considering the Build Back Better agenda which could provide a once-in-a-lifetime investment in housing affordability, stability and security and lay the foundation to help make New Jersey a more affordable place to live for generations to come, and

WHEREAS, By including mechanisms in the Build Back Better economic recovery package to expand rental assistance programs and address the severe shortage of affordable housing for people with the lowest incomes, Congress could help bridge the gap between wages and housing costs for America's lowest-income and most marginalized households, and

WHEREAS, It is therefore critical that Congress make a robust investment in housing affordability in any budget reconciliation bill similar to what was passed by the U S House of Representatives in the "Build Back Better Act," including an expansion of rental assistance by $25 billion to serve 300,000 additional households, $65 billion to repair public housing, which is home to 2 5 million residents, and $15 billion in the national Housing Trust Fund to build and preserve 150,000 homes affordable to people with the greatest needs, now, therefore,

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

1 The Senate and the General Assembly urge the United States Congress to include in the Build Back Better economic recovery package funding to expand rental assistance programs, and build, repair, and preserve affordable homes in order to reach and provide greater assistance to more people in need of affordable housing

2 Copies of this resolution, as filed with the Secretary of State, shall be transmitted by the Secretary of the Senate or the Clerk of the General Assembly to the Majority and Minority Leaders of the United States Senate, the Speaker and the Minority Leader of the United States House of Representatives, and to each member of the United States Congress elected from this State

3 This joint resolution shall take effect immediately

Approved December 1, 2022

EXECUTIVE ORDERS

EXECUTIVE ORDER NO 283

WHEREAS, on March 9, 2020, I issued Executive Order No 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act ("EHPA"), N J S A 26 13-1 et seq , and a State of Emergency, pursuant to the New Jersey Civilian Defense and Disaster Control Act ("Disaster Control Act"), N J S A App A 9-33 et seq , in the State of New Jersey for Coronavirus disease 2019 ("COVID-19"), the facts and circumstances of which are adopted by reference herein, and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, which were issued each month between April 7, 2020 and May 14, 2021, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency in effect at the time continued to exist, and

WHEREAS, New Jersey made significant progress in responding to COVID-19 and mitigating its devastating effects, in particular in light of the advent of three effective vaccines that, among other things, had significantly reduced the likelihood of both contracting and transmitting the variants of COVID-19 that were present in the United States at the time, and

WHEREAS, on June 4, 2021, in light of these developments, I signed Assembly Bill No 5820 into law as P L 2021, c 103, and issued Executive Order No 244, which terminated the Public Health Emergency declared in Executive Order No 103 (2020), and

WHEREAS, P L 2021, c 103 sought to enable the State to bring an end to its prior Public Health Emergency while still allowing for an orderly continuation of the Administration's ability to order certain public health measures relating to COVID-19, including but not limited to vaccine distribution, administration, and management, COVID-19 testing, health resource and personnel allocation, data collection, and implementation of recommendations of the Centers for Disease Control and Prevention ("CDC") to prevent or limit the transmission of COVID-19, including in specific settings, and

WHEREAS, P L 2021, c 103 explicitly maintained the State of Emergency declared in Executive Order No 103 (2020), and stated it would in no way diminish, limit, or impair the powers of the Governor to respond to any of the threats presented by COVID-19 pursuant to the Disaster Control Act, and

WHEREAS, in addition to leaving the prior State of Emergency in effect, nothing in P L 2021, c 103 prevented the Governor from declaring any new public health emergency under the EHPA, N J S A 26 13-1 et seq , should the evolving circumstances on the ground require such a declaration, and

WHEREAS, Executive Order No 252, issued August 6, 2021, requires all covered health care and high-risk congregate settings to maintain a policy that requires all covered workers to either provide adequate proof to the health care and high-risk congregate settings that they have been fully vaccinated or submit to

COVID-19 testing at minimum one to two times weekly beginning September 7, 2021, and

WHEREAS, the Department of Health ("DOH") issued Executive Directive 21-001 (October 7, 2021), establishing reporting protocol and extending the requirements of Executive Order No 252 (2021) to group homes and psychiatric community homes licensed by the Department of Children and Families ("DCF"), and

WHEREAS, as the CDC has recognized, viruses can change through mutation and mutations can result in new variants of the virus, and these variants can have meaningfully distinct impacts from the original virus, and

WHEREAS, as the CDC has recognized, some variants spread more easily and quickly than other variants of the same virus, which may lead to more cases of COVID-19, increased strain on healthcare resources, more hospitalizations, and more deaths, and

WHEREAS, new variants are classified based on how easily the variant spreads, how severe its symptoms are, how it responds to treatments, and how well vaccines protect against the variant, and

WHEREAS, since Executive Order No 244 (2021) took effect, the CDC has reported that new variants of concern of COVID-19 have been identified in the United States, particularly the B 1 617 2 ("Delta") variant and most recently the B1 1 529 ("Omicron") variant, and

WHEREAS, although New Jersey was able to end the prior Public Health Emergency on account of the effectiveness of vaccines in reducing transmissibility of COVID-19, the Omicron variant appears to spread more easily than other variants, including Delta, early evidence suggests people who have received a primary series of a COVID-19 vaccine but have not yet received the recommended booster shot are more likely to become infected with this variant than prior variants and to be able to spread the virus to others, and some monoclonal antibody treatments may not be as effective against infection with the Omicron variant, and

WHEREAS, on January 11, 2022, I issued Executive Order No 280, declaring the existence of a new Public Health Emergency, pursuant to the EHPA, N J S A 26 13-1 et seq , in the State of New Jersey due to the surge of cases and hospitalizations tied to the new variants of COVID-19, and

WHEREAS, on January 11, 2022, I issued Executive Order No 281, extending various orders, including Executive Order No 252 (2021), to ensure the State continues to have the necessary resources in place to respond to the new variants of COVID-19, and

WHEREAS, because vaccines are effective at preventing severe illness, hospitalizations, and death, including from the Omicron variant, the CDC has noted that the recent emergence of this variant emphasizes the importance of vaccination and boosters, and

WHEREAS, according to the CDC, studies show after getting the primary series of a COVID-19 vaccine, protection against the virus and the ability to prevent infection may decrease over time, in particularly due to changes in variants, and

WHEREAS, although the COVID-19 vaccines remain effective in preventing severe disease, recent data suggests their effectiveness at preventing infection or severe illness wanes over time, and

WHEREAS, the CDC has reported that vaccinated people who receive a COVID-19 booster are likely to have a stronger protection against contracting and transmitting COVID-19, particularly the Omicron variant, and stronger protection against serious illness, including hospitalizations and death, and

WHEREAS, the CDC has advised that expedient and additional public health action is necessary to prevent severe impacts on the health of individuals and the health care system due to the rapid spread of the Omicron variant, and

WHEREAS, the CDC has confirmed that the rapid increase of infections is due to the increased transmissibility of the Omicron variant and its increased ability to evade immunity conferred by past infection or vaccination, and

WHEREAS, the State has thus far administered approximately 13 2 million doses of COVID-19 vaccines, with over 7 4 million New Jerseyans having received at least one dose of a vaccine and over 6 5 million having received the primary series of a vaccine, and

WHEREAS, as of December 2021, according to the data provided by licensees to the State, about 88 percent of health care workers, 87 percent of long-term care workers, and 73 percent of workers in high-risk congregate settings licensed by the Department of Human Services and DCF that are subject to Executive Order No 252 (2021) and DOH Executive Directive 21-001 (October 7, 2021) have received their primary series of the COVID-19 vaccination, and

WHEREAS, as of January 18, 2022, only 48 percent of eligible individuals statewide have received their booster shot, and

WHEREAS, while over 75 percent of people in the State have received the primary series of a COVID-19 vaccine, the booster rates remain significantly lower and additional steps are necessary to ensure continued vaccinations, especially boosters, of individuals to protect against spread of COVID-19, and

WHEREAS, on July 6, 2021, the U S Department of Justice, Office of Legal Counsel issued an opinion concluding that Section 564 of the Food, Drug, and Cosmetic Act, 21 U S C § 360bbb-3 does not prohibit public or private entities from imposing vaccination requirements while vaccinations are only available pursuant to Emergency Use Authorization ("EUA"), and

WHEREAS, on November 5, 2021, the federal Centers for Medicare & Medicaid Services ("CMS") issued the Omnibus COVID-19 Health Care Staff Vaccination Interim Final Rule (CMS-3415-IFC) ("CMS Rule"), which was upheld by the United States Supreme Court on January 13, 2022, requiring most Medicare and Medicaid-certified providers' and suppliers' staff to be vaccinated against COVID-19 in order to participate in the Medicare and Medicaid programs, and

WHEREAS, in order to comply with the CMS rule, providers in New Jersey subject to the rule must require their staff to have received their first dose of the vaccine by January 27, 2022 and all doses to complete a primary series of the vaccine by February 28, 2022, and

WHEREAS, waning immunity among health care workers increases their susceptibility to the virus and can place further strain on the State's health care workforce, threatening the State's ability to provide critical care to individuals, and

WHEREAS, it is necessary to rapidly increase the number of health care workers who are up to date with their COVID-19 vaccinations, and

WHEREAS, the CDC has repeatedly emphasized the importance of heightened mitigation protocols in certain congregate and health care settings because of the significant risk of spread and vulnerability of the populations served, and

WHEREAS, requiring workers in those congregate and health care settings to be up to date with their COVID-19 vaccinations can help prevent outbreaks and reduce transmission to vulnerable individuals who may be at a higher risk of severe disease, and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N J S A 26 13-1 et seq , N J S A App A 9-33 et seq , N J S A 38A 3-6 1, and N J S A 38A 24 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 Covered health care settings subject to the CMS rule must maintain a policy that requires covered workers to provide adequate proof that they are up to date with their COVID-19 vaccinations according to the following schedule

a Unvaccinated covered workers must obtain their first dose of the primary series of a COVID-19 vaccination by January 27, 2022, and

b All covered workers must provide adequate proof that they are up to date with their COVID-19 vaccination by February 28, 2022, provided however, that as to having received a booster dose, covered workers must provide adequate proof that they are up to date with their COVID-19 vaccinations by February 28, 2022, or within 3 weeks of becoming eligible for a booster dose, whichever is later

2 Covered health care settings not subject to the CMS rule and covered high-risk congregate settings must maintain a policy that requires covered workers to provide adequate proof that they are up to date with their COVID-19 vaccinations according to the following schedule

a Unvaccinated covered workers must obtain their first dose of the primary series of a COVID-19 vaccination by February 16, 2022, and

b All covered workers must provide adequate proof that they are up to date with their COVID-19 vaccination by March 30, 2022, provided however, that as to hav-

ing received a booster dose, covered workers must provide adequate proof that they are up to date with their COVID-19 vaccinations by March 30, 2022, or within 3 weeks of becoming eligible for a booster dose, whichever is later

3 The policies adopted by covered health care settings and covered high-risk congregate settings (collectively "covered settings") pursuant to this Order must require covered workers currently submitting to COVID-19 testing pursuant to Executive Order No 252 (2021) to continue undergoing once or twice weekly testing until they submit adequate proof that they are up to date with their vaccination pursuant to the schedules set forth in paragraphs 1 and 2 of this Order

4 The policies adopted by covered settings pursuant to this Order must include a disciplinary process for covered workers' noncompliance, which may include termination of employment

5 Covered workers may demonstrate adequate proof they are up to date with their COVID-19 vaccinations by presenting the following documents if they list COVID-19 vaccines authorized for EUA in the United States and/or the World Health Organization ("WHO"), along with an administration date for each dose

a The CDC COVID-19 Vaccination Card issued to the vaccine recipient by the vaccination site, or an electronic or physical copy of the same,

b Official record from the New Jersey Immunization Information System (NJIIS) or other State immunization registry,

c A record from a health care provider's portal/medical record system on official letterhead signed by a licensed physician, nurse practitioner, physician's assistant, registered nurse or pharmacist,

d A military immunization or health record from the United States Armed Forces, or

e A Docket mobile phone application record or any state specific application that produces a digital health record

Covered settings collecting vaccination information from covered workers must comport with all federal and state laws, including but not limited to the Americans with Disabilities Act, that regulate the collection and storage of that information

6 For purposes of this Order, consistent with the definition provided by Executive Order No 252 (2021) and DOH Executive Directive 21-001 (October 7, 2021), covered settings shall be defined as follows "Health care settings" shall include acute, pediatric, inpatient rehabilitation, and psychiatric hospitals, including specialty hospitals, and ambulatory surgical centers, long-term care facilities, intermediate care facilities, residential detox, short-term, and long-term residential substance abuse disorder treatment facilities, clinic-based settings like ambulatory care, urgent care clinics, dialysis centers, Federally Qualified Health Centers, family planning sites, and Opioid Treatment Programs, community-based healthcare settings including Program of All-inclusive Care for the Elderly, pediatric and adult medical day care programs, and licensed home health agencies and registered health care service firms operating within the State "High-risk congregate settings" include State and county correctional facilities, all congregate care settings operated by the Juvenile Justice Commission, which includes secure care facilities

and residential community homes, licensed community residences for individuals with individuals with intellectual and developmental disabilities ("IDD") and traumatic brain injury ("TBI"), licensed community residences for adults with mental illness, certified day programs for individuals with IDD and TBI, and group homes and psychiatric community homes licensed by DCF

7 For purposes of this Order, consistent with the definition provided by Executive Order No 252 (2021), "covered workers" shall include employees, both full- and part-time, contractors, and other individuals working in covered settings, including individuals providing operational or custodial services or administrative support

8 For purposes of this Order, a covered worker shall be considered "up to date with their COVID-19 vaccinations" if they have received a primary series, which consists of either a 2-dose series of an mRNA COVID-19 vaccine or a single dose COVID-19 vaccine, and any booster doses for which they are eligible as recommended by the CDC Covered workers will only be considered up to date with their vaccinations where they have received a COVID-19 vaccine that is currently authorized for emergency use by the U S Food and Drug Administration (FDA) or the WHO, or that are approved for use by the same Covered workers who are not up to date with their vaccinations, or for whom vaccination status is unknown or who have not provided sufficient proof of documentation, must be considered noncompliant for purposes of this Order

9 Nothing in this Order shall prevent a covered setting from instituting a vaccination policy that includes additional or stricter requirements, so long as such policy comports with the minimum requirements of this Order

10 The policies adopted by covered settings pursuant to this Order must provide appropriate accommodations, to the extent required by federal and/or state law, for employees who request and receive an exemption from vaccination because of a disability, medical condition, or sincerely held religious belief, practice, or observance The policies adopted by covered settings pursuant to this Order must require covered workers that receive an exemption pursuant to this paragraph to continue weekly or twice weekly testing as required by Executive Order No 252 (2021)

11 The Commissioner of DOH is hereby authorized to issue a directive supplementing the requirements outlined in this Order, which may include, but not be limited to, any requirements for reporting vaccination data to the DOH Action taken by the Commissioner of DOH pursuant to this Order shall not be subject to the requirements of the Administrative Procedure Act, N J S A 52 14B-1 et seq

12 Any provision of Executive Order No 252 (2021) that is inconsistent with this Order is superseded

13 The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order

14 It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee,

or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order, and to cooperate fully with any Administrative Orders issued pursuant to this Order

15 No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement

16 Penalties for violations of this Order may be imposed under, among other statutes, N J S A App A 9-49 and -50

17 This Order shall take effect immediately and shall remain in effect until revoked or modified by the Governor

Dated January 19, 2022

EXECUTIVE ORDER NO 284

WHEREAS, it is important that public health, safety, and the environment be protected from chemical hazards, and

WHEREAS, public knowledge and access to information on chemicals at individual facilities, their uses, and releases into the environment can help improve chemical safety and protect public health and the environment, and

WHEREAS, Executive Order No 161 (1987) established the State Emergency Response Commission ("SERC") and authorized the SERC to perform all duties and acts prescribed by the "Superfund Amendments and Reauthorization Act of 1986," commonly known as the Emergency Planning and Community Right-to-Know Act ("EPCRA"), 42 U S C §§ 11001-11050, which provides for public access to certain information relevant to chemical hazards, and

WHEREAS, Executive Order No 161 (1987) provided that, in designating emergency planning districts, the SERC would utilize existing political subdivisions consistent with the provisions of N J S A App A 9-30 et seq , and

WHEREAS, sharing services across counties and municipalities can reduce costs and improve service delivery, and

WHEREAS, the EPCRA requires that members of a local emergency planning committee ("LEPC") be appointed for each emergency planning district, and

WHEREAS, terrorist attacks and other significant events, both domestic and foreign, have occurred since Executive Order No 161 (1987) was issued, requiring counter-terrorism and preparedness efforts to enhance the public's safety, which can be seen through the creation of the Domestic Security Preparedness Task Force and the Office of Homeland Security and Preparedness ("OHSP"), and

WHEREAS, Executive Order No 21 (2002) provides that the following documents "shall not be subject to public inspection, copying or examination" "Any gov-

ernment record where the inspection, examination or copying of that record would substantially interfere with the State's ability to protect and defend the State and its citizens against acts of sabotage or terrorism, or which, if disclosed, would materially increase the risk or consequences of potential acts of sabotage or terrorism", and

WHEREAS, information in certain documents referenced in 42 U S C § 11044(a) ("11044 documents") may contain emergency and security information and procedures for buildings and facilities, that, if made widely available to the public, would jeopardize the security of such buildings and facilities, and

WHEREAS, it is possible to strike a balance between the public access requirements under EPCRA and the need to safeguard against security threats, and

WHEREAS, EPCRA requires each LEPC to make 11044 documents available to the general public during normal business hours at the location or locations designated by certain public officials, and

WHEREAS, amendments and clarifications to Executive Order No 161 (1987) are warranted to better protect public health, safety, and the environment,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 The SERC shall consist of at least nine members including the Attorney General, the Adjutant General of the Department of Military and Veterans Affairs, the Commissioner of the Department of Community Affairs, the Commissioner of the Department of Environmental Protection, the Commissioner of the Department of Transportation, the President of the Board of Public Utilities, the Commissioner of the Department of Health, the Superintendent of the New Jersey State Police who also serves as the State Director of Emergency Management, and the Director of the OHSP All members of the SERC shall serve ex officio and may identify a designee to participate on their behalf The Governor may, as determined to be appropriate, appoint additional members to the SERC, who shall serve at the pleasure of the Governor, without compensation Paragraph 2 of Executive Order No 161 (1987) is superseded to the extent inconsistent with this Order

2 The SERC is authorized to call upon any department, office, division, or agency of the State to supply the SERC with information and other assistance available to such department, office, division, or agency as the SERC deems necessary to discharge its duties under federal law, Executive Order No 161 (1987), and this Order Each department, office, division, or agency is hereby required, to the extent not inconsistent with law, to cooperate fully with the SERC and to furnish such assistance on as timely a basis as is necessary to fulfill the SERC's duties

3 The SERC is authorized to designate and revise its designations of emergency planning districts, as contemplated by Executive Order No 161 (1987), utilizing as the basis for its designations one or more of the following political subdivisions municipalities, multiple municipalities that have entered into a mutual aid agree-

ment, counties, or multiple counties that have entered into a mutual aid agreement Paragraph 4 of Executive Order No 161 (1987) is hereby superseded to the extent inconsistent with this Paragraph

4 The LEPC for each planning district shall include, at a minimum, representatives from each of the following groups or organizations elected county or municipal officials, as appropriate, law enforcement, civil defense, firefighting, first aid, health, local environmental, hospital, and transportation personnel, broadcast and print media, community groups, and owners and operators of facilities subject to EPCRA Members of LEPCs shall be designated in the first instance as follows

a Municipalities For each municipality designated as an emergency planning district, the mayor or chief executive officer of the municipality shall be responsible for appointing and removing members to the municipality's LEPC,

b Multiple-Municipalities For multiple municipalities designated as an emergency planning district, the multiple mayors or chief executive officers of the municipalities for those municipalities shall be responsible for appointing and removing members to the municipalities' LEPC,

c Counties For each county designated as an emergency planning district, the county emergency management coordinator (appointed pursuant to N J S A App A 9-42 1) shall, subject to any required governing body's approval, be responsible for appointing and removing members to the county's LEPC, and

d Multiple-Counties For multiple counties designated as an emergency planning district, the multiple county emergency management coordinators for those counties shall, subject to any required governing bodies' approvals, be responsible for appointing and removing members to the counties' LEPC

In the event of a vacancy on a LEPC, the authority or authorities identified in paragraph 4 (a) – (d) above shall appoint a replacement If any member of a LEPC fails to fulfill their duties, or the LEPC fails to comply with any of its duties, the authority or authorities identified in paragraph 4 (a) – (d) above shall remove the member(s) from the LEPC and appoint one or more new members to fill the vacancy(ies) In the event that a vacancy remains unfilled for 90 days by the authority or authorities identified in paragraph 4 (a) – (d), the SERC is authorized to appoint a replacement Similarly, if the appointing authority fails to act within an appropriate time to remove a member that fails to fulfill their duties, and appoint a replacement, the SERC is authorized to remove the member and/or appoint a replacement

5 Each LEPC shall

a Draft an emergency response plan ("ERP") that complies with the requirements set forth in 42 U S C § 11003(c), and update the ERP once per year or more frequently if circumstances in the community change,

b Submit a copy of the ERP, and each amendment thereto, to the SERC,

c Make the ERP and other 11044 documents available to the general public in a reading room during normal business hours or through another secure method as may be prescribed by the SERC in the future The LEPC must establish procedures for receiving and processing requests for these documents and designate an

official to serve as the coordinator for information The SERC may provide advice and assistance to LEPCs regarding public access to these documents,

d Annually publish a notice in a local newspaper or maintain a webpage providing the procedures that members of the public may utilize to review or request documents under EPCRA,

e Designate a chairperson,

f Establish rules by which the committee shall function Such rules shall include provisions for public notification of committee activities, public meetings to discuss the ERP, public comments, response to such comments by the committee, and access to the ERP Such public meetings shall be subject to the Open Public Meetings Act, N J S A 10 4-6 to -21, and

g Evaluate and make recommendations regarding the need for resources necessary to develop, implement, and exercise the ERP

6 The immunities provided to members of the LEPC under N J S A 2A 62A-15 shall continue

7 Municipalities and counties shall cooperate with and provide information to the LEPCs as necessary to accomplish the purpose of EPCRA, and this Order

8 The SERC may establish a procedure for LEPCs to apply for homeland security exemptions for one or more portions of their ERP or the other 11044 documents in their possession from the public's right of access under EPCRA The OHSP shall be responsible for reviewing requests for homeland security exemptions and providing a recommendation to the SERC

9 Nothing in this Order shall be construed to create a private right of action to enforce the requirements outlined herein

10 This Order shall take effect immediately

Dated January 20, 2022

EXECUTIVE ORDER NO 285

WHEREAS, beginning in the evening on Friday, January 28, 2022, and continuing through the evening on Saturday, January 29, 2022, the State of New Jersey is forecasted to experience a potentially severe winter storm causing hazardous weather conditions including strong precipitation, high winds, a risk of coastal flooding, and total snow accumulations of 2 to 18 inches throughout the State, with the heaviest impacts expected in coastal New Jersey, and

WHEREAS, the National Weather Service has issued a Blizzard Warning for much of coastal New Jersey, with multiple contiguous inland counties subject to a Winter Storm Warning, and

WHEREAS, statewide snow accumulations may range between 2 and 18 inches, with snow accumulations of 6 to 8 inches expected along the I-95 transportation corridor from Friday evening until Saturday evening, plus snow accumulations in the range of 12 to 18 inches in central and southern coastal regions,

creating dangerous road conditions that may make travel difficult to impossible, and

WHEREAS, wind gusts of 35 to 50 miles per hour are expected throughout the State and may cause downed power lines and trees, resulting in power outages, and could impede the normal operation of public and private entities, and

WHEREAS, a Friday and Saturday high tide increases this storm's risk for coastal flooding, and

WHEREAS, these serious weather conditions may make it difficult or impossible for citizens to obtain the necessities of life, as well as essential services such as police, fire, and first aid, and

WHEREAS, this impending winter storm constitutes an imminent hazard that threatens and presently endangers the health, safety, and resources of the residents of the State, and

WHEREAS, this situation may become too large in scope to be handled in its entirety by the normal county and municipal operating services in some parts of this State, and this situation may spread to other parts of the State, and

WHEREAS, as part of the State's response to this winter storm, the Commissioner of the New Jersey Department of Transportation (the "Commissioner") will issue an Administrative Order(s) regarding commercial vehicle travel restrictions pursuant to N J S A 27 1A-5, N J S A 27 3A-3, and N J S A 39 4-8 3, and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N J S A App A 9-33, et seq , N J S A 38A 3-6 1, N J S A 38A 2-4, and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, in order to protect the health, safety, and welfare of the people of the State of New Jersey DO DECLARE and PROCLAIM that a State of Emergency exists throughout the State of New Jersey, effective at 5 00 p m on January 28, 2022, and I hereby ORDER and DIRECT the following

1 I authorize and empower the State Director of Emergency Management, who is the Superintendent of State Police, to implement the State Emergency Operations Plan and to direct the activation of county and municipal emergency operations plans, as necessary, and to coordinate the recovery effort from this emergency with all governmental agencies, volunteer organizations, and the private sector

2 I authorize and empower, in accordance with N J S A App A 9-33, et seq , as supplemented and amended, the State Director of Emergency Management, who is the Superintendent of State Police, through the police agencies under his control, and with consideration of any Administrative Order issued by the Commissioner, to determine and control the direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic and to prevent ingress or egress from any area that, in the State Director's discretion, is deemed necessary for the

protection of the health, safety, and welfare of the public, and to remove parked or abandoned vehicles from such roadways as conditions warrant

3 I authorize and empower the Attorney General, pursuant to the provisions of N J S A 39 4-213, acting through the Superintendent of State Police, and with consideration of any Administrative Order issued by the Commissioner, to determine and control the direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic, to prevent ingress or egress, and to determine the type of vehicle or vehicles to be operated on such roadways I further authorize all law enforcement officers to enforce any such order of the Attorney General or Superintendent of State Police within their respective municipalities

4 I authorize and empower the State Director of Emergency Management to order the evacuation of all persons, except for those emergency and governmental personnel whose presence the State Director deems necessary, from any area where their continued presence would present a danger to their health, safety, or welfare because of the conditions created by this emergency

5 I authorize and empower the State Director of Emergency Management to utilize all facilities owned, rented, operated, and maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from a residence, dwelling, building, structure, or vehicle during the course of this emergency

6 I authorize and empower the executive head of any agency or instrumentality of the State government with authority to promulgate rules to waive, suspend, or modify any existing rule, where the enforcement of which would be detrimental to the public welfare during this emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary for the duration of this Order, subject to my prior approval and in consultation with the State Director of Emergency Management Any such waiver, modification, or suspension shall be promulgated in accordance with N J S A App A 9-45

7 I authorize and empower the Adjutant General, in accordance with N J S A 38A 2-4 and N J S A 38A 3-6 1, to order to active duty such members of the New Jersey National Guard who, in the Adjutant General's judgment, are necessary to provide aid to those localities where there is a threat or danger to the public health, safety, and welfare and to authorize the employment of any supporting vehicles, equipment, communications, or supplies as may be necessary to support the members so ordered

8 In accordance with the N J S A App A 9-34 and N J S A App A 9-51, I reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties, or instrumentalities, and to commandeer and utilize any personal services and any privately-owned property necessary to protect against this Emergency

9 In accordance with N J S A App A 9-40, no municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict

with any of the provisions of this Order, or which will in any way interfere with or impede the achievement of the purposes of this Order

10 It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully with the State Director of Emergency Management in all matters concerning this State of Emergency

11 In accordance with N J S A App A 9-34, N J S A App A 9-40 6, and N J S A 40A 14-156 4, no municipality or public or semipublic agency shall send public works, fire, police, emergency medical, or other personnel or equipment into any non-contiguous disaster-stricken municipality within this State, nor to any disaster-stricken municipality outside this State, unless and until such aid has been directed by the county emergency management coordinator or their deputies in consultation with the State Director of Emergency Management

12 This Order shall take effect at 5 00 p m on Friday, January 28, 2022, and shall remain in effect until such time as it is determined by me that an Emergency no longer exists

Dated January 28, 2022

EXECUTIVE ORDER NO 286

WHEREAS, Executive Order No 285, declaring a State of Emergency, was issued on January 28, 2022, because of a major winter storm that arrived on that date and continued through January 29, 2022, and

WHEREAS, the severity of the conditions necessitating the State of Emergency declaration has eased, and

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and the Statutes of this State, hereby ORDER and DIRECT

1 The State of Emergency declared pursuant to Executive Order No 285 is terminated effective 5 00 p m , Eastern Standard Time, on February 4, 2022

Dated February 4, 2022

EXECUTIVE ORDER NO 287

WHEREAS, Judge Barbara A Curran, a dedicated public servant and pioneer in her field, was born on August 26, 1940 in New York City, and raised in New York and New Jersey, and

WHEREAS, Judge Curran spent her life in service of the people of New Jersey, becoming the first woman to serve as a principal in all three branches of State government, as she served in the State Legislature, as a member of the Governor's Cabinet, and as a Judge of the Superior Court, and

WHEREAS, Judge Curran earned her Bachelor of Arts degree from Saint Mary-of-the-Woods College, a Master of Arts degree from Syracuse University, and her Juris Doctor from Seton Hall University School of Law, and

WHEREAS, Judge Curran worked as an editor of the Rahway News Record and the Clark Patriot, and

WHEREAS, Judge Curran served as Republican State Chairman Nelson Gross's assistant during William Cahill's successful bid for Governor in 1969, and

WHEREAS, Judge Curran was named the first woman Executive Director of the New Jersey Republican State Committee, and

WHEREAS, Judge Curran was elected to represent District 24 in the New Jersey State Assembly in 1973 and was re-elected to the State Assembly in 1975 and 1977, and

WHEREAS, Judge Curran was appointed to the New Jersey Board of Public Utilities by Governor Brendan Byrne, and was elevated to President of the Board of Public Utilities during Governor Thomas Kean's administration, placing her in Governor Kean's Cabinet, and

WHEREAS, Judge Curran was nominated to be a Judge of the Superior Court by Governor Jim Florio in 1992, and, after confirmation, served on the bench until her retirement in 2000, and

WHEREAS, Judge Curran remained dedicated to public service, serving as general counsel to the No Greater Sacrifice Foundation, a non-profit organization that provided scholarships to the children of fallen and wounded veterans, and

WHEREAS, Judge Curran shattered many glass ceilings throughout her career, inspiring young women across New Jersey, and advancing the interests of others, all while raising her beloved daughter Katie as a single mother, and

WHEREAS, Judge Curran's shining example will be greatly missed by all who knew her, including her family, friends, and countless colleagues across New Jersey, and

WHEREAS, it is with great sorrow that we mourn the passing of Judge Curran, and extend our deepest sympathy to her family, friends, and colleagues, and

WHEREAS, it is proper that we recognize such an inspirational and trailblazing individual, and mark the passing of Judge Curran,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities

during appropriate hours until sunset on Thursday, February 10, 2022, in recognition and mourning of a dedicated public servant, Judge Barbara A Curran

2 This Order shall take effect immediately

Dated February 9, 2022

EXECUTIVE ORDER NO 288

WHEREAS, on March 9, 2020, I issued Executive Order No 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act ("EHPA"), N J S A 26 13-1 et seq , and a State of Emergency, pursuant to the New Jersey Civilian Defense and Disaster Control Act ("Disaster Control Act"), N J S A App A 9-33 et seq , in the State of New Jersey for Coronavirus disease 2019 ("COVID-19"), the facts and circumstances of which are adopted by reference herein, and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, which were issued each month between April 7, 2020 and May 14, 2021, and the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency in effect at the time continued to exist, and

WHEREAS, New Jersey made significant progress in responding to COVID-19 and mitigating its devastating effects, in particular in light of the advent of three effective vaccines that, among other things, had significantly reduced the likelihood of both contracting and transmitting the variants of COVID-19 that were present in the United States at the time, and

WHEREAS, on June 4, 2021, in light of these developments, I signed Assembly Bill No 5820 into law as P L 2021, c 103, and issued Executive Order No 244, which terminated the Public Health Emergency declared in Executive Order No 103 (2020), and

WHEREAS, P L 2021, c 103 sought to enable the State to bring an end to its prior Public Health Emergency while still allowing for an orderly continuation of the Administration's ability to order certain public health measures relating to COVID-19, including but not limited to vaccine distribution, administration, and management, COVID-19 testing, health resource and personnel allocation, data collection, and implementation of recommendations of the Centers for Disease Control and Prevention ("CDC") to prevent or limit the transmission of COVID-19, including in specific settings, and

WHEREAS, P L 2021, c 103 explicitly maintained the State of Emergency declared in Executive Order No 103 (2020), and stated it would in no way diminish, limit, or impair the powers of the Governor to respond to any of the threats presented by COVID-19 pursuant to the Disaster Control Act, and

WHEREAS, in addition to leaving the prior State of Emergency in effect, nothing in P L 2021, c 103 prevented the Governor from declaring any new public

health emergency under the EHPA, N J S A 26 13-1 et seq , should the evolving circumstances on the ground require such a declaration, and

WHEREAS, as the CDC has recognized, viruses can change through mutation and mutations can result in a new variant of the virus, and these variants can have meaningfully distinct impacts from the original virus, and

WHEREAS, as the CDC has recognized, some variants spread more easily and quickly than other variants of the same virus, which may lead to more cases of COVID-19, increased strain on healthcare resources, more hospitalizations, and more deaths, and

WHEREAS, new variants are classified based on how easily the variant spreads, how severe its symptoms are, how it responds to treatments, and how well vaccines protect against the variant, and

WHEREAS, since Executive Order No 244 (2021) took effect, the CDC has reported that new variants of concern of COVID-19 have been identified in the United States, particularly the B 1 617 2 ("Delta") variant and most recently the B1 1 529 ("Omicron") variant, and

WHEREAS, although New Jersey was able to end the prior Public Health Emergency on account of the effectiveness of vaccines in reducing transmissibility of COVID-19, the Omicron variant appears to spread more easily than other variants, including Delta, early evidence suggests people who have received a primary series of a COVID-19 vaccine but have not yet received the recommended booster shot are more likely to become infected with this variant than prior variants and to be able to spread the virus to others, and some monoclonal antibody treatments may not be as effective against infection with the Omicron variant, and

WHEREAS, on January 11, 2022, I issued Executive Order No 280, declaring the existence of a new Public Health Emergency, pursuant to the EHPA, N J S A 26 13-1 et seq , in the State of New Jersey due to the surge of cases and hospitalizations tied to the new variants of COVID-19, and

WHEREAS, on January 11, 2022, I issued Executive Order No 281, extending various orders, including Executive Order No 252 (2021), to ensure the State continues to have the necessary resources in place to respond to the new variants of COVID-19, and

WHEREAS, on January 19, 2022, I issued Executive Order No 283, requiring all covered health care and high-risk congregate settings to maintain a policy that requires all covered workers to provide adequate proof to the health care and high-risk congregate settings that they have are up to date with their COVID-19 vaccinations, including any booster shots for which they are eligible, and

WHEREAS, N J S A 26 13-3(b) establishes that a Public Health Emergency declared by the Governor shall automatically terminate after 30 days, unless renewed for an additional 30 days through a declaration of the Governor, and

WHEREAS, after the first confirmed case of the Omicron variant was identified in New Jersey on December 3, 2021, COVID-19 cases started to significantly and rapidly increase again, and

WHEREAS, for the first time since April 2020, the COVID-19 Activity Level reached the "Very High" score throughout the entire State the week of January 1, 2022, and

WHEREAS, as of January 10, 2022, due to the increased prevalence of the Omicron variant, there were 6,075 adult and 86 pediatric hospitalizations related to COVID-19, and within that week there were over 229,000 new cases, by far the highest number of new cases ever and the highest number of hospitalizations since the start of the pandemic, with 419 new confirmed deaths reported within that week, and

WHEREAS, as these numbers demonstrate, the spread of the Omicron variant has led to the highest number of cases in New Jersey ever, and has also led to a drastic increase in hospitalizations, increased risk to health and safety of health care workers, and staffing shortages, and

WHEREAS, as the State has taken significant emergency measures in the last month in response to the Omicron variant, there has been a decrease in the rate of reported new cases of COVID-19 in New Jersey, in the total number of individuals being admitted to hospitals for COVID-19, and in the rate of reproduction for COVID-19 infections in New Jersey, and

WHEREAS, the fact that the spread of COVID-19 has slowed over the last 30 days does not in any way suggest that the ongoing Public Health Emergency has dissipated, because absent mitigation measures, particularly increased rates of vaccinations and COVID-19 testing, public health experts anticipate that the spread of COVID-19 may again significantly increase, and

WHEREAS, since the Public Health Emergency was declared on January 11, 2022, at which time there were over 1,638,522 total cases of COVID-19 in New Jersey, the COVID-19 outbreak related to the Omicron and other new variants has continued to present a public health hazard in New Jersey, in the region, and across the United States, and

WHEREAS, as of February 9, 2022, according to the World Health Organization, there were over 399,600,607 confirmed cases of COVID-19 worldwide, with over 5,757,562 of those cases having resulted in death, and

WHEREAS, as of February 9, 2022, according to the CDC, there were over 76,976,575 confirmed cases of COVID-19 in the United States, with over 906,603 of those cases having resulted in death, and

WHEREAS, as of February 10, 2022, there were over 2,139,579 positive cases of COVID-19 in New Jersey, with at least 29,323 of those cases having resulted in death, and

WHEREAS, while the rate of reported new cases across all counties has decreased over the past weeks, New Jersey continues to see cases and hospitalizations in every county and a significant number of deaths, demonstrating the need for many of the State's current measures to remain in place, both to reduce additional new infections and to save lives, and

WHEREAS, while the number of hospitalized patients, patients in intensive care, and ventilators in use, and the spot positivity of COVID-19 tests have de-

creased considerably over the past few weeks, COVID-19 continues to spread throughout the State, and

WHEREAS, because vaccines are effective at preventing severe illness, hospitalizations, and death, including from the Omicron variant, the CDC has noted that the recent emergence of this variant emphasizes the importance of vaccination and boosters, and

WHEREAS, according to the CDC, studies show after getting the primary series of a COVID-19 vaccine, protection against the virus and the ability to prevent infection may decrease over time, in particularly due to changes in variants, and

WHEREAS, although the COVID-19 vaccines remain effective in preventing severe disease, recent data suggests their effectiveness at preventing infection or severe illness wanes over time, and

WHEREAS, the CDC has reported that vaccinated people who receive a COVID-19 booster are likely to have a stronger protection against contracting and transmitting COVID-19, particularly the Omicron variant, and stronger protection against serious illness, including hospitalizations and death, and

WHEREAS, the CDC has advised that expedient and additional public health action is necessary to prevent severe impacts on the health of individuals and the health care system due to the rapid spread of the Omicron variant, and

WHEREAS, New Jersey has administered over 13 5 million doses of the COVID-19 vaccine in the State to date, and

WHEREAS, even with these improvements and the State's continued rollout of its vaccination program, it is still necessary to maintain mitigation protocols to ensure spread is limited while dissemination of the vaccine continues, and

WHEREAS, the renewal of the declaration of the ongoing Public Health Emergency is necessary to ensure that the State can swiftly respond to Omicron and new variants and take all appropriate actions should the rate of reported new cases of COVID-19 in New Jersey, number of individuals being admitted to hospitals for COVID-19, or rate of reproduction for COVID-19 infections in New Jersey again increase, as we have seen in numerous states across the country, and

WHEREAS, the spread of COVID-19 has greatly strained the resources and capabilities of county and municipal governments, including public health agencies, that provide essential services for containing and mitigating the spread of contagious diseases, and the situation is too large in scope to be handled entirely by the normal county and municipal operating services, and

WHEREAS, the facts as set forth above and in consultation with the Commissioner of the Department of Health ("DOH") confirm that the spread of COVID-19 in New Jersey constitutes an ongoing public health hazard that threatens and presently endangers the health, safety, and welfare of the residents of one or more municipalities or counties of the State, and it is necessary and appropriate to take action against this public health hazard to protect and maintain the health, safety, and welfare of New Jersey residents and visitors, and

WHEREAS, the facts as set forth above and in consultation with the Commissioner of DOH confirm that there exists a Public Health Emergency in the State, and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N J S A 26 13-1 et seq , N J S A App A 9-33 et seq , N J S A 38A 3-6 1, and N J S A 38A 24 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby DECLARE and PROCLAIM that the Public Health Emergency declared in Executive Order No 280 (2022) pursuant to the EHPA, N J S A 26 13-1, et seq , continues to exist throughout the State of New Jersey, and I hereby ORDER AND DIRECT

1 All Executive Orders adopted in whole or in part based on the authority under the EHPA to respond to the Public Health Emergency presented by the COVID-19 outbreak, including those extended pursuant to Executive Order No 281 (2022), as well as Executive Order No 283 (2022), remain in full force and effect

2 All actions taken by any Executive Branch departments and agencies in whole or in part based on the authority under the EHPA to respond to the Public Health Emergency presented by the COVID-19 outbreak and extended pursuant to Executive Order No 281 (2022) and attached in the Appendix thereto, including but not limited to any Administrative Orders, remain in full force and effect

3 For purposes of this Order, "Executive Branch departments and agencies" shall mean any of the principal departments in the Executive Branch of State government and any agency, authority, board, bureau, commission, division, institution, office, or other instrumentality within or created by any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General

4 This Order shall take effect immediately

Dated February 10, 2022

EXECUTIVE ORDER NO 289

WHEREAS, United States Navy Seaman Kyle Mullen was a dedicated servicemember and Navy SEAL candidate, and

WHEREAS, Seaman Mullen was a resident of Manalapan Township where he helped lead Manalapan High School's football team to a Central Jersey Group V State Title in 2014, earning the Most Valuable Player award, and

WHEREAS, Seaman Mullen graduated from Manalapan High School in 2015 as a member of the National Honor Society with a combined six varsity letters between football and basketball, and

WHEREAS, after graduating from high school, Seaman Mullen attended Yale University and continued his football career, earning second team all-Ivy League honors and becoming team captain, and

WHEREAS, Seaman Mullen finished his football career at Monmouth University in 2019, where he helped the team advance to the second round of the NCAA FCS Division I playoffs, and

WHEREAS, Seaman Mullen enlisted in the military last year and started active duty in March 2021, proudly serving his country, and

WHEREAS, Seaman Mullen had recently completed the grueling first phase of Navy SEAL training, and

WHEREAS, Seaman Mullen was recognized for his service to our country with the National Defense Service medal, and

WHEREAS, Seaman Mullen tragically passed away last week after Navy SEAL training exercises in California, and

WHEREAS, Seamen Mullen was a beloved son, friend, teammate, and fellow servicemember whose presence will be sorely missed by everyone who knew him, and by the people of New Jersey, and

WHEREAS, it is with tremendous sadness that we mourn the passing of Seaman Mullen and extend our deepest sympathy to his family, friends, teammates, and fellow servicemembers, and

WHEREAS, it is appropriate to honor and cherish the memory of Seaman Mullen and to mark his passing,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours until sunset on Friday, February 11, 2022, in recognition and mourning of United States Navy Seaman Kyle Mullen

2 This Order shall take effect immediately

Dated February 10, 2022

EXECUTIVE ORDER NO 290

WHEREAS, on March 9, 2020, I issued Executive Order No 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act ("EHPA"), N J S A 26 13-1 et seq , and a State of Emergency,

pursuant to the New Jersey Civilian Defense and Disaster Control Act ("Disaster Control Act"), N J S A App A 9-33 et seq , in the State of New Jersey for Coronavirus disease 2019 ("COVID-19"), the facts and circumstances of which are adopted by reference herein, and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, which were issued each month between April 7, 2020 and May 14, 2021, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency in effect at the time continued to exist, and

WHEREAS, New Jersey made significant progress in responding to COVID-19 and mitigating its devastating effects, in particular in light of the advent of three effective vaccines that, among other things, had significantly reduced the likelihood of both contracting and transmitting the variants of COVID-19 that were present in the United States at the time, and

WHEREAS, on June 4, 2021, in light of these developments, I signed Assembly Bill No 5820 into law as P L 2021, c 103, and issued Executive Order No 244, which terminated the Public Health Emergency declared in Executive Order No 103 (2020), and

WHEREAS, P L 2021, c 103 sought to enable the State to bring an end to its prior Public Health Emergency while still allowing for an orderly continuation of the Administration's ability to order certain public health measures relating to COVID-19, including but not limited to vaccine distribution, administration, and management, COVID-19 testing, health resource and personnel allocation, data collection, and implementation of recommendations of the Centers for Disease Control and Prevention ("CDC") to prevent or limit the transmission of COVID-19, including in specific settings, and

WHEREAS, P L 2021, c 103 explicitly maintained the State of Emergency declared in Executive Order No 103 (2020), and stated it would in no way diminish, limit, or impair the powers of the Governor to respond to any of the threats presented by COVID-19 pursuant to the Disaster Control Act, and

WHEREAS, in addition to leaving the prior State of Emergency in effect, nothing in P L 2021, c 103 prevented the Governor from declaring any new public health emergency under the EHPA, N J S A 26 13-1 et seq , should the evolving circumstances on the ground require such a declaration, and

WHEREAS, on July 6, 2021, the U S Department of Justice, Office of Legal Counsel issued an opinion concluding that Section 564 of the Food, Drug, and Cosmetic Act, 21 U S C § 360bbb-3 does not prohibit public or private entities from imposing vaccination requirements while vaccinations are only available pursuant to Emergency Use Authorization (EUA), and

WHEREAS, on November 5, 2021, the federal Centers for Medicare & Medicaid Services ("CMS") issued the Omnibus COVID-19 Health Care Staff Vaccination Interim Final Rule (CMS-3415-IFC) ("CMS Rule"), which was upheld by the United States Supreme Court on January 13, 2022, requiring most Medicare

and Medicaid-certified providers' and suppliers' staff to be vaccinated against COVID-19 in order to participate in the Medicare and Medicaid programs, and

WHEREAS, on December 29, 2021, CMS issued guidance for the CMS Rule clarifying the timeframes for compliance and the enforcement actions to which facilities will be subject if their vaccination rates are less than 100 percent by the deadlines set forth therein and are therefore considered non-compliant, and

WHEREAS, on January 11, 2022, due to the surge of cases and hospitalizations tied to the new variants of COVID-19, I signed Executive Order No 280, declaring the existence of a new Public Health Emergency, pursuant to the EHPA, N J S A 26 13-1 et seq , and continuing the State of Emergency declared in Executive Order No 103 (2020) pursuant to the Disaster Control Act, N J S A App A 9-33 et seq , in the State of New Jersey, and

WHEREAS, on January 19, 2022, I signed Executive Order No 283, requiring all covered health care and high-risk congregate settings to maintain a policy that requires all covered workers to provide adequate proof to the health care and high-risk congregate settings that they are up to date with their COVID-19 vaccinations, including any booster shots for which they are eligible, and

WHEREAS, Executive Order No 283 (2022) requires that covered health care settings subject to the CMS Rule maintain a policy requiring unvaccinated covered workers to obtain their first dose of the primary series of a COVID-19 vaccination by January 27, 2022 and that all covered workers must be up to date with their COVID-19 vaccination by February 28, 2022, including up to date with their booster dose by February 28, 2022 or within 3 weeks of becoming eligible for a booster dose, whichever is later, and

WHEREAS, Executive Order No 283 (2022) requires that covered health care settings not subject to the CMS Rule and covered high-risk congregate settings maintain a policy requiring unvaccinated covered workers to obtain their first dose of the primary series of a COVID-19 vaccination by February 16, 2022 and that all covered workers must be up to date with their COVID-19 vaccination by March 30, 2022, including up to date with their booster dose by March 30, 2022 or within 3 weeks of becoming eligible for a booster dose, whichever is later, and

WHEREAS, on February 10, 2022, I signed Executive Order No 288, which declared that the Public Health Emergency declared in Executive Order No 280 (2022) continues to exist and that all Executive Orders issued, in whole or in part in response to the COVID-19 Public Health Emergency, including Executive Order No 283 (2022), remain in full force and effect, and

WHEREAS, because vaccines are effective at preventing severe illness, hospitalizations, and death, including from the Omicron variant, the CDC has noted that the recent emergence of this variant emphasizes the importance of vaccination and boosters, and

WHEREAS, according to the CDC, studies show after getting the primary series of a COVID-19 vaccine, protection against the virus and the ability to prevent infection may decrease over time, in particularly due to changes in variants, and

WHEREAS, although the COVID-19 vaccines remain effective in preventing severe disease, recent data suggests their effectiveness at preventing infection or severe illness wanes over time, and

WHEREAS, the CDC has reported that vaccinated people who receive a COVID-19 booster are likely to have a stronger protection against contracting and transmitting COVID-19, particularly the Omicron variant, and stronger protection against serious illness, including hospitalizations and death, and

WHEREAS, the CDC has advised that expedient and additional public health action is necessary to prevent severe impacts on the health of individuals and the health care system due to the rapid spread of the Omicron variant, and

WHEREAS, the CDC has confirmed that the rapid increase of infections is due to the increased transmissibility of the Omicron variant and its increased ability to evade immunity conferred by past infection or vaccination, and

WHEREAS, on February 22, 2022, the CDC updated their recommendations regarding the optimal interval between the first and second dose of an mRNA COVID-19 vaccination series, and

WHEREAS, the CDC recommends that some people aged 12 through 64 years, especially males aged 12 through 39 years, would benefit from getting their second mRNA vaccine dose eight weeks after receiving their first dose based on individual risk assessment, and

WHEREAS, it is necessary to modify the timeframes for compliance set forth in Executive Order No 283 (2022) to allow covered workers additional time to determine the appropriate interval between receiving their first and second dose based on the CDC's recommendations, and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N J S A 26 13-1 et seq , N J S A App A 9-33 et seq , N J S A 38A 3-6 1, and N J S A 38A 24 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 The timeframes set forth in Paragraph 1(b) of Executive Order No 283 (2022) are hereby modified as follows Covered health care settings subject to the CMS Rule must maintain a policy pursuant to Executive Order No 283 (2022) that requires covered workers to provide adequate proof that they are up to date with their COVID-19 vaccinations according to the following schedule

a Unvaccinated covered workers must obtain their primary series of a COVID-19 vaccination pursuant to the timeframes set forth by CMS, and

b All covered workers must provide adequate proof that they have received a booster dose by April 11, 2022, or within 3 weeks of becoming eligible for a booster dose, whichever is later

2 The timeframes set forth in Paragraph 2(b) of Executive Order No 283 (2022) are hereby modified as follows Covered health care settings not subject to the CMS Rule and covered high-risk congregate settings must maintain a policy pursuant to Executive Order No 283 (2022) that requires covered workers to provide adequate proof that they are up to date with their COVID-19 vaccinations according to the following schedule

a Unvaccinated covered workers must obtain their first dose of the primary series of a COVID-19 vaccination by February 16, 2022, and

b All covered workers must provide adequate proof that they are up to date with their COVID-19 vaccination by May 11, 2022, provided however, that as to having received a booster dose, covered workers must provide adequate proof that they are up to date with their COVID-19 vaccinations by May 11, 2022, or within 3 weeks of becoming eligible for a booster dose, whichever is later

3 A covered setting must take the first step toward bringing a noncompliant covered worker into compliance as part of the disciplinary policy required by paragraph 4 of Executive Order No 283 (2022) within two weeks of the dates set forth in paragraphs 1(b) and 2(b) of this Order Failure to take such action may result in penalties and other corrective actions allowed pursuant to federal or state regulation or statute

4 The Commissioner of the Department of Health ("DOH") is hereby authorized to issue a directive supplementing the requirements outlined in this Order, which may include, but not be limited to, any requirements for reporting vaccination data to the DOH Action taken by the Commissioner of DOH pursuant to this Order shall not be subject to the requirements of the Administrative Procedure Act, N J S A 52 14B-1 et seq

5 Paragraphs 1 and 2 of Executive Order No 283 (2022) are hereby superseded to the extent they are inconsistent with this Order

6 The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order

7 It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order, and to cooperate fully with any Administrative Orders issued pursuant to this Order

8 No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement

9 Penalties for violations of this Order may be imposed under, among other statutes, N J S A App A 9-49 and -50

10 This Order shall take effect immediately and shall remain in effect until revoked or modified by the Governor

Dated March 2, 2022

EXECUTIVE ORDER NO 291

WHEREAS, the State of New Jersey has a long history of leveraging its economic power, through the enactment of various laws and statutes such as those mandating that the State divest public funds from foreign companies doing business in apartheid South Africa, Sudan, and Iran, to further the values of freedom, democracy, and equal rights throughout the world, and

WHEREAS, the Russian Federation has undermined the foundation of international peace, security, and stability and the fundamental principles of international law by launching an unwarranted invasion upon Ukraine, which necessitates an immediate and decisive international response, and

WHEREAS, following the collapse of the Soviet Union, the Ukrainian people voted overwhelmingly to form a nation independent from Russia, yet, despite the Ukrainian people's clear determination to establish a modern democratic and free society, Russian leaders have sought to exert influence over Ukraine and its people, and

WHEREAS, in 2014, following a popular revolution in Ukraine to remove the pro-Russian President Viktor Yanukovych and bring to power pro-Western democratic forces, Russian authorities took military control over Crimea and fomented rebellions in other eastern Ukrainian provinces, and

WHEREAS, late in 2021, Russian troops began mobilizing along the Ukrainian border in preparation for a possible invasion while Russian President Vladimir Putin simultaneously orchestrated a propaganda campaign aimed at creating a false pretext to justify an invasion and occupation of Ukraine, and

WHEREAS, Belarus has allowed tens of thousands of Russian troops onto its territory enabling armed forces to mobilize in Russia's full-scale attack on Ukraine, and

WHEREAS, on February 24, 2022, Russian troops invaded the sovereign democracy of Ukraine, waging an immoral, illegal, and deadly war against the Ukrainian people, and

WHEREAS, Ukrainians are gallantly defending themselves against Russian troops that are inflicting violence and terror upon millions of civilians, separating families, and destroying homes, businesses, and properties, and

WHEREAS, the United States and its allies have imposed strong sanctions on the Russian Federation and Belarus in response to the invasion, targeting the core infrastructure of the Russian and Belarusian financial systems, and

WHEREAS, New Jersey stands firmly with Ukraine against this unprovoked aggression, and intends to use all means at its disposal to hold the Russian Federa-

tion accountable for its malicious attack against a sovereign, democratic state, and

WHEREAS, the State seeks to balance its policy objective of applying economic pressure on the Russian and Belarusian governments with a recognition that New Jerseyans of Russian and Belarusian descent do not bear responsibility for what is happening in Ukraine and have made innumerable contributions to the cultural, political, and economic fabric and well-being of New Jersey and the United States, and

WHEREAS, there exists a compelling State interest for the State to coordinate the activities of its agencies and utilize its available resources to degrade Russia's ability to project power and further threaten the peace and stability of Ukraine and the world at large,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 All State agencies shall immediately review their statutes, rules, regulations, and program requirements to identify actions that may be taken to deliver swift and severe consequences to Russia, and to significantly impair Russia's ability to use its economy and financial system to further its unprovoked invasion and unlawful occupation of Ukraine

2 For purposes of this Order, "State agency" shall mean any of the principal departments in the Executive Branch of State government and any agency, authority, board, bureau, commission, division, institution, office, or other instrumentality within or created by any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General

3 In furtherance of Paragraph 1 of this Order, State agencies are hereby directed to take the following actions

a All State agencies shall review their authority to suspend or revoke licenses, permits, registrations, and certifications of companies owned or controlled by the government of Russia, Belarus, or their instrumentalities, and businesses that invest directly in such companies,

b Relevant State agencies shall undertake a review of the State's ability to boycott or halt the import or purchase of any products or services provided from the Russian Federation or Belarus, including but not limited to food products, energy products, clothing products, and jewelry,

c The Division of Alcohol Beverage Control in the Department of Law and Public Safety shall undertake a review of the State's ability to boycott or halt the import or purchase of any liquor or other alcoholic beverages made in the Russian Federation or Belarus,

d The Division of Purchase and Property in the Department of the Treasury shall review relevant State contracts to determine if any are with companies owned or

controlled by the government of Russia, Belarus, or their instrumentalities, or businesses that invest directly in such companies, directly or as subcontractors, and

e The Department of Banking and Insurance ("DOBI") shall issue bulletins or directives to its appropriate regulated entities, as determined by the Commissioner of the DOBI, requiring them to fully comply with United States sanctions on the Russian Federation and Belarus, as well as New Jersey and federal laws and regulations The DOBI shall further direct its appropriate regulated entities to monitor all communications from the department, the United States Department of Treasury's Office of Foreign Assets Control (OFAC), and other federal agencies on a real-time basis to stay abreast of the latest developments and ensure compliance with all the requirements and restrictions imposed The DOBI shall advise appropriate regulated entities to evaluate systems for cyber risk and take appropriate actions to mitigate that risk, given that the Russian invasion of Ukraine significantly elevates the cyber risk for the United States financial sector

4 Within 72 hours of this Order taking effect, and no later than 5 00 p m on Monday, March 7, 2022, State agencies shall submit their preliminary findings and actions taken within the scope of this Order to the Governor The Governor's Office shall review the findings submitted pursuant to this Order and shall coordinate activities among State agencies to prevent State resources from supporting the Russian and Belarusian governments or Russian and Belarusian state-owned companies Additionally, the Governor may consider any legislation, gubernatorial measures, and cabinet-level actions to strengthen the State's authority to mount a meaningful response to Russia's violent, illegal, and immoral assault upon Ukraine

5 This Order shall take effect immediately

Date March 2, 2022

EXECUTIVE ORDER NO 292

WHEREAS, on March 9, 2020, I issued Executive Order No 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act ("EHPA"), N J S A 26 13-1 et seq , and a State of Emergency, pursuant to the New Jersey Civilian Defense and Disaster Control Act ("Disaster Control Act"), N J S A App A 9-33 et seq , in the State of New Jersey for Coronavirus disease 2019 ("COVID-19"), the facts and circumstances of which are adopted by reference herein, and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, which were issued each month between April 7, 2020 and May 14, 2021, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency in effect at the time continued to exist, and

WHEREAS, Executive Order No 111, issued March 28, 2020, requires that health care facilities report their capacity and supplies, including bed capacity, ventilators, and Personal Protective Equipment ("PPE") on a daily basis, and

WHEREAS, Executive Order No 112, issued April 1, 2020, granted the Department of Law and Public Safety, Division of Consumer Affairs, the authority to temporarily reactivate certain inactive health care licenses and allow the licensure of physicians licensed, and in good standing, in another country, suspended and waived certain licensure requirements for advanced practice nurses and physician assistants, relaxed registration requirements for the Prescription Monitoring Program, waived signature requirements for funeral agreements and authorizations, and provided certain healthcare professionals with civil or criminal immunity, and

WHEREAS, Executive Order No 207, issued December 4, 2020, requires all individuals, regardless of age, to be automatically enrolled in the New Jersey Immunization Information System ("NJIIS"), the statewide electronic immunization registry, upon receipt of a COVID-19 vaccination, and

WHEREAS, New Jersey made significant progress in responding to COVID-19 and mitigating its devastating effects, in particular in light of the advent of three effective vaccines that, among other things, had significantly reduced the likelihood of both contracting and transmitting the variants of COVID-19 that were present in the United States at the time, and

WHEREAS, on June 4, 2021, in light of these developments, I signed Assembly Bill No 5820 into law as P L 2021, c 103, and issued Executive Order No 244, which terminated the Public Health Emergency declared in Executive Order No 103 (2020), and

WHEREAS, P L 2021, c 103 sought to enable the State to bring an end to its prior Public Health Emergency while still allowing for an orderly continuation of the Administration's ability to order certain public health measures relating to COVID-19, including but not limited to vaccine distribution, administration, and management, COVID-19 testing, health resource and personnel allocation, data collection, and implementation of recommendations of the Centers for Disease Control and Prevention ("CDC") to prevent or limit the transmission of COVID-19, including in specific settings, and

WHEREAS, P L 2021, c 103 explicitly maintained the State of Emergency declared in Executive Order No 103 (2020), and stated it would in no way diminish, limit, or impair the powers of the Governor to respond to any of the threats presented by COVID-19 pursuant to the Disaster Control Act, and

WHEREAS, in addition to leaving the prior State of Emergency in effect, nothing in P L 2021, c 103 prevented the Governor from declaring any new public health emergency under the EHPA, N J S A 26 13-1 et seq , should the evolving circumstances on the ground require such a declaration, and

WHEREAS, Executive Order No 251, issued August 6, 2021, requires all public, private, and parochial preschool programs and elementary and secondary schools, including charter and renaissance schools (collectively "school dis-

tricts"), to maintain a policy regarding mandatory use of face masks by staff, students, and visitors in the indoor portion of the school district premises, except in certain specified circumstances, and

WHEREAS, Executive Order No 252, issued August 6, 2021, required all covered health care and high-risk congregate settings ("covered settings") to maintain a policy that required all covered workers to either provide adequate proof to the covered settings that they have been fully vaccinated or submit to COVID-19 testing at minimum one to two times weekly beginning September 7, 2021, and

WHEREAS, Executive Order No 253, issued August 23, 2021, requires school districts to maintain a policy that requires all covered workers to either provide adequate proof to the school district that they have been fully vaccinated or submit to COVID-19 testing at minimum one to two times weekly beginning October 18, 2021, and

WHEREAS, Executive Order No 264, issued September 20, 2021, requires all child care centers and other child care facilities (collectively "child care settings") to maintain a policy regarding mandatory use of face masks by staff, child enrollees, and visitors in the indoor portion of the child care setting premises, except in certain specified circumstances, and

WHEREAS, Executive Order No 264 (2021) further requires all child care settings to maintain a policy that requires all covered workers to either provide adequate proof to the child care settings that they have been fully vaccinated or submit to COVID-19 testing at minimum one to two times weekly beginning November 1, 2021, and

WHEREAS, Executive Order No 271, issued October 20, 2021, requires that each executive department and agency, including an independent authority, ensure that certain new contracts, new solicitation for a contract, extension or renewal of existing contracts, and exercise of an option on existing contracts, include a clause that the contractor or any subcontractors, at any tier, that is party to the contract, must maintain a policy that requires all covered workers to either provide adequate proof to the covered contractor that they have been fully vaccinated or submit to COVID-19 testing at minimum one to two times weekly, and

WHEREAS, as the CDC has recognized, viruses can change through mutation and mutations can result in a new variant of the virus, and these variants can have meaningfully distinct impacts from the original virus, and

WHEREAS, as the CDC has recognized, some variants spread more easily and quickly than other variants of the same virus, which may lead to more cases of COVID-19, increased strain on healthcare resources, more hospitalizations, and more deaths, and

WHEREAS, new variants are classified based on how easily the variant spreads, how severe its symptoms are, how it responds to treatments, and how well vaccines protect against the variant, and

WHEREAS, since Executive Order No 244 (2021) took effect, the CDC has reported that new variants of concern of COVID-19 have been identified in the

United States, particularly the B 1 617 2 (Delta) variant and most recently the B1 1 529 ("Omicron") variant, and

WHEREAS, although New Jersey was able to end the prior Public Health Emergency on account of the effectiveness of vaccines in reducing transmissibility of COVID-19, the Omicron variant spread more easily than other variants and required additional action to protect the public, and

WHEREAS, on January 11, 2022, I issued Executive Order No 280, declaring the existence of a new Public Health Emergency, pursuant to the EHPA, N J S A 26 13-1 et seq , and continuing the State of Emergency declared in Executive Order No 103 (2020) pursuant to the Disaster Control Act, N J S A App A 9-33 et seq , in the State of New Jersey due to the surge of cases and hospitalizations tied to the new variants of COVID-19, and

WHEREAS, on January 11, 2022, I issued Executive Order No 281, extending various orders to ensure the State continues to have the necessary resources in place to respond to the new variants of COVID-19, and

WHEREAS, on January 19, 2022, I issued Executive Order No 283, requiring all covered settings to maintain a policy that requires all covered workers to provide adequate proof to the covered settings that they have are up to date with their COVID-19 vaccinations, including any booster shots for which they are eligible, and

WHEREAS, N J S A 26 13-3(b) establishes that a Public Health Emergency declared by the Governor shall automatically terminate after 30 days, unless renewed for an additional 30 days through a declaration of the Governor, and

WHEREAS, on February 10, 2022, I issued Executive Order No 288, which declared that the Public Health Emergency declared in Executive Order No 280 (2022) continues to exist, and

WHEREAS, through Executive Order No 288 (2022), I declared all Executive Orders issued, as well as actions taken by any Executive Branch department and agency, in whole or in part in response to the COVID-19 Public Health Emergency remained in full force and effect, and

WHEREAS, on March 2, 2022, I issued Executive Order No 290, clarifying and extending the timeframes within which covered settings must require their covered workers to comply with the vaccination and booster requirements set forth in Executive Order No 283 (2020), and

WHEREAS, as the State has taken significant emergency measures in the last two months in response to the Omicron variant, there has been a substantial decrease in the rate of reported new cases of COVID-19 in New Jersey, in the total number of individuals being admitted to hospitals for COVID-19, and in the rate of transmission for COVID-19 infections in New Jersey, and

WHEREAS, the fact that the spread of COVID-19 has slowed over the last two months does not by itself suggest that the Public Health Emergency had dissipated, because absent certain mitigation measures, particularly increased rates of vaccinations and COVID-19 testing, public health experts anticipated that the spread of COVID-19 would continue to significantly increase, and

WHEREAS, over the last two months, the number of hospitalized patients has gone from over 6,075 to under 730, the number of patients in intensive care has gone from over 900 to under 140, and the number of ventilators in use has gone from over 500 to under 85, and

WHEREAS, over the last two months, the number of individuals testing positive for COVID-19 has gone from approximately 33,400 per day to 887 per day, and the weekday spot positivity of COVID-19 tests has gone from over 39 percent to under 2 percent, and

WHEREAS, the rate of transmission in the State has moved significantly below 1, and

WHEREAS, the COVID-19 Activity Level Report ("CALI Report") issued by the New Jersey Department of Health ("DOH"), Communicable Disease Service calculates COVID-19 activity levels throughout the State using the case rate, percent of COVID-like illness, and percent positivity, and

WHEREAS, for the first time since April 2020, the CALI Report reached the "Very High" score throughout the entire State the week of January 10, 2022, and

WHEREAS, the CALI Report for the week ending March 4, 2022, presented activity levels of "Moderate" and "Low" throughout the State, and

WHEREAS, because vaccines are effective at preventing severe illness, hospitalizations, and death, including from the Omicron variant, the CDC has noted that the recent emergence of this variant emphasizes the importance of vaccination and boosters, particularly as we move toward the next phase of the State's COVID-19 response, and

WHEREAS, according to the CDC, studies show after getting the primary series of a COVID-19 vaccine, protection against the virus and the ability to prevent infection may decrease over time, in particularly due to changes in variants, and

WHEREAS, although the COVID-19 vaccines remain effective in preventing severe disease, recent data suggests their effectiveness at preventing infection or severe illness wanes over time, and

WHEREAS, the CDC has reported that vaccinated people who receive a COVID-19 booster are likely to have a stronger protection against contracting and transmitting COVID-19, particularly the Omicron variant, and stronger protection against serious illness, including hospitalizations and death, and

WHEREAS, New Jersey has administered over 13 7 million doses of the COVID-19 vaccine in the State to date, with over 6 8 million New Jerseyans having received the primary series of a vaccine, and

WHEREAS, as of March 3, 2022, only 54 percent of eligible individuals statewide have received their booster shot, and

WHEREAS, in addition to vaccination, testing for COVID-19 remains one of the strongest tools to prevent the further spread of COVID-19 and ensure the State can move into the next phase of its COVID-19 response, and

WHEREAS, because the number of hospitalized patients, patients in intensive care, and ventilators in use, and the spot positivity of COVID-19 tests have de-

creased considerably over the past two months, the State can begin to responsibly lift certain mitigation protocols in place, including requiring that face masks be worn in schools and child care settings, as the State moves into the next phase of the COVID-19 response, and

WHEREAS, given the progress the State has made and the decisive decrease in key statistics, such as the number of hospitalized patients in the State, the number of daily positive COVID-19 cases, spot positivity, and the rate of transmission, and in consultation with the Commissioner of DOH, I find that the Public Health Emergency declared in Executive Order No 280 (2022) can be safely and responsibly lifted, and

WHEREAS, despite the extensive progress made in combatting COVID-19, and the ability to lift the Public Health Emergency and certain mitigation protocols, there remains an ongoing threat necessitating that certain actions taken by the State in response to COVID-19 and the Omicron variant, including to ensure COVID-19 testing and vaccine management, administration, and tracking, can all remain in place as the State moves toward the next phase of our COVID-19 response, and

WHEREAS, due to the ongoing threat, health care workers must continue to have the staffing and resources that are essential to maintaining the operations of the State's essential health care services to protect public health, which include but are not limited to critical and emergency health care, vaccine administration, COVID-19 testing, contact tracing, acquiring and maintaining stockpiles of PPE, ventilators, and other critical supplies to remain prepared for the ongoing threat, and

WHEREAS, it remains crucial that the State understand the health care system's existing capacity and its gaps through continued reporting, which will allow additional resources to be deployed where they are most needed, and

WHEREAS, continued automatic enrollment in the NJIIS for individuals receiving a COVID-19 vaccine will facilitate and track progress relative to New Jersey's vaccination targets, and

WHEREAS, ongoing oversight of the State's vaccination program is particularly important as the rollout continues during the next phase of the State's COVID-19 response, especially in ensuring that all residents in New Jersey have access to the booster doses, and as the State prepares for additional groups of New Jerseyans to become eligible for vaccination, and

WHEREAS, on July 6, 2021, the U S Department of Justice's Office of Legal Counsel issued an opinion concluding that Section 564 of the Food, Drug, and Cosmetic Act, 21 U S C § 360bbb-3 does not prohibit public or private entities from imposing vaccination requirements while vaccinations are only available pursuant to Emergency Use Authorization (EUA), and

WHEREAS, the American Academy of Pediatrics (AAP) continues to emphasize that in-person learning is critical for educational and social development of children, as evidence demonstrates that remote learning has been detrimental to

the educational attainment of students of all ages and has exacerbated the mental health crisis among children and adolescents, and

WHEREAS, the CDC has also cited evidence that suggests virtual learning can lead to learning loss for children and worsening mental health problems for the younger population, and

WHEREAS, child care centers provide critical support to tens of thousands of families across the State who rely on safe, in-person environments for their children during the work day, and

WHEREAS, continuing to require workers in schools and child care settings to receive a COVID-19 vaccine or undergo regular testing can help prevent outbreaks and reduce transmission to children, including those who have not received or are not yet eligible to receive a vaccination, and

WHEREAS, preventing transmission of COVID-19 is critical to ensuring that we can safely lift the mask requirements and to keeping schools and child care settings open for in-person instruction, and

WHEREAS, school districts have access to multiple sources of funding to address costs associated with worker vaccination efforts and testing, including three rounds of federal Elementary and Secondary School Emergency Relief funds and Emergency Assistance for Nonpublic Schools within the Governor's Emergency Education Relief funds, and

WHEREAS, the CDC has repeatedly emphasized the importance of heightened mitigation protocols in certain covered settings because of the significant risk of spread and vulnerability of the populations served, and

WHEREAS, continuing to require workers in those covered settings to receive a COVID-19 vaccine, including a booster shot when eligible, can help prevent outbreaks and reduce transmission to vulnerable individuals who may be at higher risk of severe disease, and

WHEREAS, parties that contract with the State government provide essential services to the public and interact with the public on a regular basis, and because of the nature of their work, a significant portion of their workers are not able to work remotely, and

WHEREAS, continuing to require contractors to maintain a policy that requires its covered workers to either provide proof of vaccination status or submit to regular testing continues to be essential for continued operation and service to the public, and

WHEREAS, this continues to ensure that contractors are held to the same requirements as the State workforce, which the Executive Branch in its capacity as an employer has required to receive a COVID-19 vaccine or undergo regular testing, and

WHEREAS, while the State has significantly curtailed the immediate public health threat of the virus, the economic and social impacts of the virus, as part of the next phase of the State's COVID-19 response, will also require ongoing management and oversight, and

WHEREAS, as we evaluate the appropriate response and resources needed to continue to manage and oversee the next phase of the COVID-19 response, I have consulted with the Executive Branch departments and agencies as to what administrative orders, directives, and waivers are necessary to continue, and

WHEREAS, it is critical that the Executive Orders and Administrative Orders, Directives, and Waivers continue at this time to ensure that an orderly transition to the next phase of the State's COVID-19 recovery is done in a measured and thoughtful manner, and

WHEREAS, the State of Emergency declared in Executive Order No 103 (2020) and continued in Executive Order No 280 (2022) pursuant to the Disaster Control Act, N J S A App A 9-33 et seq , must remain in effect to allow for the continued management of New Jersey's recovery from and response to the COVID-19 pandemic, and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N J S A 26 13-1 et seq , N J S A App A 9-33 et seq , N J S A 38A 3-6 1, and N J S A 38A 24 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby DECLARE and PROCLAIM and ORDER and DIRECT

1 The Public Health Emergency declared in Executive Order No 280 (2022) pursuant to the EHPA, N J S A 26 13-1 et seq , is hereby terminated

2 The State of Emergency declared in Executive Order No 103 (2020) and continued in Executive Order No 280 (2022) pursuant to the Disaster Control Act, N J S A App A 9-33 et seq , continues to exist in the State of New Jersey

3 Executive Order Nos 111, 112, and 207 (2020), Nos 252, 253, and 271 (2021), and Nos 283 and 290 (2022) remain in full force and effect pursuant to the Disaster Control Act, N J S A App A 9-33 et seq, except that any civil or criminal immunity related to the COVID-19 response bestowed by Executive Order No 112 shall not be in effect

4 Executive Order No 251 (2021) is hereby rescinded

5 Executive Order No 264 (2021) remains in full force and effect pursuant to the Disaster Control Act, N J S A App A 9-33 et seq , except that paragraphs 11 and 13 are hereby rescinded

6 All actions taken by any Executive Branch departments and agencies in whole or in part to respond to the Public Health Emergency presented by the COVID-19 outbreak, and extended pursuant to Executive Order No 281 (2022) and attached in the Appendix thereto, including but not limited to any Administrative Orders, Directives, and Waivers, remain in full force and effect pursuant to the Disaster Control Act, N J S A App A 9-33 et seq, until revoked or modified by the de-

partment or agency head, or until the State of Emergency is no longer in effect, whichever is sooner, except that any Administrative Order, Directive, or Waiver extended pursuant to Executive Order No 281 (2022) that was revoked after the effective date of Executive Order No 281 shall not remain in full force and effect

7 Notwithstanding paragraph 6 of this Order, Executive Directive 21-003, Youth Camp Requirements, issued April 28, 2021, provided in the Appendix to Executive Order No 281 (2022) shall no longer be in full force and effect

8 For purposes of this Order, "Executive Branch departments and agencies" shall mean any of the principal departments in the Executive Branch of State government and any agency, authority, board, bureau, commission, division, institution, office, or other instrumentality within or created by any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General

9 It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order, and to cooperate fully with any Administrative Orders issued pursuant to this Order

10 No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement

11 Penalties for violations of this Order may be imposed under, among other statutes, N J S A App A 9-49 and -50

12 This Order shall take effect at 12 01 a m on March 7, 2022, and shall remain in effect until revoked or modified by the Governor

Dated March 4, 2022

EXECUTIVE ORDER NO 293

WHEREAS, Madeleine Jana Korbel Albright, the first woman to serve as U S Secretary of State, dedicated her entire life to diplomacy, public service, and global humanitarian interests, and

WHEREAS, Secretary Albright was born on May 15, 1937 in Prague, Czechoslovakia, and after fleeing Nazi invaders and Communist oppressors, her family arrived in America seeking refuge in 1948, and

WHEREAS, Secretary Albright proudly became a United States citizen in 1957, and

WHEREAS, Secretary Albright demonstrated brilliance and academic excellence from an early age, earning her Bachelor of Arts degree in Political Science from Wellesley College in 1959, and

WHEREAS, Secretary Albright went on to attend Columbia University, where she earned her Master's degree in International Affairs in 1968 and her Doctor of Philosophy degree in Public Law and Government in 1976, and

WHEREAS, Secretary Albright entered the national political scene as an assistant to Senator Edmund Muskie in 1972, and became his chief legislative assistant from 1976 to 1978, and

WHEREAS, Secretary Albright thereafter served in numerous high-ranking roles in public service, including as a foreign policy advisor to presidential candidates Walter Mondale, Michael Dukakis, and William Clinton, and

WHEREAS, in January 1993, Secretary Albright was appointed by President Clinton as the United States Ambassador to the United Nations, and served in this role during the Clinton administration's first term, and

WHEREAS, after the 1996 presidential election, Secretary Albright was nominated by President Clinton to be Secretary of State, and was unanimously confirmed by the U S Senate, and

WHEREAS, when Secretary Albright was sworn in as Secretary of State in January 1997, she became the first woman to serve in this post in our nation's history and the highest ranking woman in the history of U S government up to that point, and

WHEREAS, Secretary Albright successfully promoted the expansion of the North Atlantic Treaty Organization ("NATO") into Eastern Europe, and the nonproliferation of nuclear weapons, and

WHEREAS, Secretary Albright played a critical role in the global expansion of free-market democratization and the progress made to fight climate change under the Kyoto Protocol, and

WHEREAS, Secretary Albright was a key figure in NATO's military action in Kosovo to protect ethnic Albanians from atrocities, and

WHEREAS, Secretary Albright was a director of the Council on Foreign Relations and a professor at Georgetown University for many years after leaving public office, and

WHEREAS, in 2012, President Barack Obama awarded Secretary Albright the Presidential Medal of Freedom for her lifetime of service, and

WHEREAS, Secretary Albright remained a champion of democracy and human rights each and every day of her life, and

WHEREAS, Secretary Albright's integrity, decency, and optimism represented the best of America and will sorely be missed in our public life, and

WHEREAS, it is with a heavy heart that we mourn the passing of Secretary Albright, and extend our deepest of sympathies to her daughters, Alice, Anne, and Katie, their entire family, and Secretary Albright's many friends and colleagues, and

WHEREAS, it is proper that we recognize the unparalleled life and enduring legacy of Secretary Albright, and mark her passing,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities until sunset on Sunday, March 27, 2022, in recognition and mourning of an American icon, Secretary Madeleine Albright

2 This Order shall take effect immediately

Dated March 25, 2022

EXECUTIVE ORDER NO 294

WHEREAS, on March 9, 2020, I issued Executive Order No 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act ("EHPA"), N J S A 26 13-1 et seq , and a State of Emergency, pursuant to the New Jersey Civilian Defense and Disaster Control Act ("Disaster Control Act"), N J S A App A 9-33 et seq , in the State of New Jersey for Coronavirus disease 2019 ("COVID-19"), the facts and circumstances of which are adopted by reference herein, and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, which were issued each month between April 7, 2020 and May 14, 2021, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency in effect at the time continued to exist, and

WHEREAS, New Jersey made significant progress in responding to COVID-19 and mitigating its devastating effects, in particular in light of the advent of three effective vaccines that, among other things, had significantly reduced the likelihood of both contracting and transmitting the variants of COVID-19 that were present in the United States at the time, and

WHEREAS, on June 4, 2021, in light of these developments, I signed Assembly Bill No 5820 into law as P L 2021, c 103, and issued Executive Order No 244, which terminated the Public Health Emergency declared in Executive Order No 103 (2020), and

WHEREAS, P L 2021, c 103 sought to enable the State to bring an end to its prior Public Health Emergency while still allowing for an orderly continuation of the Administration's ability to order certain public health measures relating to COVID-19, including but not limited to vaccine distribution, administration, and management, COVID-19 testing, health resource and personnel allocation,

data collection, and implementation of recommendations of the Centers for Disease Control and Prevention ("CDC") to prevent or limit the transmission of COVID-19, including in specific settings, and

WHEREAS, P L 2021, c 103 explicitly maintained the State of Emergency declared in Executive Order No 103 (2020), and stated it would in no way diminish, limit, or impair the powers of the Governor to respond to any of the threats presented by COVID-19 pursuant to the Disaster Control Act, and

WHEREAS, in addition to leaving the prior State of Emergency in effect, nothing in P L 2021, c 103 prevented the Governor from declaring any new public health emergency under the EHPA, N J S A 26 13-1 et seq , should the evolving circumstances on the ground require such a declaration, and

WHEREAS, on July 6, 2021, the U S Department of Justice, Office of Legal Counsel issued an opinion concluding that Section 564 of the Food, Drug, and Cosmetic Act, 21 U S C § 360bbb-3 does not prohibit public or private entities from imposing vaccination requirements while vaccinations are only available pursuant to Emergency Use Authorization (EUA), and

WHEREAS, on November 5, 2021, the federal Centers for Medicare & Medicaid Services ("CMS") issued the Omnibus COVID-19 Health Care Staff Vaccination Interim Final Rule (CMS-3415-IFC) ("CMS Rule"), which was upheld by the United States Supreme Court on January 13, 2022, requiring most Medicare and Medicaid-certified providers' and suppliers' staff to be vaccinated against COVID-19 in order to participate in the Medicare and Medicaid programs, and

WHEREAS, on December 29, 2021, CMS issued guidance for the CMS Rule clarifying the timeframes for compliance and the enforcement actions to which facilities will be subject if their vaccination rates are less than 100 percent by the deadlines set forth therein and are therefore considered non-compliant, and

WHEREAS, on January 11, 2022, due to the surge of cases and hospitalizations tied to the new variants of COVID-19, I signed Executive Order No 280, declaring the existence of a new Public Health Emergency, pursuant to the EHPA, N J S A 26 13-1 et seq , and continuing the State of Emergency declared in Executive Order No 103 (2020) pursuant to the Disaster Control Act, N J S A App A 9-33 et seq , in the State of New Jersey, and

WHEREAS, on January 19, 2022, I signed Executive Order No 283, requiring all covered health care and high-risk congregate settings to maintain a policy that requires all covered workers to provide adequate proof to the health care and high-risk congregate settings that they are up to date with their COVID-19 vaccinations, including any booster shots for which they are eligible, and

WHEREAS, on February 10, 2022, I signed Executive Order No 288, which declared that the Public Health Emergency declared in Executive Order No 280 (2022) continued to exist and that all Executive Orders issued, in whole or in part in response to the COVID-19 Public Health Emergency, including Executive Order No 283 (2022), remain in full force and effect, and

WHEREAS, on March 2, 2022, I issued Executive Order No 290, clarifying and extending the timeframes within which covered settings must require their cov-

ered workers to comply with the vaccination and booster requirements set forth in Executive Order No 283 (2020), and

WHEREAS, on March 4, 2022, I issued Executive Order No 292 terminating the public health emergency declared in Executive Order No 280 (2022) effective March 7, 2022, while continuing the State of Emergency declared in Executive Order No 103 (2020), and

WHEREAS, Executive Order No 292 (2022) stated that Executive Order Nos 283 and 290 remain in full force and effect pursuant to the Disaster Control Act, N J S A App A 9-33 et seq , and

WHEREAS, because vaccines are effective at preventing severe illness, hospitalizations, and death, including from the Omicron variant, the CDC has noted that the recent emergence of this variant emphasizes the importance of vaccination and boosters, and

WHEREAS, according to the CDC, studies show that after getting the primary series of a COVID-19 vaccine, protection against the virus and the ability to prevent infection may decrease over time, in particular due to transmissibility and severity of different variants circulating at different times, and

WHEREAS, although the COVID-19 vaccines remain effective in preventing severe disease, recent data suggests their effectiveness at preventing infection or severe illness wanes over time, and

WHEREAS, the CDC has reported that vaccinated people who receive a COVID-19 booster are likely to have a stronger protection against contracting and transmitting COVID-19, particularly the Omicron variant, and stronger protection against serious illness, including hospitalizations and death, and

WHEREAS, the CDC has advised that additional public health action is necessary to prevent severe impacts on the health of individuals and the health care system due to the spread of the Omicron variant as well as other new variants, and

WHEREAS, the CDC has confirmed that the Omicron variant and other new variants have increased transmissibility and an increased ability to evade immunity conferred by past infection or vaccination, and

WHEREAS, on March 29, 2022, the Food and Drug Administration ("FDA") issued an updated emergency use authorization for a second mRNA booster dose, and

WHEREAS, on March 30, 2022, the CDC updated their guidance to allow certain populations to receive a second booster dose to increase their individual protection, and

WHEREAS, the CDC advised that all people 50 years of age and older, people 12 years of age and older who are moderately or severely immunocompromised, and people 18 through 49 years of age who received a Johnson & Johnson/Janssen primary series and a Johnson & Johnson/Janssen first booster are eligible for a second mRNA booster dose at least four months after their first booster dose, and

WHEREAS, as of March 30, 2022, the CDC advised that, while some individuals are eligible to get a second booster dose, the CDC currently considers a person

boosted and up to date with their COVID-19 vaccination after receiving their first booster dose at this time, and

WHEREAS, because the CDC has not recommended that a second booster dose is necessary to be up to date with the COVID-19 vaccination at this time, and to ensure the flexibility to act consistently with the most current and appropriate scientific research, it is appropriate to clarify the requirements for compliance set forth in Executive Order No 283 (2022) and further revised in Executive Order No 290 (2022) to limit the definition of "up to date" to include only one booster dose and to clarify that a second booster dose is not required, and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N J S A 26 13-1 et seq , N J S A App A 9-33 et seq , N J S A 38A 3-6 1, and N J S A 38A 24 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 Covered health care settings subject to the CMS Rule must maintain a policy pursuant to Executive Order No 283 (2022) that requires covered workers to provide adequate proof that they are up to date with their COVID-19 vaccinations according to the following schedule

a Unvaccinated covered workers must obtain their primary series of a COVID-19 vaccination pursuant to the timeframes set forth by CMS, and

b All covered workers must provide adequate proof that they have received their first booster dose by April 11, 2022, or within 3 weeks of becoming eligible for their first booster dose, whichever is later

2 Covered health care settings not subject to the CMS Rule and covered high-risk congregate settings must maintain a policy pursuant to Executive Order No 283 (2022) that requires covered workers to provide adequate proof that they are up to date with their COVID-19 vaccinations according to the following schedule

c Unvaccinated covered workers must obtain their first dose of the primary series of a COVID-19 vaccination by February 16, 2022, and

d All covered workers must provide adequate proof that they are up to date with their COVID-19 vaccination by May 11, 2022, provided however, that as to having received their first booster dose, covered workers must provide adequate proof that they are up to date with their COVID-19 vaccinations by May 11, 2022, or within 3 weeks of becoming eligible for their first booster dose, whichever is later

3 Paragraph 8 of Executive Order No 283 (2022) is hereby modified as follows For purposes of this Order, a covered worker shall be considered "up to date with their COVID-19 vaccinations" if they have received a primary series, which consists of either a 2-dose series of an mRNA COVID-19 vaccine or a single dose COVID-19 vaccine, and the first booster dose for which they are eligible as rec-

ommended by the CDC Covered workers will only be considered up to date with their vaccinations where they have received a COVID-19 vaccine that is currently authorized for emergency use by the FDA or the World Health Organization (WHO), or that is approved for use by the same Covered workers who are not up to date with their vaccinations, or for whom vaccination status is unknown or who have not provided sufficient proof of documentation, must be considered noncompliant for purposes of this Order

4 The Commissioner of the Department of Health ("DOH") is hereby authorized to issue a directive supplementing the requirements outlined in this Order, which may include, but not be limited to, any requirements for reporting vaccination data to the DOH Action taken by the Commissioner of DOH pursuant to this Order shall not be subject to the requirements of the Administrative Procedure Act, N J S A 52 14B-1 et seq

5 Paragraphs 1, 2, and 8 of Executive Order No 283 (2022) and Paragraphs 1 and 2 of Executive Order No 290 (2022) are hereby superseded to the extent they are inconsistent with this Order

6 The State Director of Emergency Management, who is the Superintendent of State Police, shall have the discretion to make additions, amendments, clarifications, exceptions, and exclusions to the terms of this Order

7 It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order, and to cooperate fully with any Administrative Orders issued pursuant to this Order

8 No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement

9 Penalties for violations of this Order may be imposed under, among other statutes, N J S A App A 9-49 and -50

10 This Order shall take effect immediately and shall remain in effect until revoked or modified by the Governor

Dated April 13, 2022

EXECUTIVE ORDER NO 295

WHEREAS, New Jersey's community of residents who are lesbian, gay, bisexual, transgender, queer, questioning, or otherwise do not identify as heterosexual or cisgender ("LGBTQ+") are vital participants in economic, civic, and social life in the State, and

WHEREAS, as one of the first States in the country to explicitly prohibit discrimination based on sexual orientation, gender identity, and gender expression, New Jersey seeks to ensure equal economic and social opportunity for the LGBTQ+ community, and

WHEREAS, in June 2019, I was honored to support LGBTQ+ New Jerseyans by flying the Pride flag from Drumthwacket for the first time in the State's history, and

WHEREAS, in my first term, I was proud to sign Senate Bill No 1569 (Second Reprint) (P L 2019, c 6), ensuring school curricula included instruction on the political, economic, and social contributions of LGBTQ+ people, and

WHEREAS, businesses owned in whole or in part by LGBTQ+ individuals touch all parts of the State's economy, providing vital goods and services to New Jerseyans and visitors, and

WHEREAS, enabling the certification of business entities owned by members of underrepresented communities contributes to the success and recognition of such business entities and helps such business entities thrive, and

WHEREAS, although the Division of Revenue and Enterprise Services in the Department of the Treasury provides the opportunity for minority-owned, women-owned, veteran-owned, and disabled-veteran-owned businesses to apply for and receive certification as such, there is currently no mechanism in New Jersey for businesses owned in whole or in part by LGBTQ+ individuals to receive a LGBTQ+-owned certification from the State, and

WHEREAS, such a certification program would affirm that LGBTQ+ business owners are welcome and encouraged to conduct business in New Jersey, and would enable such businesses to proudly announce that they are recognized by the State as an LGBTQ+-owned business enterprise,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 The Department of the Treasury ("Treasury") shall develop a program for the registration or certification of LGBTQ+-owned business enterprises An LGBTQ+-owned business enterprise shall mean a business which is

a A sole proprietorship owned and controlled by a person who identifies as LGBTQ+,

b A partnership or joint venture owned and controlled by individuals who identify as LGBTQ+ in which at least 51% of the ownership is held by individuals who identify as LGBTQ+ and the management and daily business operations of which are controlled by one or more individuals who identify as LGBTQ+ who own it, or

c A corporation or other entity whose management and daily business operations are controlled by one or more individuals who identify as LGBTQ+ who own it, and which is at least 51% owned by individuals who identify as LGBTQ+, or, if

stock is issued, at least 51% of the stock is owned by one or more individuals who identify as LGBTQ+

2 The criteria and procedures used by Treasury to determine whether a business qualifies for certification as an LGBTQ+-owned business enterprise shall be substantially similar to the current criteria and procedures used by Treasury to determine whether a business qualifies as a minority-owned or women-owned business enterprise

3 Treasury may promulgate rules and regulations to effectuate the directives in this Order

4 Treasury may form reciprocal agreements with, or accept certifications by, other public and private certifying entities, to facilitate LGBTQ+-owned business enterprise certification Any such agreement shall ensure that the certification process involved includes substantially similar criteria and procedures to those used by Treasury to determine whether a business qualifies as an LGBTQ+-owned business enterprise

5 Following the implementation of the provisions of this Order, Treasury and all other Executive Branch departments and agencies may allow respondents certified as LGBTQ+-owned business enterprises to identify as such with respect to procurements or solicitations of business, including requests for proposals, qualifications, or information

6 This Order shall take effect immediately

Dated May 3, 2022

EXECUTIVE ORDER NO 296

WHEREAS, on February 17, 2022, the United States' largest manufacturer of baby formula recalled several lines of powdered formula following concerns about contamination in one of the manufacturer's facilities in Sturgis, Michigan, and

WHEREAS, such recall and the corresponding suspension of production at the Sturgis facility, combined with the extensive supply chain issues affecting the national economy across a host of sectors resulting from the Coronavirus disease 2019 (COVID-19) pandemic, has precipitated a widespread shortage of baby formula at retailers across the State and country, and

WHEREAS, certain specialty formulas are produced only by the manufacturer whose facility is currently not producing those formulas, and

WHEREAS, the shortage of specialty formulas, which are produced and sold in smaller quantities and at fewer retailers throughout the State, is particularly problematic for families that require such formula due to allergies or medical necessity, and

WHEREAS, according to the Centers for Disease Control and Prevention, the majority of parents and caregivers in New Jersey rely on some amount of formula

to feed their babies, particularly from the age of three months old to six months old, and

WHEREAS, formula is a crucial source, and in some cases the only source, of nutrition and sustenance for countless infants, and even the temporary inability of parents and caregivers to obtain baby formula poses an imminent threat to the health and safety of infants around the State, and

WHEREAS, President Biden has announced that the federal government will be taking several steps to increase the national supply and availability of baby formula without compromising safety, including working through the Food and Drug Administration ("FDA") to expedite production, supply, and imports of baby formula while also reducing regulatory burdens of the federal Special Supplemental Nutrition Program for Women, Infants, and Children ("WIC Program"), and

WHEREAS, President Biden has encouraged federal and state regulators to enforce laws against price gouging and unfair market practices, and

WHEREAS, the New Jersey WIC Program, administered by the Department of Health, provides the necessary funding to purchase baby formula for eligible New Jersey families in need, but families that receive WIC funding have reported extreme difficulty in locating baby formula throughout the State, including having to travel long distances to multiple locations to obtain baby formula, and

WHEREAS, on May 16, 2022, the FDA reached an agreement with the above-mentioned formula manufacturer supplier to safely recommence production in the Michigan plant by the end of the month, which could result in more formula on store shelves within eight weeks thereafter, and

WHEREAS, until the supply of formula returns to adequate levels, it is necessary and appropriate to take action to address the current threat to the health and safety of babies in this State, and

WHEREAS, parents and caregivers whose babies rely on formula should not be denied access to the available supply due to excessive and inflated prices, and

WHEREAS, New Jersey's Consumer Fraud Act, N J S A 56 8-1 et seq , enforced by the Division of Consumer Affairs in the Department of Law and Public Safety, prohibits excessive price increases for certain products during a state of emergency or within 30 days after the declaration of a state of emergency, or for such other period of time as the Governor may specify in this declaration of a state of emergency, N J S A 56 8-107 to -109, and also prohibits as unconscionable commercial practices related to the gross and unreasonable inflation of a product's sale price in response to a threat to public health and safety, N J S A 56 8-2, and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N J S A App A 9-33, et seq , N J S A 38A 3-6 1, N J S A 38A 2-4, and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey, Do DECLARE and PROCLAIM that a State of Emergency exists in the State of New Jersey, and I hereby ORDER and DIRECT the following

1 I authorize and empower the State Director of Emergency Management, who is the Superintendent of the State Police, to take any such emergency measures as he or she may determine necessary, in order to address any actual or potential issues that may result from the shortage of baby formula that currently exists The State Director of Emergency Management is authorized to coordinate the relief effort for this Emergency with all governmental agencies, volunteer organizations, and the private sector

2 I authorize and empower the executive head of any agency or instrumentality of the State government with authority to promulgate rules to waive, suspend, or modify any existing rule, where the enforcement of which would be detrimental to the public welfare during this Emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management Any such waiver, modification, or suspension shall be promulgated in accordance with N J S A App A 9-45

3 I authorize and empower the executive head of any agency or instrumentality of the State government to take advantage of all waivers of federal rules, regulations, protocols, agreements, or directives that have been made available by the Congress and departments or agencies of the United States Government, where the implementation of such waivers would be beneficial to the public welfare during this Emergency, subject to my prior approval and in consultation with the State Director of Emergency Management

4 All State departments and agencies, and specifically the Departments of Agriculture, Children and Families, Health, Human Services, and Law and Public Safety shall take appropriate steps to address the threat to the health and safety of New Jersey's infants posed by the baby formula shortage, including issuing any orders, directives, guidance, or emergency regulations in accordance with existing federal and state laws to increase the supply of and the ability of parents and caregivers to obtain baby formula, and exploring opportunities to draw on federal funding to achieve the same goals

5 I authorize and empower the Adjutant General, in accordance with N J S A 38A 2-4 and N J S A 38A 3-6 1, to order to active duty such members of the New Jersey National Guard who, in the Adjutant General's judgment, are necessary to provide aid to those localities where there is a threat or danger to the public health, safety, and welfare and to authorize the employment of any supporting vehicles, equipment, communications, or supplies as may be necessary to support the members so ordered

6 In accordance with N J S A App A 9-34 and N J S A App A 9-51, I reserve the right to utilize and employ all available resources of the State government and

of each and every political subdivision of the State, whether of persons, properties, or instrumentalities, and to commandeer and utilize any personal services and any privately-owned property necessary to protect against this Emergency

7 In accordance with N J S A App A 9-40, no municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will in any way interfere with or impede the achievement of the purposes of this Order

8 It shall be the duty of every person or entity in this State or doing business in this State, and of the members of the governing body and every official, employee, or agent of every political subdivision in this State, and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully with the State Director of Emergency Management in all matters concerning this State of Emergency

9 This Order shall take effect immediately and shall remain in effect until such time as it is determined by me that this Emergency no longer exists The protections of N J S A 56 8-109 provided by this Order shall remain in effect until 30 days after it is determined by me that this Emergency no longer exists

Dated May 17, 2022

EXECUTIVE ORDER NO 297

WHEREAS, on May 24, 2022, 21 people, including 19 children and two teachers, were killed, and several other children were injured, at Robb Elementary School in Uvalde, Texas in a horrific act of gun violence, and

WHEREAS, reports indicate that the gunman was heavily armed with an AR-15 style rifle and high-capacity magazines, and

WHEREAS, preliminary reports indicate that the gunman legally purchased two AR-15 style rifles in the days after his 18th birthday, and

WHEREAS, the mass shooting in Uvalde is the deadliest such incident at a U S school since the 2012 Sandy Hook massacre, and

WHEREAS, as in the Sandy Hook massacre, parents and other family members were forced to wait in agony to learn whether their children had lived or died, an experience that no human being should have to bear, and

WHEREAS, the occurrence of any mass shooting at a school, which should be a sanctuary, represents a failure of our nation to protect our children, and

WHEREAS, a mass shooting is generally defined as an incident in which at least four people are shot, and by this standard there have been 213 mass shootings in the United States this year as of May 25, 2022 – more than the number of days so far this year, and

WHEREAS, our nation's response to this tragedy, and to all such acts of senseless violence, must consist of more than thoughts and prayers, and

WHEREAS, my Administration has directed law enforcement to increase their presence at New Jersey schools to make sure our students, parents, and educators feel safe, and

WHEREAS, we must continue to make every effort to ensure that those who seek to do irreparable harm cannot access firearms and weapons of war, and

WHEREAS, this Administration is committed, not only to mourning the victims and their families, but also to doing everything we can both to prevent these senseless and heartbreaking mass shootings from happening in our State and to end the epidemic of gun violence that plagues far too many of our communities, and

WHEREAS, in honor and remembrance of the victims of this horrific tragedy, President Biden has ordered that all U S flags be flown at half-staff at all public buildings and grounds until sunset on May 28, 2022,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities until sunset on Saturday, May 28, 2022, in recognition and mourning of the passing of the victims in Uvalde, Texas

2 This Order shall take effect immediately

Dated May 25, 2022

EXECUTIVE ORDER NO 298

WHEREAS, National Trails Day, founded by the American Hiking Society in 1991 and celebrated annually on the first Saturday in June, is a day of public events that highlights the importance of the National Trails System and promotes increased trail use and volunteer trail stewardship, and

WHEREAS, the "provision of lands for public recreation and the conservation of natural resources promotes the public health, prosperity and general welfare and is a proper responsibility of government," N J S A 13 8A-2, and

WHEREAS, "the provision of recreational programs to all segments of the public enhances the public health, prosperity and general welfare and is a proper responsibility of the State," N J S A 13 1L-2, and

WHEREAS, the Department of Environmental Protection ("DEP") is responsible for acquiring, planning, designing, constructing, operating, and maintaining state parks and forests pursuant to N J S A 13 1L-2, and empowered to pro-

mote and encourage the expansion and development of recreational programs on a statewide and local basis pursuant to N J S A 13 1B-15 1, and

WHEREAS, open and green space is a precious commodity throughout New Jersey, which is especially constrained within densely developed areas of the State and within the State's urban communities, many of which lack sufficient green spaces, tree cover, parks, and outdoor recreational opportunities, and

WHEREAS, all residents of the State of New Jersey, regardless of income, race, ethnicity, color, or national origin, have a right to live, work, learn, and enjoy recreational opportunities in a clean and healthy environment, and

WHEREAS, New Jersey's natural, cultural, and historic resources contribute to the breadth of destinations, visitors, events, and spending that supports the State's tourism industry, including over two hundred State Parks, Forests, Historic Sites, Natural and Wildlife Management Areas across more than one million acres of public land throughout New Jersey, and

WHEREAS, Governor Murphy and Lieutenant Governor Oliver have prioritized the addition and revitalization of green and open spaces throughout New Jersey by facilitating more than $400 million of State investment in local parks, open space, and natural resource restoration projects since 2018, and

WHEREAS, the Commissioner of Environmental Protection recently established the Community Investment & Economic Revitalization program within DEP, the primary function of which is to strengthen investments in natural capital and support sustainable economic growth that restores, preserves, and protects natural, cultural, and historic resources while enhancing quality of life for all New Jerseyans, and

WHEREAS, DEP represents the State in the development and implementation of the Statewide Comprehensive Outdoor Recreation Plan, a condition of eligibility for National Park Service Federal Land and Water Conservation Fund assistance, which must identify statewide recreation needs and opportunities and articulate a comprehensive responsive strategy, and

WHEREAS, recognizing the critical value of engaging the public and collaborating with a multitude of stakeholders with interest in the preservation, planning, and improvement of the State's natural, cultural, and historic resources, the Murphy Administration launched *Outside, Together! A Statewide Comprehensive Outdoor Recreation Plan for New Jersey* pursuant to DEP Administrative Order No 2022-12,

NOW, THEREFORE, I, NICHOLAS P SCUTARI, Acting Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 The first Saturday in June is declared National Trails Day in the State of New Jersey

2 Nothing in this Order shall be construed to confer any legal rights upon entities whose activities are regulated by State entities, nothing shall be construed to create a private right of action on behalf of any such regulated entities, and nothing

shall be used as a basis for legal challenges to rules, approvals, permits, licenses, or other action or inaction by a State entity Nothing in this Order shall be construed to supersede any federal, State, or local law

3 This Order shall take effect immediately

Dated June 4, 2022

EXECUTIVE ORDER NO 299

WHEREAS, in New York Rifle & Pistol Ass'n v Bruen, No 20-843 (2022), a conservative majority on the United States Supreme Court has invalidated New York's "proper cause" requirement for obtaining a permit to carry a handgun in public, and

WHEREAS, this deeply flawed decision will increase the proliferation of guns in our communities and our streets and make our nation less safe, and

WHEREAS, although the Supreme Court's decision impacts New Jersey's justifiable-need requirement, other requirements of N J S A 2C 58-4 for obtaining a carry permit in New Jersey remain unaffected, including approval by the relevant law enforcement officer and Superior Court that the applicant is of good character, is not subject to any of the disabilities set forth in section c of N J S A 2C 58-3, and is thoroughly familiar with the safe handling and use of handguns, and

WHEREAS, New Jersey's commonsense firearms safety laws have resulted in the State having one of the lowest firearm mortality rates in the country, and

WHEREAS, nonetheless, over 5,000 New Jerseyans have been killed by gun violence in the past decade, and

WHEREAS the recent mass shootings in Uvalde, Texas and Buffalo, New York are just two of the more than 250 mass shootings in the United States in 2022, and

WHEREAS, New Jersey has not been immune to mass shooting events, including one in May 2021 that left three dead and eleven wounded, and

WHEREAS, gun violence is a public health crisis in this State and across the nation, and

WHEREAS, protecting New Jersey residents and visitors from gun violence is of paramount importance, and

WHEREAS, the vast majority of New Jerseyans do not support relaxing restrictions on who may carry a gun in public, and

WHEREAS, state agencies have existing authority to issue regulations to reduce gun violence and enhance firearms safety, including regulating the carrying of firearms in certain locations, such as public places, government property, and sensitive locations, and

WHEREAS, there exists a compelling state interest for the State to coordinate activities of its agencies and to use available legal authority to decrease the risk of gun violence wherever possible, and

WHEREAS, the Department of Law and Public Safety has been leading comprehensive, state-wide efforts to reduce gun violence, and

WHEREAS, under my Administration, the State of New Jersey will continue to serve as a national model for commonsense and effective gun safety policies,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 All State agencies shall immediately review their statutes, rules, regulations, and program requirements to identify actions that may be taken under existing authority determining whether, and in what manner, firearms may be carried, displayed, or otherwise regulated

2 For purposes of this Order, "State agency" shall mean any of the principal departments in the Executive Branch of State government and any agency, authority, board, bureau, commission, division, institution, office, or other instrumentality within or created by any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General

3 In furtherance of Paragraph 1 of this Order, State agencies shall review their existing authority regarding the following subjects, among others

a Authority to designate certain locations where carrying of firearms, except by law enforcement, shall not be permitted

b Authority to regulate the manner of carrying, transporting, possessing, or conveying firearms

c Authority to adopt policies that promote firearms safety, prevent gun violence, and reduce threats against the public, including but not limited to in areas of procurement, contracting, and property management

4 In furtherance of Paragraph 1 of this Order, State agencies shall be authorized to call upon any department, office, division, or agency of this State to supply it with information or other assistance to discharge its duties under this Order

5 No later than July 18, 2022, State agencies shall submit their preliminary findings within the scope of this Order to the Governor

6 Nothing in this Order shall be construed to supersede any federal or State law

7 This Order shall take effect immediately

Dated June 24, 2022

EXECUTIVE ORDER NO 300

WHEREAS, Dr Anthony M ("Doc") Villane, Jr was born in Newark, New Jersey on December 24, 1929, to Anthony and Margaret Villane, and

WHEREAS, Dr Villane was educated in the Newark Public School System, graduating from Barringer High School in 1948, and

WHEREAS, Dr Villane attended Rutgers-Newark's pre-dental curriculum and was a multiple letter winner in fencing, track, and wrestling, and

WHEREAS, Dr Villane earned his Doctor of Dental Surgery in 1955 from Temple Dental School in Philadelphia, Pennsylvania, and

WHEREAS, following his graduation, Dr Villane served as a Captain in the United States Air Force for three years, and

WHEREAS, upon his return from service in 1958, Dr Villane established a dental practice in Eatontown, New Jersey, which he maintained for nearly 55 years, and

WHEREAS, Dr Villane continued to remain active in public service and was elected Long Branch Republican municipal chair in 1972, and

WHEREAS, Dr Villane was appointed to the Long Branch Board of Education in 1975 before winning a seat in the New Jersey General Assembly, which he held until 1988, and

WHEREAS, Dr Villane ascended to several positions in Assembly leadership, including Assembly Minority Whip and Deputy Assistant Minority Leader, and

WHEREAS, during his time in the Assembly, Dr Villane was a champion for New Jersey's coastal communities, fighting illegal dumping and sponsoring legislation to provide lasting sources of funding for shore protection, and

WHEREAS, in 1988, Governor Tom Kean appointed Dr Villane to his Cabinet as Commissioner of Community Affairs, a position he held through the end of the Kean administration in 1990, and

WHEREAS, in 1990, Dr Villane continued his public service at the federal level by joining President George H W Bush's administration as regional administrator of the United States Department of Housing and Urban Development for the New York and New Jersey Region, and

WHEREAS, in 1953, Dr Villane married his high school sweetheart Sarah, with whom he had five children, nine grandchildren, and six great-grandchildren, and

WHEREAS, Dr Villane passed away peacefully on June 29, 2022, at the age of 92 with his wife and children by his side, and

WHEREAS, Dr Villane will be greatly missed by his family, friends, and former colleagues, and

WHEREAS, as we mourn the passing of Dr Villane, it is appropriate to honor his history of leadership, his many achievements, and his exemplary legacy,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours until sunset on Wednesday, July 6, 2022, in recognition

and mourning of Dr Anthony M Villane, Jr , an esteemed legislator and dedicated public servant

2 This Order shall take effect immediately

Dated July 5, 2022

EXECUTIVE ORDER NO 301

WHEREAS, Assemblyman Ronald "Ron" Stanley Dancer was born on May 31, 1949, to Stanley and Rachel (nee Young) of the New Egypt section of Plumsted Township, and

WHEREAS, Assemblyman Dancer attended the Peddie School in Hightstown and the Edward J Bloustein School of Planning and Public Policy at Rutgers University, and

WHEREAS, Assemblyman Dancer served in the United States Army from 1969 to 1971, and

WHEREAS, Assemblyman Dancer's father was a Hall of Fame Harness Racing driver, and Assemblyman Dancer was a professional horse trainer and driver for the Stanley Dancer Horse Racing Stables for decades, and

WHEREAS, Assemblyman Dancer became active in local politics in the 1980s, and served as Mayor of Plumsted Township from 1990 until 2011, and

WHEREAS, Assemblyman Dancer was selected to fill a seat in the General Assembly following the passing of Assemblyman Melvin Cottrell in 2002, and has served in the General Assembly continuously since then, having been elected and re-elected 10 times, and

WHEREAS, Assemblyman Dancer was a dedicated representative of his constituents in parts of Ocean, Monmouth, Middlesex, Mercer, and Burlington Counties, and

WHEREAS, during his time in the General Assembly, Assemblyman Dancer served in leadership positions such as Assistant Minority Leader and Deputy Republican Leader, and on committees such as Agriculture and Food Security, Military and Veterans' Affairs, and Tourism, Gaming and the Arts, and

WHEREAS, Assemblyman Dancer was known for being a passionate champion for veterans, farmers, and the horse racing industry, as well as for his bipartisanship, and

WHEREAS, Assemblyman Dancer also served on local government and volunteer boards, such as the Plumsted Township Planning Board and Municipal Utilities Authority and the Ocean County Board of Social Services, Natural Lands Trust Funds Advisory Committee, Senior Citizens Advisory Board, and Human Services Advisory Council, and

WHEREAS, Assemblyman Dancer was married to his wife Brenda for 54 years, with whom he had two children and three grandchildren, and

WHEREAS, Assemblyman Dancer passed away at age 73 on July 23, 2022, following a long illness, and

WHEREAS, Assemblyman Dancer will be greatly missed not only by his family and friends, but also his former colleagues in the Legislature, Plumsted Township, and Ocean County, and

WHEREAS, as we mourn the passing of Assemblyman Dancer, it is appropriate to commemorate his history of public service, his many achievements in State and local politics, and his legacy of public service, friendship, and civility,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Tuesday, July 26, 2022, in recognition and mourning of Assemblyman Ronald Dancer, an accomplished and respected legislator and devoted public servant

2 This Order shall take effect immediately

Dated July 25, 2022

EXECUTIVE ORDER NO 302

WHEREAS, on March 9, 2020, I issued Executive Order No 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act ("EHPA"), N J S A 26 13-1 et seq , and a State of Emergency, pursuant to the New Jersey Civilian Defense and Disaster Control Act ("Disaster Control Act"), N J S A App A 9-33 et seq , in the State of New Jersey for Coronavirus disease 2019 ("COVID-19"), the facts and circumstances of which are adopted by reference herein, and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, which were issued each month between April 7, 2020 and May 14, 2021, the facts and circumstances of which are adopted by reference herein, I declared that the COVID-19 Public Health Emergency in effect at the time continued to exist, and

WHEREAS, New Jersey made significant progress in responding to COVID-19 and mitigating its devastating effects, in particular in light of the advent of several effective vaccines that, among other things, had significantly reduced the likelihood of both contracting and transmitting the variants of COVID-19 that were present in the United States at the time, and

WHEREAS, on June 4, 2021, in light of these developments, I signed Assembly Bill No 5820 into law as P L 2021, c 103, and issued Executive Order No 244,

which terminated the Public Health Emergency declared in Executive Order No 103 (2020), and

WHEREAS, P L 2021, c 103 sought to enable the State to bring an end to its initial Public Health Emergency while still allowing for an orderly continuation of the Administration's ability to order certain public health measures relating to COVID-19, including but not limited to vaccine distribution, administration, and management, COVID-19 testing, health resource and personnel allocation, data collection, and implementation of recommendations of the Centers for Disease Control and Prevention ("CDC") to prevent or limit the transmission of COVID-19, including in specific settings, and

WHEREAS, P L 2021, c 103 explicitly maintained the State of Emergency declared in Executive Order No 103 (2020), and stated it would in no way diminish, limit, or impair the powers of the Governor to respond to any of the threats presented by COVID-19 pursuant to the Disaster Control Act, and

WHEREAS, in addition to leaving the prior State of Emergency in effect, nothing in P L 2021, c 103 prevented the Governor from declaring any new public health emergency under the EHPA, N J S A 26 13-1 et seq , should the evolving circumstances on the ground require such a declaration, and

WHEREAS, Executive Order No 252, issued August 6, 2021, required all covered health care and high-risk congregate settings ("covered settings") to maintain a policy that required all covered workers to either provide adequate proof to the covered settings that they have been fully vaccinated or submit to COVID-19 testing at minimum one to two times weekly beginning September 7, 2021, and

WHEREAS, Executive Order No 253, issued August 23, 2021, requires all public, private, and parochial preschool programs and elementary and secondary schools, including charter and renaissance schools (collectively "school districts") to maintain a policy that requires all covered workers to either provide adequate proof to the school district that they have been fully vaccinated or submit to COVID-19 testing at minimum one to two times weekly beginning October 18, 2021, and

WHEREAS, Executive Order No 264, issued September 20, 2021, requires all child care centers and other child care facilities (collectively "child care settings") to maintain a policy that requires all covered workers to either provide adequate proof to the child care settings that they have been fully vaccinated or submit to COVID-19 testing at minimum one to two times weekly beginning November 1, 2021, and

WHEREAS, Executive Order No 271, issued October 20, 2021, requires that each executive department and agency, including an independent authority, ensure that certain new contracts, new solicitations for contracts, extensions or renewals of existing contracts, and exercising options on existing contracts, include a clause that the contractor or any subcontractors, at any tier, that is party to the contract ("covered contractor(s)"), must maintain a policy that requires all covered workers to either provide adequate proof to the covered contractor that

they have been fully vaccinated or submit to COVID-19 testing at minimum one to two times weekly, and

WHEREAS, as the CDC has recognized, viruses can change through mutation and mutations can result in variants of the virus, and some variants can spread more easily and quickly than other variants of the same virus, which may lead to more cases of COVID-19, increased strain on healthcare resources, more hospitalizations, and more deaths, and

WHEREAS, since Executive Order No 244 (2021) took effect, the CDC has reported that new variants of concern of COVID-19 have been identified in the United States, particularly the B 1 617 2 (Delta) variant and most recently the B1 1 529, BA 1, BA 1 1, BA 2, BA 3, BA 4, and BA 5 lineages of the Omicron variant ("Omicron"), and

WHEREAS, although New Jersey was able to end the initial Public Health Emergency on account of the effectiveness of vaccines in reducing transmissibility of COVID-19, the Omicron spread more easily than other variants and required additional action to protect the public, and

WHEREAS, on January 11, 2022, I issued Executive Order No 280, declaring the existence of a new Public Health Emergency, pursuant to the EHPA, N J S A 26 13-1 et seq , and continuing the State of Emergency declared in Executive Order No 103 (2020) pursuant to the Disaster Control Act, N J S A App A 9-33 et seq , in the State of New Jersey due to the surge of cases and hospitalizations tied to the new variants of COVID-19, and

WHEREAS, on January 11, 2022, I issued Executive Order No 281, extending various orders to ensure the State continues to have the necessary resources in place to respond to the new variants of COVID-19, and

WHEREAS, on January 19, 2022, I issued Executive Order No 283, requiring certain health care and high-risk congregate settings to maintain a policy that requires all covered workers to provide adequate proof to the covered settings that they are up to date with their COVID-19 vaccinations, including a booster dose when eligible, and

WHEREAS, on February 10, 2022, I issued Executive Order No 288, which declared that the Public Health Emergency declared in Executive Order No 280 (2022) continued to exist, and

WHEREAS, on March 2, 2022, I issued Executive Order No 290, clarifying and extending the timeframes within which covered settings must require their covered workers to comply with the vaccination and booster requirements set forth in Executive Order No 283 (2022), and

WHEREAS, as a result of significant emergency measures taken, the State made considerable progress in combating COVID-19 variants and decreasing key statistics, such as the number of hospitalized patients in the State, the number of daily positive COVID-19 cases, spot positivity, and the rate of transmission, and

WHEREAS, in light of these developments, on March 4, 2022, I issued Executive Order No 292 terminating the Public Health Emergency declared in Executive

Order No 280 (2022) effective March 7, 2022, while continuing the State of Emergency declared in Executive Order No 103, and

WHEREAS, Executive Order No 292 (2022) stated that Executive Order Nos 111, 112, and 207 (2020), Nos 252, 253, 264, and 271 (2021) and Nos 283 and 290 (2022) remain in full force and effect pursuant to the Disaster Control Act, N J S A App A 9-33 et seq , except that paragraphs 11 and 13 of Executive Order No 264 (2021) were rescinded, and

WHEREAS, Executive Order No 292 (2022) lifted certain mitigation protocols, including the requirement that face masks be worn in school districts and child care settings, while continuing to require workers in school districts and child care settings to receive a COVID-19 vaccine or undergo regular testing in order to help prevent outbreaks and reduce transmission to children, and

WHEREAS, on April 13, 2022, I issued Executive Order No 294, clarifying the vaccination and booster requirements applicable to workers in certain covered settings as set forth in Executive Order No 283 (2022) and Executive Order No 290 (2022), and

WHEREAS, the Department of Health's ("DOH") Executive Directive No 21-011 (Revised), dated April 6, 2022, provides protocols for COVID-19 testing and vaccination reporting for covered settings pursuant to Executive Order Nos 252, 253, and 264 (2021) and Nos 283 and 290 (2022), including the requirement that school districts report information to DOH using the Surveillance for Influenza and COVID-19 ("SIC") Module in the Communicable Disease Reporting and Surveillance System, and

WHEREAS, throughout the course of the COVID-19 pandemic, the U S Food and Drug Administration ("FDA") has continually evaluated data on the safety and effectiveness of the COVID-19 vaccine, including as administered to children of various age groups, and

WHEREAS, on October 29, 2021 and May 17, 2022, the FDA issued amendments to its Emergency Use Authorizations ("EUAs") of the COVID-19 vaccines which, collectively, expanded eligibility of certain COVID-19 vaccines and booster doses to children and adolescents between 5 and 17 years of age, and

WHEREAS, on June 17, 2022, the FDA issued further amendments to its EUAs of the COVID-19 vaccines which expanded eligibility of the primary COVID-19 vaccination series of certain COVID-19 vaccines to children between 6 months to 5 years of age, and

WHEREAS, New Jersey has administered over 18 4 million doses of the COVID-19 vaccine in the State to date, with over 8 million or 93% of New Jerseyans having received at least one dose of the vaccine, and

WHEREAS, of the total doses of the COVID-19 vaccine administered in New Jersey, over 1 9 million doses have been administered to children between 6 months to 17 years of age, and

WHEREAS, according to the CDC, various treatments and FDA-authorized therapeutics for COVID-19, such as antiviral medications and monoclonal antibod-

ies, that can reduce the likelihood of severe illness and death have become widely available, and

WHEREAS, over the last five months, the State has experienced stable rates on key benchmark statistics, such as the number of hospitalized patients, patients in intensive care, and ventilators in use, and the spot positivity of COVID-19 tests, and

WHEREAS, on August 11, 2022, the CDC issued updated "Guidance for Minimizing the Impact of COVID-19 on Individual Persons, Communities, and Health Care Systems" in which the CDC recognizes that high levels of vaccine and infection-induced immunity and the availability of effective treatments and prevention tools have substantially reduced the risk for medically significant COVID-19 illness, and associated hospitalization and death, and

WHEREAS, the CDC's updated guidance notes that as a result of improved circumstances and the availability of multicomponent prevention measures, public health efforts to minimize the impacts of COVID-19 can now be tailored to individual and societal health factors, with a focus on reducing medically significant illness and minimizing the strain on the health care system, while removing barriers to social, educational, and economic activity, and

WHEREAS, the CDC's updated guidance recognizes that continuing to increase COVID-19 vaccination coverage, including booster doses, expanding access to therapeutics, and undertaking testing and other prevention measures remain essential to prevent severe outcomes and death from COVID-19, particularly for persons who are at an increased personal risk for severe adverse reactions and persons in certain health care and high-risk congregate settings, and

WHERAS, the CDC's updated guidance further recognizes that in general community settings, including school districts and child care settings, local public health officials and jurisdictions are equipped with a host of COVID-19 prevention strategies and localized data to decide which mitigation protocols to use and when, based on COVID-19 Community Levels and setting-specific factors, and

WHEREAS, on August 11, 2022, the CDC also issued updated "Operational Guidance for K-12 Schools and Early Care and Education Programs to Support Safe In-Person Learning" in which the CDC recommends that school districts and child care settings utilize COVID-19 mitigation protocols on a flexible basis, and

WHEREAS, as reported in the updated guidance for school districts and child care settings, the CDC is no longer recommending routine screening testing in school districts and child care settings, except as may be deemed necessary for certain high-risk, close contact activities, or when the CDC Community Levels in the local region of the school district or child care setting reach high levels, and

WHEREAS, in light of the CDC's updated guidance, and given the progress the State has made, the State can begin to responsibly lift certain mitigation protocols in place, including the requirement that school districts and child care set-

tings maintain a policy requiring their unvaccinated covered workers to submit to weekly or twice weekly COVID-19 testing, as well as the requirement that covered contractors maintain a policy requiring their unvaccinated covered workers submit to weekly or twice weekly COVID-19 testing, as the State continues the next phase of the COVID-19 response, and

WHEREAS, continued surveillance of school-associated COVID-19 cases, clusters, and outbreaks is necessary for DOH to understand and track COVID-19 in the school setting, including monitoring the impact of vaccination, in order to inform public health decisions and actions, therefore it is critical that school districts continue to be required to report into the SIC module, and

WHEREAS, despite the extensive progress made in combatting COVID-19, and the ability to lift certain mitigation protocols, there remains an ongoing threat necessitating that certain actions taken by the State in response to COVID-19 and new variants, can remain in place as the State continues the next phase of our COVID-19 response, and

WHEREAS, the CDC continues to emphasize the importance of heightened mitigation protocols in certain covered settings, especially high-risk congregate care settings, because of the significant risk of spread and vulnerability of the populations served, and

WHEREAS, continuing to require workers in those covered settings to be up to date with their COVID-19 vaccinations, including the first booster dose for which they are eligible, can help prevent outbreaks and reduce transmission to vulnerable individuals who may be at higher risk of severe disease, and

WHEREAS, the Constitution and statutes of the State of New Jersey, N J S A App A 9-33 et seq , N J S A 38A 3-6 1, and N J S A 38A 24 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 Executive Order Nos 253 and 264 (2021) are hereby rescinded

2 Nothing in this Order shall prevent a school district or child care setting from maintaining a vaccination or testing policy implemented pursuant to Executive Order Nos 253 and 264 (2021)

3 School districts shall continue to report information to DOH using the COVID-19 SIC Module, as set forth in Executive Directive 21-011, until Executive Directive 21-011 is revoked or modified by DOH or until the State of Emergency is no longer in effect, whichever is sooner

4 Executive Order No 271 (2021) is hereby rescinded

5 The Commissioner of DOH is hereby authorized to issue a directive supplementing the requirements outlined in this Order, which may include, but not be limited to, any requirements for reporting vaccination and testing data to DOH

6 For purposes of this Order, "Executive Branch departments and agencies" shall mean any of the principal departments in the Executive Branch of State government and any agency, authority, board, bureau, commission, division, institution, office, or other instrumentality within or created by any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General

7 It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Order, and to cooperate fully with any Administrative Orders issued pursuant to this Order

8 No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will or might in any way interfere with or impede its achievement

9 Penalties for violations of this Order may be imposed under, among other statutes, N J S A App A 9-49 and -50

10 This Order shall take effect immediately, except that paragraph 4 of this Order shall take effect September 1, 2022

11 This Order shall remain in effect until revoked or modified by the Governor

Dated August 15, 2022

EXECUTIVE ORDER NO 303

WHEREAS, Maureen Ogden was a dedicated conservationist, supporter of the arts, and seven-term Assemblywoman in the New Jersey Legislature, and

WHEREAS, Assemblywoman Ogden was born in Vancouver, Canada on November 1, 1928, and

WHEREAS, Assemblywoman Ogden graduated from Smith College in 1950 and received a Master of Arts in Public Law and Government from Columbia University in 1963, and

WHEREAS, in 1971, Assemblywoman Ogden began her career in public service in Millburn, New Jersey as a board member of the Citizen's League for Environmental Action Now before becoming Chair of the Millburn Environmental Commission in 1974, and

WHEREAS, Assemblywoman Ogden served as Deputy Mayor of Millburn from 1976 to 1979, and

WHEREAS, Assemblywoman Ogden served as Mayor of Millburn from 1979 to 1981, becoming the first female Mayor in Millburn's history, and

WHEREAS, Assemblywoman Ogden was first elected to the New Jersey Assembly in 1981 and went on to serve for seven terms before retiring in 1996, and

WHEREAS, Assemblywoman Ogden served as Assistant Minority Whip 1982 to 1985, and

WHEREAS, as a steadfast champion of the environment, Assemblywoman Ogden became Chair of the Assembly Conservation, Energy and Natural Resources Committee in 1985, and

WHEREAS, during her dedicated career in the Legislature, Assemblywoman Ogden also served as Chair of the Committee on Arts, Tourism, and Cultural Affairs, as Vice Chair of the Financial Institutions Committee and the Drug Abuse Committee, and as a member of the Health Committee, the Conservation and Natural Resources Committee, and the State Government Committee, and

WHEREAS, Assemblywoman Ogden authored critically important environmental legislation protecting freshwater wetlands as well as several Green Acres bond issues to preserve open space, and

WHEREAS, in 1994, Assemblywoman Ogden was the chief sponsor of legislation affording adopted individuals the opportunity to obtain their original birth certificates, and

WHEREAS, in addition to her legislative achievements, Assemblywoman Ogden served as the first Chair of the Garden State Preservation Trust, Chair of the Conservation Committee of the New Jersey Garden Clubs, a member of the Palisades Interstate Park Commission, a trustee of the New Jersey Conservation Foundation, and a member of the New Jersey State Council on the Arts, and

WHEREAS, in 2019, the Drakestown Preserve in Long Valley was fittingly renamed the Maureen Ogden Preserve in honor of Assemblywoman Ogden's 50 years of public service and environmental activism, and

WHEREAS, Assemblywoman Ogden passed away on August 17, 2022 at the age of 93, and

WHEREAS, Assemblywoman Ogden was predeceased by her loving husband Bob in 2010, and will be sorely missed by her family, including her three sons and grandchildren, her friends, former colleagues, and the people of New Jersey who she served faithfully for decades, and

WHEREAS, as we mourn the passing of Assemblywoman Ogden, it is appropriate to commemorate her history of public service, her many achievements in State politics, and her legacy of public service, friendship, and conservationism,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, August 19, 2022, in recognition and mourning of Assemblywoman Maureen Ogden

2 This Order shall take effect immediately

Dated August 28, 2022

EXECUTIVE ORDER NO 304

WHEREAS, the residents of New Jersey are entitled to a government that is effective, efficient, and free from corruption, favoritism, and waste, and

WHEREAS, the efficient and effective functioning of the State government depends upon the State's ability to obtain competent and professional legal counsel, and

WHEREAS, both the State and the residents of New Jersey benefit from the retention of legal counsel that is cost-effective and efficient, and

WHEREAS, the New Jersey Court Rules and Rules of Professional Conduct, and in particular Court Rule 1 21-11, establish that lawyers may provide legal services to "governmental entities" on a pro bono basis, and

WHEREAS, New Jersey Rule of Professional Conduct 6 1 establishes that "[e]very lawyer has a professional responsibility to render public interest legal service", and

WHEREAS, the provision of pro bono legal services further enables the government to pursue public protection enforcement matters, such as civil rights, environmental justice, labor, and public nuisance cases, in a manner that maximizes the financial recovery that can be utilized to compensate victims and redress harms, contributing to the benefit of victims and the State, and

WHEREAS, the ability to retain legal services on a pro bono basis will enable State agencies to further their missions while safeguarding the State's public finances, and

WHEREAS, P L 2005, c 51 (C 19 44A-20 13 et seq), known as "Chapter 51," was enacted by the Legislature in 2005, and

WHEREAS, since its enactment and continuing to the present day, Chapter 51 only applies to government contracts where a vendor is paid in excess of $17,500, but does not apply to contracts that pay $17,500 or less and, as such, does not apply to legal services donated to the State for free as part of the State's retention of outside counsel on a pro bono basis, and

WHEREAS, certain measures are nonetheless appropriate to prevent the risk or appearance that outside counsel will seek to gain an advantage in obtaining State government contracts for compensated legal services by providing a State agency with legal services on a pro bono basis, and

WHEREAS, as provided herein, those measures include a prohibition on simultaneous provision of pro bono and compensated legal services during the pro bono retention and a six-month "cooling off" period following the conclusion of the pro bono retention,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 Any Executive Branch department, agency, authority, or independent State authority that is authorized to retain outside counsel may do so on a pro bono basis, using existing applicable procedures for retention of outside counsel

2 To prevent the appearance of impropriety, any outside counsel providing legal services on a pro bono basis to the State is disqualified from providing legal services to the State for remuneration throughout the duration of that pro bono representation and for a period of six months thereafter

3 The rules governing conflicts of interest that are provided in the Attorney General's May 15, 2019 letter to Governor's Chief Counsel, "Identifying Government Clients for Purposes of Conflicts of Interest," apply to any outside counsel working on a pro bono basis for the State

4 Executive Order 81 (2019) is hereby rescinded

5 This Order shall take effect immediately

Dated August 25, 2022

EXECUTIVE ORDER NO 305

WHEREAS, the opioid epidemic has caused profound harm to the residents of New Jersey, and

WHEREAS, the number of suspected overdose-related deaths in New Jersey nearly doubled from 1,587 in 2015 to 3,006 in 2018, and has stayed around 3,000 every year since that time, and

WHEREAS, in the first seven months of 2022 alone, there have been 1,699 suspected overdose-related deaths and 7,959 administrations of the lifesaving drug Naloxone by law enforcement and Emergency Medical Services, and

WHEREAS, my Administration has dedicated hundreds of millions of dollars to addressing the opioid epidemic and its impacts in New Jersey, and

WHEREAS, New Jersey is dedicated to ending the opioid epidemic through a collaborative, inter-departmental, and data-driven strategy, with goals including increasing access to evidence-based prevention and treatment programs at the community level, supporting individuals on their path to and maintenance of recovery, reducing harm to people who use drugs and their loved ones, supporting data-driven work and strengthening system-wide infrastructure, and using robust law enforcement to stem the supply of illicit drugs and oversee innovative law enforcement-led programs that aim to divert or deflect individuals from the criminal justice system to public health services, and

WHEREAS, the State's approach to battling the opioid crisis must continue to be informed by individuals and communities who have experienced it firsthand,

including those who have or whose family members have struggled with substance use disorder and opioid use disorder and those who work in the fields of addiction treatment, prevention, and recovery, and

WHEREAS, in July 2021, I signed six bills dedicated to ending the opioid epidemic in New Jersey, including bills to expand low-barrier access to Naloxone, build bridges to medication-assisted treatment, strengthen public health data, and increase resiliency among children and families impacted by the opioid crisis, and

WHEREAS, in January 2022, I signed three more bills aimed at expanding harm reduction efforts and furthering the State's commitment to ending the opioid epidemic, including a bill establishing local drug overdose fatality review teams, and

WHEREAS, Johnson & Johnson and McKesson, Cardinal, and AmerisourceBergen have entered into nationwide settlement agreements relating to their contributions to the opioid crisis and, as part of the settlement agreements, will pay the State of New Jersey and eligible counties and municipalities a combined $641 million over the next 18 years, which will be divided among the State and its eligible counties and municipalities, and

WHEREAS, the State has reached and may in the future reach additional national opioid litigation resolutions with other companies and individuals relating to their contributions to the opioid crisis, and

WHEREAS, on June 30, 2022, the Office of the Attorney General announced that the State and its counties and municipalities are expected to receive approximately $30 million over time as a result of the bankruptcy of Mallinckrodt PLC, in connection with their opioid-related claims against the company, and

WHEREAS, on August 22, 2022, the Office of the Attorney General announced an additional nationwide settlement with Endo International PLC and its lenders, which is expected to provide some portion of a $450 million national opioid litigation resolution to New Jersey and its counties and municipalities, and

WHEREAS, funds obtained by the State in national opioid litigation resolutions will be used to further the goals of preventing opioid misuse, addiction, and overdose deaths, providing assistance, treatment, and recovery support to individuals and communities affected by the opioid crisis, developing wraparound supports and connections to care for individuals with substance and opioid use disorders, and expanding harm reduction efforts, and

WHEREAS, certain national opioid litigation resolutions require the State to designate a lead agency for purposes relating to implementation of these resolutions, such as coordination, reporting, and public disclosure of expenditures and communication with the settlement administrator, and

WHEREAS, the State today is launching an online portal that will enable members of the public to provide recommendations on the expenditure of proceeds from national opioid litigation resolutions for an initial comment period and from time to time thereafter, and

WHEREAS, forming an Opioid Recovery and Remediation Advisory Council to consider proposals, develop best practices, and inform deployment of settlement funds is contemplated by the national opioid litigation resolutions with Johnson & Johnson and McKesson, Cardinal, and Amerisource-Bergen, and

WHEREAS, New Jersey has entered into a separate Memorandum of Agreement with participating counties and municipalities that requires each county to establish a county advisory council to provide input, advice, and recommendations on the disbursement of the county's share of the recovery and of the shares of its participating municipalities, and

WHEREAS, the State finds stakeholder collaboration through an advisory council to be critical to effective distribution of proceeds from national opioid litigation resolutions at the State level as well as at the county and municipal levels, and

WHEREAS, the State remains steadfast in its commitment to ending the opioid epidemic, supporting those affected by it and fighting it, and accomplishing these goals by distributing proceeds from national opioid litigation resolutions efficiently and equitably,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 The Department of Human Services ("DHS") is hereby designated as the lead agency for the State for purposes of directing the disbursement and allocation of the State's proceeds from national opioid litigation resolutions, for monitoring the use of moneys disbursed to counties or municipalities under national opioid litigation resolutions, and performing the various reporting, compliance, administrative functions and other obligations imposed upon the State pursuant to the terms and conditions of national opioid litigation resolutions

2 There is hereby established in DHS the Opioid Recovery and Remediation Advisory Council (the "Advisory Council") The Advisory Council, which shall be wholly advisory in nature, shall be chaired by the Commissioner of DHS or the Commissioner's designee

3 In addition to the Commissioner of the DHS, the Advisory Council's membership shall consist of the Commissioner of the Department of Health, the Commissioner of the Department of Children and Families, and the Attorney General, or their designees, as well as at least ten public members appointed by the Governor The ten public members shall reflect the diversity of New Jersey and shall include public health and policy experts, as well as people with lived experience from the opioid epidemic, including those with a substance use disorder or a history of opioid misuse or addiction, and loved ones of those with a substance use disorder or a history of opioid misuse or addiction

4 The Governor may, as determined to be appropriate, appoint additional public and ex officio members to the Advisory Council All members of the Advisory

Council shall serve at the pleasure of the Governor and shall serve without compensation

5 The Advisory Council shall organize as soon as practicable after the appointment of its members and shall convene at least as often as requested by the Governor or the Chairperson

6 The purpose of the Advisory Council shall be to review proposals, data, and analysis and engage with stakeholders and community members to develop and provide recommendations on the allocation and distribution of the State's share of proceeds from national opioid litigation resolutions

7 To effectuate this purpose, the Advisory Council shall, to the extent not inconsistent with law

a Gather and evaluate data regarding the availability of, gaps in, and barriers to substance use disorder prevention and treatment programs and recovery services,

b Solicit feedback, in a manner and method established by the Advisory Council, from stakeholders, local providers, advocates, those with lived experience with opioid use, the academic community, and other subject matter experts and evaluators, community groups, and other members of the public regarding the services needed to prevent and treat substance use and opioid use disorders across the State,

c Review and evaluate recommendations submitted by the public via the online portal launched on August 31, 2022,

d Evaluate approaches taken by New Jersey and other states in administering proceeds from national opioid litigation resolutions, and

e Take any other measures deemed appropriate by the Advisory Council to inform its recommendations, with the purpose of promoting the equitable and efficient distribution of funds including through evidence-based or evidence-informed practices or strategies

8 The Advisory Council shall provide information, advice, and general recommendations consistent with its purpose to the Governor, DHS, and other Executive Branch departments and agencies

9 The Advisory Council shall remain operational until no later than six months after all proceeds from national opioid litigation resolutions have been expended and DHS's final report pursuant to such resolutions has been issued, at which time the Advisory Council shall disband

10 The Advisory Council may, but is not required to, provide information and general recommendations to New Jersey counties and municipalities on the expenditure of the share of proceeds from national opioid litigation resolutions allocated to those entities and may coordinate with any similarly situated County Advisory Council as determined by the Chairperson to be appropriate

11 DHS shall provide such staff and administrative support to the Advisory Council as it requires to carry out its responsibilities The Advisory Council is authorized to call upon any Executive Branch department or agency to supply it with information or other assistance available to such agency as the Advisory Council determines to be necessary to discharge its duties under this Order Each Executive Branch department and agency is hereby required, to the extent not in-

consistent with law, to cooperate fully with the Advisory Council and to furnish such assistance on as timely a basis as is necessary to accomplish the purpose of this Order The Advisory Council may consult with experts and other knowledgeable individuals in the public or private sector on any aspect of its mission

12 For purposes of this Order, "Executive Branch departments and agencies" shall mean any of the principal departments in the Executive Branch of State government and any agency, authority, board, bureau, commission, division, institution, office, or other instrumentality within or created by any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General

13 For purposes of this Order, "national opioid litigation resolution" means (1) a settlement agreement, entered into by the Attorney General of New Jersey on behalf of the State and by other state attorneys general on behalf of their respective states, which provides for the participation of states, counties, and municipalities to resolve claims by the state attorneys general and counties and municipalities against opioid manufacturers, opioid distributors or pharmacies, or persons or entities affiliated with such manufacturers, distributors, or pharmacies, related to the manufacture, marketing, distribution, or dispensing of opioids, or (2) a bankruptcy plan which channels, releases, or otherwise finally disposes of claims by the state attorneys general and counties and municipalities against opioid manufacturers, opioid distributors or pharmacies, or persons or entities affiliated with such manufacturers, distributors, or pharmacies, related to the manufacture, marketing, distribution, or dispensing of opioids, which has received final approval and which the Attorney General determines shall be implemented in accordance with a memorandum of agreement between the State and its local governments on opioid litigation recoveries

14 This Order shall take effect immediately

Dated August 31, 2022

EXECUTIVE ORDER NO 306

WHEREAS, on September 11, 2001, unprecedented acts of terrorism were committed in New York, Washington, D C , and Pennsylvania, and

WHEREAS, these horrific attacks caused the largest loss of life from a foreign attack on American soil, and the largest single loss of rescue personnel in U S history, and

WHEREAS, approximately one quarter of the victims of the September 11, 2001 attacks were New Jerseyans, with nearly 700 residents of our State killed in the attacks, and

WHEREAS, the terrorist attacks on our nation not only caused an immense loss of life, but also inflicted immeasurable agony and anguish on those who lived

through the events, which include hundreds of New Jersey families whose lives have been forever altered by the loss of a parent, spouse, child, or other loved one, and

WHEREAS, many New Jerseyans, including thousands of police, fire, military, emergency, and construction personnel bravely responded to this tragedy, and many first responders continue to deal with chronic health effects to this day, and

WHEREAS, twenty-one years later, September 11, 2001 will continue to be remembered by New Jerseyans across the State, both privately and at public remembrances and memorials, as we continue to display the patriotism and compassion that defines us as Americans and as New Jerseyans, and

WHEREAS, it is also important to remember all those who have served in the U S military and intelligence agencies defending our nation during the 21 years since the September 11th attacks, including the thousands of servicemembers who have lost their lives in overseas engagements, and

WHEREAS, we remain grateful to our law enforcement officers, armed forces, and intelligence officers for their extraordinary sacrifices in the protection of our country and our State, and

WHEREAS, it is appropriate and fitting that this day be observed with full solemnity, in honor of the victims of the attacks,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, instrumentalities, and all public buildings during appropriate hours beginning at sunset on Friday, September 9, 2022, until sunrise on Monday, September 12, 2022, in recognition and in mourning of the victims of the attacks of September 11, 2001, including those from our home State

2 This Order shall take effect immediately

Dated September 9, 2022

EXECUTIVE ORDER NO 307

WHEREAS, New Jersey is and must continue to be a national leader in the production of renewable energy, and

WHEREAS, my Administration took office with a commitment to jumpstart the offshore wind industry in New Jersey given our State's ideal geographic location, and

WHEREAS, Executive Order No 8 (2018) called upon the Board of Public Utilities ("BPU"), the Department of Environmental Protection ("DEP"), and any other State agencies with responsibilities arising under the Offshore Wind Economic Development Act ("OWEDA") to take all necessary actions to implement OWEDA and meet the goal I established of 3,500 megawatts of offshore wind energy generation by the year 2030, which would be sufficient to power up to 1 5 million homes, and

WHEREAS, in February 2018, my Administration established the New Jersey Offshore Wind Interagency Taskforce, comprised of BPU, DEP, the Economic Development Authority ("EDA"), the Department of the Treasury, and the Department of Labor and Workforce Development, to work collaboratively to support my offshore wind agenda and establish a vibrant offshore wind market in our State and the Mid-Atlantic region, and

WHEREAS, in September 2018, the BPU issued a solicitation for 1,100 megawatts of offshore wind energy generation, and

WHEREAS, in September 2018, I called on the BPU to consider two future solicitations for 1,200 megawatts of offshore wind generation to take place in 2020 and 2022, providing visibility for offshore wind developers, suppliers, and stakeholders, and

WHEREAS, in January 2019, the EDA opened applications for its Offshore Wind Tax Credit Program intended to attract investment into New Jersey's offshore wind industry, and

WHEREAS, in June 2019, the BPU awarded 1,100 megawatts of offshore wind capacity to Ørsted's Ocean Wind I project, which was the largest single-state procurement of offshore wind electricity generation capacity in the United States at that time, and

WHEREAS, in November 2019, I signed Executive Order No 92 rescinding the target of 3,500 megawatts of offshore wind energy generation by 2030 and establishing a new goal of 7,500 megawatts of offshore wind energy generation by 2035, and

WHEREAS, in January 2020, the BPU released the State's 2019 Energy Master Plan, which outlines key strategies to reach my Administration's goal of 100 percent clean energy by 2050, including recommendations for the continued development of offshore wind energy as a key component of the State's clean energy portfolio, and

WHEREAS, in February 2020, I announced an offshore wind solicitation schedule to achieve the goal of 7,500 megawatts of offshore wind energy by 2035, which provided for a second solicitation of 1,200 megawatts to be issued in the third quarter of 2020, a third solicitation of 1,200 megawatts to be issued in the third quarter of 2022, a fourth solicitation of 1,200 megawatts to be issued in the second quarter of 2024, a fifth solicitation of 1,400 megawatts to be issued in the second quarter of 2026, and a sixth solicitation of 1,400 megawatts to be issued in the first quarter of 2028, and

WHEREAS, in June 2020, I announced a plan to develop the New Jersey Wind Port in Lower Alloways Creek, Salem County, construction for which began in September 2021, as the first purpose-built offshore wind port in the United States, with the potential to create up to 1,500 jobs and $500 million in economic activity, including marshaling the Ocean Wind I project as announced by Ørsted Offshore North America and the EDA in April 2022, and

WHEREAS, in September 2020, the BPU issued its second offshore wind solicitation, and in June 2021 awarded a total of 2,658 megawatts of offshore wind capacity, the largest combined offshore wind award in the nation at the time, to two projects, Atlantic Shores Offshore Wind, to be developed by Atlantic Shores Offshore Wind 1, LLC, a joint venture between EDF-RE Offshore Development, LLC and Shell New Energies US LLC, and Ocean Wind II, to be developed by Ørsted's Ocean Wind II, LLC, and

WHEREAS, also in September 2020, the BPU issued the New Jersey Offshore Wind Strategic Plan, developed together with DEP as I directed in Executive Order No 8 (2018), to serve as New Jersey's roadmap to achieving the goal of 7,500 megawatts by 2035, and which addresses the need for assessing community impacts, including those within overburdened environmental justice communities, and

WHEREAS, the EDA, with over $11 million in clean energy program funding from BPU in fiscal years 2021 and 2022, and in collaboration with the Department of Labor and Workforce Development and the Office of the Secretary of Higher Education, has launched numerous offshore wind workforce development programs, including grants to public four-year universities, community colleges, and technical high schools for programs to prepare New Jersey residents for participation in a range of occupations in the offshore wind industry, and

WHEREAS, in December 2020, I announced an investment of $250 million in a state-of-art manufacturing facility at the Paulsboro Marine Terminal in Gloucester County to build steel monopiles, an offshore wind turbine component, to serve the entire U S offshore wind industry, and

WHEREAS, in April 2021, the BPU, in collaboration with regional grid operator PJM Interconnection, LLC, issued a competitive solicitation for transmissions solutions to help deliver offshore wind energy to the existing power grid, and

WHEREAS, in February 2022, the United States Department of the Interior's Bureau of Ocean Energy Management ("BOEM") held an auction for six offshore wind lease areas, totaling more than 480,000 acres and capable of supporting 5 6 to 7 gigawatts of offshore wind energy, off New York and New Jersey in the area known as the New York Bight, which auction included lease stipulations designed to promote the development of a robust domestic U S supply chain for offshore wind and enhance engagement with underserved communities, the commercial fishing industry, and other ocean users, and

WHEREAS, around this time, New Jersey, together with BOEM and the State of New York, released a shared vision statement to develop a robust offshore wind

domestic supply chain that will deliver benefits to residents in the region, including underserved communities, and

WHEREAS, my Administration, led by the DEP, continues to participate in regional and national scientific consortia and engage in outreach with New Jersey's fishing industry and conservation community to facilitate responsible offshore wind development that considers the needs of New Jersey's commercial and recreational fishing industries and ensures that natural resources are protected throughout all stages of offshore wind energy development and generation, and

WHEREAS, because of these efforts, offshore wind development is a growing economic sector in the State with increases in supply chain presence, private investment in ports, workforce development efforts, and research and development for offshore wind industry and labor, and

WHEREAS, offshore wind has the potential to deliver the scale of clean, renewable energy generation needed to meet the State's goals of 50 percent clean energy by 2030 and 100 percent clean energy by 2050, in addition to creating a significant number of good-paying jobs, and

WHEREAS, continuing to expand the State's offshore wind energy generation goals will ensure we achieve these clean energy goals and further strengthen New Jersey's economy,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 Paragraph 2 of Executive Order No 92 (2019), which established a goal of 7,500 megawatts of offshore wind energy generation by the year 2035, is hereby rescinded

2 The BPU, the DEP, the EDA, and all other New Jersey State agencies with responsibilities arising under OWEDA shall take all necessary actions to implement OWEDA in order to promote and realize the development of wind energy off the coast of New Jersey to meet a goal of 11,000 megawatts of offshore wind energy generation by the year 2040

3 The BPU shall undertake to study the feasibility and benefits of further increasing the goal stated in paragraph 2 of this Order, and shall provide me with recommendations, no later than one year from the effective date of this Order, for an updated target that will further support the achievement of New Jersey's clean energy goal and the continued growth of the offshore wind industry in the State and the good-paying jobs associated with the industry

4 This Order shall take effect immediately

Dated September 21, 2022

EXECUTIVE ORDER NO 308

WHEREAS, Governor Jim Florio was born James Joseph Florio on August 29, 1937, in Brooklyn, New York, and

WHEREAS, after growing up and graduating from Erasmus Hall High School in Brooklyn, Governor Florio enlisted in the United States Navy, and

WHEREAS, Governor Florio served in the Navy from 1955 to 1958, and remained in the Naval Reserve until 1975, eventually ascending to the rank of Lieutenant Commander, and

WHEREAS, during his time in the Navy, Governor Florio also had a distinguished career as an amateur boxer, and

WHEREAS, in 1958, Governor Florio moved to New Jersey to attend Trenton State College, now The College of New Jersey, and received his Bachelor of Arts degree in 1962, and

WHEREAS, after completing graduate coursework at Columbia University, Governor Florio enrolled at Rutgers School of Law-Camden and received his Juris Doctor in 1967, and

WHEREAS, Governor Florio began his legal career as an assistant Camden City Solicitor and served as the borough solicitor for other South Jersey towns, including Runnemede, Woodlynne, and Somerdale, and

WHEREAS, Governor Florio first ran for public office in 1969, when he was elected to represent the 3rd Legislative District in the New Jersey General Assembly, and

WHEREAS, Governor Florio was re-elected to the Assembly in 1971, and then subsequently re-elected in 1973 as a representative of the 5th Legislative District, and

WHEREAS, in 1974, Governor Florio was elected to the U S House of Representatives, where he would serve for 15 years representing New Jersey's First Congressional District, and

WHEREAS, during his time in Congress, Governor Florio was best-known for authoring the landmark "Superfund" law in 1980, which established a program in the Environmental Protection Agency to investigate and cleanup sites contaminated with hazardous substances, and

WHEREAS, Governor Florio ran for the Democratic nomination for Governor in 1977, and then won the Democratic nomination for Governor four years later in 1981, when he was narrowly defeated by the Republican nominee, Tom Kean, in the closest gubernatorial race in New Jersey history, and

WHEREAS, Governor Florio ran for Governor again in 1989 and this time was elected, securing landslide victories in both the primary and general elections, and

WHEREAS, Governor Florio took office during an economic recession, forcing him to make difficult choices to raise the revenue needed to balance the State budget, increase education aid to school districts, and expand property tax relief, and

WHEREAS, in May 1990, Governor Florio signed the strictest ban on assault weapons in the United States, and

WHEREAS, for the next three years, the National Rifle Association launched an all-out campaign to repeal the assault weapons ban, but Governor Florio repeatedly vetoed efforts to repeal the law and successfully mobilized the residents of New Jersey to sustain his vetoes in the Legislature, and

WHEREAS, for his leadership on this issue in the face of intense opposition, Governor Florio received the John F Kennedy Profile in Courage Award in 1993, and

WHEREAS, during his governorship, Governor Florio also signed legislation expanding Medicaid services for children and pregnant women, amending New Jersey's Law Against Discrimination to prohibit discrimination based on sexual orientation, and strengthening New Jersey's clean water laws, and

WHEREAS, after being narrowly defeated for re-election, Governor Florio remained active in public life, running for the United States Senate in 2000 and serving as the Chair of the New Jersey Pinelands Commission from 2002 to 2005, and

WHEREAS, Governor Florio was a founding partner and of counsel to the law firm of Florio Perrucci Steinhardt Cappelli Tipton & Taylor LLC, and

WHEREAS, Governor Florio also served on the boards of a number of non-profit organizations, including New Jersey Future, the New Jersey Health Care Quality Institute, and the Fund for New Jersey, and

WHEREAS, Governor Florio served as a Senior Fellow for Public Policy and Administration at the Edward J Bloustein Graduate School of Public Policy at Rutgers University, where he educated the next generation of policymakers for over 20 years, and

WHEREAS, Governor Florio had three children, Christopher, Gregory, and Catherine, from his first marriage, and then in 1985 married Lucinda Coleman, who would serve as New Jersey's First Lady, where she focused on issues affecting women and children, and

WHEREAS, during my tenure as Governor, I had the great privilege to get to know Governor Florio, and have always been appreciative for his advice and counsel, and

WHEREAS, Governor Florio leaves behind a legacy as a public servant who stood on principle, doing what he believed was right regardless of the political consequences, and

WHEREAS, the initiatives that Governor Florio launched during his administration made New Jersey a safer, cleaner, and more just State for all of its residents, and

WHEREAS, Governor Florio will be sorely missed by his family, friends, and the people of New Jersey whom he served so well,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours beginning at sunrise on Tuesday, September 27, 2022, until sunset on Tuesday, October 11, 2022, in recognition and mourning of a statesman and public servant, Governor Jim Florio

2 This Order shall take effect immediately

Dated September 26, 2022

EXECUTIVE ORDER NO 309

WHEREAS, across the country, states and school districts have reported staff shortages and continue to face challenges related to vacancies of teachers and educational support professionals ("ESP"), and

WHEREAS, data suggests the pandemic has exacerbated shortages in specific teaching areas, including, but not limited to, special education, science and math, and English as a second language or bilingual education, and

WHEREAS, New Jersey public schools rank among the best in the nation and our teachers are one of the primary reasons why New Jersey's school system is consistently ranked so high, and

WHEREAS, students need diverse, effective teachers and ESPs more than ever to help them accelerate back to grade level after the disruption of the past two years, and

WHEREAS, collaboration is critical for understanding the challenges our schools are facing and to allow policymakers to provide assistance to help our students and educators where it is needed, and

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 There is hereby established, within the Office of the Governor, the Task Force on Public School Staff Shortages in New Jersey (the "Task Force") that will develop recommendations to address teacher and ESP shortages in school districts across the State

2 The Task Force shall be composed of no more than 25 members, including the Chief Policy Advisor to the Governor, or his designee, the Commissioner of the Department of Education, or her designee, four members upon the recommendation of the New Jersey Education Association, three members upon recommenda-

tion of the New Jersey Association of School Administrators, with at least two of these members being superintendents representing a separate and distinct sector of the diverse student population across the State, two members upon the recommendation of the American Federation of Teachers New Jersey, one member upon the recommendation of the New Jersey Principals and Supervisors Association, one member upon the recommendation of the New Jersey School Boards Association, one member upon the recommendation of the New Jersey Association of School Business Officials, one member upon the recommendation of the New Jersey Public Charter Schools Association, one member upon the recommendation of the New Jersey Parent Teacher Association, one member upon the recommendation of the New Jersey Council on County Vocational-Technical Schools, two members upon the recommendation of the New Jersey Association of Colleges for Teacher Education, one member upon the recommendation of the New Jersey Association of State Colleges and Universities, one member upon the recommendation of the Senate President, and one member upon the recommendation of the Speaker of the General Assembly All members shall be appointed by and serve at the pleasure of the Governor

3 The Governor may, as determined to be appropriate, appoint additional members to the Task Force

4 The Chief Policy Advisor to the Governor, or his designee, shall serve as the chairperson to the Task Force

5 All public members of the Task Force shall serve without compensation

6 The Task Force shall organize as soon as practicable after the appointment of its members, and shall convene as often as practicable and as requested by the Governor or chairperson

7 The Task Force is authorized to call upon any department, office, division, or agency of this State to supply it with data and any other information or assistance available to such agency as the Task Force deems necessary to execute its duties under this Order Each department, office, division, or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the Task Force within the limits of its statutory authority and to furnish it with such assistance on as timely a basis as is necessary to accomplish the purpose of this Order The Task Force may, and is expected to, consult with experts and other knowledgeable individuals in the public or private sector on any aspect of its mission

8 The objectives of the Task Force shall include, but not be limited to, the following

a To develop short-term and long-term recommendations to increase the quantity of teacher applicants in our State,

b To develop short-term and long-term recommendations to increase the quantity of ESP applicants in our State,

c To explore innovative ways the State can recruit and retain the educators and school staff our students need,

d To identify best practices and resources to increase the pipeline of teacher candidates,

e To identify best practices and resources to increase the pipeline of ESP candidates, and

f To identify best practices and resources to ensure retention of school staff members

9 The Task Force shall be purely advisory in nature, and shall provide initial recommendations to the Governor no later than January 31, 2023

10 This Order shall take effect immediately

Dated November 10, 2022

EXECUTIVE ORDER NO 310

WHEREAS, New Jersey is home to abundant and diverse wildlife that is critical to the State's varied ecosystems, including the American black bear (Ursus americanus), and

WHEREAS, the State of New Jersey, through the Department of Environmental Protection ("DEP") and its predecessors, has long authorized hunting and trapping of certain species in New Jersey, including black bears, for multiple purposes, including recreation and wildlife management, and

WHEREAS, on August 20, 2018, I signed Executive Order No 34, which directed the Commissioner of DEP (the "Commissioner") to take all necessary and appropriate actions to protect black bears on lands controlled by the State, including determining whether to close such lands to hunting of black bears, and

WHEREAS, in accordance with Executive Order No 34 (2018), the Commissioner signed Administrative Order No 2018-24, ordering and directing that all lands owned, managed, or otherwise controlled by DEP be closed to the hunting of black bears, and

WHEREAS, with the expiration of the Comprehensive Black Bear Management Plan in 2021, no bear hunting has taken place in New Jersey since 2020, and

WHEREAS, DEP and the Fish and Game Council ("Council") estimate that the black bear population in Morris, Passaic, Sussex, and Warren counties, where the bulk of the State's bear population is centered, has increased to approximately 3,000 bears from approximately 1,500 bears in 2018, and

WHEREAS, State biologists project that, in the absence of population control measures, the black bear population in the northwest portion of New Jersey would increase to over 4,000 bears in the next two years, and

WHEREAS, the DEP received 1,538 bear incident reports between January and October 2022, a 237 percent increase from the same period in 2021, including 1 human attack, 62 aggressive encounters with humans, 12 dog attacks, 12 home entries, 15 attempted home entries, 89 instances of property damage, and 52 attacks on protected livestock, and

WHEREAS, on November 15, 2022, the Council found that the increasing bear population and increasing number of adverse human-bear interactions constitute an imminent peril necessitating the reinstatement of a bear hunting season for December 2022, and

WHEREAS, the Council further found that increases in adverse human-bear interactions are closely correlated with increases in the black bear population, which cause bears to disperse into more densely populated areas and seek food from human sources such as trash and agricultural crops and livestock, and

WHEREAS, the Council also found that the data on the ground has shown that, in addition to control of human food sources, non-lethal strategies such as outreach and education, while helping to increase awareness and public safety, have proven to be insufficient to reduce dangerous human-bear interactions in the face of uncontrolled population growth, and

WHEREAS, based upon the findings described above, the Council enacted emergency regulations adopting a new Comprehensive Black Bear Management Plan and amending the Game Code to implement appropriate black bear hunting restrictions, including prohibitions on the taking of cubs under 75 pounds and adults traveling with cubs under 75 pounds, as well as certain restrictions on baiting, and

WHEREAS, on the same date, the Commissioner approved the Comprehensive Black Bear Management Plan and stated his agreement with the Council's finding of imminent peril, and

WHEREAS, in consultation with the Commissioner, I have determined that a regulated bear hunt that takes place on both state and private lands is necessary to protect New Jersey residents from harm and reduce the threat of tragic human-bear interactions, and I have concurred with the Council's Statement of Imminent Peril, and

WHEREAS, as a result of this emergency rulemaking, a Bear Hunting Season will take place pursuant to the Comprehensive Black Bear Management Plan and N J A C 7 25-5 6 from December 5 through December 10, 2022, and will be extended from December 14 through December 17 if necessary to achieve a 20 percent harvest rate,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 Executive Order No 34 (2018) is hereby rescinded

2 Nothing in this Order shall be construed to confer any legal rights upon entities whose activities are regulated by State entities, nothing shall be construed to create a private right of action on behalf of any such regulated entities, and nothing shall be used as a basis for legal challenges to rules, approvals, permits, licenses, or other action or inaction by a State entity Nothing in this Order shall be construed to supersede any federal, State, or local law

3 This Order shall take effect immediately

Dated November 15, 2022

EXECUTIVE ORDER NO 311

WHEREAS, pursuant to N J S A 2A 52-1, a person seeking to change their name may file an action to do so in Superior Court, and

WHEREAS, per a July 30, 2021 order that became effective on September 1, 2021, the New Jersey Supreme Court amended its court rules to exclude all records in name change actions from public access, see N J Court Rule 1 38-3(f)(10), and

WHEREAS, Rule 4 72-4 of the New Jersey Court Rules requires a certified copy of a Superior Court name change order to be filed with the Department of the Treasury, and

WHEREAS, name change orders filed with the Executive Branch prior to 1948 are publicly archived, and

WHEREAS, name change orders filed since 1948 are maintained by the Division of Revenue and Enterprise Services in the Department of the Treasury, and such orders are not currently treated as confidential, and

WHEREAS, as noted by the New Jersey Supreme Court, the privacy and safety interests of all individuals who have legally changed their names are served by maintaining the confidentiality of name change records, and

WHEREAS, for someone who is transgender, non-binary, or gender non-conforming, legally changing one's name can be a crucial aspect of that person's affirmation of their gender identity or gender expression, and

WHEREAS, the Supreme Court explained that its rule amendment excluding name change records from public access was proposed in consideration of "the safety concerns and privacy interests of transgender, non-binary, and gender non-conforming people who seek name changes in affirmation of their gender identity as well as others who seek name changes through the courts", and

WHEREAS, it is the policy of the State of New Jersey to take steps to protect transgender, non-binary, and gender non-conforming individuals from violence, discrimination, harassment, and invasions of privacy whenever possible, and

WHEREAS, in its report titled "Addressing Discrimination Against Transgender New Jerseyans," the New Jersey Transgender Equality Task Force, established pursuant to P L 2018, c 60, noted that publicizing the name changes of transgender individuals rarely serves a public benefit, and

WHEREAS, the Open Public Records Act ("OPRA"), N J S A 47 1A-1 to -13 permits certain government records to be exempted from public access by Executive Order of the Governor, see N J S A 47 1A-1, -5, -9, and

WHEREAS, maintaining the confidentiality of name change records would serve to protect the privacy and safety of transgender, non-binary, and gender non-conforming New Jerseyans, and

WHEREAS, it is appropriate to align the procedures of the Executive Branch with respect to name change records with those of the Judicial Branch,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 Within 14 days of the effective date of this Order, all name change orders filed with the Division of Revenue and Enterprise Services in the Department of the Treasury after December 31, 1948 shall be exempt from public access under OPRA

2 Within 14 days of the effective date of this Order, the Division of Revenue and Enterprise Services in the Department of the Treasury shall treat all name change orders filed after December 31, 1948 as confidential, except for when a record of such order is requested by the person whose name was changed or by the person's parent or guardian, if the person is a minor at the time of the request, or otherwise for good cause shown

3 This Order shall take effect immediately

Dated November 16, 2022

EXECUTIVE ORDER NO 312

WHEREAS, First Lady Lucinda Florio was born Lucinda Coleman in Lafayette, Indiana in 1947, before moving to Philadelphia, Pennsylvania and then to Gloucester City, New Jersey, and

WHEREAS, after leaving high school early for a first marriage and to raise her young son, Lucinda attended Gloucester County College and graduated from Glassboro State University with a degree in education in 1975, becoming a dedicated teacher who made a difference in the lives of generations of preschool, first grade, and third grade children, and

WHEREAS, Lucinda married Jim Florio in February 1988, when he was serving in the U S House of Representatives, and the two shared 34 years together before Governor Florio's passing on September 25, 2022, and

WHEREAS, Lucinda strongly supported her husband's campaign for Governor of New Jersey in 1989 and served as New Jersey's First Lady from 1990 to 1994, and

WHEREAS, Lucinda served as an active and visible First Lady who used her role to advocate for women and children, supporting causes from early childhood education and literacy to health and women's rights and serving as honorary chair of efforts to establish the Alice Paul Institute, a leadership training institute for young women in Burlington County, and

WHEREAS, Lucinda led continuing efforts to restore and refurbish the Governor's Mansion at Drumthwacket in Princeton, where she and Governor Florio were the first official occupants of the executive residence, raising funds and focusing in particular on restoration of the second floor private quarters and gardens, and

WHEREAS, after her time as First Lady, Lucinda remained devoted to supporting women and children in the State, co-chairing a building campaign for the YMCA in her hometown of Metuchen, serving as trustee of the Liberty Science Center, and working with the United Way of Middlesex County on childcare programming, among other charitable and volunteer endeavors, and

WHEREAS, Lucinda will be remembered as a gracious and dedicated First Lady of New Jersey, and

WHEREAS, Lucinda will also be remembered for her devotion to her family as a loving wife and mother to her son Mark, a respected history teacher at Lawrence High School, and to her stepchildren Christopher, Gregory, and Catherine, and

WHEREAS, Lucinda will be deeply missed by her family and the people of the State of New Jersey, and

WHEREAS, it is with immense sadness that we mourn Lucinda Florio's passing, and extend our deepest sympathy to her family and friends, and

WHEREAS, it is appropriate to celebrate the outstanding achievements and cherished memory of Lucinda Florio and to mark her passing,

NOW, THEREFORE, I, PHILIP D MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Thursday, November 17, 2022 in recognition and mourning of First Lady Lucinda Florio

2 This Order shall take effect immediately

Dated November 16, 2022

EXECUTIVE ORDER NO 313

WHEREAS, on March 9, 2020, Governor Murphy issued Executive Order No 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act ("EHPA"), N J S A 26 13-1 et seq , and a State of Emergency, pursuant to the New Jersey Civilian Defense and Disaster Control Act ("Disaster Control Act"), N J S A App A 9-33 et seq , in the State of

New Jersey for Coronavirus disease 2019 ("COVID-19"), the facts and circumstances of which are adopted by reference herein, and

WHEREAS, through Executive Order Nos 119, 138, 151, 162, 171, 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, which were issued each month between April 7, 2020 and May 14, 2021, the facts and circumstances of which are adopted by reference herein, Governor Murphy declared that the COVID-19 Public Health Emergency in effect at the time continued to exist, and

WHEREAS, as a result of significant emergency measures taken, the State made considerable progress against the initial outbreak of COVID-19, and

WHEREAS, in the context of our elections, the State's use of certain COVID-19 mitigation protocols, including social distancing and masking, and the increased access to vote-by-mail opportunities, allowed New Jersey residents to exercise their right to vote safely and securely, and

WHEREAS, pursuant to Executive Order Nos 105, 120, 144, 164, 169, 177, 179, 193, 198, 203, 211, and No 216 (2020) and No 223 (2021), which were issued between March 19, 2020 and February 19, 2021, the facts and circumstances of which are adopted by reference herein, New Jersey was able to navigate federal and State primary and general elections in 2020 and 2021, as well as other municipal, special, and run-off elections, despite the challenges COVID-19 imposed upon election administration, and

WHEREAS, given the progress the State made in initially combating COVID-19, on June 4, 2021, Governor Murphy signed Assembly Bill No 5820 into law as P L 2021, c 103, and Executive Order No 244 which, collectively, terminated the initial Public Health Emergency declared in Executive Order No 103 (2020), but explicitly maintained the State of Emergency declared in Executive Order No 103 (2020), and

WHEREAS, shortly after Executive Order No 244 (2021) took effect, several new variants of COVID-19 emerged, thereby necessitating additional action to protect the public, and

WHEREAS, on January 11, 2022, Governor Murphy issued Executive Order No 280, declaring the existence of a new Public Health Emergency, pursuant to the EHPA, N J S A 26 13-1 et seq , and continuing the State of Emergency declared in Executive Order No 103 (2020) pursuant to the Disaster Control Act, N J S A App A 9-33 et seq , in the State of New Jersey, and

WHEREAS, through Executive Order Nos 281, 283, 288, and 290, which were issued between January 11, 2022 and March 2, 2022, the facts and circumstances of which are adopted by reference herein, Governor Murphy continued the Public Health Emergency declared in Executive Order No 280 (2022) and extended various orders to protect the public against COVID-19 variants, and

WHEREAS, through the use of multicomponent COVID-19 prevention strategies, including increased vaccination coverage, expanded access to therapeutics, testing and other prevention measures, the State was able to significantly reduce the spread and impact of COVID-19 variants, and

WHEREAS, on March 4, 2022, Governor Murphy issued Executive Order No 292 terminating the Public Health Emergency declared in Executive Order No 280 (2022) effective March 7, 2022, while continuing the State of Emergency declared in Executive Order No 103 (2020), and

WHEREAS, despite the extensive progress made in combatting COVID-19, and the ability to lift certain mitigation protocols in the context of election administration, New Jersey residents have increasingly voted by mail due, in part, to the measures implemented in response to COVID-19, and

WHEREAS, voting by mail offers voters a safe alternative to in-person participation in the democratic process, particularly among elderly and immunocompromised voters that may still be reticent about increasing their risk of exposure to COVID-19 by voting in-person at a polling site, and

WHEREAS, at the same time, the increased interest in vote-by-mail as a safe alternative to avoid the potential risk of exposure to COVID-19, combined with current statutory deadlines, has imposed administrative constraints upon State, county and municipal election officials, and

WHEREAS, the sustained interest in voting by mail, combined with certain statutory deadlines, continue to impose administrative time constraints upon State, county and municipal election officials that make it increasingly unlikely that they will be unable to complete a run-off election in the timeframe required, and

WHEREAS, these administrative time constraints are particularly exacerbated in the case of municipal elections where it is yet uncertain whether there will even be a need for a run-off election further limiting election officials' ability to prepare, send, and receive the anticipated increased amount of vote-by-mail ballots within the statutory deadlines, and

WHEREAS, N J S A 40 45-19 requires a run-off election in any municipal election held under N J S A 40 45-18 if a candidate does not receive a majority of the votes cast, in the case of a mayoral election, or if a sufficient number of candidates do not receive a majority of the votes cast, in the case of a councilman-at-large, commissioner, or village trustee election, and

WHEREAS, pursuant to N J S A 40 45-19, run-off elections resulting from municipal elections occurring on the day of the November General Election shall be held on the Tuesday following the first Monday in December, and

WHEREAS, the date of a municipal run-off election resulting from a November General Election occurs fifteen days following the certification of election results, and ten days after such results have been transmitted to the Secretary of State, and

WHEREAS, in the interim, county and municipal election officials must undertake the at times impossible task of printing a voluminous amount of election day materials and ballots in time for the municipal run-off election date, including the printing and mailing of sample ballots and vote-by-mail ballots to the voters in the relevant municipalities, and

WHEREAS, in practice, extreme efforts must be undertaken over the course of the Thanksgiving holiday, a time when mail is delayed by the closure of the United States Postal Office, and when many New Jersey voters travel out of State, and

WHEREAS, as of the date of this Executive Order, the Administration has been made aware of at least three municipalities in three separate counties which, despite having outstanding ballots to be canvassed, have confirmed the need to hold municipal run-off elections, including the City of Trenton, the City of Perth Amboy, and the Township of Manchester, and

WHEREAS, as of the date of this Executive Order, the Administration has been informed that the County of Mercer is unlikely to certify the results of the 2022 General Election by the upcoming deadline of Monday, November 21, 2022, and

WHEREAS, as of the date of this Executive Order, the Administration has been informed that the County of Monmouth is still canvassing ballots and therefore is not aware of whether a run-off election will be necessary in a certain municipality within that county and is not aware of when the information related to the run-off election will be available to election officials, voters, and candidates, making it unlikely that election officials will be able to make the necessary preparations for a run-off election within the required timeframe, and

WHEREAS, while the relevant county and municipal election officials continue to work around the clock, it is already apparent that these municipalities will be unable to meet the statutory timeframe for run-off elections pursuant to N J S A 40 45-19, and

WHEREAS, to accommodate the increased interest in vote-by-mail ballots resulting, in part, from the COVID-19 pandemic, particularly those at increased risk of exposure to COVID-19, including those that are immunocompromised and the elderly and to ensure enough time to complete preparations of vote-by-mail ballots ahead of these and any other upcoming run-off elections, county and municipal election officials need sufficient preparation time to ensure that are ballots are received and counted within the required timeframes, and

WHEREAS, the full participation of voters and candidates is critical to a robust democracy, and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N J S A App A 9-33 et seq , N J S A 38A 3-6 1, and N J S A 38A 2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked,

NOW, THEREFORE, I, SHEILA Y OLIVER, Acting Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1 Any run-off elections resulting from municipal elections held in the 2022 General Election and required under N J S A 40 45-19, shall be postponed and rescheduled for Tuesday, December 13, 2022

2 If any school was used as a polling place in the 2022 General Election by a municipality needing to hold a run-off election on December 13, 2022, those schools may provide remote instruction pursuant to N J S A 18A 7F-9

3 The notice provision of N J S A 40 45-12 is modified as follows to allow for the timely printing and mailing of the vote-by-mail ballots The notice to the candidates or groups of candidates required by N J S A 40 45-12, shall be made by email and phone immediately following the certification of the results of the 2022 General Election resulting in the run-off election The ballot draw must not take place within 24 hours from the date and time the notice was sent to the candidates or groups of candidates The county clerk shall send vote-by-mail ballots by first-class mail to all voters issued General Election vote-by-mail ballots on or before November 28, 2022 in municipalities holding run-off elections

4 To allow for the signature verification and cure process, the certification deadline set forth in N J S A 40 45-16 is hereby suspended The municipal clerk shall certify the results of the run-off election on December 30, 2022

5 County and municipal election officials, as appropriate, shall act to facilitate the public's understanding of the rules governing the December 13, 2022 run-off elections

6 This Order shall take effect immediately

Dated November 18, 2022

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