

ACTS
OF THE
First Annual Session
OF THE
Two Hundred and Fourteenth Legislature
OF THE
STATE OF NEW JERSEY



2010

New Jersey State Library

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

Legislative Services Commission

MEMBERS
of the
FIRST ANNUAL SESSION
of the
Two Hundred and Fourteenth Legislature

SENATORS

FIRST DISTRICT
(Cape May, Parts of Atlantic,
Cumberland)
JEFF VAN DREW

SECOND DISTRICT
(Part of Atlantic)
JIM WHELAN

THIRD DISTRICT
(Salem, Parts of Cumberland,
Gloucester)
STEPHEN M. SWEENEY

FOURTH DISTRICT
(Parts of Camden, Gloucester)
FRED H. MADDEN, JR.

FIFTH DISTRICT
(Parts of Camden, Gloucester)
DONALD NORCROSS¹

SIXTH DISTRICT
(Part of Camden)
JAMES BEACH

SEVENTH DISTRICT
(Parts of Burlington, Camden)
DIANE B. ALLEN

EIGHTH DISTRICT
(Part of Burlington)
PHILIP E. HAINES²
DAWN MARIE ADDIEGO³

NINTH DISTRICT
(Parts of Atlantic, Burlington,
Ocean)
CHRISTOPHER J. CONNORS

TENTH DISTRICT
(Parts of Monmouth, Ocean)
ANDREW R. CIESLA

ELEVENTH DISTRICT
(Part of Monmouth)
SEAN T. KEAN

TWELFTH DISTRICT
(Parts of Mercer, Monmouth)
JENNIFER BECK

THIRTEENTH DISTRICT
(Parts of Middlesex, Monmouth)
JOSEPH M. KYRILLOS, JR.

FOURTEENTH DISTRICT
(Parts of Mercer, Middlesex)
BILL BARONI⁴
THOMAS GOODWIN⁵
LINDA R. GREENSTEIN⁶

FIFTEENTH DISTRICT
(Part of Mercer)
SHIRLEY K. TURNER

SIXTEENTH DISTRICT
(Parts of Morris, Somerset)
CHRISTOPHER "KIP" BATEMAN

SEVENTEENTH DISTRICT
(Parts of Middlesex, Somerset)
BOB SMITH

EIGHTEENTH DISTRICT
(Part of Middlesex)
BARBARA BUONO

NINETEENTH DISTRICT
(Part of Middlesex)
JOSEPH F. VITALE

TWENTIETH DISTRICT
(Part of Union)
RAYMOND J. LESNIAK

TWENTY-FIRST DISTRICT
(Parts of Essex, Morris, Somerset,
Union)
THOMAS H. KEAN, JR.

TWENTY-SECOND DISTRICT
(Parts of Middlesex, Somerset,
Union)
NICHOLAS P. SCUTARI

TWENTY-THIRD DISTRICT
(Warren, Part of Hunterdon)
MICHAEL J. DOHERTY

TWENTY-FOURTH DISTRICT
(Sussex, Parts of Hunterdon,
Morris)
STEVEN V. OROHO

TWENTY-FIFTH DISTRICT
(Part of Morris)
ANTHONY R. BUCCO

TWENTY-SIXTH DISTRICT
(Parts of Morris, Passaic)
JOSEPH PENNACCHIO

TWENTY-SEVENTH DISTRICT
(Part of Essex)
RICHARD J. CODEY

TWENTY-EIGHTH DISTRICT
(Part of Essex)
RONALD L. RICE

TWENTY-NINTH DISTRICT
(Parts of Essex, Union)
M. TERESA RUIZ

THIRTIETH DISTRICT
(Parts of Burlington, Mercer,
Monmouth, Ocean)
ROBERT W. SINGER

THIRTY-FIRST DISTRICT
(Part of Hudson)
SANDRA B. CUNNINGHAM

THIRTY-SECOND DISTRICT
(Parts of Bergen, Hudson)
NICHOLAS J. SACCO

THIRTY-THIRD DISTRICT
(Part of Hudson)
BRIAN P. STACK

THIRTY-FOURTH DISTRICT
(Parts of Essex, Passaic)
NIA H. GILL

THIRTY-FIFTH DISTRICT
(Parts of Bergen, Passaic)
JOHN A. GIRGENTI

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

THIRTY-SEVENTH DISTRICT
(Part of Bergen)
LORETTA WEINBERG

THIRTY-EIGHTH DISTRICT
(Part of Bergen)
ROBERT M. GORDON

THIRTY-NINTH DISTRICT
(Part of Bergen)
GERALD CARDINALE

FORTIETH DISTRICT
(Parts of Bergen, Essex, Passaic)
KEVIN J. O'TOOLE

¹Sworn in 1/19/10; re-sworn in after
General Election 12/6/10.

²Resigned 10/18/10.

³Sworn in 12/6/10.

⁴Resigned 3/1/10.

⁵Sworn in 3/15/10; lost General Election
11/2/10.

⁶Sworn in 12/6/10.

MEMBERS OF THE GENERAL ASSEMBLY

FIRST DISTRICT

(Cape May, Parts of
Atlantic, Cumberland)
NELSON T. ALBANO
MATTHEW W. MILAM

SECOND DISTRICT

(Part of Atlantic)
JOHN F. AMODEO
VINCENT J. POLISTINA

THIRD DISTRICT

(Salem, Parts of Cumberland,
Gloucester)
JOHN J. BURZICHELLI
CELESTE M. RILEY

FOURTH DISTRICT

(Parts of Camden, Gloucester)
DOMENICK DiCICCO, JR.
PAUL D. MORIARTY

FIFTH DISTRICT

(Parts of Camden, Gloucester)
ANGEL FUENTES
DONALD NORCROSS¹
GILBERT L. WILSON²

SIXTH DISTRICT

(Part of Camden)
LOUIS D. GREENWALD
PAMELA R. LAMPITT

SEVENTH DISTRICT

(Parts of Burlington, Camden)
HERB CONAWAY, JR.
JACK CONNERS

EIGHTH DISTRICT

(Part of Burlington)
DAWN MARIE ADDIEGO³
SCOTT RUDDER
PATRICK DELANY⁴

NINTH DISTRICT

(Parts of Atlantic, Burlington,
Ocean)
DIANNE C. GOVE
BRIAN E. RUMPF

TENTH DISTRICT

(Parts of Monmouth, Ocean)
JAMES W. HOLZAPFEL
DAVID W. WOLFE

ELEVENTH DISTRICT

(Part of Monmouth)
MARY PAT ANGELINI
DAVID P. RIBLE

TWELFTH DISTRICT

(Parts of Mercer, Monmouth)
CAROLINE CASAGRANDE
DECLAN J. O'SCANLON, JR.

THIRTEENTH DISTRICT

(Parts of Middlesex, Monmouth)
AMY H. HANDLIN
SAMUEL D. THOMPSON

FOURTEENTH DISTRICT

(Parts of Mercer, Middlesex)
WAYNE P. DeANGELO
LINDA R. GREENSTEIN⁵
DANIEL R. BENSON⁶

FIFTEENTH DISTRICT

(Part of Mercer)
REED GUSCIORA
BONNIE WATSON COLEMAN

SIXTEENTH DISTRICT

(Parts of Morris, Somerset)
PETER J. BIONDI
DENISE M. COYLE

SEVENTEENTH DISTRICT
(Parts of Middlesex, Somerset)
UPENDRA J. CHIVUKULA
JOSEPH V. EGAN

EIGHTEENTH DISTRICT
(Part of Middlesex)
PETER J. BARNES III
PATRICK J. DIEGNAN, JR.

NINETEENTH DISTRICT
(Part of Middlesex)
CRAIG J. COUGHLIN
JOHN S. WISNIEWSKI

TWENTIETH DISTRICT
(Part of Union)
JOSEPH CRYAN
ANNETTE QUIJANO

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

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

TWENTY-THIRD DISTRICT
(Warren, Part of Hunterdon)
JOHN DIMAIO
ERIK PETERSON

TWENTY-FOURTH DISTRICT
(Sussex, Parts of Hunterdon,
Morris)
GARY R. CHIUSANO
ALISON LITTELL McHOSE

TWENTY-FIFTH DISTRICT
(Part of Morris)
ANTHONY M. BUCCO
MICHAEL PATRICK CARROLL

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

TWENTY-SEVENTH DISTRICT
(Part of Essex)
MILA M. JASEY
JOHN F. McKEON

TWENTY-EIGHTH DISTRICT
(Part of Essex)
RALPH R. CAPUTO
CLEOPATRA G. TUCKER

TWENTY-NINTH DISTRICT
(Parts of Essex, Union)
ALBERT COUTINHO
L. GRACE SPENCER

THIRTIETH DISTRICT
(Parts of Burlington, Mercer,
Monmouth, Ocean)
RONALD S. DANCER
JOSEPH R. MALONE, III

THIRTY-FIRST DISTRICT
(Part of Hudson)
ANTHONY CHIAPPONE⁷
CHARLES MAINOR
JASON O'DONNELL⁸

THIRTY-SECOND DISTRICT
(Parts of Bergen, Hudson)
VINCENT PRIETO
JOAN M. QUIGLEY

MEMBERS

9

THIRTY-THIRD DISTRICT
(Part of Hudson)
RUBEN J. RAMOS, JR.
CARIDAD RODRIGUEZ

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

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

THIRTY-SIXTH DISTRICT
(Parts of Bergen, Essex, Passaic)
FREDERICK SCALERA⁹
GARY S. SCHAER
KEVIN J. RYAN¹⁰

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

THIRTY-EIGHTH DISTRICT
(Part of Bergen)
JOAN M. VOSS
CONNIE WAGNER

THIRTY-NINTH DISTRICT
(Part of Bergen)
ROBERT SCHROEDER
CHARLOTTE VANDERVALK

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

¹Resigned 1/16/10; sworn in Senate.

²Sworn in 1/25/10.

³Resigned 12/6/10; sworn in Senate.

⁴Sworn in 12/13/10.

⁵Resigned 12/6/10; sworn in Senate.

⁶Sworn in 1/10/11.

⁷Resigned 7/16/10.

⁸Sworn in 9/13/10.

⁹Resigned 11/29/10.

¹⁰Sworn in 1/6/11.

LAWS

ACTS
ENACTED BY THE

First Annual Session
OF THE

Two Hundred and Fourteenth Legislature

CHAPTER 1

AN ACT concerning various changes to the State-administered retirement systems and amending and supplementing various parts of the statutory law.

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

1. N.J.S.18A:66-4 is amended to read as follows:

Membership.

18A:66-4. a. The membership of the retirement system shall consist of:

(a) all members of the teachers' pension and annuity fund enrolled as such as of December 31, 1955;

(b) any person becoming a teacher on or after January 1, 1956, except any person who has attained the age of 60 years prior to becoming a teacher after June 30, 1958 but before July 1, 1968;

(c) every teacher veteran as of January 1, 1956, who is not a member of the "Teachers' Pension and Annuity Fund" as of such date and who shall not have notified the board of trustees within 30 days of such date that he does not desire to become a member;

(d) any teacher employed on January 1, 1956, who is not a member of the Teachers' Pension and Annuity Fund and who elects to become a member under the provisions of N.J.S.18A:66-10.

b. (1) Before or on November 1, 2008, no person in employment, office or position, for which the annual salary or remuneration is fixed at less than \$500.00 shall be eligible to become a member of the retirement system.

(2) After November 1, 2008, a person who was a member of the retirement system on that date and continuously thereafter shall be eligible to

be a member of the retirement system in employment, office or position, for which the annual salary or remuneration is fixed at \$500 or more.

(3) After November 1, 2008 and before or on the effective date of P.L.2010, c.1, a person who was not a member of the retirement system on November 1, 2008, or who was a member of the retirement system on that date but not continuously thereafter, and who is in employment, office or position, for which the annual salary or remuneration is certified by the applicable public entity at \$7,500 or more, shall be eligible to become a member of the retirement system. The \$7,500 minimum annual salary or remuneration amount shall be adjusted annually by the Director of the Division of Pensions and Benefits, by regulation, in accordance with changes in the Consumer Price Index but by no more than 4 percent. "Consumer Price Index" means the average of the annual increase, expressed as a percentage, in the consumer price index for all urban consumers in the New York City and Philadelphia metropolitan statistical areas during the preceding calendar year as reported by the United States Department of Labor.

(4) After the effective date of P.L.2010, c.1, no person in an employment, office or position of the State, or an agency, board, commission, authority or instrumentality of the State, for which the hours of work are fixed at fewer than 35 per week shall be eligible to become a member of the retirement system; and no person in employment, office or position with a board of education or other education employer for which the hours of work are fixed by a resolution of the board of education or other education employer at fewer than 32 per week shall be eligible to become a member of the retirement system. Any hour or part thereof, during which the person does not work due to the person's participation in a voluntary or mandatory furlough program shall not be deducted in determining if a person's hours of work are fixed at fewer than 35 or 32 per week, as appropriate, for the purpose of eligibility.

2. N.J.S.18A:66-8 is amended to read as follows:

Continuance of membership.

18A:66-8. a. If a teacher:

(1) is dismissed by an employer by reason of reduction in number of teachers employed in the school district, institution or department when in the judgment of the employer it is advisable to abolish any office, position or employment for reasons of a reduction in the number of pupils, economy, a change in the administrative or supervisory organization or other good cause; or becomes unemployed by reason of the creation of a regional

school district or a consolidated school district; or has been discontinued from service without personal fault or through leave of absence granted by an employer or permitted by any law of this State; and

(2) has not withdrawn the accumulated member's contributions from the retirement system, the teacher's membership may continue, notwithstanding any provisions of this article, if the member returns to service within a period of 10 years from the date of discontinuance from service. No credit for retirement purposes shall be allowed to the member covering the period of discontinuance, except as provided in this section. In computing the service or in computing final compensation, no time after September 1, 1919, during which a member shall have been employed as a teacher at an annual salary or remuneration, or a number of hours of work, fixed at less than that which is required for membership pursuant to N.J.S.18A:66-4 as applicable to the member shall be credited. In computing the service or in computing final compensation, no time after the effective date of P.L.2010, c.1, during which a member shall have been employed as a teacher for fewer than 32 hours per week shall be credited, unless the member shall have been a member since that effective date continuously. In the case of a veteran member credit shall be given for service rendered prior to January 1, 1955, in an employment, office or position if the annual salary or remuneration therefor was fixed at not less than \$300.00 and the service consisted of the performance of the full duties of the employment, office or position.

b. A teacher may purchase credit for time during which the teacher shall have been absent on an official leave without pay. The credit shall be purchased for a period of time equal to:

- (1) three months or the duration of the leave, whichever is less; or
- (2) if the leave was due to the member's personal illness, two years or the duration of the leave, whichever is less; or
- (3) the period of leave that is specifically allowed for retirement purposes by the provisions of any law of this State.

The purchase shall be made in the same manner and be subject to the same terms and conditions provided for the purchase of previous membership service by N.J.S.18A:66-9.

3. Section 7 of P.L.1954, c.84 (C.43:15A-7) is amended to read as follows:

C.43:15A-7 Public Employees' Retirement System, established; membership.

7. There is hereby established the Public Employees' Retirement System of New Jersey in the Division of Pensions and Benefits of the Depart-

ment of the Treasury. The membership of the retirement system shall include:

a. The members of the former "State Employees' Retirement System of New Jersey" enrolled as such as of December 30, 1954, who shall not have claimed for refund their accumulated deductions in said system as provided in this section;

b. Any person becoming an employee of the State or other employer after January 2, 1955 and every veteran, other than a retired member who returns to service pursuant to subsection b. of section 27 of P.L.1966, c.217 (C.43:15A-57.2) and other than those whose appointments are seasonal, becoming an employee of the State or other employer after such date, including a temporary employee with at least one year's continuous service. The membership of the retirement system shall not include those persons appointed to serve as described in paragraphs (2) and (3) of subsection a. of section 2 of P.L.2007, c.92 (C.43:15C-2), except a person who was a member of the retirement system prior to the effective date of sections 1 through 19 of P.L.2007, c.92 (C.43:15C-1 through C.43:15C-15, C.43:3C-9, C.43:15A-7, C.43:15A-75 and C.43:15A-135) and continuously thereafter; and

c. Every employee veteran in the employ of the State or other employer on January 2, 1955, who is not a member of any retirement system supported wholly or partly by the State.

d. Membership in the retirement system shall be optional for elected officials other than veterans, and for school crossing guards, who having become eligible for benefits under other pension systems are so employed on a part-time basis. Elected officials commencing service on or after the effective date of sections 1 through 19 of P.L.2007, c.92 (C.43:15C-1 through C.43:15C-15, C.43:3C-9, C.43:15A-7, C.43:15A-75 and C.43:15A-135) shall not be eligible for membership in the retirement system based on service in the elective public office, except that an elected official enrolled in the retirement system as of that effective date who continues to hold that elective public office without a break in service shall be eligible to continue membership in the retirement system under the terms and conditions of enrollment. Service in the Legislature shall be considered a single elective public office. Any part-time school crossing guard who is eligible for benefits under any other pension system and who was hired as a part-time school crossing guard prior to March 4, 1976, may at any time terminate his membership in the retirement system by making an application in writing to the board of trustees of the retirement system. Upon receiving such application, the board of trustees shall terminate his enrollment in the system and direct the employer to cease accepting contributions from the member or deducting

from the compensation paid to the member. State employees who become members of any other retirement system supported wholly or partly by the State as a condition of employment shall not be eligible for membership in this retirement system. Notwithstanding any other law to the contrary, all other persons accepting employment in the service of the State shall be required to enroll in the retirement system as a condition of their employment, regardless of age.

(1) Before or on November 1, 2008, no person in employment, office or position, for which the annual salary or remuneration is fixed at less than \$1,500.00, shall be eligible to become a member of the retirement system.

(2) After November 1, 2008, a person who was a member of the retirement system on that date and continuously thereafter shall be eligible to be a member of the retirement system in employment, office or position, for which the annual salary or remuneration is fixed at \$1,500 or more.

(3) After November 1, 2008 and before or on the effective date of P.L.2010, c.1, a person who was not a member of the retirement system on November 1, 2008, or who was a member of the retirement system on that date but not continuously thereafter, and who is in employment, office or position, for which the annual salary or remuneration is certified by the applicable public entity at \$7,500 or more, shall be eligible to become a member of the retirement system. The \$7,500 minimum annual salary or remuneration amount shall be adjusted annually by the Director of the Division of Pensions and Benefits, by regulation, in accordance with changes in the Consumer Price Index but by no more than 4 percent. "Consumer Price Index" means the average of the annual increase, expressed as a percentage, in the consumer price index for all urban consumers in the New York City and Philadelphia metropolitan statistical areas during the preceding calendar year as reported by the United States Department of Labor.

(4) After the effective date of P.L.2010, c.1, no person in an employment, office or position of the State, or an agency, board, commission, authority or instrumentality of the State, for which the hours of work are fixed at fewer than 35 per week shall be eligible to become a member of the retirement system; and no person in employment, office or position with a political subdivision of the State, or an agency, board, commission, authority or instrumentality of a political subdivision of the State, for which the hours of work are fixed by an ordinance or resolution of the political subdivision, or agency, board, commission, authority or instrumentality thereof, at fewer than 32 per week shall be eligible to become a member of the retirement system. Any hour or part thereof, during which the person does not work due to the person's participation in a voluntary or mandatory fur-

lough program shall not be deducted in determining if a person's hours of work are fixed at fewer than 35 or 32 per week, as appropriate, for the purpose of eligibility.

e. Membership of any person in the retirement system shall cease if he shall discontinue his service for more than two consecutive years.

f. The accumulated deductions of the members of the former "State Employees' Retirement System" which have been set aside in a trust fund designated as Fund A as provided in section 5 of this act and which have not been claimed for refund prior to February 1, 1955 shall be transferred from said Fund A to the Annuity Savings Fund of the Retirement System, provided for in section 25 of this act. Each member whose accumulated deductions are so transferred shall receive the same prior service credit, pension credit, and membership credit in the retirement system as he previously had in the former "State Employees' Retirement System" and shall have such accumulated deductions credited to his individual account in the Annuity Savings Fund. Any outstanding obligations of such member shall be continued.

g. Any school crossing guard electing to terminate his membership in the retirement system pursuant to subsection d. of this section shall, upon his request, receive a refund of his accumulated deductions as of the date of his appointment to the position of school crossing guard. Such refund of contributions shall serve as a waiver of all benefits payable to the employee, to his dependent or dependents, or to any of his beneficiaries under the retirement system.

h. A temporary employee who is employed under the federal Workforce Investment Act shall not be eligible for membership in the system. Membership for temporary employees employed under the federal Job Training Partnership Act, Pub.L.97-300 (29 U.S.C.s.1501) who are in the system on September 19, 1986 shall be terminated, and affected employees shall receive a refund of their accumulated deductions as of the date of commencement of employment in a federal Job Training Partnership Act program. Such refund of contributions shall serve as a waiver of all benefits payable to the employee, to his dependent or dependents, or to any of his beneficiaries under the retirement system.

i. Membership in the retirement system shall be optional for a special service employee who is employed under the federal Older American Community Service Employment Act, Pub.L.94-135 (42 U.S.C.s.3056). Any special service employee employed under the federal Older American Community Service Employment Act, Pub.L.94-135 (42 U.S.C.s.3056), who is in the retirement system on the effective date of P.L.1996, c.139

may terminate membership in the retirement system by making an application in writing to the board of trustees of the retirement system. Upon receiving the application, the board shall terminate enrollment in the system and the member shall receive a refund of accumulated deductions as of the date of commencement of employment in a federal Older American Community Service Employment Act program. This refund of contributions shall serve as a waiver of all benefits payable to the employee, to any dependent or dependents, or to any beneficiary under the retirement system.

j. An employee of the South Jersey Port Corporation who was employed by the South Jersey Port Corporation as of the effective date of P.L.1997, c.150 (C.34:1B-144 et al.) and who shall be re-employed within 365 days of such effective date by a subsidiary corporation or other corporation, which has been established by the Delaware River Port Authority pursuant to subdivision (m) of Article I of the compact creating the Delaware River Port Authority (R.S.32:3-2), as defined in section 3 of P.L.1997, c.150 (C.34:1B-146), shall be eligible to continue membership while an employee of such subsidiary or other corporation.

4. Section 39 of P.L.1954, c.84 (C.43:15A-39) is amended to read as follows:

C.43:15A-39 Computing service.

39. In computing for retirement purposes the total service of a member about to be retired, the retirement system shall credit the member with the time of all service rendered by the member since that member's last enrollment, and in addition with all the service to which the member is entitled and with no other service. Except as otherwise provided in this act, this service credit shall be final and conclusive for retirement purposes unless the member shall discontinue service for more than two consecutive years. In the case of a member for whom compensation is defined in paragraph (2) of subsection r. of section 6 of P.L.1954, c.84 (C.43:15A-6), the retirement system shall credit the member with the time of all service rendered by the member during the part of any year that the member was a participant of the Defined Contribution Retirement Program, pursuant to paragraph (5) of subsection a. of section 2 of P.L.2007, c.92 (C.43:15C-2) as amended by section 12 of P.L.2007, c.103, and making contributions to that program.

For the purpose of computing service for retirement purposes, the board shall fix and determine by appropriate rules and regulations how much service in any year shall equal a year of service and a part of a year of service. Not more than one year shall be credited for all service in a calen-

dar year. A member may purchase credit for time during which the member shall have been absent on an official leave without pay. The credit shall be purchased for a period of time equal to:

- (1) three months or the duration of the leave, whichever is less; or
- (2) if the leave was due to the member's personal illness, two years or the duration of the leave, whichever is less; or
- (3) the period of leave that is specifically allowed for retirement purposes by the provisions of any law of this State.

The purchase shall be made in the same manner and be subject to the same terms and conditions provided for the purchase of previous membership service credit by section 8 of P.L.1954, c.84 (C.43:15A-8). In computing the service or in computing final compensation, no time during which a member was in employment, office, or position for which the annual salary or remuneration was fixed at less than \$500.00 in the case of service rendered prior to November 6, 1986, or for which the annual salary or remuneration, or the number of hours of work, is fixed at less than that which was required for membership pursuant to section 7 of P.L.1954, c.84 (C.43:15A-7) as applicable to the member in the case of service rendered on or after that date, shall be credited. In computing the service or in computing final compensation, no time during which a member was in employment, office, or position for which the hours of work were fewer per week than those required for membership pursuant to subsection d. of section 7 of P.L.1954, c.84 (C.43:15A-7) after the effective date of P.L.2010, c.1 shall be credited, unless the member shall have been a member since that effective date continuously. In the case of a veteran member credit shall be given for service rendered prior to January 2, 1955, in an employment, office or position if the annual salary or remuneration therefor was fixed at not less than \$300.00 and such service consisted of the performance of the full duties of the employment, office or position.

5. Section 65 of P.L.1954, c.84 (C.43:15A-65) is amended to read as follows:

C.43:15A-65 State employee membership.

65. (a) All employees of any public agency or organization of this State, which employs persons engaged in service to the public, shall be eligible to participate in the Public Employees' Retirement System; provided the employer consents thereto by resolution and files a certified copy of such resolution with the board of trustees of the Public Employees' Retirement System and the board of trustees approves thereof by resolution.

Such organization shall be referred to in this act as the employer. If the participation of such employees is so approved then the employer shall contribute to the contingent reserve fund on account of its members at the same rate per centum as would be paid by employers other than the State.

(b) Notwithstanding the provisions of subsection (a) of this section, every person becoming an employee of a public agency or organization of this State, which employs persons engaged in service to the public, after June 30, 1966, who is not eligible to become a member of any other retirement system, shall be required to participate in the Public Employees' Retirement System. Notwithstanding the provisions of subsection (a) of this section, membership in the Public Employees' Retirement System shall be optional with any person in the employ of any such public agency or organization on June 30, 1966, provided such person is not required to be a member pursuant to another provision of this act, and provided further that such person is not eligible to be a member of any other retirement system. The provisions of this subsection shall not apply to any person whose position is temporary or seasonal, nor to any person in office, position or employment for which the annual salary or remuneration, or the number of hours of work, is fixed at less than that which is required for membership pursuant to section 7 of P.L.1954, c.84 (C.43:15A-7) as applicable to the member, nor to any person whose position is not covered by the old-age and survivors' insurance provisions of the federal Social Security Act. After the effective date of P.L.2010, c.1, the provisions of this subsection shall not apply to any person in office, position or employment for which the hours of work are fewer per week than those required for membership pursuant to subsection d. of section 7 of P.L.1954, c.84 (C.43:15A-7), unless the person shall have been a member since that effective date continuously. The public agency or organization employing any such person who becomes a member of the retirement system pursuant to this subsection shall contribute to the contingent reserve fund on account of such employees at the same rate per centum as would be paid by employers other than the State.

6. Section 75 of P.L.1954, c.84 (C.43:15A-75) is amended to read as follows:

C.43:15A-75 Local employee membership.

75. (a) If this act is so adopted it shall become effective in the county or municipality adopting it on June 30 of the following year. Membership in the Public Employees' Retirement System shall be optional with the employees of the county, board of education or municipality in the service on

the day the act becomes effective or on June 30, 1966, whichever is earlier, in such county, board of education or municipality except in the case of public employee veterans who on such date are members. An employee who elects to become a member within one year after this act so takes effect shall be entitled to prior service covering service rendered to the county, board of education or municipality prior to July 1, 1966 or prior to the date this act so becomes effective, whichever is earlier. Membership shall be compulsory for all employees entering the service of the county, board of education or municipality on July 1, 1966 or after the date this act becomes effective, whichever is earlier. Where any such employee entering the service of the county, board of education or municipality after the date this act so becomes effective has had prior service for which evidence satisfactory to the retirement system is presented, as an employee in such county, board of education or municipality before the date upon which this act so becomes effective, or July 1, 1966, whichever is earlier, such employee shall be entitled to prior service covering service rendered to the county, board of education or municipality prior to the date this act so becomes effective, or July 1, 1966, whichever is earlier.

(b) Notwithstanding the provisions of section 74 of this act and subsection (a) of this section, every person, other than a non-veteran elected official, becoming an employee of a county, board of education, municipality or school district after June 30, 1966, who is not eligible to become a member of another retirement system, shall be required to become a member of the Public Employees' Retirement System. Notwithstanding the provisions of section 74 of this act and subsection (a) of this section, membership in the retirement system shall be optional with any elected official who is not a veteran, regardless of the date he assumes office, and with any other person in the employ of any county, board of education, municipality or school district on June 30, 1966, provided such elected official or other person is not then a member and is not required to be a member of the retirement system pursuant to another provision of this act, and provided further that such person is not eligible to be a member of another retirement system. Elected officials commencing service on or after the effective date of sections 1 through 19 of P.L.2007, c.92 (C.43:15C-1 through C.43:15C-15, C.43:3C-9, C.43:15A-7, C.43:15A-75 and C.43:15A-135) shall not be eligible for membership in the retirement system based on service in the elective public office, except that an elected official enrolled in the retirement system as of that effective date who continues to hold that elective public office without a break in service shall be eligible to continue membership in the retirement system under the terms and conditions of enrollment.

The provisions of this subsection shall not apply to any person whose position is temporary or seasonal, nor to any person in office, position or employment for which the annual salary or remuneration, or the number of hours of work, is fixed at less than that which is required for membership pursuant to section 7 of P.L.1954, c.84 (C.43:15A-7) as applicable to the member, nor to any person whose position is not covered by the old age and survivors' insurance provisions of the federal Social Security Act. After the effective date of P.L.2010, c.1, the provisions of this subsection shall not apply to any person in office, position or employment for which the hours of work are fewer per week than those required for membership pursuant to subsection d. of section 7 of P.L.1954, c.84 (C.43:15A-7), unless the person shall have been a member since that effective date continuously. No credit shall be allowed to any person becoming a member of the retirement system pursuant to this subsection for service rendered to the employer prior to July 1, 1966, until the provisions of section 74 of this act have been complied with, in which event such credit shall be allowed in accordance with the provisions of subsection (a) of this section; except that the governing body of any county, board of education or municipality may, by resolution, consent to the allowance of such credit and file a certified copy of such resolution with the board of trustees of the Public Employees' Retirement System.

7. Section 2 of P.L.2007, c.92 (C.43:15C-2) is amended to read as follows:

C.43:15C-2 Eligibility for participation in the Defined Contribution Retirement Program.

2. a. The following persons shall be eligible and shall participate in the Defined Contribution Retirement Program:

(1) A person who commences service on or after the effective date of this section of P.L.2007, c.92 (C.43:15C-1 et al.) in an elective public office of this State or of a political subdivision thereof, except that it shall not include a person who holds elective public office on the effective date of this section and is enrolled in the Public Employees' Retirement System while that person continues to hold that elective public office without a break in service. Service in the Legislature shall be considered a single elective public office.

(2) A person who commences service on or after the effective date of this section in an employment, office or position of the State or of a political subdivision thereof, or an agency, board, commission, authority or instrumentality of the State or of a subdivision, pursuant to an appointment

by the Governor that requires the advice and consent of the Senate, or pursuant to an appointment by the Governor to serve at the pleasure of the Governor only during his or her term of office. This paragraph shall not be deemed to include a person otherwise eligible for membership in the State Police Retirement System or the Judicial Retirement System.

(3) A person who commences service on or after the effective date of this section in an employment, office or position in a political subdivision of the State, or an agency, board, commission, authority or instrumentality of a subdivision, pursuant to an appointment by an elected public official or elected governing body, that requires the specific consent or approval of the elected governing body of the political subdivision that is substantially similar in nature to the advice and consent of the Senate for appointments by the Governor of the State as that similarity is determined by the elected governing body and set forth in an adopted ordinance or resolution, pursuant to guidelines or policy that shall be established by the Local Finance Board in the Department of Community Affairs or the Department of Education, as appropriate to the elected governing body. This paragraph shall not be deemed to include a person otherwise eligible for membership in the Teachers' Pension and Annuity Fund or the Police and Firemen's Retirement System, or a person who is employed or appointed in the regular or normal course of employment or appointment procedures and consented to or approved in a general or routine manner appropriate for and followed by the political subdivision, or the agency, board, commission, authority or instrumentality of a subdivision, or a person who holds a professional license or certificate to perform and is performing as a certified health officer, tax assessor, tax collector, municipal planner, chief financial officer, registered municipal clerk, construction code official, licensed uniform subcode inspector, qualified purchasing agent, or certified public works manager.

(4) A person who is granted a pension or retirement allowance under any pension fund or retirement system established under the laws of this State and elects to participate pursuant to section 1 of P.L.1977, c.171 (C.43:3C-3) upon being elected to public office.

(5) A member of the Teachers' Pension and Annuity Fund, Police and Firemen's Retirement System, State Police Retirement System, or the Public Employees' Retirement System for whom compensation is defined as the amount of base or contractual salary equivalent to the annual maximum wage contribution base for Social Security, pursuant to the Federal Insurance Contributions Act, for contribution and benefit purposes of those retirement systems, for whom participation in this retirement program shall be with regard to any excess over the maximum compensation only.

(6) A person in employment, office or position for which the annual salary or remuneration is less, or the hours of work per week are fewer, than that which is required to become a member of the Teachers' Pension and Annuity Fund or the Public Employees' Retirement System, or to make contributions to those systems as a member on the basis of any such employment, office or position, after November 1, 2008.

b. No person shall be eligible to participate in the retirement program with respect to any public employment, office, or position if:

(1) the base salary for that employment, office, or position is less than \$5,000 per year;

(2) the person is, on the basis of service in that employment, office, or position, eligible for membership or enrolled as a member of another State or locally-administered pension fund or retirement system established under the laws of this State including the Alternate Benefit Program, except as otherwise specifically provided in subsection a. of this section;

(3) the person is receiving a benefit as a retiree from any other State or locally-administered pension fund or retirement system established under the laws of this State, except as provided in section 1 of P.L.1977, c.171 (C.43:3C-3); or

(4) the person is an officer or employee of a political subdivision of this State or of a board of education, or of any agency, authority or instrumentality thereof, who is ineligible for membership in the Public Employees' Retirement System pursuant to section 20 of P.L.2007, c.92 (C.43:15A-7.2).

c. A person eligible and required to participate in the retirement program pursuant to paragraph (5) of subsection a. of this section may elect to waive participation with regard to that employment, office, or position by filing, when first eligible, on a form required by the division, a written waiver with the Division of Pensions and Benefits that waives all rights and benefits that would otherwise be provided by the retirement program. Such a person may thereafter elect to participate in the retirement program by filing, on a form required by the division, a written election to participate in the retirement program and participation in the retirement program pursuant to such election shall commence on the January 1 next following the filing of the election to participate.

d. Service credited to a participant in the Defined Contribution Retirement Program shall not be recognized as service credit to determine eligibility for employer-paid health care benefits in retirement pursuant to P.L.1961, c.49 (C.52:14-17.25 et seq.), N.J.S.40A:10-16 et seq., P.L.1979, c.391 (C.18A:16-12 et al.) or any other law, rule or regulation.

8. N.J.S.18A:66-36 is amended to read as follows:

Vesting of TPAF members.

18A:66-36. Should a member of the Teachers' Pension and Annuity Fund, after having completed 10 years of service, be separated voluntarily or involuntarily from the service, before reaching service retirement age, and not by removal for conduct unbecoming a teacher or other just cause under the provisions of N.J.S.18A:28-4 to 18A:28-5 and 18A:28-9 to 18A:28-13 inclusive, such person may elect to receive, in lieu of the payment provided in N.J.S.18A:66-34:

a. The payments provided for in N.J.S.18A:66-37, if he so qualified under said section; or

b. A deferred retirement allowance beginning at age 60, or for a person who becomes a member of the retirement system on or after the effective date of P.L.2008, c.89 beginning at age 62, which shall be made up of an annuity derived from the member's accumulated deductions at the time of his severance from the service, and a pension in the amount which, when added to the member's annuity, will provide a total retirement allowance of $1/64$ of final compensation for each year of service credited as Class A service and $1/55$ of final compensation for each year of service credited as class B service, or for a person who becomes a member of the retirement system on or after the effective date of P.L.2010, c.1 $1/60$ of final compensation for each year of service credited as class B service, calculated in accordance with N.J.S.18A:66-44, with optional privileges provided for in N.J.S.18A:66-47 if he exercises such optional privilege at least 30 days before his attainment of the normal retirement age; provided, that such election is communicated by such member to the retirement system in writing stating at what time subsequent to the execution and filing thereof he desires to be retired; and provided, further, that such member may later elect: (1) to receive the payments provided for in N.J.S.18A:66-37, if he had qualified under that section at the time of leaving service, except that in order to avail himself of the optional privileges pursuant to N.J.S.18A:66-47, he must exercise such optional privilege at least 30 days before the effective date of his retirement; or (2) to withdraw his accumulated deductions with interest as provided in N.J.S.18A:66-34. If such member shall die before attaining service retirement age, then his accumulated deductions, plus regular interest after January 1, 1956, shall be paid in accordance with N.J.S.18A:66-38, and, in addition if such member shall die after attaining service retirement age and has not withdrawn his accumulated deductions, an amount equal to $3/16$ of the compensation upon which contri-

butions by the member to the annuity savings fund were based in the last year of creditable service shall be paid to such member's beneficiary.

Any member who, having elected to receive a deferred retirement allowance, again becomes an employee covered by the retirement system while under the age of 60 or, if that person became a member of the retirement system on or after the effective date of P.L.2008, c.89, while under the age of 62, shall thereupon be reenrolled. If he had discontinued his service for more than two consecutive years, subsequent contributions shall be at a rate applicable to the age resulting from the subtraction of his years of creditable service at the time of his last discontinuance of contributing membership from his age at the time of his return to service. He shall be credited with all service as a member standing to his credit at the time of his election to receive a deferred retirement allowance.

9. N.J.S.18A:66-37 is amended to read as follows:

Early retirement.

18A:66-37. Should a member resign after having established 25 years of creditable service before reaching age 60, or before reaching the age of 62 if the person became a member of the retirement system on or after the effective date of P.L.2008, c.89, the member may elect "early retirement," provided, that such election is communicated by such member to the retirement system by filing a written application, duly attested, stating at what time subsequent to the execution and filing thereof the member desires to be retired. The member shall receive, in lieu of the payment provided in N.J.S.18A:66-34, an annuity which is the actuarial equivalent of the member's accumulated deductions and a pension in the amount which, when added to the member's annuity, will provide a total retirement allowance of $\frac{1}{64}$ of the member's final compensation for each year of service credited as class A service and $\frac{1}{55}$ of the member's final compensation for each year of service credited as class B service, or for a person who becomes a member of the retirement system on or after the effective date of P.L.2010, c.1 $\frac{1}{60}$ of final compensation for each year of service credited as class B service, calculated in accordance with N.J.S.18A:66-44, reduced:

- (a) by $\frac{1}{4}$ of 1% for each month that the member lacks of being age 55; or
- (b) for a person who becomes a member of the retirement system on or after July 1, 2007, by $\frac{1}{4}$ of 1% for each month that the member lacks of being age 55 and by $\frac{1}{12}$ of 1% for each month that the member lacks of being age 60 but over age 55; or

(c) for a person who becomes a member of the retirement system on or after the effective date of P.L.2008, c.89, by $\frac{1}{4}$ of 1% for each month that the member lacks of being age 55 and by $\frac{1}{12}$ of 1% for each month that the member lacks of being age 62 but over age 55; provided, however, that upon the receipt of proper proofs of the death of such a member there shall be paid to the member's beneficiary an amount equal to $\frac{3}{16}$ of the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service or in the year of the member's highest contractual salary, whichever is higher.

Subparagraph (b) or (c) of this section shall not apply to a person who at the time of enrollment in the retirement system on or after July 1, 2007 transfers service credit from another State-administered retirement system pursuant to N.J.S.18A:66-15.1, but shall apply to a former member of the retirement system who has been granted a retirement allowance and is reenrolled in the retirement system on or after July 1, 2007 pursuant to N.J.S.18A:66-53.2 after becoming employed again in a position that makes the person eligible to be a member of the retirement system.

The board of trustees shall retire the member at the time specified or at such other time within one month after the date so specified as the board finds advisable.

10. N.J.S.18A:66-44 is amended to read as follows:

Service retirement allowances.

18A:66-44. A member, upon retirement for service, shall receive a retirement allowance consisting of:

(a) an annuity which shall be the actuarial equivalent of his accumulated deductions, together with interest after January 1, 1956, less any excess contributions as provided in N.J.S.18A:66-20; and

(b) a pension in the amount which, when added to the member's annuity, will provide a total retirement allowance of $\frac{1}{64}$ of final compensation for each year of service credited as class A service and $\frac{1}{55}$ of final compensation for each year of service credited as class B service, or for a person who becomes a member of the retirement system on or after the effective date of P.L.2010, c.1 $\frac{1}{60}$ of final compensation for each year of service credited as class B service.

Upon the receipt of proper proofs of the death of a member who has retired on a service retirement allowance, there shall be paid to the member's beneficiary, an amount equal to $\frac{3}{16}$ of the compensation upon which contributions by the member to the annuity savings fund were based in the

last year of creditable service or in the year of the member's highest contractual salary, whichever is higher.

11. Section 38 of P.L.1954, c.84 (C.43:15A-38) is amended to read as follows:

C.43:15A-38 Vesting of PERS members.

38. Should a member of the Public Employees' Retirement System, after having completed 10 years of service, be separated voluntarily or involuntarily from the service, before reaching service retirement age, and not by removal for cause on charges of misconduct or delinquency, such person may elect to receive:

(a) The payments provided for in section 41b. of this act, if he so qualifies under said section; or

(b) A deferred retirement allowance, beginning at the retirement age, which shall be made up of an annuity derived from the accumulated deductions standing to the credit of the individual member's account in the annuity savings fund at the time of his severance from the service together with regular interest, and a pension which when added to the annuity will produce a total retirement allowance of $\frac{1}{64}$ of final compensation for each year of service credited as Class A service and $\frac{1}{55}$ of final compensation for each year of service credited as Class B service, or for a person who becomes a member of the retirement system on or after the effective date of P.L.2010, c.1 $\frac{1}{60}$ of final compensation for each year of service credited as Class B service, calculated in accordance with section 48 of this act, with optional privileges provided for in section 50 of this act if he exercises such optional privilege at least 30 days before his attainment of the normal retirement age; provided, that such election is communicated by such member to the retirement system in writing stating at what time subsequent to the execution and filing thereof he desires to be retired; and provided further, that such member, as referred to in this subsection may later elect: (1) to receive the payments provided for in section 41b. of this act, if he had qualified under that section at the time of leaving service, except that in order to avail himself of the optional privileges pursuant to section 50, he must exercise such optional privilege at least 30 days before the effective date of his retirement; or (2) to withdraw his accumulated deductions with interest as provided in section 41a. If such member shall die before attaining service retirement age then his accumulated deductions, plus regular interest, shall be paid in accordance with section 41c.; or if such member shall die after attaining service retirement age and has not withdrawn his

accumulated deductions, an amount equal to $\frac{3}{16}$ of the compensation received by the member in the last year of creditable service shall be paid to such person, if living, as he shall have nominated by written designation duly executed and filed with the retirement system; otherwise to the executor or administrator of the member's estate.

12. Section 41 of P.L.1954, c.84 (C.43:15A-41) is amended to read as follows:

C.43:15A-41 Withdrawal from service; early retirement; death benefits.

41. a. A member who withdraws from service or ceases to be an employee for any cause other than death or retirement shall, upon the filing of an application therefor, receive all of his accumulated deductions standing to the credit of his individual account in the annuity savings fund, plus regular interest, less any outstanding loan, except that for any period after June 30, 1944, the interest payable shall be such proportion of the interest determined at the regular rate of 2% per annum bears to the regular rate of interest, and except that no interest shall be payable in the case of a member who has less than three years of membership credit for which he has made contributions. He shall cease to be a member two years from the date he discontinued service as an eligible employee, or, if prior thereto, upon payment to him of his accumulated deductions. If any such person or member shall die before withdrawing or before endorsing the check constituting the return of his accumulated deductions, such deductions shall be paid to the member's beneficiary. No member shall be entitled to withdraw the amounts contributed by his employer covering his military leave unless he shall have returned to the payroll and contributed to the retirement system for a period of 90 days.

b. Should a member resign after having established 25 years of creditable service before reaching age 60, or before reaching age 62 if the person became a member of the retirement system on or after the effective date of P.L.2008, c.89, he may elect "early retirement," provided, that such election is communicated by such member to the retirement system by filing a written application, duly attested, stating at what time subsequent to the execution and filing thereof he desires to be retired. He shall receive, in lieu of the payment provided in subsection a. of this section, an annuity which is the actuarial equivalent of his accumulated deductions together with regular interest, and a pension in the amount which, when added to the member's annuity, will provide a total retirement allowance of $\frac{1}{64}$ of final compensation for each year of service credited as Class A service and $\frac{1}{55}$ of final

compensation for each year of service credited as Class B service, or for a person who becomes a member of the retirement system on or after the effective date of P.L.2010, c.1 1/60 of final compensation for each year of service credited as Class B service, calculated in accordance with section 48 (C.43:15A-48) of this act, reduced:

(a) by 1/4 of 1% for each month that the member lacks of being age 55; or

(b) for a person who becomes a member of the retirement system on or after July 1, 2007, by 1/4 of 1% for each month that the member lacks of being age 55 and by 1/12 of 1% for each month that the member lacks of being age 60 but over age 55; or

(c) for a person who becomes a member of the retirement system on or after the effective date of P.L.2008, c.89, by 1/4 of 1% for each month that the member lacks of being age 55 and by 1/12 of 1% for each month that the member lacks of being age 62 but over age 55; provided, however, that upon the receipt of proper proofs of the death of such a member there shall be paid to his beneficiary an amount equal to three-sixteenths of the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service.

Paragraph (b) or (c) of this subsection shall not apply to a person who at the time of enrollment in the retirement system on or after July 1, 2007 transfers service credit from another State-administered retirement system pursuant to section 14 of P.L.1954, c.84 (C.43:15A-14), but shall apply to a former member of the retirement system who has been granted a retirement allowance and is reenrolled in the retirement system on or after July 1, 2007 pursuant to section 27 of P.L.1966, c.217 (C.43:15A-57.2) after becoming employed again in a position that makes the person eligible to be a member of the retirement system.

The board of trustees shall retire him at the time specified or at such other time within one month after the date so specified as the board finds advisable.

c. Upon the receipt of proper proofs of the death of a member in service on account of which no accidental death benefit is payable under section 49 there shall be paid to such member's beneficiary:

(1) The member's accumulated deductions at the time of death together with regular interest; and

(2) An amount equal to one and one-half times the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service.

13. Section 48 of P.L.1954, c.84 (C.43:15A-48) is amended to read as follows:

C.43:15A-48 Retirement allowance for service.

48. A member, upon retirement for service, shall receive a retirement allowance consisting of:

a. An annuity which shall be the actuarial equivalent of his accumulated deductions together with regular interest; and

b. A pension in the amount which, when added to the member's annuity, will provide a total retirement allowance of $\frac{1}{64}$ of final compensation for each year of service credited as Class A service and $\frac{1}{55}$ of final compensation for each year of service credited as Class B service, or for a person who becomes a member of the retirement system on or after the effective date of P.L.2010, c.1 $\frac{1}{60}$ of final compensation for each year of service credited as Class B service.

c. Upon the receipt of proper proofs of the death of a member who has retired on a service retirement allowance, there shall be paid to the member's beneficiary, an amount equal to $\frac{3}{16}$ of the compensation upon which contributions by the member to the annuity savings fund were based in the last year of creditable service.

14. Section 7 of P.L.2007, c.92 (C.43:15C-7) is amended to read as follows:

C.43:15C-7 Insurance benefits under group contract.

7. The benefit under a group contract or contracts providing life insurance shall be in an amount equal to one and one-half the base annual salary of the participant in the retirement program, except that in the event of death after retirement, the amount payable shall equal $\frac{3}{16}$ of the participant's base annual salary. "Base annual salary" means the base salary upon which contributions by the participant and the participant's employer to the retirement program were based during the last year of creditable service.

For purposes of this section, a participant shall be deemed to be in service and covered by the group life insurance for a period of official leave of absence without pay when such leave is due to illness or any reason other than illness, with such period to be determined by the Division of Pensions and Benefits, if satisfactory evidence is presented to the division of such official leave of absence. A participant shall be deemed to be on an official leave of absence only if the leave is formally approved by the employer prior to the time the leave commenced and timely notice is filed by the em-

ployer with the division. If timely notice is not filed, the employer shall be responsible for the payment of any benefits pursuant to this section if the participant was otherwise eligible for such benefits.

In the event of the death of a participant in active service in the first year of participation as a result of an accident met in the actual performance of duty at some definite time and place, the death benefit payable pursuant to this section shall be computed at the annual rate of base salary.

No beneficiary of a retired participant shall be entitled to receive the death benefits payable in the event of death after retirement pursuant to this section unless the participant either: had at least 25 years of credited participation in the retirement program established pursuant to this act; or had at least 10 years of such credited participation and had attained 60 years of age and was an actively employed participant in the program in the year immediately preceding initial receipt of a retirement annuity. For a member who is a participant pursuant to paragraph (5) of subsection a. of section 2 of P.L.2007, c.92 (C.43:15C-2) as amended by section 12 of P.L.2007, c.103 and section 7 of P.L.2010, c.1, service credit in the Teachers' Pension and Annuity Fund, Police and Firemen's Retirement System, State Police Retirement System, or the Public Employees' Retirement System shall also be considered in determining if the participant met the requirements of this paragraph.

15. Section 11 of P.L.2007, c.92 (C.43:15C-11) is amended to read as follows:

C.43:15C-11 Facts requiring evidence of insurability.

11. Any person entitled to become a participant in the retirement program shall not be allowed any of the group life insurance and disability benefits if on the date of filing an application for participation the person is 60 or more years of age, or if the person makes application for participation in the retirement program beyond the year after first becoming eligible for participation, regardless of age, unless the participant furnishes satisfactory evidence of insurability and on the effective date of participation is actively at work and performing all regular duties at the customary place of employment.

The effective date of coverage for such benefits shall be the first day of the month which immediately follows the date when such evidence is determined to be satisfactory.

Such evidence of insurability shall not be required of any person enrolling in the retirement program upon transfer from another State-

administered retirement system, if such retirement system provided a benefit of a similar nature and the transferring person was covered by such a benefit at the time of the transfer. If such transferring person was not covered by such a benefit at the time of the transfer, the person may be allowed the benefit under the group policy or policies; however, any such person shall furnish satisfactory evidence of insurability if he had been unable or failed to give such evidence as a member of the retirement system from which the person transferred. Such evidence of insurability shall not be required of any member of the Teachers' Pension and Annuity Fund, Police and Firemen's Retirement System, State Police Retirement System, or the Public Employees' Retirement System who is enrolling in the retirement program pursuant to paragraph (5) of subsection a. of section 2 of P.L.2007, c.92 (C.43:15C-2) as amended by section 12 of P.L.2007, c.103 and section 7 of P.L.2010, c.1, if such retirement system provides a benefit of a similar nature and the participant is covered by such a benefit at the time of enrollment in the program.

Any person who must furnish satisfactory evidence of insurability under the provisions of this section and who ceases to be a participant in the retirement program without such evidence having been given shall continue to be subject to the same requirement if the person subsequently becomes a participant.

16. Section 13 of P.L.2007, c.92 (C.43:15C-13) is amended to read as follows:

C.43:15C-13 Disability benefit coverage.

13. The disability benefit coverage provided under a group policy or policies shall provide a monthly income if the participant becomes totally disabled from occupational or nonoccupational causes for a period of at least six consecutive months following the effective date of the coverage. The monthly disability benefit may be paid by the insurance company so long as the participant remains disabled up to the seventieth birthday, provided the disability commenced prior to the sixtieth birthday. The benefit shall terminate when the participant is no longer considered totally disabled or begins to receive retirement benefits.

The participant shall be considered totally disabled if the participant is unable to perform each duty of the participant's occupation and is under the regular care of a physician. After the 24 months following the commencement of such disability benefit payments, the participant shall be unable to engage in any gainful occupation for which the participant is reasonably

fitted by education, training or experience. Total disability shall not be considered to exist if the participant is gainfully employed. Following an agreement with the insurance company and the policyholder, the participant may continue to receive disability benefits for a limited time while performing some type of work. During the period of rehabilitation, the monthly benefit shall be the regular payment less 80% of the participant's earnings from such rehabilitative position.

A participant shall be deemed to be in service and covered by the disability benefit insurance provisions for a period of no more than six months while on official leave of absence without pay if satisfactory evidence is presented to the Division of Pensions and Benefits that such leave of absence without pay is due to illness and that the participant was not actively engaged in any gainful occupation during such period of leave of absence without pay.

Disability benefit insurance provisions of the group policy or policies shall not cover disability resulting from or contributed to by pregnancy, act of war, intentionally self-inflicted injury, or attempted suicide whether or not sane. For purposes of such disability benefit coverage, the participant shall not be considered to be disabled while the participant is imprisoned or while outside the United States, its territories or possessions, or Canada.

If the participant has recovered from the disability for which the member had received benefits and again becomes totally disabled while insured, the later disability shall be regarded as a continuation of the prior one unless the participant has returned to full-time covered employment for at least six months. If the later absence is due to an unrelated cause and the participant had returned to full-time work, it shall be considered a new disability. The disability benefit insurance cannot be converted to an individual policy.

No participant shall be covered by the disability benefit provision of the group policy or policies except upon the completion of one year of full-time continuous employment in a position eligible for participation in the Defined Contribution Retirement Program. For a member who is a participant pursuant to paragraph (5) of subsection a. of section 2 of P.L.2007, c.92 (C.43:15C-2) as amended by section 12 of P.L.2007, c.103 and section 7 of P.L.2010, c.1, completion of one year of full-time continuous employment in a position eligible for membership in the Teachers' Pension and Annuity Fund, Police and Firemen's Retirement System, State Police Retirement System, or the Public Employees' Retirement System shall also be considered in determining if the participant met the requirements of this paragraph.

17. Section 14 of P.L.2007, c.92 (C.43:15C-14) is amended to read as follows:

C.43:15C-14 Amount of disability benefits; "Defined Contribution Retirement Program Disability Premium Fund."

14. The disability benefit provided under a group policy or policies shall be in an amount equal to 60% of the participant's base monthly salary, reduced by periodic benefits to which the participant may be entitled during the period of total disability. For a member who is a participant pursuant to paragraph (5) of subsection a. of section 2 of P.L.2007, c.92 (C.43:15C-2) as amended by section 12 of P.L.2007, c.103 and section 7 of P.L.2010, c.1, base monthly salary for this disability benefit shall mean the base or contractual salary upon which contributions were made to the Teachers' Pension and Annuity Fund, Police and Firemen's Retirement System, State Police Retirement System, or the Public Employees' Retirement System and to this program.

The periodic benefit by which the monthly disability benefit may be reduced shall include salary or wages, retirement benefits or benefits from any source for which the State or other public employer has paid any part of the cost or made payroll deductions, Social Security disability or other benefits, including dependents' benefits, and benefits paid by Social Security at the option of the participant before the age of 65, but not including any increase in Social Security benefits enacted after the disability benefit under such group policy or policies has commenced, and any other periodic benefits provided by law except on account of military service.

When a participant begins to receive a disability benefit under such group policy or policies, the insurance company shall pay an amount equal to the employee contribution which would have been required of the participant and deducted from the participant's base salary in order to meet the participant's obligation for the program. Such amount shall be paid by the insurance company without reduction by any other periodic benefit which the participant is eligible to receive. Such amount shall be paid by the insurance company to the insurer or insurers for the participant's retirement annuity.

Premiums for such disability coverage shall be paid from a special fund, hereby created, called the "Defined Contribution Retirement Program Disability Premium Fund." The State Treasurer shall estimate annually the amount that will be required for premiums for such benefits for the ensuing fiscal year and shall certify such amounts that shall be applied to the total State and other employer contributions due on behalf of the participants in the retirement program from the State and other employers, depositing such amounts in the premium fund. Additionally, employers will pay their share of the administrative costs of the program. The intervals for all payments and the allocation of administrative costs shall be determined by the Divi-

sion of Pensions and Benefits including due dates and penalties for non-compliance.

18. Section 4 of P.L.1944, c.255 (C.43:16A-4) is amended to read as follows:

C.43:16A-4 Creditable service within act.

4. a. Only service as a policeman or fireman paid for by an employer, which was rendered by a member since that member's enrollment, or since that member's last enrollment in case of a break in service, plus service, if any, covered by a prior service liability, shall be considered as creditable service for the purposes of this act. A member may purchase credit for temporary service as a policeman or fireman, or as the holder of a title which, following the termination of that temporary service, became covered by the provisions of P.L.1944, c.255 (C.43:16A-1 et seq.), if that temporary service shall have resulted, without interruption, in a valid permanent or probational appointment as a policeman or fireman or to a position, the title of which became covered by the retirement system following the member's appointment thereto. The purchase shall be made in the same manner and be subject to the same terms and conditions provided for the purchase of previous membership service by section 1 of P.L.1973, c.63 (C.43:16A-11.4).

b. In the case of a member for whom compensation is defined in paragraph (b) of subsection (26) of section 1 of P.L.1944, c.255 (C.43:16A-1), the retirement system shall credit the member with the time of all service rendered by the member during the part of any year that the member was a participant of the Defined Contribution Retirement Program, pursuant to paragraph (5) of subsection a. of section 2 of P.L.2007, c.92 (C.43:15C-2) as amended by section 7 of P.L.2010, c.1, and making contributions to that program.

19. Section 6 of P.L.1965, c.89 (C.53:5A-6) is amended to read as follows:

C.53:5A-6 Creditable service; purchase of service credit.

6. a. Service as a full-time commissioned officer, noncommissioned officer or trooper rendered as a member, and service credit which was transferred from the former "State Police Retirement and Benevolent Fund," shall, if the required contributions are made by the State and the member, be considered as creditable service. In addition, service as a chief inspector, deputy chief inspector, inspector and special inspector in the Mo-

tor Vehicle Commission or equivalent Civil Service classifications, including Chief, Highway Patrol Bureau; Assistant Chief (Major), Highway Patrol Bureau; Captain, Highway Patrol Bureau; Lieutenant, Highway Patrol Bureau; Sergeant, Highway Patrol Bureau; and Officer, Highway Patrol Bureau, and service credit may be transferred from the Police and Firemen's Retirement System and the Public Employees' Retirement System and shall, if the required contributions are made by the State and the member, be considered as creditable service. In addition, service as a member of the State Capitol Police Force, or as a Supervising Inspector, Principal Inspector, Senior Inspector, or Inspector Recruit in the Alcoholic Beverage Control Enforcement Bureau or as a Principal Marine Law Enforcement Officer, Senior Marine Law Enforcement Officer, or Marine Law Enforcement Officer in the Bureau of Marine Law Enforcement and service credit transferred from the Police and Firemen's Retirement System or the Public Employees' Retirement System shall, if the required contributions are made by the State and the member, be considered as creditable service.

A member on suspension shall be considered in service for the period of the suspension, but the period of suspension shall not be considered as creditable service unless the member receives salary therefor.

If an employee's membership has been terminated and he is re-enrolled as a member of the retirement system, he may purchase credit for all of his previous membership service by paying into the annuity savings fund the amount required by applying the factor, supplied by the actuary, as being applicable to his age at the time of the purchase, to his salary at that time. Such purchase may be made in regular installments equal to at least $\frac{1}{2}$ the normal contribution to the retirement system, over a maximum period of 10 years. In order to give to such person the same credit for such service as he had at the time of termination, his pension credit shall be restored as it was at the time of his termination, upon the completion of one year of membership after his election to make the purchase and the payment of at least $\frac{1}{2}$ the total amount due, except that in the case of retirement pursuant to sections 8, 27 and 28 of chapter 89 of the laws of 1965, the credit granted for the service being purchased shall be in direct proportion as the amount paid bears to the total amount of the arrearage obligation.

b. Any member of the retirement system, who, prior to becoming a member, had established service credits in another retirement system supported in whole or in part by the State, or who had rendered service to the State prior to becoming a member, or had purchased service credits while in the Police and Firemen's Retirement System or the Public Employees' Retirement System, while serving as chief inspector, deputy chief inspector,

inspector or special inspector in the Enforcement Bureau, Motor Vehicle Commission, or as a member of the State Capitol Police Force, or as a Supervising Inspector, Principal Inspector, Senior Inspector, Inspector, or Inspector Recruit in the Alcoholic Beverage Control Enforcement Bureau, or as a Principal Marine Law Enforcement Officer, Senior Marine Law Enforcement Officer, or Marine Law Enforcement Officer in the Bureau of Marine Law Enforcement, for which he desires to establish credit in this retirement system, shall be permitted to purchase such credit or to transfer such previously purchased credit. If such credit is established and except as provided in subsection f., it shall be included in the computation of a retirement allowance on the basis of 1% of final compensation for each year of such service credit.

c. Not more than one year shall be credited for all service in a calendar year.

d. In computing service, time during which a member was absent on an official leave without pay shall be credited if such leave was for a period of: (1) less than three months; or (2) up to a maximum of two years, if the leave was due to the member's personal illness and the period of leave is allowed for retirement purposes within one year following his return to service after the termination of such leave.

e. The method of computation and the terms of the purchase of service permitted by subsections b. and d. of this section shall be identical to those stipulated for the purchase of previous membership service by members of the system, as provided by subsection a. of this section.

f. For any person who becomes a member of the retirement system pursuant to P.L.1997, c.19 (C.53:1-8.2 et al.) and is required to retire pursuant to section 8 of P.L.1965, c.89 (C.53:5A-8) with less than 20 years of creditable service in the retirement system, an amount of service credit transferred or purchased pursuant to subsection b. which when added to the amount of creditable service in the retirement system equals 20 years shall be considered creditable service in the retirement system. Transferred or purchased service credit in excess of the amount necessary to provide 20 years of creditable service in the retirement system shall be included in the computation of a retirement allowance on the basis provided in subsection b.

g. In the case of a member for whom compensation is defined in paragraph (2) of subsection u. of section 3 of P.L.1965, c.89 (C.53:5A-3), the retirement system shall credit the member with the time of all service rendered by the member during the part of any year that the member was a participant of the Defined Contribution Retirement Program, pursuant to paragraph (5) of subsection a. of section 2 of P.L.2007, c.92 (C.43:15C-2)

as amended by section 7 of P.L.2010, c.1, and making contributions to that program.

20. N.J.S.18A:66-2 is amended to read as follows:

Definitions.

18A:66-2. As used in this article:

a. "Accumulated deductions" means the sum of all the amounts, deducted from the compensation of a member or contributed by or in behalf of the member, including interest credited to January 1, 1956, standing to the credit of the member's individual account in the annuity savings fund.

b. "Annuity" means payments for life derived from the accumulated deductions of a member as provided in this article.

c. "Beneficiary" means any person receiving a retirement allowance or other benefit as provided in this article.

d. (1) "Compensation" means the contractual salary, for services as a teacher as defined in this article, which is in accordance with established salary policies of the member's employer for all employees in the same position but shall not include individual salary adjustments which are granted primarily in anticipation of the member's retirement or additional remuneration for performing temporary or extracurricular duties beyond the regular school day or the regular school year.

(2) In the case of a person who becomes a member of the retirement system on or after July 1, 2007, "compensation" means the amount of the contractual salary equivalent to the annual maximum wage contribution base for Social Security, pursuant to the Federal Insurance Contributions Act, for services as a teacher as defined in this article, which is in accordance with established salary policies of the member's employer for all employees in the same position but shall not include individual salary adjustments which are granted primarily in anticipation of the member's retirement or additional remuneration for performing temporary or extracurricular duties beyond the regular school day or the regular school year. This paragraph shall not apply to a person who at the time of enrollment in the retirement system on or after July 1, 2007 transfers service credit from another State-administered retirement system pursuant to N.J.S.18A:66-15.1, but shall apply to a former member of the retirement system who has been granted a retirement allowance and is reenrolled in the retirement system on or after July 1, 2007 pursuant to N.J.S.18A:66-53.2 after becoming employed again in a position that makes the person eligible to be a member of the retirement system.

For the period of July 1, 2009 through June 30, 2011, "contractual salary" for State employees shall include wage increases under a collective negotiations agreement notwithstanding that, by amendment to that collective negotiations agreement, the effective date of the contractual increase has been deferred. For the purpose of this paragraph, "State employee" means an employee in the Executive Branch of State government of New Jersey.

e. "Employer" means the State, the board of education or any educational institution or agency of or within the State by which a teacher is paid.

f. (1) "Final compensation" means the average annual compensation for which contributions are made for the three years of creditable service in New Jersey immediately preceding the member's retirement or death, or it shall mean the average annual compensation for New Jersey service for which contributions are made during any three fiscal years of his or her membership providing the largest possible benefit to the member or the member's beneficiary.

(2) In the case of a person who becomes a member of the retirement system on or after the effective date of P.L.2010, c.1, "final compensation" means the average annual compensation for which contributions are made for the five years of creditable service in New Jersey immediately preceding the member's retirement or death, or it shall mean the average annual compensation for New Jersey service for which contributions are made during any five fiscal years of his or her membership providing the largest possible benefit to the member or the member's beneficiary.

g. "Fiscal year" means any year commencing with July 1, and ending with June 30, next following.

h. "Pension" means payments for life derived from appropriations made by the State or employers to the Teachers' Pension and Annuity Fund.

i. "Annuity reserve" means the present value of all payments to be made on account of any annuity or benefit in lieu of an annuity, granted under the provisions of this article, computed on the basis of such mortality tables recommended by the actuary as the board of trustees adopts, with regular interest.

j. "Pension reserve" means the present value of all payments to be made on account of any pension or benefit in lieu of a pension granted to a member from the Teachers' Pension and Annuity Fund, computed on the basis of such mortality tables recommended by the actuary as the board of trustees adopts, with regular interest.

k. "Present-entrant" means any member of the Teachers' Pension and Annuity Fund who had established status as a "present-entrant member" of said fund prior to January 1, 1956.

l. "Rate of contribution initially certified" means the rate of contribution certified by the retirement system in accordance with N.J.S.18A:66-29.

m. "Regular interest" shall mean interest as determined by the State Treasurer, after consultation with the Directors of the Divisions of Investment and Pensions, the board of trustees and the actuary. It shall bear a reasonable relationship to the percentage rate of earnings on investments based on the market value of assets but shall not exceed the assumed percentage rate of increase applied to salaries plus 3%, provided however that the board of trustees shall not set the average percentage rate of increase applied to salaries below 6%.

n. "Retirement allowance" means the pension plus the annuity.

o. "School service" means any service as a "teacher" as defined in this section.

p. "Teacher" means any regular teacher, special teacher, helping teacher, teacher clerk, principal, vice-principal, supervisor, supervising principal, director, superintendent, city superintendent, assistant city superintendent, county superintendent, State Commissioner or Assistant Commissioner of Education, members of the State Department of Education who are certificated, unclassified professional staff and other members of the teaching or professional staff of any class, public school, high school, normal school, model school, training school, vocational school, truant reformatory school, or parental school, and of any and all classes or schools within the State conducted under the order and superintendence, and wholly or partly at the expense of the State Board of Education, of a duly elected or appointed board of education, board of school directors, or board of trustees of the State or of any school district or normal school district thereof, and any persons under contract or engagement to perform one or more of these functions. It shall also mean any person who serves, while on an approved leave of absence from regular duties as a teacher, as an officer of a local, county or State labor organization which represents, or is affiliated with an organization which represents, teachers as defined in this subsection. No person shall be deemed a teacher within the meaning of this article who is a substitute teacher. In all cases of doubt the board of trustees shall determine whether any person is a teacher as defined in this article.

q. "Teachers' Pension and Annuity Fund," hereinafter referred to as the "retirement system" or "system," is the corporate name of the arrangement for the payment of retirement allowances and other benefits under the provisions of this article, including the several funds placed under said system. By that name all its business shall be transacted, its funds invested,

warrants for money drawn, and payments made and all of its cash and securities and other property held.

r. "Veteran" means any honorably discharged officer, soldier, sailor, airman, marine or nurse who served in any Army, Air Force or Navy of the Allies of the United States in World War I between July 14, 1914, and November 11, 1918, or who served in any Army, Air Force or Navy of the Allies of the United States in World War II, between September 1, 1939, and September 2, 1945, and who was inducted into such service through voluntary enlistment, and was a citizen of the United States at the time of such enlistment, and who did not, during or by reason of such service, renounce or lose United States citizenship, and any officer, soldier, sailor, marine, airman, nurse or army field clerk who has served in the active military or naval service of the United States and has or shall be discharged or released therefrom under conditions other than dishonorable, in any of the following wars, uprisings, insurrections, expeditions or emergencies, and who has presented to the retirement system evidence of such record of service in form and content satisfactory to said retirement system:

(1) The Indian wars and uprisings during any of the periods recognized by the War Department of the United States as periods of active hostility;

(2) The Spanish-American War between April 20, 1898, and April 11, 1899;

(3) The Philippine insurrections and expeditions during the periods recognized by the War Department of the United States as of active hostility from February 4, 1899, to the end of 1913;

(4) The Peking relief expedition between June 20, 1900, and May 27, 1902;

(5) The army of Cuban occupation between July 18, 1898, and May 20, 1902;

(6) The army of Cuban pacification between October 6, 1906, and April 1, 1909;

(7) The Mexican punitive expedition between March 14, 1916, and February 7, 1917;

(8) The Mexican border patrol, having actually participated in engagements against Mexicans between April 12, 1911, and June 16, 1919;

(9) World War I, between April 6, 1917, and November 11, 1918;

(10) World War II, between September 16, 1940, and December 31, 1946, who shall have served at least 90 days in such active service, exclusive of any period of assignment (1) for a course of education or training under the Army Specialized Training Program or the Navy College Training Program, which course was a continuation of a civilian course and was

pursued to completion, or (2) as a cadet or midshipman at one of the service academies, any part of which 90 days was served between said dates; provided that any person receiving an actual service-incurred injury or disability shall be classed as a veteran, whether or not that person has completed the 90-day service as herein provided;

(11) Korean conflict on or after June 23, 1950, and on or prior to January 31, 1955, who shall have served at least 90 days in such active service, exclusive of any period of assignment (1) for a course of education or training under the Army Specialized Training Program or the Navy College Training Program, which course was a continuation of a civilian course and was pursued to completion, or (2) as a cadet or midshipman at one of the service academies, any part of which 90 days was served between said dates; provided that any person receiving an actual service-incurred injury or disability shall be classed as a veteran, whether or not that person has completed the 90-day service as herein provided; and provided further that any member classed as a veteran pursuant to this subsection prior to August 1, 1966, shall continue to be classed as a veteran, whether or not that person completed the 90-day service between said dates as herein provided;

(12) Lebanon crisis, on or after July 1, 1958, who has served in Lebanon or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days commencing on or before November 1, 1958 or the date of termination of that conflict, as proclaimed by the President of the United States or Congress, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

(13) Vietnam conflict, on or after December 31, 1960, and on or prior to May 7, 1975, who shall have served at least 90 days in such active service, exclusive of any period of assignment (1) for a course of education or training under the Army Specialized Training Program or the Navy College Training Program, which course was a continuation of a civilian course and was pursued to completion, or (2) as a cadet or midshipman at one of the service academies, any part of which 90 days was served between said dates; and exclusive of any service performed pursuant to the provisions of section 511(d) of Title 10, United States Code, pursuant to an enlistment in the Army National Guard or as a reserve for service in the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve; provided that any person receiving an actual service-incurred in-

jury or disability shall be classed as a veteran, whether or not that person has completed the 90-day service as herein provided;

(14) Lebanon peacekeeping mission, on or after September 26, 1982, who has served in Lebanon or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days commencing on or before December 1, 1987 or the date of termination of that mission, as proclaimed by the President of the United States or Congress, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

(15) Grenada peacekeeping mission, on or after October 23, 1983, who has served in Grenada or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days commencing on or before November 21, 1983 or the date of termination of that mission, as proclaimed by the President of the United States or Congress, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

(16) Panama peacekeeping mission, on or after December 20, 1989 or the date of inception of that mission, as proclaimed by the President of the United States or Congress, whichever date of inception is earliest, who has served in Panama or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days commencing on or before January 31, 1990 or the date of termination of that mission, as proclaimed by the President of the United States or Congress, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

(17) Operation "Desert Shield/Desert Storm" mission in the Arabian peninsula and the Persian Gulf, on or after August 2, 1990 or the date of inception of that operation, as proclaimed by the President of the United States or Congress, whichever date of inception is earliest, who has served in the Arabian peninsula or on board any ship actively engaged in patrolling the Persian Gulf for a period, continuous or in the aggregate, of at least 14 days commencing on or before the date of termination of that mission, as proclaimed by the President of the United States or Congress, whichever date of termination is the latest, in such active service; provided, that any

person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

(18) Operation Northern Watch and Operation Southern Watch, on or after August 27, 1992, or the date of inception of that operation, as proclaimed by the President of the United States, Congress or United States Secretary of Defense, whichever date of inception is earliest, who served in the theater of operation, including in the Arabian peninsula and the Persian Gulf, and in direct support of that operation for a period, continuously or in the aggregate, of at least 14 days in such active service, commencing on or before the date of termination of the operation, as proclaimed by the President of the United States, Congress or United States Secretary of Defense, whichever date of termination is latest; provided, that any person receiving an actual service-incurred injury or disability while engaged in such service shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

(19) Operation "Restore Hope" in Somalia, on or after December 5, 1992, or the date of inception of that operation as proclaimed by the President of the United States or Congress, whichever date is earliest, who has served in Somalia or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuously or in the aggregate, of at least 14 days in such active service commencing on or before March 31, 1994; provided that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14-day service as herein provided;

(20) Operations "Joint Endeavor" and "Joint Guard" in the Republic of Bosnia and Herzegovina, on or after November 20, 1995, who served in such active service in direct support of one or both of the operations for at least 14 days, continuously or in the aggregate, commencing on or before June 20, 1998, and (1) was deployed in that nation or in another area in the region, or (2) was on board a United States naval vessel operating in the Adriatic Sea, or (3) operated in airspace above the Republic of Bosnia and Herzegovina; provided that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person completed the 14-day service requirement;

(21) Operation "Enduring Freedom", on or after September 11, 2001, who served in a theater of operation and in direct support of that operation for a period, continuously or in the aggregate, of at least 14 days in such active service commencing on or before the date the President of the United States or the United States Secretary of Defense designates as the termina-

tion date of that operation; provided, that any person receiving an actual service-incurred injury or disability while engaged in such service shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided; and

(22) Operation "Iraqi Freedom", on or after the date the President of the United States or the United States Secretary of Defense designates as the inception date of that operation, who served in Iraq or in another area in the region in direct support of that operation for a period, continuously or in the aggregate, of at least 14 days in such active service commencing on or before the date the President of the United States or the United States Secretary of Defense designates as the termination date of that operation; provided, that any person receiving an actual service-incurred injury or disability while engaged in such service shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided.

"Veteran" also means any honorably discharged member of the American Merchant Marine who served during World War II and is declared by the United States Department of Defense to be eligible for federal veterans' benefits.

s. "Child" means a deceased member's unmarried child either (a) under the age of 18 or (b) of any age who, at the time of the member's death, is disabled because of mental retardation or physical incapacity, is unable to do any substantial, gainful work because of the impairment and the impairment has lasted or can be expected to last for a continuous period of not less than 12 months, as affirmed by the medical board.

t. (1) "Widower," for employees of the State, means the man to whom a member was married, or a domestic partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before the date of her death and to whom she continued to be married or a domestic partner until the date of her death and who was receiving at least one-half of his support from the member in the 12-month period immediately preceding the member's death or the accident which was the direct cause of the member's death. The dependency of such a widower will be considered terminated by marriage of, or establishment of a domestic partnership by, the widower subsequent to the death of the member. In the event of the payment of an accidental death benefit, the five-year qualification shall be waived.

(2) Subject to the provisions of paragraph (3) of this subsection, "widower," for employees of public employers other than the State, means the man to whom a member was married at least five years before the date of her death and to whom she continued to be married until the date of her death and who was receiving at least one-half of his support from the mem-

ber in the 12-month period immediately preceding the member's death or the accident which was the direct cause of the member's death. The dependency of such a widower shall be considered terminated by marriage of the widower subsequent to the death of the member. In the event of the payment of an accidental death benefit, the five-year qualification shall be waived.

(3) A public employer other than the State may adopt a resolution providing that the term "widower" as defined in paragraph (2) of this subsection shall include domestic partners as provided in paragraph (1) of this subsection.

u. (1) "Widow," for employees of the State, means the woman to whom a member was married, or a domestic partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before the date of his death and to whom he continued to be married or a domestic partner until the date of his death and who was receiving at least one-half of her support from the member in the 12-month period immediately preceding the member's death or the accident which was the direct cause of the member's death. The dependency of such a widow will be considered terminated by the marriage of, or establishment of a domestic partnership by, the widow subsequent to the member's death. In the event of the payment of an accidental death benefit, the five-year qualification shall be waived.

(2) Subject to the provisions of paragraph (3) of this subsection, "widow," for employees of public employers other than the State, means the woman to whom a member was married at least five years before the date of his death and to whom he continued to be married until the date of his death and who was receiving at least one-half of her support from the member in the 12-month period immediately preceding the member's death or the accident which was the direct cause of the member's death. The dependency of such a widow shall be considered terminated by the marriage of the widow subsequent to the member's death. In the event of the payment of an accidental death benefit, the five-year qualification shall be waived.

(3) A public employer other than the State may adopt a resolution providing that the term "widower" as defined in paragraph (2) of this subsection shall include domestic partners as provided in paragraph (1) of this subsection.

v. "Parent" means the parent of a member who was receiving at least one-half of the parent's support from the member in the 12-month period immediately preceding the member's death or the accident which was the direct cause of the member's death. The dependency of such a parent will

be considered terminated by marriage of the parent subsequent to the death of the member.

w. "Medical board" means the board of physicians provided for in N.J.S.18A:66-56.

x. (1) "Spouse," for employees of the State, means the husband or wife, or domestic partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3), of a member.

(2) Subject to the provisions of paragraph (1) of this subsection, "spouse," for employees of public employers other than the State, means the husband or wife of a member.

(3) A public employer other than the State may adopt a resolution providing that the term "spouse" as defined in paragraph (2) of this subsection shall include domestic partners as provided in paragraph (1) of this subsection.

21. Section 6 of P.L.1954, c.84 (C.43:15A-6) is amended to read as follows:

C.43:15A-6 Definitions.

6. As used in this act:

a. "Accumulated deductions" means the sum of all the amounts, deducted from the compensation of a member or contributed by or on behalf of the member, standing to the credit of the member's individual account in the annuity savings fund.

b. "Annuity" means payments for life derived from the accumulated deductions of a member as provided in this act.

c. "Annuity reserve" means the present value of all payments to be made on account of any annuity or benefit in lieu of an annuity, granted under the provisions of this act, computed on the basis of such mortality tables recommended by the actuary as the board of trustees adopts, with regular interest.

d. "Beneficiary" means any person receiving a retirement allowance or other benefit as provided in this act.

e. "Child" means a deceased member's unmarried child either (1) under the age of 18 or (2) of any age who, at the time of the member's death, is disabled because of mental retardation or physical incapacity, is unable to do any substantial, gainful work because of the impairment and the impairment has lasted or can be expected to last for a continuous period of not less than 12 months, as affirmed by the medical board.

f. "Parent" shall mean the parent of a member who was receiving at least 1/2 of the parent's support from the member in the 12-month period

immediately preceding the member's death or the accident which was the direct cause of the member's death. The dependency of such a parent will be considered terminated by marriage of the parent subsequent to the death of the member.

g. (1) "Widower," for employees of the State, means the man to whom a member was married, or a domestic partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before the date of her death and to whom she continued to be married or a domestic partner until the date of her death and who was receiving at least 1/2 of his support from the member in the 12-month period immediately preceding the member's death or the accident which was the direct cause of the member's death. The dependency of such a widower will be considered terminated by marriage of, or establishment of a domestic partnership by, the widower subsequent to the death of the member. In the event of the payment of an accidental death benefit, the five-year qualification shall be waived.

(2) Subject to the provisions of paragraph (3) of this subsection, "widower," for employees of public employers other than the State, means the man to whom a member was married at least five years before the date of her death and to whom she continued to be married until the date of her death and who was receiving at least 1/2 of his support from the member in the 12-month period immediately preceding the member's death or the accident which was the direct cause of the member's death. The dependency of such a widower shall be considered terminated by marriage of the widower subsequent to the death of the member. In the event of the payment of an accidental death benefit, the five-year qualification shall be waived.

(3) A public employer other than the State may adopt a resolution providing that the term "widower" as defined in paragraph (2) of this subsection shall include domestic partners as provided in paragraph (1) of this subsection.

h. (1) "Final compensation" means the average annual compensation for which contributions are made for the three years of creditable service in New Jersey immediately preceding the member's retirement or death, or it shall mean the average annual compensation for New Jersey service for which contributions are made during any three fiscal years of his or her membership providing the largest possible benefit to the member or the member's beneficiary.

(2) In the case of a person who becomes a member of the retirement system on or after the effective date of P.L.2010, c.1, "final compensation" means the average annual compensation for which contributions are made for the five years of creditable service in New Jersey immediately preced-

ing the member's retirement or death, or it shall mean the average annual compensation for New Jersey service for which contributions are made during any five fiscal years of his or her membership providing the largest possible benefit to the member or the member's beneficiary.

i. "Fiscal year" means any year commencing with July 1 and ending with June 30 next following.

j. "Medical board" shall mean the board of physicians provided for in section 17 of P.L.1954, c.84 (C.43:15A-17).

k. "Pension" means payments for life derived from appropriations made by the employer as provided in this act.

l. "Pension reserve" means the present value of all payments to be made on account of any pension or benefit in lieu of a pension granted under the provisions of this act, computed on the basis of such mortality tables recommended by the actuary as the board of trustees adopts, with regular interest.

m. "Public Employees' Retirement System of New Jersey," hereinafter referred to as the "retirement system" or "system," is the corporate name of the arrangement for the payment of retirement allowances and other benefits under the provisions of this act including the several funds placed under said system. By that name all of its business shall be transacted, its funds invested, warrants for money drawn, and payments made and all of its cash and securities and other property held.

n. "Regular interest" shall mean interest as determined by the State Treasurer, after consultation with the Directors of the Divisions of Investment and Pensions, the board of trustees and the actuary. It shall bear a reasonable relationship to the percentage rate of earnings on investments based on the market value of the assets but shall not exceed the assumed percentage rate of increase applied to salaries plus 3%, provided however that the board of trustees shall not set the average percentage rate of increase applied to salaries below 6%.

o. "Retirement allowance" means the pension plus the annuity.

p. "Veteran" means any honorably discharged officer, soldier, sailor, airman, marine or nurse who served in any Army, Air Force or Navy of the Allies of the United States in World War I, between July 14, 1914, and November 11, 1918, or who served in any Army, Air Force or Navy of the Allies of the United States in World War II, between September 1, 1939, and September 2, 1945, and who was inducted into such service through voluntary enlistment, and was a citizen of the United States at the time of such enlistment, and who did not, during or by reason of such service, renounce or lose United States citizenship, and any officer, soldier, sailor, marine,

airman, nurse or army field clerk, who has served in the active military or naval service of the United States and has or shall be discharged or released therefrom under conditions other than dishonorable, in any of the following wars, uprisings, insurrections, expeditions, or emergencies, and who has presented to the retirement system evidence of such record of service in form and content satisfactory to said retirement system:

(1) The Indian wars and uprisings during any of the periods recognized by the War Department of the United States as periods of active hostility;

(2) The Spanish-American War between April 20, 1898, and April 11, 1899;

(3) The Philippine insurrections and expeditions during the periods recognized by the War Department of the United States as of active hostility from February 4, 1899, to the end of 1913;

(4) The Peking relief expedition between June 20, 1900, and May 27, 1902;

(5) The army of Cuban occupation between July 18, 1898, and May 20, 1902;

(6) The army of Cuban pacification between October 6, 1906, and April 1, 1909;

(7) The Mexican punitive expedition between March 14, 1916, and February 7, 1917;

(8) The Mexican border patrol, having actually participated in engagements against Mexicans between April 12, 1911, and June 16, 1919;

(9) World War I, between April 6, 1917, and November 11, 1918;

(10) World War II, between September 16, 1940, and December 31, 1946, who shall have served at least 90 days in such active service, exclusive of any period of assignment (1) for a course of education or training under the Army Specialized Training Program or the Navy College Training Program which course was a continuation of a civilian course and was pursued to completion, or (2) as a cadet or midshipman at one of the service academies any part of which 90 days was served between said dates; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 90-day service as herein provided;

(11) Korean conflict on or after June 23, 1950, and on or prior to January 31, 1955, who shall have served at least 90 days in such active service, exclusive of any period of assignment (1) for a course of education or training under the Army Specialized Training Program or the Navy College Training Program which course was a continuation of a civilian course and was pursued to completion, or (2) as a cadet or midshipman at one of the

service academies, any part of which 90 days was served between said dates; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 90-day service as herein provided; and provided further, that any member classed as a veteran pursuant to this paragraph prior to August 1, 1966, shall continue to be classed as a veteran whether or not that person completed the 90-day service between said dates as herein provided;

(12) Lebanon crisis, on or after July 1, 1958, who has served in Lebanon or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days commencing on or before November 1, 1958 or the date of termination of that conflict, as proclaimed by the President of the United States or Congress, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

(13) Vietnam conflict on or after December 31, 1960, and on or prior to May 7, 1975, who shall have served at least 90 days in such active service, exclusive of any period of assignment (1) for a course of education or training under the Army Specialized Training Program or the Navy College Training Program which course was a continuation of a civilian course and was pursued to completion, or (2) as a cadet or midshipman at one of the service academies, any part of which 90 days was served between said dates; and exclusive of any service performed pursuant to the provisions of section 511(d) of Title 10, United States Code, pursuant to an enlistment in the Army National Guard or as a reserve for service in the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 90 days' service as herein provided;

(14) Lebanon peacekeeping mission, on or after September 26, 1982, who has served in Lebanon or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days commencing on or before December 1, 1987 or the date of termination of that mission, as proclaimed by the President of the United States or Congress, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

(15) Grenada peacekeeping mission, on or after October 23, 1983, who has served in Grenada or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days commencing on or before November 21, 1983 or the date of termination of that mission, as proclaimed by the President of the United States or Congress, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

(16) Panama peacekeeping mission, on or after December 20, 1989 or the date of inception of that mission, as proclaimed by the President of the United States or Congress, whichever date of inception is earliest, who has served in Panama or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days commencing on or before January 31, 1990 or the date of termination of that mission, as proclaimed by the President of the United States or Congress, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

(17) Operation "Desert Shield/Desert Storm" mission in the Arabian peninsula and the Persian Gulf, on or after August 2, 1990 or the date of inception of that operation, as proclaimed by the President of the United States or Congress, whichever date of inception is earliest, who has served in the Arabian peninsula or on board any ship actively engaged in patrolling the Persian Gulf for a period, continuous or in the aggregate, of at least 14 days commencing on or before the date of termination of that mission, as proclaimed by the President of the United States or Congress, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

(18) Operation Northern Watch and Operation Southern Watch, on or after August 27, 1992, or the date of inception of that operation, as proclaimed by the President of the United States, Congress or United States Secretary of Defense, whichever date of inception is earliest, who served in the theater of operation, including in the Arabian peninsula and the Persian Gulf, and in direct support of that operation for a period, continuously or in the aggregate, of at least 14 days in such active service, commencing on or before the date of termination of that operation, as proclaimed by the Presi-

dent of the United States, Congress or United States Secretary of Defense, whichever date of termination is the latest; provided, that any person receiving an actual service-incurred injury or disability while engaged in such service shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

(19) Operation "Restore Hope" in Somalia, on or after December 5, 1992, or the date of inception of that operation as proclaimed by the President of the United States or Congress, whichever date is earliest, who has served in Somalia or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuously or in the aggregate, of at least 14 days in such active service commencing on or before March 31, 1994; provided that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14-day service as herein provided;

(20) Operations "Joint Endeavor" and "Joint Guard" in the Republic of Bosnia and Herzegovina, on or after November 20, 1995, who served in such active service in direct support of one or both of the operations for at least 14 days, continuously or in the aggregate, commencing on or before June 20, 1998 and (1) was deployed in that nation or in another area in the region, or (2) was on board a United States naval vessel operating in the Adriatic Sea, or (3) operated in airspace above the Republic of Bosnia and Herzegovina; provided that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person completed the 14-day service requirement;

(21) Operation "Enduring Freedom", on or after September 11, 2001, who served in a theater of operation and in direct support of that operation for a period, continuously or in the aggregate, of at least 14 days in such active service commencing on or before the date the President of the United States or the United States Secretary of Defense designates as the termination date of that operation; provided, that any person receiving an actual service-incurred injury or disability while engaged in such service shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided; and

(22) Operation "Iraqi Freedom", on or after the date the President of the United States or the United States Secretary of Defense designates as the inception date of that operation, who served in Iraq or in another area in the region in direct support of that operation for a period, continuously or in the aggregate, of at least 14 days in such active service commencing on or before the date the President of the United States or the United States Secretary of Defense designates as the termination date of that operation; pro-

vided, that any person receiving an actual service-incurred injury or disability while engaged in such service shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided.

"Veteran" also means any honorably discharged member of the American Merchant Marine who served during World War II and is declared by the United States Department of Defense to be eligible for federal veterans' benefits.

q. (1) "Widow," for employees of the State, means the woman to whom a member was married, or a domestic partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before the date of his death and to whom he continued to be married or a domestic partner until the date of his death and who was receiving at least 1/2 of her support from the member in the 12-month period immediately preceding the member's death or the accident which was the direct cause of the member's death. The dependency of such a widow will be considered terminated by the marriage of, or establishment of a domestic partnership by, the widow subsequent to the member's death. In the event of the payment of an accidental death benefit, the five-year qualification shall be waived.

(2) Subject to the provisions of paragraph (3) of this subsection, "widow," for employees of public employers other than the State, means the woman to whom a member was married at least five years before the date of his death and to whom he continued to be married until the date of his death and who was receiving at least 1/2 of her support from the member in the 12-month period immediately preceding the member's death or the accident which was the direct cause of the member's death. The dependency of such a widow shall be considered terminated by the marriage of the widow subsequent to the member's death. In the event of the payment of an accidental death benefit, the five-year qualification shall be waived.

(3) A public employer other than the State may adopt a resolution providing that the term "widow" as defined in paragraph (2) of this subsection shall include domestic partners as provided in paragraph (1) of this subsection.

r. (1) "Compensation" means the base or contractual salary, for services as an employee, which is in accordance with established salary policies of the member's employer for all employees in the same position but shall not include individual salary adjustments which are granted primarily in anticipation of the member's retirement or additional remuneration for performing temporary or extracurricular duties beyond the regular workday or the regular work year.

(2) In the case of a person who becomes a member of the retirement system on or after July 1, 2007, "compensation" means the amount of base

or contractual salary equivalent to the annual maximum wage contribution base for Social Security, pursuant to the Federal Insurance Contributions Act, for services as an employee, which is in accordance with established salary policies of the member's employer for all employees in the same position but shall not include individual salary adjustments which are granted primarily in anticipation of the member's retirement or additional remuneration for performing temporary or extracurricular duties beyond the regular workday or the regular work year. This paragraph shall not apply to a person who at the time of enrollment in the retirement system on or after July 1, 2007 transfers service credit from another State-administered retirement system pursuant to section 14 of P.L.1954, c.84 (C.43:15A-14), but shall apply to a former member of the retirement system who has been granted a retirement allowance and is reenrolled in the retirement system on or after July 1, 2007 pursuant to section 27 of P.L.1966, c.217 (C.43:15A-57.2) after becoming employed again in a position that makes the person eligible to be a member of the retirement system.

In cases where salary includes maintenance, the retirement system shall fix the value of that part of the salary not paid in money which shall be considered under this act.

For the period of July 1, 2009 through June 30, 2011, "contractual salary" for State employees shall include across the board negotiated wage increases under a collective negotiations agreement that were payable to all State employees covered by that agreement notwithstanding that, by amendment to that collective negotiations agreement, the effective date of the contractual increase has been deferred. For the purpose of this paragraph, "State employee" means an employee in the Executive Branch or the Judicial Branch of State government of New Jersey or an employee of the State University authorized to participate in the system under subsection b. of section 73 of P.L.1954, c.84 (C.43:15A-73), but shall not include employees of agencies authorized to participate in the system under subsections a., c., d., e., f., and g. of section 73 of P.L.1954, c.84 (C.43:15A-73) or under P.L.1990, c.25 (C.43:15A-73.2 et al.).

For the period of July 1, 2009 through June 30, 2011, "contractual salary" for county and municipal employees shall include across the board negotiated wage increases under a collective negotiations agreement that were payable to all county or all municipal employees covered by that agreement notwithstanding that, by amendment to that collective negotiations agreement which has been filed with the Division of Pensions and Benefits, the effective date of the contractual increase has been deferred.

For the purpose of this paragraph, "county and municipal employees" means all persons employed by a county or municipality in this State.

22. Section 1 of P.L.1944, c.255 (C.43:16A-1) is amended to read as follows:

C.43:16A-1 Definitions relative to Police and Firemen's Retirement System.

1. As used in this act:

(1) "Retirement system" or "system" shall mean the Police and Firemen's Retirement System of New Jersey as defined in section 2 of this act.

(2) (a) "Policeman" shall mean a permanent, full-time employee of a law enforcement unit as defined in section 2 of P.L.1961, c.56 (C.52:17B-67) or the State, other than an officer or trooper of the Division of State Police whose position is covered by the State Police Retirement System, whose primary duties include the investigation, apprehension or detention of persons suspected or convicted of violating the criminal laws of the State and who:

(i) is authorized to carry a firearm while engaged in the actual performance of his official duties;

(ii) has police powers;

(iii) is required to complete successfully the training requirements prescribed by P.L.1961, c.56 (C.52:17B-66 et seq.) or comparable training requirements as determined by the board of trustees; and

(iv) is subject to the physical and mental fitness requirements applicable to the position of municipal police officer established by an agency authorized to establish these requirements on a Statewide basis, or comparable physical and mental fitness requirements as determined by the board of trustees.

The term shall also include an administrative or supervisory employee of a law enforcement unit or the State whose duties include general or direct supervision of employees engaged in investigation, apprehension or detention activities or training responsibility for these employees and a requirement for engagement in investigation, apprehension or detention activities if necessary, and who is authorized to carry a firearm while in the actual performance of his official duties and has police powers.

(b) "Fireman" shall mean a permanent, full-time employee of a fire-fighting unit whose primary duties include the control and extinguishment of fires and who is subject to the training and physical and mental fitness requirements applicable to the position of municipal firefighter established by an agency authorized to establish these requirements on a Statewide ba-

sis, or comparable training and physical and mental fitness requirements as determined by the board of trustees. The term shall also include an administrative or supervisory employee of a firefighting unit whose duties include general or direct supervision of employees engaged in fire control and extinguishment activities or training responsibility for these employees and a requirement for engagement in fire control and extinguishment activities if necessary. As used in this paragraph, "firefighting unit" shall mean a municipal fire department, a fire district, or an agency of a county or the State which is responsible for control and extinguishment of fires.

(3) "Member" shall mean any policeman or fireman included in the membership of the retirement system pursuant to this amendatory and supplementary act, P.L.1989, c.204 (C.43:16A-15.6 et al.).

(4) "Board of trustees" or "board" shall mean the board provided for in section 13 of this act.

(5) "Medical board" shall mean the board of physicians provided for in section 13 of this act.

(6) "Employer" shall mean the State of New Jersey, the county, municipality or political subdivision thereof which pays the particular policeman or fireman.

(7) "Service" shall mean service as a policeman or fireman paid for by an employer.

(8) "Creditable service" shall mean service rendered for which credit is allowed as provided under section 4 of this act.

(9) "Regular interest" shall mean interest as determined by the State Treasurer, after consultation with the Directors of the Divisions of Investment and Pensions, the board of trustees and the actuary. It shall bear a reasonable relationship to the percentage rate of earnings on investments based on the market value of assets but shall not exceed the assumed percentage rate of increase applied to salaries plus 3%, provided however that the board of trustees shall not set the average percentage rate of increase applied to salaries below 6%.

(10) "Aggregate contributions" shall mean the sum of all the amounts, deducted from the compensation of a member or contributed by him or on his behalf, standing to the credit of his individual account in the annuity savings fund.

(11) "Annuity" shall mean payments for life derived from the aggregate contributions of a member.

(12) "Pension" shall mean payments for life derived from contributions by the employer.

(13) "Retirement allowance" shall mean the pension plus the annuity.

(14) "Earnable compensation" shall mean the full rate of the salary that would be payable to an employee if he worked the full normal working time for his position. In cases where salary includes maintenance, the retirement system shall fix the value of that part of the salary not paid in money which shall be considered under this act.

(15) "Average final compensation" shall mean final compensation.

(16) "Retirement" shall mean the termination of the member's active service with a retirement allowance granted and paid under the provisions of this act.

(17) "Annuity reserve" shall mean the present value of all payments to be made on account of any annuity or benefit in lieu of any annuity computed upon the basis of such mortality tables recommended by the actuary as shall be adopted by the board of trustees, and regular interest.

(18) "Pension reserve" shall mean the present value of all payments to be made on account of any pension or benefit in lieu of any pension computed upon the basis of such mortality tables recommended by the actuary as shall be adopted by the board of trustees, and regular interest.

(19) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality tables recommended by the actuary as shall be adopted by the board of trustees, and regular interest.

(20) "Beneficiary" shall mean any person receiving a retirement allowance or other benefit as provided by this act.

(21) "Child" shall mean a deceased member's or retirant's unmarried child (a) under the age of 18, or (b) 18 years of age or older and enrolled in a secondary school, or (c) under the age of 24 and enrolled in a degree program in an institution of higher education for at least 12 credit hours in each semester, provided that the member died in active service as a result of an accident met in the actual performance of duty at some definite time and place, and the death was not the result of the member's willful misconduct, or (d) of any age who, at the time of the member's or retirant's death, is disabled because of mental retardation or physical incapacity, is unable to do any substantial, gainful work because of the impairment and his impairment has lasted or can be expected to last for a continuous period of not less than 12 months, as affirmed by the medical board.

(22) "Parent" shall mean the parent of a member who was receiving at least one-half of his support from the member in the 12-month period immediately preceding the member's death or the accident which was the direct cause of the member's death. The dependency of such a parent will be considered terminated by marriage of the parent subsequent to the death of the member.

(23) (a) "Widower," for employees of the State, means the man to whom a member or retirant was married, or a domestic partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3), on the date of her death and who has not since remarried or established a domestic partnership. In the event of the payment of accidental death benefits, pursuant to section 10 of P.L.1944, c.255 (C.43:16A-10), the restriction concerning remarriage or establishment of a domestic partnership shall be waived.

(b) Subject to the provisions of paragraph (c) of this subsection, "widower," for employees of public employers other than the State, means the man to whom a member or retirant was married on the date of her death and who has not remarried.

(c) A public employer other than the State may adopt a resolution providing that the term "widower" as defined in paragraph (b) of this subsection shall include domestic partners as provided in paragraph (a) of this subsection.

(24) (a) "Widow," for employees of the State, means the woman to whom a member or retirant was married, or a domestic partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3), on the date of his death and who has not since remarried or established a domestic partnership. In the event of the payment of accidental death benefits, pursuant to section 10 of P.L.1944, c.255 (C.43:16A-10), the restriction concerning remarriage or establishment of a domestic partnership shall be waived.

(b) Subject to the provisions of paragraph (c) of this subsection, "widow," for employees of public employers other than the State, means the woman to whom a member or retirant was married on the date of his death and who has not remarried.

(c) A public employer other than the State may adopt a resolution providing that the term "widow" as defined in paragraph (b) of this subsection shall include domestic partners as provided in paragraph (a) of this subsection.

(25) "Fiscal year" shall mean any year commencing with July 1, and ending with June 30, next following.

(26) (a) "Compensation" shall mean the base salary, for services as a member as defined in this act, which is in accordance with established salary policies of the member's employer for all employees in the same position but shall not include individual salary adjustments which are granted primarily in anticipation of the member's retirement or additional remuneration for performing temporary duties beyond the regular workday.

(b) In the case of a person who becomes a member of the retirement system on or after the effective date of P.L.2010, c.1, "compensation"

means the amount of base salary equivalent to the annual maximum wage contribution base for Social Security, pursuant to the Federal Insurance Contributions Act, for services as a member as defined in this act, which is in accordance with established salary policies of the member's employer for all employees in the same position but shall not include individual salary adjustments which are granted primarily in anticipation of the member's retirement or additional remuneration for performing temporary duties beyond the regular workday.

(27) "Department" shall mean any police or fire department of a municipality or a fire department of a fire district located in a township or a county police or park police department or the appropriate department of the State or instrumentality thereof.

(28) (a) "Final compensation" means the compensation received by the member in the last 12 months of creditable service preceding his retirement or death.

(b) In the case of a person who becomes a member of the retirement system on or after the effective date of P.L.2010, c.1, "final compensation" means the average annual compensation for service for which contributions are made during any three fiscal years of membership providing the largest possible benefit to the member or the member's beneficiary.

(29) (Deleted by amendment, P.L.1992, c.78).

(30) (Deleted by amendment, P.L.1992, c.78).

(31) (a) "Spouse," for employees of the State, means the husband or wife, or domestic partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3), of a member.

(b) Subject to the provisions of paragraph (c) of this subsection, "spouse," for employees of public employers other than the State, means the husband or wife of a member.

(c) A public employer other than the State may adopt a resolution providing that the term "spouse" as defined in paragraph (b) of this subsection shall include domestic partners as provided in paragraph (a) of this subsection.

23. Section 3 of P.L.1965, c.89 (C.53:5A-3) is amended to read as follows:

C.53:5A-3 Definitions relative to State Police Retirement System.

3. As used in this act:

a. "Aggregate contributions" means the sum of all the amounts, deducted from the salary of a member or contributed by him or on his behalf,

standing to the credit of his individual account in the Annuity Savings Fund. Interest credited on contributions to the former "State Police Retirement and Benevolent Fund" shall be included in a member's aggregate contributions.

b. "Annuity" means payments for life derived from the aggregate contributions of a member.

c. "Annuity reserve" means the present value of all payments to be made on account of any annuity or benefit in lieu of an annuity, computed upon the basis of such mortality tables recommended by the actuary as the board of trustees adopts and regular interest.

d. "Beneficiary" means any person entitled to receive any benefit pursuant to the provisions of this act by reason of the death of a member or retirant.

e. "Board of trustees" or "board" means the board provided for in section 30 of this act.

f. "Child" means a deceased member's or retirant's unmarried child either (a) under the age of 18 or (b) of any age who, at the time of the member's or retirant's death, is disabled because of mental retardation or physical incapacity, is unable to do any substantial, gainful work because of the impairment and his impairment has lasted or can be expected to last for a continuous period of not less than 12 months, as affirmed by the medical board.

g. "Creditable service" means service rendered for which credit is allowed on the basis of contributions made by the member or the State.

h. "Parent" means the parent of a member who was receiving at least one-half of his support from the member in the 12-month period immediately preceding the member's death or the accident which was the direct cause of the member's death. The dependency of such a parent will be considered terminated by marriage of the parent subsequent to the death of the member.

i. (1) "Final compensation" means the average compensation received by the member in the last 12 months of creditable service preceding his retirement or death. Such term includes the value of the member's maintenance allowance for this same period.

(2) In the case of a person who becomes a member of the retirement system on or after the effective date of P.L.2010, c.1, "final compensation" means the average annual compensation for service for which contributions are made during any three fiscal years of membership providing the largest possible benefit to the member or the member's beneficiary. Such term includes the value of the member's maintenance allowance for this same period.

j. (1) "Final salary" means the average salary received by the member in the last 12 months of creditable service preceding his retirement or death. Such term shall not include the value of the member's maintenance allowance.

(2) In the case of a person who becomes a member of the retirement system on or after the effective date of P.L.2010, c.1, "final salary" means the average annual salary for service for which contributions are made during any three fiscal years of membership providing the largest possible benefit to the member or the member's beneficiary. Such term shall not include the value of the member's maintenance allowance.

k. "Fiscal year" means any year commencing with July 1 and ending with June 30 next following.

l. "Medical board" means the board of physicians provided for in section 30 of this act.

m. "Member" means any full-time, commissioned officer, non-commissioned officer or trooper of the Division of State Police of the Department of Law and Public Safety of the State of New Jersey enrolled in the retirement system established by this act.

n. "Pension" means payment for life derived from contributions by the State.

o. "Pension reserve" means the present value of all payments to be made on account of any pension or benefit in lieu of any pension computed on the basis of such mortality tables recommended by the actuary as shall be adopted by the board of trustees and regular interest.

p. "Regular interest" means interest as determined by the State Treasurer, after consultation with the Directors of the Divisions of Investment and Pensions, the board of trustees and the actuary. It shall bear a reasonable relationship to the percentage rate of earnings on investments based on the market value of the assets but shall not exceed the assumed percentage rate of increase applied to salaries plus 3%, provided however that the board of trustees shall not set the average percentage rate of increase applied to salaries below 6%.

q. "Retirant" means any former member receiving a retirement allowance as provided by this act.

r. "Retirement allowance" means the pension plus the annuity.

s. "State Police Retirement System of New Jersey," herein also referred to as the "retirement system" or "system," is the corporate name of the arrangement for the payment of retirement allowances and of the benefits under the provisions of this act including the several funds placed under said system. By that name, all of its business shall be transacted, its funds

invested, warrants for moneys drawn, and payments made and all of its cash and securities and other property held. All assets held in the name of the former "State Police Retirement and Benevolent Fund" shall be transferred to the retirement system established by this act.

t. "Surviving spouse" means the person to whom a member or a retirant was married, or a domestic partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3), on the date of the death of the member or retirant. The dependency of such a surviving spouse will be considered terminated by the marriage of, or establishment of a domestic partnership by, the surviving spouse subsequent to the member's or the retirant's death, except that in the event of the payment of accidental death benefits, pursuant to section 14 of P.L.1965, c.89 (C.53:5A-14), the dependency of such a surviving spouse or domestic partner will not be considered terminated by the marriage of, or establishment of a domestic partnership by, the surviving spouse subsequent to the member's death.

u. (1) "Compensation" for purposes of computing pension contributions means the base salary, for services as a member as defined in this act, which is in accordance with established salary policies of the State for all employees in the same position but shall not include individual salary adjustments which are granted primarily in anticipation of the member's retirement or additional remuneration for performing temporary duties beyond the regular workday or shift.

(2) In the case of a person who becomes a member of the retirement system on or after the effective date of P.L.2010, c.1, "compensation" means the amount of base salary equivalent to the annual maximum wage contribution base for Social Security, pursuant to the Federal Insurance Contributions Act, for services as a member as defined in this act, which is in accordance with established salary policies of the State for all employees in the same position but shall not include individual salary adjustments which are granted primarily in anticipation of the member's retirement or additional remuneration for performing temporary duties beyond the regular workday or shift.

24. N.J.S.18A:66-19 is amended to read as follows:

Annuity savings fund.

18A:66-19. The annuity savings fund shall be the fund in which shall be credited accumulated deductions and contributions by members or on their behalf to provide for their allowances.

New Jersey State Library

A single account shall be established in this fund for each person who is or shall become a member and all contributions deducted from each such member's compensation shall be credited to this single account.

C.18A:66-19.1 TPAF members, eligibility based on one position.

25. a. Notwithstanding the provisions of any law to the contrary, after the effective date of P.L.2010, c.1, a person who is or becomes a member of the Teachers' Pension and Annuity Fund and becomes employed in more than one office, position, or employment covered by the retirement system or commences service in a covered office, position, or employment with more than one employer shall be eligible for membership in the retirement system based upon only one of the offices, positions, or employments held concurrently. In the case of a person who holds more than one office, position, or employment covered by the retirement system, the retirement system shall designate the position providing the higher or highest compensation for the person with such concurrent positions as the basis for eligibility for membership and the compensation base for contributions and pension calculations.

b. Contributions shall be deducted only from the member's compensation for the office, position, or employment designated pursuant to subsection a. of this section and shall be credited to the member's single account established pursuant to N.J.S.18A:66-19. The designation by the retirement system of one office, position, or employment upon which membership in the retirement system shall be based shall be irrevocable as between or among the offices, positions, or employments held at the time the designation is made as long as the designated position is the one with the higher or highest compensation. A member who leaves a designated office, position, or employment, or acquires a different or additional office, position, or employment, may receive a new designation by the retirement system from among the offices, positions, or employments then held. Service in an office, position, or employment other than the one designated shall not be deemed creditable service for the purposes of the retirement system.

c. The provisions of subsections a. and b. of this section shall not apply to a person who, on the effective date of P.L.2010, c.1, is a member of the retirement system and holds more than one office, position, or employment covered by the retirement system with one or more employers, while the member continues to hold without a break in service more than one of those offices, positions, or employments. Any additional office, position, or employment acquired by the member shall not be deemed creditable service for the purposes of the retirement system and no designation for that mem-

ber shall be made until only one of the offices, positions, or employments held on the effective date remains.

26. Section 25 of P.L.1954, c.84 (C.43:15A-25) is amended to read as follows:

C.43:15A-25 Annuity savings fund; members' contributions.

25. a. The annuity savings fund shall be the fund in which shall be credited accumulated deductions and contributions by members or on their behalf to provide for their allowances. A single account shall be established in this fund for each person who is or shall become a member and all contributions deducted from each such member's compensation shall be credited to this single account.

b. (1) Members enrolled in the retirement system on or after July 1, 1994 shall contribute 5% of compensation to the system. Members enrolled in the system prior to July 1, 1994 shall contribute 5% of compensation to the system effective with the payroll period for which the beginning date is closest to July 1, 1995, provided, however, that any member enrolled before July 1, 1994, whose full contribution rate under the system prior to the revisions by this act was less than 6%, shall pay 4% of compensation to the system effective with the payroll period for which the beginning date is closest to July 1, 1995, and 5% of compensation to the system effective with the payroll period for which the beginning date is closest to July 1, 1996.

(2) Members enrolled in the retirement system on or after July 1, 2007 who are:

employees of the State, other than employees of the Judicial Branch;

employees of an independent State authority, board, commission, corporation, agency or organization;

employees of a local school district, regional school district, county vocational school district, county special services school district, jointure commission, educational services commission, State-operated school district, charter school, county college, any officer, board, or commission under the authority of the Commissioner of Education or of the State Board of Education, and any other public entity which is established pursuant to authority provided by Title 18A of the New Jersey Statutes; or

employees of a State public institution of higher education, other than employees of the University of Medicine and Dentistry of New Jersey shall contribute 5.5% of compensation to the system, and all such members described above enrolled in the system prior to July 1, 2007 shall contribute

5.5% of compensation to the system effective with the payroll period for which the beginning date is closest to July 1, 2007.

Members enrolled in the retirement system on or after July 1, 2008, other than those described in the paragraph above, shall contribute 5.5% of compensation to the system. Members enrolled in the system prior to July 1, 2008, other than those described in the paragraph above, shall contribute 5.5% of compensation to the system effective with the payroll period that begins immediately after July 1, 2008.

c. The retirement system shall certify to each State department or subdivision thereof, and to each branch of the State service not included in a State department, and to every other employer, the proportion of each member's compensation to be deducted and to facilitate the making of deductions the retirement system may modify the deduction required by a member by such an amount as shall not exceed 1/10 of 1% of the compensation upon the basis of which the deduction is to be made.

If payment in full, representing the monthly or biweekly transmittal and report of salary deductions, is not made within 15 days of the due date established by the retirement system, interest at the rate of 6% per annum shall commence to run against the total transmittal of salary deductions for the period on the first day after such fifteenth day.

d. Every employee to whom this act applies shall be deemed to consent and agree to any deduction from his compensation required by this act and to all other provisions of this act. Notwithstanding any other law, rule or regulation affecting the salary, pay, compensation, other perquisites, or tenure of a person to whom this act applies, or shall apply, and notwithstanding that the minimum salary, pay, or compensation or other perquisites provided by law for him shall be reduced thereby, payment, less such deductions, shall be a full and complete discharge and acquittance of all claims and demands for service rendered by him during the period covered by such payment.

27. Section 1 of P.L.1972, c.167 (C.43:15A-135) is amended to read as follows:

C.43:15A-135 Members of Legislature; membership in retirement system, service dates.

1. Members of the Legislature commencing service on or after the effective date of sections 1 through 19 of P.L.2007, c.92 (C.43:15C-1 through C.43:15C-15, C.43:3C-9, C.43:15A-7, C.43:15A-75 and C.43:15A-135) shall not be eligible for membership in the retirement system based on ser-

vice in that elective office. A member of the Legislature enrolled in the retirement system as of that effective date who continues to hold office as a member of the Legislature without a break in service shall be eligible to continue membership in the retirement system under the terms and conditions of the member's enrollment, except that during service in the Legislature, a legislator shall be a member of the retirement system on the basis of only one position of service in an elected office or of employment with a participating employer, as designated by the retirement system pursuant to section 28 of P.L.2010, c.1 (C.43:15A-25.2).

C.43:15A-25.2 PERS members, eligibility based on one position.

28. a. Notwithstanding the provisions of any law to the contrary, after the effective date of P.L.2010, c.1, a person who is or becomes a member of the Public Employees' Retirement System and becomes employed in more than one office, position, or employment covered by the retirement system or commences service in a covered office, position, or employment with more than one employer shall be eligible for membership in the retirement system based upon only one of the offices, positions, or employments held concurrently. In the case of a person who holds more than one office, position, or employment covered by the retirement system, the retirement system shall designate the position providing the higher or highest compensation for the person with such concurrent positions as the basis for eligibility for membership and the compensation base for contributions and pension calculations.

b. Contributions shall be deducted only from the member's compensation for the office, position, or employment designated pursuant to subsection a. of this section and shall be credited to the member's single account established pursuant to section 25 of P.L.1954, c.84 (C.43:15A-25), or in the case of an eligible member of the Legislature, the legislative account established pursuant to section 2 of P.L.1972, c.167 (C.43:15A-136). The designation by the retirement system of one office, position or employment upon which membership in the retirement system shall be based shall be irrevocable as between or among the offices, positions, or employments held at the time the designation is made as long as the designated position is the one with the higher or highest compensation. A member who leaves a designated office, position, or employment or acquires a different or additional office, position, or employment, may receive a new designation by the retirement system from among the offices, positions, or employments then held. Service in an office, position, or employment other than the one designated shall not be deemed creditable service for the purposes of the retirement system.

c. The provisions of subsections a. and b. of this section shall not apply to a person who, on the effective date of P.L.2010, c.1, is a member of the retirement system and holds more than one office, position, or employment covered by the retirement system with one or more employers, while the member continues to hold without a break in service more than one of those offices, positions, or employments. Any additional office, position, or employment acquired by the member shall not be deemed creditable service for the purposes of the retirement system and no designation for that member shall be made until only one of the offices, positions, or employments held on the effective date remains.

29. Section 5 of P.L.1997, c.113 (C.43:3C-9.5) is amended to read as follows:

C.43:3C-9.5 "Non-forfeitable right to receive benefits" defined, contributions; construction of act.

5. a. For purposes of this section, a "non-forfeitable right to receive benefits" means that the benefits program, for any employee for whom the right has attached, cannot be reduced. The provisions of this section shall not apply to post-retirement medical benefits which are provided pursuant to law.

b. Vested members of the Teachers' Pension and Annuity Fund, the Judicial Retirement System, the Prison Officers' Pension Fund, the Public Employees' Retirement System, the Consolidated Police and Firemen's Pension Fund, the Police and Firemen's Retirement System, and the State Police Retirement System, upon the attainment of five years of service credit in the retirement system or fund or on the date of enactment of this bill, whichever is later, shall have a non-forfeitable right to receive benefits as provided under the laws governing the retirement system or fund upon the attainment of five years of service credit in the retirement system or fund or on the effective date of this act, whichever is later. This subsection shall not be applicable to a person who becomes a member of these systems or funds on or after the effective date of P.L.2010, c.1, except that such person shall not include a person who at the time of enrollment in the retirement system or fund on or after that effective date transfers service credit, as permitted, from another State-administered retirement system or fund of which the person was a member immediately prior to the effective date and continuously thereafter, but shall include a former member of the retirement system or fund who has been granted a retirement allowance and is reenrolled in the retirement system or fund on or after that effective date after

becoming employed again in a position that makes the person eligible to be a member of the retirement system.

c. The State shall make an annual normal contribution and an annual unfunded accrued liability contribution to each system or fund pursuant to standard actuarial practices authorized by law, unless both of the following conditions are met: (1) there is no existing unfunded accrued liability contribution due to the system or fund at the close of the valuation period applicable to the upcoming fiscal year; and (2) there are excess valuation assets in excess of the actuarial accrued liability of the system or fund at the close of the valuation period applicable to the upcoming fiscal year.

d. This act shall not be construed to preclude forfeiture, suspension or reduction in benefits for dishonorable service.

e. Except as expressly provided herein and only to the extent so expressly provided, nothing in this act shall be deemed to (1) limit the right of the State to alter, modify or amend such retirement systems and funds, or (2) create in any member a right in the corpus or management of a retirement system or pension fund.

30. Section 2 of P.L.2001, c.366 (C.43:15A-156) is amended to read as follows:

C.43:15A-156 Prosecutors, membership in Prosecutors Part, PERS credit.

2. a. Notwithstanding the provisions of any other law, prosecutors shall be members of the Prosecutors Part, established pursuant to P.L.2001, c.366 (C.43:15A-155 et seq.), of the Public Employees' Retirement System, established pursuant to P.L.1954, c.84 (C.43:15A-1 et seq.), if enrolled in the part prior to the effective date of P.L.2010, c.1, and shall be subject to the same membership and benefit provisions as State employees, except as provided by P.L.2001, c.366. Membership in the retirement system shall be a condition of employment for service as a prosecutor for a prosecutor enrolled in the part prior to the effective date of P.L.2010, c.1. Any service credit which has been established in the Public Employees' Retirement System by a prosecutor prior to the effective date of this act shall be established in the Prosecutors Part without further assessment of cost to the prosecutor; provided, however, any service credit which has been established in the Public Employees' Retirement System by a member of the retirement system in any position prior to service as a county prosecutor, nominated and appointed pursuant to Article VII, Section II, paragraph 1 of the New Jersey Constitution, shall be established in the Prosecutors Part without further assessment of cost to the prosecutor.

A prosecutor who becomes a member of the retirement system on or after the effective date of P.L.2010, c.1 shall not be a member of the Prosecutors Part and the provisions of P.L.2001, c.366 (C.43:15A-155 et seq.) shall not apply to such prosecutor or the prosecutor's beneficiary.

b. All outstanding obligations, such as loans, purchases and other arrearage, shall be satisfied by a prosecutor as previously scheduled for payment to the Public Employees' Retirement System.

31. Section 16 of P.L.1964, c.241 (C.43:16A-11.1) is amended to read as follows:

C.43:16A-11.1 Special retirement; allowance; death benefits.

16. a. Should a member resign after having established 25 years of creditable service, he may elect "special retirement," provided, that such election is communicated by such member to the retirement system by filing a written application, duly attested, stating at what time subsequent to the execution and filing thereof he desires to be retired. He shall receive, in lieu of the payment provided in section 11, a retirement allowance which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his aggregate contributions, and

(2) A pension in the amount which, when added to the member's annuity, will provide a total retirement allowance of 65% of his final compensation, plus 1% of his final compensation multiplied by the number of years of creditable service over 25 but not over 30; provided, however, that any member who has earned, prior to July 1, 1979, more than 30 years of creditable service, shall receive an additional 1% of his final compensation for each year of his creditable service over 30.

The board of trustees shall retire him at the time specified or at such other time within one month after the date so specified as the board finds advisable.

Upon the receipt of proper proofs of the death of such a retired member, there shall be paid to his beneficiary an amount equal to one-half of the final compensation received by the member.

b. The "special retirement" allowance payable under subsection a. of this section to any person who retired under the retirement system prior to December 20, 1989 shall be increased by an amount equal to 5% of the person's final compensation or by such lesser amount as would, if added to the allowance payable at the time of retirement, provide a total retirement allowance of 70% of final compensation, except that in the case of such a

retirant who retired on or after July 1, 1979 and had earned prior to that date more than 30 years of creditable service, the amount of the increase shall be equal to 5% of the person's final compensation irrespective of the total retirement allowance which such an increase would provide. The provisions of this subsection shall not be construed either to require a reduction in the retirement allowance payable to any retirant or to provide for the payment of any adjustment in such an allowance with respect to any period of time prior to the first day of the month following that effective date.

32. Section 15 of P.L.1944, c.255 (C.43:16A-15) is amended to read as follows:

C.43:16A-15 Contributions, expenses of administration.

15. (1) The contributions required for the support of the retirement system shall be made by members and their employers.

(2) The uniform percentage contribution rate for members shall be 8.5% of compensation.

(3) (Deleted by amendment, P.L.1989, c.204).

(4) Upon the basis of the tables recommended by the actuary which the board adopts and regular interest, the actuary shall compute annually, beginning as of June 30, 1991, the amount of contribution which shall be the normal cost as computed under the projected unit credit method attributable to service rendered under the retirement system for the year beginning on July 1 immediately succeeding the date of the computation. This shall be known as the "normal contribution."

(5) (Deleted by amendment, P.L.1989, c.204).

(6) (Deleted by amendment, P.L.1994, c.62.)

(7) Each employer shall cause to be deducted from the salary of each member the percentage of earnable compensation prescribed in subsection (2) of this section. To facilitate the making of deductions, the retirement system may modify the amount of deduction required of any member by an amount not to exceed 1/10 of 1% of the compensation upon which the deduction is based.

(8) The deductions provided for herein shall be made notwithstanding that the minimum salary provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided for herein, and payment of salary or compensation less said deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the service rendered by such person during the period covered by such payment, except as to the

benefits provided under this act. The chief fiscal officer of each employer shall certify to the retirement system in such manner as the retirement system may prescribe, the amounts deducted; and when deducted shall be paid into said annuity savings fund, and shall be credited to the individual account of the member from whose salary said deduction was made.

(9) With respect to employers other than the State, upon the basis of the tables recommended by the actuary which the board adopts and regular interest, the actuary shall compute the amount of the accrued liability as of June 30, 1991 under the projected unit credit method, which is not already covered by the assets of the retirement system, valued in accordance with the asset valuation method established in this section. Using the total amount of this unfunded accrued liability, the actuary shall compute the initial amount of contribution which, if the contribution is increased at a specific rate and paid annually for a specific period of time, will amortize this liability. The State Treasurer shall determine, upon the advice of the Director of the Division of Pensions and Benefits, the board of trustees and the actuary, the rate of increase for the contribution and the time period for full funding of this liability, which shall not exceed 40 years on initial application of this section as amended by this act, P.L.1994, c.62. This shall be known as the "accrued liability contribution." Any increase or decrease in the unfunded accrued liability as a result of actuarial losses or gains for the 10 valuation years following valuation year 1991 shall serve to increase or decrease, respectively, the unfunded accrued liability contribution. Thereafter, any increase or decrease in the unfunded accrued liability as a result of actuarial losses or gains for subsequent valuation years shall serve to increase or decrease, respectively, the amortization period for the unfunded accrued liability, unless an increase in the amortization period will cause it to exceed 30 years. If an increase in the amortization period as a result of actuarial losses for a valuation year would exceed 30 years, the accrued liability contribution shall be computed for the valuation year in the same manner provided for the computation of the initial accrued liability contribution under this section.

With respect to the State, upon the basis of the tables recommended by the actuary which the board adopts and regular interest, the actuary shall annually determine if there is an amount of the accrued liability, computed under the projected unit credit method, which is not already covered by the assets of the retirement system, valued in accordance with the asset valuation method established in this section. This shall be known as the "unfunded accrued liability." If there was no unfunded accrued liability for the valuation period immediately preceding the current valuation period, the actuary, using the total amount of this unfunded accrued liability, shall

compute the initial amount of contribution which, if the contribution is increased at a specific rate and paid annually for a specific period of time, will amortize this liability. The State Treasurer shall determine, upon the advice of the Director of the Division of Pensions and Benefits, the board of trustees and the actuary, the rate of increase for the contribution and the time period for full funding of this liability, which shall not exceed 30 years. This shall be known as the "accrued liability contribution." Thereafter, any increase or decrease in the unfunded accrued liability as a result of actuarial losses or gains for subsequent valuation years shall serve to increase or decrease, respectively, the amortization period for the unfunded accrued liability, unless an increase in the amortization period will cause it to exceed 30 years. If an increase in the amortization period as a result of actuarial losses for a valuation year would exceed 30 years, the accrued liability contribution shall be computed for the valuation year in the same manner provided for the computation of the initial accrued liability contribution under this section. The State may pay all or any portion of its unfunded accrued liability under the retirement system from any source of funds legally available for the purpose, including, without limitation, the proceeds of bonds authorized by law for this purpose.

The value of the assets to be used in the computation of the contributions provided for under this section for valuation periods shall be the value of the assets for the preceding valuation period increased by the regular interest rate, plus the net cash flow for the valuation period (the difference between the benefits and expenses paid by the system and the contributions to the system) increased by one half of the regular interest rate, plus 20% of the difference between this expected value and the full market value of the assets as of the end of the valuation period. This shall be known as the "valuation assets." Notwithstanding the first sentence of this paragraph, the valuation assets for the valuation period ending June 30, 1995 shall be the full market value of the assets as of that date and, with respect to the valuation assets allocated to the State, shall include the proceeds from the bonds issued pursuant to the "Pension Bond Financing Act of 1997," P.L.1997, c.114 (C.34:1B-7.45 et seq.), paid to the system by the New Jersey Economic Development Authority to fund the unfunded accrued liability of the system. Notwithstanding the first sentence of this paragraph, the percentage of the difference between the expected value and the full market value of the assets to be added to the expected value of the assets for the valuation period ending June 30, 1998 for the State shall be 100% and for other employers shall be 57% plus such additional percentage as is equivalent to \$150,000,000. Notwithstanding the first sentence of this paragraph, the

amount of the difference between the expected value and the full market value of the assets to be added to the expected value of the assets for the valuation period ending June 30, 1999 shall include an additional amount of the market value of the assets sufficient to fund (1) the unfunded accrued liability for the supplementary "special retirement" allowances provided under subsection b. of section 16 of P.L.1964, c.241 (C.43:16A-11.1) and (2) the unfunded accrued liability for the full credit toward benefits under the retirement system for service credited in the Public Employees' Retirement System and transferred pursuant to section 1 of P.L.1993, c.247 (C.43:16A-3.8) and the reimbursement of the cost of any credit purchase pursuant to section 3 of P.L.1993, c.247 (C.43:16A-3.10) provided under section 1 of P.L.2001, c.201 (C.43:16A-3.14).

"Excess valuation assets" means, with respect to the valuation assets allocated to the State, the valuation assets allocated to the State for a valuation period less the actuarial accrued liability of the State for the valuation period, and beginning with the valuation period ending June 30, 1998, less the present value of the expected additional normal cost contributions attributable to the provisions of P.L.1999, c.428 (C.43:16A-15.8 et al.) payable on behalf of the active members employed by the State as of the valuation period over the expected working lives of the active members in accordance with the tables of actuarial assumptions applicable to the valuation period, and less the present value of the expected additional normal cost contributions attributable to the provisions of P.L.2003, c.108 as amending section 16 of P.L.1964, c.241 (C.43:16A-11.1) payable on behalf of the active members employed by the State as of the valuation period over the expected working lives of the active members in accordance with the tables of actuarial assumptions applicable to the valuation period, if the sum is greater than zero. "Excess valuation assets" means, with respect to the valuation assets allocated to other employers, the valuation assets allocated to the other employers for a valuation period less the actuarial accrued liability of the other employers for the valuation period, excluding the unfunded accrued liability for early retirement incentive benefits pursuant to P.L.1993, c.99 for the other employers, and beginning with the valuation period ending June 30, 1998, less the present value of the expected additional normal cost contributions attributable to the provisions of P.L.1999, c.428 (C.43:16A-15.8 et al.) payable on behalf of the active members employed by other employers as of the valuation period over the expected working lives of the active members in accordance with the tables of actuarial assumptions applicable to the valuation period, and less the present value of the expected additional normal cost contributions attributable to

the provisions of P.L.2003, c.108 as amending section 16 of P.L.1964, c.241 (C.43:16A-11.1) payable on behalf of the active members employed by other employers as of the valuation period over the expected working lives of the active members in accordance with the tables of actuarial assumptions applicable to the valuation period, if the sum is greater than zero.

If there are excess valuation assets allocated to the State or to the other employers for the valuation period ending June 30, 1995, the normal contributions payable by the State or by the other employers for the valuation periods ending June 30, 1995, and June 30, 1996 which have not yet been paid to the retirement system shall be reduced to the extent possible by the excess valuation assets allocated to the State or to the other employers, respectively, provided that with respect to the excess valuation assets allocated to the State, the General Fund balances that would have been paid to the retirement system except for this provision shall first be allocated as State aid to public schools to the extent that additional sums are required to comply with the May 14, 1997 decision of the New Jersey Supreme Court in *Abbott v. Burke*.

If there are excess valuation assets allocated to the other employers for the valuation period ending June 30, 1998, the accrued liability contributions payable by the other employers for the valuation period ending June 30, 1997 shall be reduced to the extent possible by the excess valuation assets allocated to the other employers.

If there are excess valuation assets allocated to the State or to the other employers for a valuation period ending after June 30, 1998, the State Treasurer may reduce the normal contribution payable by the State or by other employers for the next valuation period as follows:

(1) for valuation periods ending June 30, 1996 through June 30, 2000, to the extent possible by up to 100% of the excess valuation assets allocated to the State or to the other employers, respectively;

(2) for the valuation period ending June 30, 2001, to the extent possible by up to 84% of the excess valuation assets allocated to the State or to the other employers, respectively;

(3) for the valuation period ending June 30, 2002, to the extent possible by up to 68% of the excess valuation assets allocated to the State or to the other employers, respectively; and

(4) for valuation periods ending June 30, 2003 through June 30, 2007, to the extent possible by up to 50% of the excess valuation assets allocated to the State or to the other employers, respectively.

Notwithstanding the discretion provided to the State Treasurer in the previous paragraph to reduce the amount of the normal contribution pay-

able by employers other than the State, the State Treasurer shall reduce the amount of the normal contribution payable by employers other than the State by \$150,000,000 in the aggregate for the valuation period ending June 30, 1998, and then the State Treasurer may reduce further pursuant to the provisions of the previous paragraph the normal contribution payable by such employers for that valuation period.

The normal and accrued liability contributions shall be certified annually by the retirement system and shall be included in the budget of the employer and levied and collected in the same manner as any other taxes are levied and collected for the payment of the salaries of members.

Notwithstanding the preceding sentence, the normal and accrued liability contributions to be included in the budget of and paid by the employer other than the State shall be as follows: for the payment due in the State fiscal year ending on June 30, 2004, 20% of the amount certified by the retirement system; for the payment due in the State fiscal year ending on June 30, 2005, a percentage of the amount certified by the retirement system as the State Treasurer shall determine but not more than 40%; for the payment due in the State fiscal year ending on June 30, 2006, a percentage of the amount certified by the retirement system as the State Treasurer shall determine but not more than 60%; and for the payment due in the State fiscal year ending on June 30, 2007, a percentage of the amount certified by the retirement system as the State Treasurer shall determine but not more than 80%.

The State Treasurer shall reduce the normal and accrued liability contributions payable by employers other than the State to 50 percent of the amount certified annually by the retirement system for payments due in the State fiscal year ending June 30, 2009. An employer that elects to pay the reduced normal and accrued liability contribution shall adopt a resolution, separate and apart from other budget resolutions, stating that the employer needs to pay the reduced contribution and providing an explanation of that need which shall include (1) a description of its inability to meet the levy cap without jeopardizing public safety, health, and welfare or without jeopardizing the fiscal stability of the employer, or (2) a description of another condition that offsets the long term fiscal impact of the payment of the reduced contribution. An employer also shall document those actions it has taken to reduce its operating costs, or provide a description of relevant anticipated circumstances that could have an impact on revenues or expenditures. This resolution shall be submitted to and approved by the Local Finance Board after making a finding that these fiscal conditions are valid and affirming the findings contained in the employer resolution.

An employer that elects to pay 100 percent of the amount certified by the retirement system for the State fiscal year ending June 30, 2009 shall be credited with such payment and any such amounts shall not be included in the employer's unfunded liability.

The actuaries for the retirement system shall determine the unfunded liability of the retirement system, by employer, for the reduced normal and accrued liability contributions provided under P.L.2009, c.19. This unfunded liability shall be paid by the employer in level annual payments over a period of 15 years beginning with the payments due in the State fiscal year ending June 30, 2012 and shall be adjusted by the rate of return on the actuarial value of assets.

The retirement system shall annually certify to each employer the contributions due to the contingent reserve fund for the liability under P.L.2009, c.19. The contributions certified by the retirement system shall be paid by the employer to the retirement system on or before the date prescribed by law for payment of employer contributions for basic retirement benefits. If payment of the full amount of the contribution certified is not made within 30 days after the last date for payment of employer contributions for basic retirement benefits, interest at the rate of 10% per year shall be assessed against the unpaid balance on the first day after the thirtieth day.

(10) The treasurer or corresponding officer of the employer shall pay to the State Treasurer no later than April 1 of the State's fiscal year in which payment is due the amount so certified as payable by the employer, and shall pay monthly to the State Treasurer the amount of the deductions from the salary of the members in the employ of the employer, and the State Treasurer shall credit such amount to the appropriate fund or funds, of the retirement system.

If payment of the full amount of the employer's obligation is not made within 30 days of the due date established by this act, interest at the rate of 10% per annum shall commence to run against the unpaid balance thereof on the first day after such 30th day.

If payment in full, representing the monthly transmittal and report of salary deductions, is not made within 15 days of the due date established by the retirement system, interest at the rate of 10% per annum shall commence to run against the total transmittal of salary deductions for the period on the first day after such 15th day.

(11) The expenses of administration of the retirement system shall be paid by the State of New Jersey. Each employer shall reimburse the State for a proportionate share of the amount paid by the State for administrative expense. This proportion shall be computed as the number of members

under the jurisdiction of such employer bears to the total number of members in the system. The pro rata share of the cost of administrative expense shall be included with the certification by the retirement system of the employer's contribution to the system.

(12) Notwithstanding anything to the contrary, the retirement system shall not be liable for the payment of any pension or other benefits on account of the employees or beneficiaries of any employer participating in the retirement system, for which reserves have not been previously created from funds, contributed by such employer or its employees for such benefits.

(13) (Deleted by amendment, P.L.1992, c.125.)

(14) Commencing with valuation year 1991, with payment to be made in Fiscal Year 1994, the Legislature shall annually appropriate and the State Treasurer shall pay into the pension accumulation fund of the retirement system an amount equal to 1.1% of the compensation of the members of the system for the valuation year to fund the benefits provided by section 16 of P.L.1964, c.241 (C.43:16A-11.1), as amended by P.L.1979, c.109.

(15) If the valuation assets are insufficient to fund the normal and accrued liability costs attributable to P.L.1999, c.428 (C.43:16A-15.8 et al.) as provided hereinabove, the normal and unfunded accrued liability contributions required to fund these costs for the State and other employers shall be paid by the State.

(16) The savings realized as a result of the amendments to this section by P.L.2001, c.44 in the payment of normal contributions computed by the actuary for the valuation periods ending June 30, 1998 for employers other than the State shall be used solely and exclusively by a county or municipality for the purpose of reducing the amount that is required to be raised by the local property tax levy by the county for county purposes or by the municipality for municipal purposes, as appropriate. The Director of the Division of Local Government Services in the Department of Community Affairs shall certify for each year that each county or municipality has complied with the requirements set forth herein. If the director finds that a county or municipality has not used the savings solely and exclusively for the purpose of reducing the amount that is required to be raised by the local property tax levy by the county for county purposes or by the municipality for municipal purposes, as appropriate, the director shall direct the county or municipal governing body, as appropriate, to make corrections to its budget.

33. Section 16 of P.L.1944, c.255 (C.43:16A-16) is amended to read as follows:

C.43:16A-16 Funds to be established.

16. (1) All the assets of the retirement system shall be credited according to the purpose for which they are held to one of five funds, namely, the annuity savings fund, the pension accumulation fund, the retirement reserve fund, and the special reserve fund.

(2) The annuity savings fund shall be a fund in which shall be credited accumulated contributions by members or on their behalf to provide for their allowances. The aggregate contributions of a member withdrawn by him or paid to his estate or his designated beneficiary in event of his death as provided in this act shall be paid from the annuity savings fund. Upon the retirement of a member where the aggregate contributions of the member are to be provided in the form of an annuity, the aggregate contributions of the member shall be transferred from the annuity savings fund to the retirement reserve fund.

(3) The pension accumulation fund shall be the fund in which shall be credited contributions made by employers. Upon the death of a member either before or after retirement any lump sum benefit payable shall be charged to the pension accumulation fund. Upon the retirement or death of a member the reserve of any pension payable to or on his account shall be transferred to the retirement reserve fund. The retirement system at the end of each fiscal year shall allow interest on the balance of the retirement reserve fund as of the beginning of said fiscal year at the regular interest rate applicable thereto to cover the interest creditable for the year. The amount so allowed shall be due and payable and shall be credited annually. All other income received on the securities, funds and investments of the retirement system shall be credited to the pension accumulation fund, except as provided by subsection (5) of this section. The retirement system, upon the advice of the actuary, shall transfer to and from the pension accumulation fund any surplus or deficit in the retirement reserve fund.

(4) The retirement reserve fund shall be the fund from which all retirement allowances and benefits in lieu thereof shall be paid. If the retirement allowance of a member who has been retired is subsequently canceled, the appropriate reserve shall be transferred to the pension accumulation fund and the annuity savings fund.

(5) The special reserve fund shall be the fund to which any earnings in excess of the amounts annually allowed under the provisions of subsection (3) of this section shall be transferred. No additional amounts shall be credited to the special reserve fund at any time when the total accumulations in such fund equal 1% of the book value of the investments of the retirement system. In this event, any such excess shall be credited to the pension accu-

mulation fund. All losses from the sale of securities shall be charged against the special reserve fund. The special reserve fund shall be considered for valuation purposes by the actuary as an asset of the retirement system.

C.18A:66-4.2 Inapplicability of certain statutes relative to certain transferred service credit.

34. The provisions of N.J.S.18A:66-2, N.J.S.18A:66-36, N.J.S.18A:66-37, N.J.S.18A:66-44, and N.J.S.18A:66-71 concerning persons who become members of the retirement system on or after the effective date of P.L.2010, c.1 shall not apply to a person who at the time of enrollment in the retirement system on or after that effective date transfers service credit, as permitted, from another State-administered retirement system of which the person was a member immediately prior to the effective date and continuously thereafter, but shall apply to a former member of the retirement system who has been granted a retirement allowance and is reenrolled in the retirement system on or after that effective date after becoming employed again in a position that makes the person eligible to be a member of the retirement system.

C.43:15A-7.4 Inapplicability of certain statutes relative to certain transferred service credits.

35. The provisions of section 6 of P.L.1954, c.84 (C.43:15A-6), section 38 of P.L.1954, c.84 (C.43:15A-38), section 41 of P.L.1954, c.84 (C.43:15A-41), section 48 of P.L.1954, c.84 (C.43:15A-48), and section 61 of P.L.1954, c.84 (C.43:15A-61) concerning persons who become members of the retirement system on or after the effective date of P.L.2010, c.1 shall not apply to a person who at the time of enrollment in the retirement system on or after that effective date transfers service credit, as permitted, from another State-administered retirement system of which the person was a member immediately prior to the effective date and continuously thereafter, but shall apply to a former member of the retirement system who has been granted a retirement allowance and is reenrolled in the retirement system on or after that effective date after becoming employed again in a position that makes the person eligible to be a member of the retirement system.

C.43:16A-1.6 Inapplicability of C.43:16A-1.

36. The provisions of section 1 of P.L.1944, c.255 (C.43:16A-1) as amended by P.L.2010, c.1 concerning persons who become members of the retirement system on or after the effective date of P.L.2010, c.1 shall not apply to a person who at the time of enrollment in the retirement system on

or after that effective date transfers service credit, as permitted, from another State-administered retirement system of which the person was a member immediately prior to the effective date and continuously thereafter, but shall apply to a former member of the retirement system who has been granted a retirement allowance and is reenrolled in the retirement system on or after that effective date after becoming employed again in a position that makes the person eligible to be a member of the retirement system.

C.53:5A-5.4 Inapplicability of C.53:5A-3.

37. The provisions of section 3 of P.L.1965, c.89 (C.53:5A-3) as amended by P.L.2010, c.1 concerning persons who become members of the retirement system on or after the effective date of P.L.2010, c.1 shall not apply to a person who at the time of enrollment in the retirement system on or after that effective date transfers service credit, as permitted, from another State-administered retirement system of which the person was a member immediately prior to the effective date and continuously thereafter, but shall apply to a former member of the retirement system who has been granted a retirement allowance and is reenrolled in the retirement system on or after that effective date after becoming employed again in a position that makes the person eligible to be a member of the retirement system.

C.43:3C-14 State contributions.

38. Commencing July 1, 2011 and thereafter, the contribution required, by law, to be made by the State to the Teachers' Pension and Annuity Fund, established pursuant to N.J.S.18A:66-1 et seq., the Judicial Retirement System, established pursuant to P.L.1973, c.140 (C.43:6A-1 et seq.), the Prison Officers' Pension Fund, established pursuant to P.L.1941, c.220 (C.43:7-7 et seq.), the Public Employees' Retirement System, established pursuant to P.L.1954, c.84 (C.43:15A-1 et seq.), the Consolidated Police and Firemen's Pension Fund, established pursuant to R.S.43:16-1 et seq., the Police and Firemen's Retirement System, established pursuant to P.L.1944, c.255 (C.43:16A-1 et seq.), and the State Police Retirement System, established pursuant to P.L.1965, c.89 (C.53:5A-1 et seq.), shall be made in full each year to each system or fund in the manner and at the time provided by law. The contribution shall be computed by actuaries for each system or fund based on an annual valuation of the assets and liabilities of the system or fund pursuant to consistent and generally accepted actuarial standards and shall include the normal contribution and the unfunded accrued liability contribution. The State with regard to its obligations funded through the annual appropriations act shall be in compliance with this requirement pro-

vided the State makes a payment, to each State-administered retirement system or fund, of at least 1/7th of the full contribution, as computed by the actuaries, in the State fiscal year commencing July 1, 2011 and a payment in each subsequent fiscal year that increases by at least an additional 1/7th until payment of the full contribution is made in the seventh fiscal year and thereafter.

39. This act shall take effect on the 60th day following enactment.

Approved March 22, 2010.

CHAPTER 2

AN ACT concerning the eligibility for and the benefits provided through the State Health Benefits Program and the School Employees' Health Benefits Program, and concerning contributions and waivers by active and certain retired public employees for health care benefits provided by an employer, and amending various parts of the statutory law and supplementing chapter 64A of Title 18A of the New Jersey Statutes.

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

1. Section 6 of P.L.1996, c.8 (C.52:14-17.28b) is amended to read as follows:

C.52:14-17.28b Determination of obligation of State agencies to pay premium; periodic charges; cost sharing.

6. a. Notwithstanding the provisions of any other law to the contrary, the obligations of the State or an independent State authority, board, commission, corporation, agency, or organization to pay the premium or periodic charges for health benefits coverage provided under P.L.1961, c.49 (C.52:14-17.25 et seq.) may be determined by means of a binding collective negotiations agreement, including any agreements in force at the time of the adoption of P.L.1996, c.8. With respect to State employees for whom there is no majority representative for collective negotiations purposes, the commission may, in its sole discretion, modify the respective payment obligations set forth in P.L.1961, c.49 for the State and such employees in a manner consistent with the terms of any collective negotiations agreement bind-

ing on the State. With respect to employees of an independent State authority, board, commission, corporation, agency, or organization for whom there is no majority representative for collective negotiations purposes, the employer may, in its sole discretion, modify the respective payment obligations set forth in P.L.1961, c.49 for such employer and such employees in a manner consistent with the terms of any collective negotiations agreement binding on such employer. The provisions of this subsection shall also apply to employees deemed or considered to be employees of the State pursuant to subsection (c) of section 2 of P.L.1961, c.49 (C.52:14-17.26).

b. (1) Notwithstanding the provisions of any other law to the contrary, for each State employee who accrues 25 years of nonconcurrent service credit in one or more State or locally-administered retirement systems before July 1, 1997, excepting the employee who elects deferred retirement, the State, upon the employee's retirement, shall pay the full cost of the premium or periodic charges for the health benefits provided to a retired State employee and dependents covered under the State Health Benefits Program, but not including survivors, and shall also reimburse the retired employee for premium charges under Part B of Medicare covering the retired employee and the employee's spouse.

(2) Notwithstanding the provisions of any other law to the contrary, and except as otherwise provided by section 8 of P.L.1961, c.49 (C.52:14-17.32) as amended by P.L.2005, c.341, and by subsection c. of this section, for each State employee who accrues 25 years of nonconcurrent service credit in one or more State or locally-administered retirement systems on or after July 1, 1997, excepting the employee who elects deferred retirement, the State, upon the employee's retirement, shall pay the premium or periodic charges for the health benefits provided to a retired State employee and dependents covered under the State Health Benefits Program, but not including survivors, and shall reimburse the retired employee for premium charges under Part B of Medicare covering the retired employee and the employee's spouse: (a) in accordance with the provisions, if any, concerning health benefits coverage in retirement which are in the collective negotiations agreement applicable to the employee at the time of the employee's accrual of 25 years of nonconcurrent service credit in one or more State or locally-administered retirement systems, or (b) if the employee has no majority representative for collective negotiations purposes, in a manner consistent with the terms, if any, concerning health benefits coverage in retirement which are in any collective negotiations agreement deemed applicable by the State Health Benefits Commission to that employee at the time of the employee's accrual of 25 years of nonconcurrent service credit in one or

more State or locally-administered retirement systems. The terms for the payment of premiums or periodic charges established pursuant to this paragraph for the traditional plan shall apply to the successor plan, and the terms for the payment of premiums or periodic charges established pursuant to this paragraph for the NJ PLUS plan shall apply to the State managed care plan required to be included in a contract entered into pursuant to subsection c. of section 4 of P.L.1961, c.49 (C.52:14-17.28).

c. (1) Effective July 1, 2007, but, with respect to employees to whom this subsection applies who are paid through the State centralized payroll, effective with the first pay period beginning after July 1, 2007, the cost of benefits provided pursuant to P.L.1961, c.49 (C.52:14-17.25 et seq.) shall be shared by employees through the withholding of a contribution in an amount as determined in accordance with paragraph (2) of this subsection.

(2) The amount of the contribution required pursuant to paragraph (1) of this subsection as to State employees and employees of an independent State authority, board, commission, corporation, agency, or organization for whom there is a majority representative for collective negotiations purposes shall be determined by means of a binding collective negotiations agreement. Commencing on the effective date of P.L.2010, c.2 and upon the expiration of any applicable binding collective negotiations agreement in force on that effective date, the amount of the contribution required pursuant to paragraph (1) of this subsection by State employees and employees of an independent State authority, board, commission, corporation, agency, or organization for whom there is a majority representative for collective negotiations purposes shall be 1.5% of base salary, notwithstanding any other amount that may be required additionally pursuant to this paragraph by means of a binding collective negotiations agreement.

The amount of the contribution required pursuant to paragraph (1) of this subsection as to State employees for whom there is no majority representative for collective negotiations purposes shall be determined in a manner consistent with the terms, if any, concerning health benefits coverage which are in a collective negotiations agreement deemed applicable by the commission to the employee. The amount of the contribution required pursuant to paragraph (1) of this subsection as to employees of an independent State authority, board, commission, corporation, agency, or organization for whom there is no majority representative for collective negotiations purposes shall be determined in a manner consistent with the terms, if any, concerning health benefits coverage which are in a collective negotiations agreement deemed applicable by the employer to the employee. The amount of the contribution required pursuant to paragraph (1) of this sub-

section as to State employees or employees of an independent State authority, board, commission, corporation, agency, or organization for whom there is no majority representative for collective negotiations purposes shall be 1.5 percent of base salary, notwithstanding any other amount that may be required additionally pursuant to this paragraph by means of the application of the terms of a binding collective negotiations agreement.

(3) Except as provided in paragraph (5) of this subsection, the cost of benefits provided pursuant to P.L.1961, c.49 (C.52:14-17.25 et seq.) shall be shared by retirees to whom this subsection applies through the withholding of a contribution in an amount as determined in accordance with paragraph (4) of this subsection.

(4) The amount of the contribution required pursuant to paragraph (3) of this subsection as to State employees and employees of an independent State authority, board, commission, corporation, agency, or organization for whom there is a majority representative for collective negotiations purposes who accrue 25 years of nonconcurrent service credit in one or more State or locally-administered retirement systems on or after July 1, 2007, and who retire on or after July 1, 2007, excepting employees who elect deferred retirement, but including those who retire on a disability pension after July 1, 2007, shall be determined by means of a binding collective negotiations agreement applicable at the time of the employee's accrual of 25 years of nonconcurrent service credit in one or more State or locally-administered retirement systems. The amount of the contribution required pursuant to paragraph (3) of this subsection as to State employees or employees of an independent State authority, board, commission, corporation, agency, or organization for whom there is no majority representative for collective negotiations purposes who accrue 25 years of nonconcurrent service credit in one or more State or locally-administered retirement systems on or after July 1, 2007, and who retire on or after July 1, 2007, excepting employees who elect deferred retirement, but including those who retire on a disability pension after July 1, 2007, shall be determined in a manner consistent with the terms, if any, concerning health benefits coverage in retirement which are in any collective negotiations agreement deemed applicable by the commission to that employee at the time of the employee's accrual of 25 years of nonconcurrent service credit in one or more State or locally-administered retirement systems, except that for employees who accrue 25 years of nonconcurrent service credit in one or more State or locally-administered retirement systems in the period beginning July 1, 2007, and ending June 30, 2011, the contribution shall be 1.5 percent of the monthly retirement allowance, including any future cost-of-living adjustments, or,

with respect to retirees for whom there is no majority representative and who are members of the alternate benefit program, an amount determined pursuant to a formula developed by the commission that shall be designed to result in a contribution that is comparable to the contribution that applies to retirees who are not members of the alternate benefit program.

(5) The contribution required pursuant to paragraph (3) of this subsection shall not take effect until the New Jersey Retirees' Wellness Program is open for enrollment and thereafter the contribution shall be waived for a retiree who participates in the New Jersey Retirees' Wellness Program. The Division of Pensions and Benefits shall issue a report on the New Jersey Retirees' Wellness Program. The report shall include, but need not be limited to, the claims experience with regard to retirees in the program, and the costs and savings realized. The report shall be issued at the end of the third year after the program's implementation or by December 30, 2010, whichever is earlier. The report shall be submitted to the Governor, the Legislature, and the State Treasurer.

(6) Any employee or retiree from whom withholding of a contribution is required pursuant to this subsection shall not be required to pay any percentage of the premiums or periodic charges for health care benefits provided under P.L.1961, c.49 (C.52:14-17.25 et seq.), other than dental benefits.

(7) The contribution required pursuant to this subsection may be terminated only upon withdrawal from all health care benefits coverage as an employee or retiree, other than coverage for dental benefits, and the submission to the commission of written certification by the employee that the employee is covered by other health care benefits and that those benefits are in force. The commission shall not apply the written certification requirement to retirees or to employees to whom Article VI, Section VI, paragraph 6 of the New Jersey Constitution applies.

d. The amount of contribution required pursuant to paragraph (3) of subsection c. of this section in retirement as to a State employee and employee of an independent State authority, board, commission, corporation, agency, or organization who becomes a member of a State or locally-administered retirement system on or after the effective date of P.L.2010, c.2, for whom there is a majority representative for collective negotiations purposes and for whom there is no such representative, shall be 1.5 percent of the retiree's monthly retirement allowance, including any future cost-of-living adjustments, or with respect to members of the alternate benefit program, an amount determined pursuant to the formula specified in paragraph (4) of subsection c. of this section, notwithstanding any other amount that may be required additionally pursuant to paragraph (4) of subsection c. of

this section by means of a binding collective negotiations agreement or by means of the application of the terms of such an agreement. The contribution required by this subsection or pursuant to paragraph (4) of subsection c. of this section for officers or employees specified in this subsection shall not be waived for a retiree who participates in the New Jersey Retirees' Wellness Program.

2. Section 3 of P.L.1987, c.384 (C.52:14-17.32f) is amended to read as follows:

C.52:14-17.32f Retired teachers' eligibility, limitation.

3. A qualified retiree from the Teachers' Pension and Annuity Fund (N.J.S.18A:66-1 et seq.) and dependents of a qualified retiree, but not including survivors, are eligible to participate in the State Health Benefits Program until June 30, 2008, and beginning July 1, 2008, in the School Employees' Health Benefits Program, regardless of whether the retiree's employer participated in the program.

A qualified retiree is a retiree who:

- a. Retired on a benefit based on 25 or more years of service credit;
- b. Retired on a disability pension based on fewer years of service credit; or
- c. Elected deferred retirement based on 25 or more years of service credit and who receives a retirement allowance.

The program shall reimburse a qualified retiree who participates in the program for the premium charges under Part B of the federal Medicare program for the retiree and the retiree's spouse. A qualified retiree who retired under subsections a. and b. of this section prior to the effective date of this 1987 amendatory and supplementary act is eligible for the coverage if the retiree applies to the program for it within one year after the effective date, and a qualified retiree as defined under subsection c. of this section whose retirement allowance commenced prior to the effective date of this 1992 amendatory act is eligible for the coverage if the retiree applies to the program for it within one year after the effective date.

The premium or periodic charges for benefits provided to a qualified retiree and the dependents of the retiree, and the cost for reimbursement of Medicare premiums shall be paid by the State. An employee who becomes a member of the Teachers' Pension and Annuity Fund on or after the effective date of P.L.2010, c.2 shall pay as a qualified retiree 1.5 percent of the retiree's monthly retirement allowance, including any future cost-of-living adjustments, through the withholding of the contribution, for health benefits

coverage provided under P.L.2007, c.103 (C.52:14-17.46.1 et seq.) and the State shall pay the remainder of the premium or periodic charges for benefits provided to a qualified retiree and the dependents of the retiree, and the cost for reimbursement of Medicare premiums.

3. Section 2 of P.L.1992, c.126 (C.52:14-17.32f1) is amended to read as follows:

C.52:14-17.32f1 Applicability of C.52:14-17.32f.

2. The provisions of section 3 of P.L.1987, c.384 (C.52:14-17.32f) shall apply to:

a. any employee of a board of education who retires on a benefit or benefits based in the aggregate upon 25 or more years of nonconcurrent service credit in one or more State or locally-administered retirement systems, or retires on a disability pension based upon fewer years of service credit in that system or systems, or elected deferred retirement based in the aggregate upon 25 or more years of nonconcurrent service credit in one or more State or locally-administered retirement systems and receives a retirement allowance from that system or systems;

b. any employee of a county college who retires on a benefit or benefits based in the aggregate upon 25 or more years of nonconcurrent service credit in one or more State or locally-administered retirement systems, or retires on a disability pension based upon fewer years of service credit in that system or systems, or elected deferred retirement based in the aggregate upon 25 or more years of nonconcurrent service credit in one or more State or locally-administered retirement systems and receives a retirement allowance from that system or systems; or who receives a disability benefit pursuant to section 18 of P.L.1969, c.242 (C.18A:66-184); and

c. any employee of a county college who retires on a benefit based upon 10 or more years of service credit in the alternate benefit program P.L.1969, c.242 (C.18A:66-167 et seq.) and who has additional years of service credited in another defined contribution retirement program as an employee of a private institution of higher education which, under contract with a county government, provided services as a county college and subsequently merged with a county technical institute to become a county college, which additional years of service when added to the service credited in the alternate benefit program totals 25 or more years and any such employee who retired prior to the effective date of P.L.1999, c.382 if the employee applies to the program for coverage within one year after the effective date of P.L.1999, c.382.

The costs of the premium or periodic charges for the benefits and reimbursement of medicare premiums provided to a retiree and the dependents of the retiree under this section shall be paid by the State. An employee who becomes a member of a State or locally-administered retirement system on or after the effective date of P.L.2010, c.2 shall pay as a qualified retiree 1.5 percent of the retiree's monthly retirement allowance, including any future cost-of-living adjustments, through the withholding of the contribution, for health benefits coverage provided under P.L.2007, c.103 (C.52:14-17.46.1 et seq.) and the State shall pay the remainder of the premium or periodic charges for benefits provided to a qualified retiree and the dependents of the retiree, and the cost for reimbursement of Medicare premiums.

4. Section 1 of P.L.1995, c.357 (C.52:14-17.32f2) is amended to read as follows:

C.52:14-17.32f2 Applicability of C.52:14-17.32f; coverage.

1. The provisions of section 3 of P.L.1987, c.384 (C.52:14-17.32f) shall apply to any employee of a board of education who is a member of a pension fund created prior to January 5, 1996 under the provisions of article 2 of chapter 66 of Title 18A of the New Jersey Statutes (N.J.S.18A:66-94 et seq.) and who retires on a benefit based upon 25 or more years of service credit in the pension fund, or retires on a disability pension based upon fewer years of service credit in that pension fund, or elected deferred retirement based upon 25 or more years of service credit and receives a retirement allowance from that pension fund, except that the costs of the premium or periodic charges for the benefits and reimbursement of medicare premiums provided to a retiree and the dependents of the retiree under this section shall be paid by the State. An employee who becomes a member of the pension fund on or after the effective date of P.L.2010, c.2 shall pay in retirement 1.5 percent of the retiree's monthly retirement allowance, including any future cost-of-living adjustments, through the withholding of the contribution, for health benefits coverage provided under P.L.2007, c.103 (C.52:14-17.46.1 et seq.) and the State shall pay the remainder of the premium or periodic charges for benefits provided to a qualified retiree and the dependents of the retiree, and the cost for reimbursement of Medicare premiums.

An employee who retired prior to the effective date of this act is eligible for the coverage if the employee applies to the program for it within one year after the effective date.

5. Section 7 of P.L.1964, c.125 (C.52:14-17.38) is amended to read as follows:

C.52:14-17.38 Certification of premium rates, charges; Medicare premiums; employer obligations.

7. a. The Division of Pensions and Benefits shall certify to the certifying agent of each employer electing participation under the program the premium rates and periodic charges applicable to the coverage provided for employees and dependents. The participating employer shall remit to the division all contributions to premiums and periodic charges in advance of their due dates, subject to the rules and regulations of the commission.

Notwithstanding the provisions of any other law to the contrary, the obligations of a participating employer other than the State to pay the premium or periodic charges for health benefits coverage provided under P.L.1961, c.49 (C.52:14-17.25 et seq.) may be determined by means of a binding collective negotiations agreement. With respect to employees for whom there is no majority representative for collective negotiations purposes, the employer may, in its sole discretion, modify the respective payment obligations set forth in law for the employer and such employees in a manner consistent with the terms of any collective negotiations agreement binding on the employer. Commencing on the effective date of P.L.2010, c.2 and upon the expiration of any applicable binding collective negotiations agreement in force on that effective date, employees of an employer other than the State shall pay 1.5 percent of base salary, through the withholding of the contribution, for health benefits coverage provided under P.L.1961, c.49 (C.52:14-17.25 et seq.), notwithstanding any other amount that may be required additionally pursuant to this paragraph by means of a binding collective negotiations agreement or the modification of payment obligations.

b. (1) From funds allocated therefor, the employer other than the State, upon the adoption and submission to the division of an appropriate resolution prescribed by the commission, may pay the premium or periodic charges for the benefits provided to a retired employee and the employee's dependents covered under the program, if the employee retired from a State or locally-administered retirement system, excepting the employee who elected deferred retirement, and may also reimburse the retired employee for the employee's premium charges under Part B of Medicare covering the retired employee and the employee's spouse if the employee:

(a) retired on a disability pension; or

(b) retired after 25 or more years of nonconcurrent service credit in one or more State or locally-administered retirement systems, excluding service credited under the Defined Contribution Retirement Program established pursuant to P.L.2007, c.92 (C.43:15C-1 et al.), and a period of service of up to 25 years with the employer at the time of retirement, such period of ser-

vice to be determined by the employer and set forth in an ordinance or resolution as appropriate; or

(c) retired and reached the age of 65 years or older with 25 years or more of nonconcurrent service credit in one or more State or locally-administered retirement systems, excluding service credited under the Defined Contribution Retirement Program, and a period of service of up to 25 years with the employer at the time of retirement, such period of service to be determined by the employer and set forth in an ordinance or resolution as appropriate; or

(d) retired and reached the age of 62 years or older with at least 15 years of service with the employer, excluding service credited under the Defined Contribution Retirement Program.

"Retired employee and the employee's dependents" may, upon adoption of an appropriate resolution therefor by the participating employer, also include otherwise eligible employees, and their dependents, who retired from one or more State or locally-administered retirement systems prior to the date that the employer became a participating employer in the New Jersey State Health Benefits Program or who did not elect to continue coverage in the program during such time after the employer became a participating employer that the employer did not pay premium or periodic charges for benefits to retired employees and their dependents pursuant to this section. Eligibility and enrollment of such employees and dependents shall be in accordance with such rules and regulations as may be adopted by the State Health Benefits Commission.

The employer other than the State may, by resolution, pay the premium or periodic charges for the benefits provided to the surviving spouse of a retired employee and the employee's dependents covered under the program as provided in this section.

(2) Notwithstanding the provisions of any other law to the contrary, the obligations of an employer other than the State, except an independent State authority, board, commission, corporation, agency, or organization deemed to be covered by section 6 of P.L.1996, c.8 (C.52:14-17.28b) and except school boards whose employees are covered by section 3 of P.L.1987, c.384 (C.52:14-17.32f), section 2 of P.L.1992, c.126 (C.52:14-17.32f1) and section 1 of P.L.1995, c.357 (C.52:14-17.32f2), to pay the premium or periodic charges for health benefits coverage under the provisions of paragraph (1) may be determined by means of a binding collective negotiations agreement, including any agreement in force at the time of the adoption of this act, P.L.1999, c.48. With respect to employees for whom there is no majority representative for collective negotiations purposes, the employer may, in its

sole discretion, determine the payment obligations for the employer and the employees, except that if there are collective negotiations agreements binding upon the employer for employees who are within the same community of interest as employees in a collective negotiations unit but are excluded from participation in the unit by the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), the payment obligations shall be determined in a manner consistent with the terms of any collective negotiations agreement applicable to the collective negotiations unit. An employee who becomes a member of a State or locally-administered retirement system on or after the effective date of P.L.2010, c.2 shall pay in retirement 1.5 percent of the retiree's monthly retirement allowance, including any future cost-of-living adjustments, through the withholding of the contribution, for health benefits coverage provided under P.L.1961, c.49 (C.52:14-17.25 et seq.), notwithstanding any other amount that may be required additionally pursuant to this paragraph by means of a binding collective negotiations agreement or the determination of payment obligations.

c. Notwithstanding the provisions of any other law to the contrary, the payment obligations of an employee of an employer other than the State, except an independent State authority, board, commission, corporation, agency, or organization, for health benefits coverage under subsection b. shall be the payment obligations applicable to the employee on the date the employee retires on a disability pension or the date the employee meets the service credit and service requirements for the employer payment for the coverage, as the case may be.

6. Section 39 of P.L.2007, c.103 (C.52:14-17.46.9) is amended to read as follows:

C.52:14-17.46.9 Obligations of employer for charges for benefits; School Employee Health Benefits Program fund.

39. a. For each active covered employee and for the eligible dependents the employee may have enrolled at the employee's option, from funds appropriated therefor, the employer shall pay to the commission the premium or periodic charges for the benefits provided under the contract in amounts equal to the premium or periodic charges for the benefits provided under such a contract covering the employee and the employee's enrolled dependents.

b. The obligations of any employer to pay the premium or periodic charges for health benefits coverage provided under the School Employees' Health Benefits Program Act, sections 31 through 41 of P.L.2007, c.103 (C.52:14-17.46.1 through C.52:14-17.46.11), may be determined by means of a

binding collective negotiations agreement, including any agreement in force at the time the employer commences participation in the School Employees' Health Benefits Program. With respect to employees for whom there is no majority representative for collective negotiations purposes, the employer may, in its sole discretion, modify the respective payment obligations set forth in law for the employer and such employees in a manner consistent with the terms of any collective negotiations agreement binding on the employer.

Commencing on the effective date of P.L.2010, c.2 and upon the expiration of any applicable binding collective negotiations agreement in force on that effective date, employees shall pay 1.5 percent of base salary, through the withholding of the contribution, for health benefits coverage provided under P.L.2007, c.103 (C.52:14-17.46.1 et seq.), notwithstanding any other amount that may be required additionally pursuant to this subsection by means of a binding collective negotiations agreement or the modification of payment obligations.

c. There is hereby established a School Employee Health Benefits Program fund consisting of all contributions to premiums and periodic charges remitted to the State treasury by participating employers for employee coverage. All such contributions shall be deposited in the fund and the fund shall be used to pay the portion of the premium and periodic charges attributable to employee and dependent coverage.

d. Notwithstanding any law to the contrary and except as provided by amendment by P.L.2010, c.2, the payment in full of premium or periodic charges for eligible retirees and their dependents pursuant to section 3 of P.L.1987, c.384 (C.52:14-17.32f), section 2 of P.L.1992, c.126 (C.52:14-17.32f1), or section 1 of P.L.1995, c.357 (C.52:14-17.32f2) shall be continued without alteration or interruption and there shall be no premium sharing or periodic charges for school employees in retirement once they have met the criteria for vesting for pension benefits, which criteria for purposes of this subsection only shall mean the criteria for vesting in the Teachers' Pension and Annuity Fund. For purposes of this subsection, "premium sharing or periodic charges" shall mean payments by eligible retirees based upon a proportion of the premiums for health care benefits.

7. Section 6 of P.L.1964, c.125 (C.52:14-17.37) is amended to read as follows:

C.52:14-17.37 Election to participate, plan availability.

6. a. Any employer eligible for participation in the program may elect such participation by the adoption of a resolution by its governing body,

which would include the name and title of a certifying agent, and a certified copy of the resolution shall be filed with the commission. Any employer making such election shall become a participating employer under the program, subject to and in accordance with the rules and regulations of the commission relating thereto.

b. Notwithstanding the provisions of any other law to the contrary, the availability of plans within the program may be limited for employees of a participating employer other than the State pursuant to a binding collective negotiations agreement between the employer and its employees or pursuant to the application by the employer, in its sole discretion, of the terms of any collective negotiations agreement binding on the employer to employees for whom there is no majority representative for collective negotiations purpose. The commission shall implement the terms of such an agreement, and the application of such terms, with regard to plan availability for employees of the employer. The commission may impose such restrictions on the terms as the commission may deem necessary to ensure the effective and efficient operation of the program. This subsection shall apply to the State Health Benefits Program and the School Employees' Health Benefits Program.

8. Section 5 of P.L.1964, c.125 (C.52:14-17.36) is amended to read as follows:

C.52:14-17.36 Participation in health benefits program; rules, regulations.

5. a. The commission established by section 3 of chapter 49 of the laws of 1961, is hereby authorized to prescribe rules and regulations satisfactory to the carrier or carriers under which employers may participate in the health benefits program provided by that act. All provisions of that act will, except as expressly stated herein, be construed as to participating employers and to their employees and to dependents of such employees the same as for the State, employees of the State and dependents of such employees.

b. All changes in the provision of health care benefits through the program that are included in collective negotiations agreements between the State and its employees entered into on or after the effective date of P.L.2010, c.2 shall be made applicable by the commission to participating employers and their employees at the same time and in the same manner as to State employees. This subsection shall be applicable to the State Health Benefits Program and to the School Employees' Health Benefits Program to the extent not inconsistent with the provisions of sections 31 through 41 of P.L.2007, c.103 (C.52:14-17.46.1 et seq.).

9. Section 2 of P.L.1961, c.49 (C.52:14-17.26) is amended to read as follows:

C.52:14-17.26 Definitions relative to health care benefits for public employees.

2. As used in this act:

(a) The term "State" means the State of New Jersey.

(b) The term "commission" means the State Health Benefits Commission, created by section 3 of this act.

(c) (1) The term "employee" means an appointive or elective officer, a full-time employee of the State of New Jersey, or a full-time employee of an employer other than the State who appears on a regular payroll and receives a salary or wages for an average of the number of hours per week as prescribed by the governing body of the participating employer which number of hours worked shall be considered full-time, determined by resolution, and not less than 20.

(2) After the effective date of P.L.2010, c.2, the term "employee" means (i) a full-time appointive or elective officer whose hours of work are fixed at 35 or more per week, a full-time employee of the State, or a full-time employee of an employer other than the State who appears on a regular payroll and receives a salary or wages for an average of the number of hours per week as prescribed by the governing body of the participating employer which number of hours worked shall be considered full-time, determined by resolution, and not less than 25, or (ii) an appointive or elective officer, an employee of the State, or an employee of an employer other than the State who has or is eligible for health benefits coverage provided under P.L.1961, c.49 (C.52:14-17.25 et seq.) or sections 31 through 41 of P.L.2007, c.103 (C.52:14-17.46.1 et seq.) on that effective date and continuously thereafter provided the officer or employee is covered by the definition in paragraph (1) of this subsection. For the purposes of this act an employee of Rutgers, The State University of New Jersey, shall be deemed to be an employee of the State, and an employee of the New Jersey Institute of Technology shall be considered to be an employee of the State during such time as the Trustees of the Institute are party to a contractual agreement with the State Treasurer for the provision of educational services. The term "employee" shall further mean, for purposes of this act, a former employee of the South Jersey Port Corporation, who is employed by a subsidiary corporation or other corporation, which has been established by the Delaware River Port Authority pursuant to subdivision (m) of Article I of the compact creating the Delaware River Port Authority (R.S.32:3-2), as defined in section 3 of P.L.1997, c.150 (C.34:1B-146), and who is eligi-

ble for continued membership in the Public Employees' Retirement System pursuant to subsection j. of section 7 of P.L.1954, c.84 (C.43:15A-7).

For the purposes of this act the term "employee" shall not include persons employed on a short-term, seasonal, intermittent or emergency basis, persons compensated on a fee basis, persons having less than two months of continuous service or persons whose compensation from the State is limited to reimbursement of necessary expenses actually incurred in the discharge of their official duties, provided, however, that the term "employee" shall include persons employed on an intermittent basis to whom the State has agreed to provide coverage under P.L.1961, c.49 (C.52:14-17.25 et seq.) in accordance with a binding collective negotiations agreement. An employee paid on a 10-month basis, pursuant to an annual contract, will be deemed to have satisfied the two-month waiting period if the employee begins employment at the beginning of the contract year. The term "employee" shall also not include retired persons who are otherwise eligible for benefits under this act but who, although they meet the age or disability eligibility requirement of Medicare, are not covered by Medicare Hospital Insurance, also known as Medicare Part A, and Medicare Medical Insurance, also known as Medicare Part B. A determination by the commission that a person is an eligible employee within the meaning of this act shall be final and shall be binding on all parties.

(d) (1) The term "dependents" means an employee's spouse, partner in a civil union couple or an employee's domestic partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3), and the employee's unmarried children under the age of 23 years who live with the employee in a regular parent-child relationship. "Children" shall include stepchildren, legally adopted children and children placed by the Division of Youth and Family Services in the Department of Children and Families, provided they are reported for coverage and are wholly dependent upon the employee for support and maintenance. A spouse, partner in a civil union couple, domestic partner or child enlisting or inducted into military service shall not be considered a dependent during the military service. The term "dependents" shall not include spouses, partners in a civil union couple or domestic partners of retired persons who are otherwise eligible for the benefits under this act but who, although they meet the age or disability eligibility requirement of Medicare, are not covered by Medicare Hospital Insurance, also known as Medicare Part A, and Medicare Medical Insurance, also known as Medicare Part B.

(2) Notwithstanding the provisions of paragraph (1) of this subsection to the contrary and subject to the provisions of paragraph (3) of this subsection, for the purposes of an employer other than the State that is participat-

ing in the State Health Benefits Program pursuant to section 3 of P.L.1964, c.125 (C.52:14-17.34), the term "dependents" means an employee's spouse or partner in a civil union couple and the employee's unmarried children under the age of 23 years who live with the employee in a regular parent-child relationship. "Children" shall include stepchildren, legally adopted children and children placed by the Division of Youth and Family Services in the Department of Children and Families provided they are reported for coverage and are wholly dependent upon the employee for support and maintenance. A spouse, partner in a civil union couple or child enlisting or inducted into military service shall not be considered a dependent during the military service. The term "dependents" shall not include spouses or partners in a civil union couple of retired persons who are otherwise eligible for benefits under P.L.1961, c.49 (C.52:14-17.25 et seq.) but who, although they meet the age or disability eligibility requirement of Medicare, are not covered by Medicare Hospital Insurance, also known as Medicare Part A, and Medicare Medical Insurance, also known as Medicare Part B.

(3) An employer other than the State that is participating in the State Health Benefits Program pursuant to section 3 of P.L.1964, c.125 (C.52:14-17.34) may adopt a resolution providing that the term "dependents" as defined in paragraph (2) of this subsection shall include domestic partners as provided in paragraph (1) of this subsection.

(e) The term "carrier" means a voluntary association, corporation or other organization, including a health maintenance organization as defined in section 2 of the "Health Maintenance Organizations Act," P.L.1973, c.337 (C.26:2J-2), which is lawfully engaged in providing or paying for or reimbursing the cost of, personal health services, including hospitalization, medical and surgical services, under insurance policies or contracts, membership or subscription contracts, or the like, in consideration of premiums or other periodic charges payable to the carrier.

(f) The term "hospital" means (1) an institution operated pursuant to law which is primarily engaged in providing on its own premises, for compensation from its patients, medical diagnostic and major surgical facilities for the care and treatment of sick and injured persons on an inpatient basis, and which provides such facilities under the supervision of a staff of physicians and with 24 hour a day nursing service by registered graduate nurses, or (2) an institution not meeting all of the requirements of (1) but which is accredited as a hospital by the Joint Commission on Accreditation of Hospitals. In no event shall the term "hospital" include a convalescent nursing home or any institution or part thereof which is used principally as a convalescent facility, residential center for the treatment and education of chil-

dren with mental disorders, rest facility, nursing facility or facility for the aged or for the care of drug addicts or alcoholics.

(g) The term "State managed care plan" means a health care plan under which comprehensive health care services and supplies are provided to eligible employees, retirees, and dependents: (1) through a group of doctors and other providers employed by the plan; or (2) through an individual practice association, preferred provider organization, or point of service plan under which services and supplies are furnished to plan participants through a network of doctors and other providers under contracts or agreements with the plan on a prepayment or reimbursement basis and which may provide for payment or reimbursement for services and supplies obtained outside the network. The plan may be provided on an insured basis through contracts with carriers or on a self-insured basis, and may be operated and administered by the State or by carriers under contracts with the State.

(h) The term "Medicare" means the program established by the "Health Insurance for the Aged Act," Title XVIII of the "Social Security Act," Pub.L.89-97 (42 U.S.C. s.1395 et seq.), as amended, or its successor plan or plans.

(i) The term "traditional plan" means a health care plan which provides basic benefits, extended basic benefits and major medical expense benefits as set forth in section 5 of P.L.1961, c.49 (C.52:14-17.29) by indemnifying eligible employees, retirees, and dependents for expenses for covered health care services and supplies through payments to providers or reimbursements to participants.

(j) The term "successor plan" means a State managed care plan that shall replace the traditional plan and that shall provide benefits as set forth in subsection (B) of section 5 of P.L.1961, c.49 (C.52:14-17.29) with provisions regarding reimbursements and payments as set forth in paragraph (1) of subsection (C) of section 5 of P.L.1961, c.49 (C.52:14-17.29).

10. Section 32 of P.L.2007, c.103 (C.52:14-17.46.2) is amended to read as follows:

C.52:14-17.46.2 Definitions relative to school employees' health benefits program.

32. As used in the School Employees' Health Benefits Program Act, sections 31 through 41 of P.L.2007, c.103 (C.52:14-17.46.1 through C.52:14-17.46.11):

a. The term "State" means the State of New Jersey.

b. The term "commission" means the School Employees' Health Benefits Commission, created by section 33 of P.L.2007, c.103 (C.52:14-17.46.3).

c. The term "employer" means local school district, regional school district, county vocational school district, county special services school district, jointure commission, educational services commission, State-operated school district, charter school, county college, any officer, board, or commission under the authority of the Commissioner of Education or of the State Board of Education, and any other public entity which is established pursuant to authority provided by Title 18A of the New Jersey Statutes, but excluding the State public institutions of higher education and excluding those public entities where the employer is the State of New Jersey.

d. (1) The term "employee" means a person employed in any full time capacity by an employer, and shall include persons defined as a school employee by the regulations of the State Health Benefits Commission in effect on the effective date of the School Employees' Health Benefits Program Act. "Full-time" shall have the same meaning as in the regulation of the State Health Benefits Commission regarding local coverage in effect on the effective date of the School Employees' Health Benefits Program Act.

(2) After the effective date of P.L.2010, c.2, the term "employee" means (a) a person employed in any full-time capacity by an employer who appears on a regular payroll and receives a salary or wages for an average of the number of hours per week as prescribed by the governing body of the participating employer which number of hours worked shall be considered full-time, determined by resolution, and not less than 25, and shall include persons defined as a school employee by the regulations of the State Health Benefits Commission in effect on the effective date of the School Employees' Health Benefits Program Act, or (b) a person employed in any full-time capacity by an employer who has or is eligible for health benefits coverage provided under P.L.1961, c.49 (C.52:14-17.25 et seq.) or sections 31 through 41 of P.L.2007, c.103 (C.52:14-17.46.1 et seq.) on that effective date and continuously thereafter provided the person is covered by the definition in paragraph (1) of this subsection. The term "employee" shall not include persons employed on a short-term, seasonal, intermittent, or emergency basis, persons compensated on a fee basis, persons having less than two months of continuous service or persons whose compensation is limited to reimbursement of necessary expenses actually incurred in the discharge of their official duties. An employee paid on a 10-month basis, pursuant to an annual contract, shall be deemed to have satisfied the two-month waiting period if the employee begins employment at the beginning of the contract year. The term "employee" shall also not include retired persons who are otherwise eligible for benefits under the School Employees' Health Benefits Program but who, although they meet the age or disability

eligibility requirement of Medicare, are not covered by Medicare Hospital Insurance, also known as Medicare Part A, and Medicare Medical Insurance, also known as Medicare Part B. A determination by the commission that a person is an eligible employee for the purposes of the School Employees' Health Benefits Program shall be final and binding on all parties.

e. The term "dependents" means an employee's spouse, domestic partner, or partner in a civil union couple, and unmarried children under the age of 23 years who live in a regular parent/child relationship. "Children" shall include stepchildren, legally adopted children and children placed by the Division of Youth and Family Services in the Department of Children and Families, provided they are reported for coverage and are wholly dependent upon the employee for support and maintenance. A spouse, domestic partner, partner in a civil union couple, or child enlisting or inducted into military service shall not be considered a dependent during the military service. The term "dependents" shall not include spouses, domestic partners, or partners in a civil union couple, of retired persons who are otherwise eligible for the benefits under the School Employees' Health Benefits Program but who, although they meet the age or disability eligibility requirement of Medicare, are not covered by Medicare Hospital Insurance, also known as Medicare Part A, and Medicare Medical Insurance, also known as Medicare Part B.

f. The term "carrier" means a voluntary association, corporation or other organization, including but not limited to a health maintenance organization as defined in section 2 of the "Health Maintenance Organizations Act," P.L.1973, c.337 (C.26:2J-2), which is lawfully engaged in providing or paying for or reimbursing the cost of, personal health services, including hospitalization, medical and surgical services under insurance policies or contracts, membership or subscription contracts, or the like, in consideration of premiums or other periodic charges payable to the carrier.

g. The term "hospital" means:

(1) an institution operated pursuant to law which is primarily engaged in providing on its own premises, for compensation from its patients, medical diagnostic and major surgical facilities for the care and treatment of sick and injured persons on an inpatient basis, and which provides such facilities under the supervision of a staff of physicians and with 24 hour a day nursing service by registered graduate nurses, or

(2) an institution not meeting all of the requirements of paragraph (1) but which is accredited as a hospital by the Joint Commission on Accreditation of Hospitals. In no event shall the term "hospital" include a convalescent nursing home or any institution or part thereof which is used principally as a convalescent facility, residential center for the treatment and edu-

cation of children with mental disorders, rest facility, nursing facility or facility for the aged or for the care of drug addicts or alcoholics.

h. The term "Medicare" means the program established by the "Health Insurance for the Aged Act," Title XVIII of the "Social Security Act," Pub.L.89-97 (42 U.S.C. s.1395 et seq.), as amended, or its successor plan or plans.

i. The term "managed care plan" means a health care plan under which comprehensive health care services and supplies are provided to eligible employees, retirees, and dependents: (1) through a group of doctors and other providers employed by the plan; or (2) through an individual practice association, preferred provider organization, or point of service plan under which services and supplies are furnished to plan participants through a network of doctors and other providers under contracts or agreements with the plan on a prepayment or reimbursement basis and which may provide for payment or reimbursement for services and supplies obtained outside the network. The plan may be provided on an insured basis through contracts with carriers or on a self-insured basis, and may be operated and administered by the State or by carriers under contracts with the State.

j. The term "successor plan" means a managed care plan that shall replace the "traditional plan," as defined in section 2 of P.L.1961, c.49 (C.52:14-17.26), and that shall provide benefits as set forth in section 36 of P.L.2007, c.103 (C.52:14-17.46.6), and provide out-of-network benefits to participants with a payment by the plan of 80% of reasonable and customary charges as set forth in section 37 of P.L.2007, c.103 (C.52:14-17.46.7) and as may be adjusted in accordance with section 40 of P.L.2007, c.103 (C.52:14-17.46.10).

11. Section 36 of P.L.1995, c.259 (C.52:14-17.31a) is amended to read as follows:

C.52:14-17.31a Employee permitted to waive benefits coverage under SHBP.

36. a. Notwithstanding the provisions of any other law to the contrary, an employer other than the State which participates in the State Health Benefits Program, established pursuant to P.L.1961, c.49 (C.52:14-17.25 et seq.), may allow any employee who is eligible for other health care coverage to waive coverage under the State Health Benefits Program to which the employee is entitled by virtue of employment with the employer. The waiver shall be in such form as the Director of the Division of Pensions and Benefits shall prescribe and shall be filed with the division. After such waiver has been filed and for so long as that waiver remains in effect, no

premium shall be required to be paid by the employer for the employee or the employee's dependents. Not later than the 180th day after the date on which the waiver is filed, the division shall refund to the employer the amount of any premium previously paid by the employer with respect to any period of coverage which followed the filing date.

b. Notwithstanding the provisions of any other law to the contrary, the State as an employer, or an employer that is an independent authority, commission, board, or instrumentality of the State which participates in the State Health Benefits Program, may allow any employee who is eligible for other health care coverage that is not under the State Health Benefits Program to waive the coverage under the State Health Benefits Program to which the employee is entitled by virtue of employment with the employer. The waiver shall be in such form as the Director of the Division of Pensions and Benefits shall prescribe and shall be filed with the division.

c. In consideration of filing a waiver as permitted in subsections a. and b. of this section, an employer may pay to the employee annually an amount, to be established in the sole discretion of the employer, which shall not exceed 50% of the amount saved by the employer because of the employee's waiver of coverage, and, for a waiver filed on or after the effective date of P.L.2010, c.2, which shall not exceed 25%, or \$5,000, whichever is less, of the amount saved by the employer because of the employee's waiver of coverage. An employee who waives coverage shall be permitted to immediately resume coverage if the employee ceases to be eligible for other health care coverage for any reason, including, but not limited to, the retirement or death of the spouse or divorce. An employee who resumes coverage shall repay, on a pro rata basis, any amount received from the employer which represents an advance payment for a period of time during which coverage is resumed. An employee who wishes to resume coverage shall notify the employer in writing and file a declaration with the division, in such form as the director of the division shall prescribe, that the waiver is revoked. The decision of an employer to allow its employees to waive coverage and the amount of consideration to be paid therefor shall not be subject to the collective bargaining process.

12. Section 7 of P.L.1961, c.49 (C.52:14-17.31) is amended to read as follows:

C.52:14-17.31 Effective date of coverage; rules, regulations; information provided to division.

7. The coverage provided solely for employees shall, subject to the provisions below, automatically become effective for all eligible employees

from the first day on or after the effective date of the program on which they satisfy the definition of "employee" contained in this act. The commission shall establish the rules and regulations governing the enrollment and effective dates of coverage of dependents of employees it deems necessary or desirable. The rules and regulations shall not defer coverage with respect to any qualified dependent an employee has on the date the employee's employer becomes a participating employer, provided the employee was, immediately prior to the date, insured with respect to the dependent under a group insurance plan of the employer which was in effect immediately prior to the date. Under the rules and regulations established by the commission, each employee shall be given the opportunity to enroll for coverage for dependents as of the earliest date the employee becomes eligible for enrollment. With respect to the traditional plan, an employee may elect to enroll dependents for both basic coverage and major medical expense coverage but may not enroll for either coverage alone.

In the event that the group health plan which covered an employee or dependents immediately prior to the date the employee's employer becomes a participating employer provides, after termination of coverage thereunder, any continuation of benefits, or would so provide in the absence of coverage pursuant to this act, no coverage shall be afforded pursuant to this act for any such expenses (i) which are covered, or which would be covered in the absence of coverage pursuant to this act, in whole or in part, by the prior insurance plan or (ii) which may be used in satisfaction of any deductible requirement under the prior insurance plan to establish entitlement to the continuation of benefits.

Each employee shall furnish the Division of Pensions and Benefits, in the prescribed form, the information necessary on account of the employee's own coverage and necessary to enroll dependents. Any employee not desiring coverage at the time the employee first becomes eligible, shall give the division written notice of that fact in the form prescribed by the division. The employee may not enroll thereafter except at the times and under the conditions prescribed by the commission.

Any person employed as a substitute teacher by a school district and who provides evidence of coverage under another health benefits program may waive coverage for the current school year on or after the date on which the person becomes an employee eligible for coverage.

Multiple coverage in the program as an employee, dependent, or retiree shall be prohibited and the prohibition shall be implemented in accordance with the rules and regulations promulgated by the commission. The provisions of this paragraph shall be applicable to the State Health Benefits Pro-

gram and to the School Employees' Health Benefits Program to the extent not inconsistent with the provisions of sections 31 through 41 of P.L.2007, c.103 (C.52:14-17.46.1 et seq.).

13. Section 6 of P.L.1979, c.391 (C.18A:16-17) is amended to read as follows:

C.18A:16-17 Premiums; payment by board of education.

6. a. Any local board of education entering into a contract pursuant to this act is authorized to pay part or all of the premiums or charges for such contracts and may appropriate out of its general funds any money necessary to pay such premiums or charges or portions thereof.

The contribution required of any employee toward the cost of such coverage may be deducted from the pay, salary or other compensation of such employee upon authorization in writing made to the local board of education.

The local board of education may reimburse an active employee for his premium charges under Part B of the Federal Medicare Program covering the employee alone.

Nothing herein shall be construed as compelling a local board of education to pay any portion of the premiums or charges attributable to such contracts.

b. Commencing on the effective date of P.L.2010, c.2 and upon the expiration of any applicable binding collective negotiations agreement in force on that effective date, employees of a local board of education shall pay 1.5 percent of base salary, through the withholding of the contribution from the pay, salary or other compensation, for health care benefits coverage provided pursuant to P.L.1979, c.391 (C.18A:16-12 et seq.), notwithstanding any other amount that may be required additionally pursuant to subsection a. of this section for such coverage. This subsection shall apply also when the health care benefits coverage is provided through an insurance fund or joint insurance fund or in any other manner.

14. N.J.S.40A:10-21 is amended to read as follows:

Payment of premiums; deduction of employee contributions.

40A:10-21. a. Any employer entering into a contract pursuant to this subarticle is hereby authorized to pay part or all of the premiums or charges for the contracts and may appropriate out of its general funds any money necessary to pay premiums or charges or portions thereof. The contribution required of any employee toward the cost of coverage may be

deducted from the pay, salary or other compensation of the employee upon an authorization in writing made to the appropriate disbursing officer.

The employer may reimburse an active employee for his premium charges under Part B of the Federal Medicare Program covering the employee alone.

Nothing herein shall be construed as compelling an employer to pay any portion of the premiums or charges attributable to the contracts.

b. Commencing on the effective date of P.L.2010, c.2 and upon the expiration of any applicable binding collective negotiations agreement in force on that effective date, employees of an employer shall pay 1.5 percent of base salary, through the withholding of the contribution from the pay, salary or other compensation, for health care benefits coverage provided pursuant to N.J.S.40A:10-17, notwithstanding any other amount that may be required additionally pursuant to subsection a. of this section for such coverage. This subsection shall apply also when the health care benefits coverage is provided through an insurance fund or joint insurance fund or in any other manner. This subsection shall apply to any agency, board, commission, authority, or instrumentality of a local unit.

15. N.J.S.40A:10-23 is amended to read as follows:

Payments of premiums after retirement.

40A:10-23. a. Retired employees shall be required to pay for the entire cost of coverage for themselves and their dependents at rates which are deemed to be adequate to cover the benefits, as affected by Medicare, of the retired employees and their dependents on the basis of the utilization of services which may be reasonably expected of the older age classification; provided, however, that the total rate payable by a retired employee for himself and his dependents, for coverage under the contract and for Part B of Medicare, shall not exceed by more than 25% the total amount that would have been required to have been paid by the employee and his employer for the coverage maintained had he continued in office or active employment and he and his dependents were not eligible for Medicare benefits.

The employer may, in its discretion, assume the entire cost or a portion of the cost of such coverage and pay all or a portion of the premiums for employees a. who have retired on a disability pension, or b. who have retired after 25 years or more of service credit in a State or locally administered retirement system and a period of service of up to 25 years with the employer at the time of retirement, such period of service to be determined by the employer and set forth in an ordinance or resolution as appropriate,

or c. who have retired and reached the age of 65 years or older with 25 years or more of service credit in a State or locally administered retirement system and a period of service of up to 25 years with the employer at the time of retirement, such period of service to be determined by the employer and set forth in an ordinance or resolution as appropriate, or d. who have retired and reached the age of 62 years or older with at least 15 years of service with the employer, including the premiums on their dependents, if any, under uniform conditions as the governing body of the local unit shall prescribe. The period of time a county law enforcement officer has been employed by any county or municipal police department, sheriff's department or county prosecutor's office, may be counted cumulatively as "service with the employer" for the purpose of qualifying for payment of health insurance premiums by the county pursuant to this section.

b. An employee who becomes a member of a State or locally-administered retirement system on or after the effective date of P.L.2010, c.2 shall pay in retirement 1.5 percent of the retiree's monthly retirement allowance, including any future cost-of-living adjustments, through the withholding of the contribution from the monthly retirement allowance, for health care benefits coverage provided under N.J.S.40A:10-22, notwithstanding any other amount that may be required additionally by the employer or through a collective negotiations agreement for such coverage. This subsection shall apply also when the health care benefits coverage is provided through an insurance fund or joint insurance fund or in any other manner. This subsection shall apply to any agency, board, commission, authority, or instrumentality of a local unit.

C.18A:64A-13.1a Premiums paid by county college employees.

16. Commencing on the effective date of P.L.2010, c.2 and upon the expiration of any applicable binding collective negotiations agreement in force on that effective date, employees of a county college shall pay 1.5 percent of base salary, through the withholding of the contribution from the pay, salary or other compensation, for health care benefits coverage provided by the employer, notwithstanding any other amount that may be required additionally by the employer or through collective negotiations agreements for such coverage. This section shall apply also when the health care benefits coverage is provided through an insurance fund or joint insurance fund or in any other manner.

17. Section 3 of P.L.2003, c.3 (C.18A:64A-13.1) is amended to read as follows:

C.18A:64A-13.1 County college employee permitted to waive health care coverage.

3. Notwithstanding the provisions of any other law to the contrary, a county college that enters into a contract providing group health care benefits to its employees may allow any employee who is eligible for other health care coverage to waive coverage under the county college's plan to which the employee is entitled by virtue of employment with the county college. The waiver shall be in such form as the county college shall prescribe and shall be filed with the county college. In consideration of filing such a waiver, a county college may pay to the employee annually an amount, to be established in the sole discretion of the county college, which shall not exceed 50% of the amount saved by the county college because of the employee's waiver of coverage, and, for a waiver filed on or after the effective date of P.L.2010, c.2, which shall not exceed 25%, or \$5,000, whichever is less, of the amount saved by the county college because of the employee's waiver of coverage. An employee who waives coverage shall be permitted to resume coverage under the same terms and conditions as apply to initial coverage if the employee ceases to be covered through the other health care coverage for any reason, including, but not limited to, the retirement or death of the employee's spouse or divorce. An employee who resumes coverage shall repay, on a pro rata basis, any amount received which represents an advance payment for a period of time during which coverage is resumed. An employee who wishes to resume coverage shall file a declaration with the county college in such form as the county college shall prescribe, that the waiver is revoked. The decision of a county college to allow its employees to waive coverage and the amount of consideration to be paid therefor shall not be subject to the collective bargaining process.

18. Section 37 of P.L.1995, c.259 (C.40A:10-17.1) is amended to read as follows:

C.40A:10-17.1 County, municipal, contracting unit employee permitted to waive healthcare coverage.

37. Notwithstanding the provisions of any other law to the contrary, a county, municipality or any contracting unit as defined in section 2 of P.L.1971, c.198 (C.40A:11-2) which enters into a contract providing group health care benefits to its employees pursuant to N.J.S.40A:10-16 et seq., may allow any employee who is eligible for other health care coverage to waive coverage under the county's, municipality's or contracting unit's plan to which the employee is entitled by virtue of employment with the county, municipality or contracting unit. The waiver shall be in such form as the county, municipality or contracting unit shall prescribe and shall be filed

with the county, municipality or contracting unit. In consideration of filing such a waiver, a county, municipality or contracting unit may pay to the employee annually an amount, to be established in the sole discretion of the county, municipality or contracting unit, which shall not exceed 50% of the amount saved by the county, municipality or contracting unit because of the employee's waiver of coverage, and, for a waiver filed on or after the effective date of P.L.2010, c.2, which shall not exceed 25%, or \$5,000, whichever is less, of the amount saved by the county, municipality or contracting unit because of the employee's waiver of coverage. An employee who waives coverage shall be permitted to resume coverage under the same terms and conditions as apply to initial coverage if the employee ceases to be covered through the employee's spouse for any reason, including, but not limited to, the retirement or death of the spouse or divorce. An employee who resumes coverage shall repay, on a pro rata basis, any amount received which represents an advance payment for a period of time during which coverage is resumed. An employee who wishes to resume coverage shall file a declaration with the county, municipality or contracting unit, in such form as the county, municipality or contracting unit shall prescribe, that the waiver is revoked. The decision of a county, municipality or contracting unit to allow its employees to waive coverage and the amount of consideration to be paid therefor shall not be subject to the collective bargaining process.

19. This act shall take effect on the 60th day following enactment.

Approved March 22, 2010.

CHAPTER 3

AN ACT concerning benefits for public employees and amending and supplementing various parts of the statutory law.

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

C.11A:6-19.2 Cap on compensation for unused sick leave under Title 11A.

1. Notwithstanding any law, rule or regulation to the contrary, a political subdivision of the State, or an agency, authority or instrumentality thereof, that has adopted the provisions of Title 11A of the New Jersey Statutes, shall not pay supplemental compensation to any officer or employee for accumulated unused sick leave in an amount in excess of

\$15,000. Supplemental compensation shall be payable only at the time of retirement from a State-administered or locally-administered retirement system based on the leave credited on the date of retirement. This provision shall apply only to officers and employees who commence service with the political subdivision of the State, or the agency, authority or instrumentality thereof, on or after the effective date of P.L.2010, c.3. This section shall not be construed to affect the terms in any collective negotiations agreement with a relevant provision in force on that effective date.

C.40A:9-10.4 Cap on compensation for unused sick leave not covered by Title 11A.

2. Notwithstanding any law, rule or regulation to the contrary, a political subdivision of the State, or an agency, authority or instrumentality thereof, that has not adopted the provisions of Title 11A of the New Jersey Statutes, shall not pay supplemental compensation to any officer or employee for accumulated unused sick leave in an amount in excess of \$15,000. Supplemental compensation shall be payable only at the time of retirement from a State-administered or locally-administered retirement system based on the leave credited on the date of retirement. This provision shall apply only to officers and employees who commence service with the political subdivision of the State, or the agency, authority or instrumentality thereof, on or after the effective date of P.L.2010, c.3. This section shall not be construed to affect the terms in any collective negotiations agreement with a relevant provision in force on that effective date.

C.18A:30-3.6 Cap on compensation for unused sick leave from board of education.

3. Notwithstanding any law, rule or regulation to the contrary, a board of education, or an agency or instrumentality thereof, shall not pay supplemental compensation to any officer or employee for accumulated unused sick leave in an amount in excess of \$15,000. Supplemental compensation shall be payable only at the time of retirement from a State-administered or locally-administered retirement system based on the leave credited on the date of retirement. This provision shall apply only to officers and employees who commence service with the board of education, or the agency or instrumentality thereof, on or after the effective date of P.L.2010, c.3. This section shall not be construed to affect the terms in any collective negotiations agreement with a relevant provision in force on that effective date.

C.40A:9-10.5 Use of accrued vacation leave by employee not covered under Title 11A.

4. Notwithstanding any law, rule or regulation to the contrary, an officer or employee of a political subdivision of the State, or an agency, author-

ity, or instrumentality thereof, that has not adopted the provisions of Title 11A of the New Jersey Statutes, who does not take vacation leave that accrues in a given year because of business demands shall be granted that accrued leave only during the next succeeding year. However, vacation leave not taken in a given year because of duties directly related to a state of emergency declared by the Governor may accumulate at the discretion of the appointing authority until, pursuant to a plan established by the officer or employee's appointing authority, the leave is used or the employee or officer is compensated for that leave, which shall not be subject to collective negotiation or collective bargaining. This provision shall apply only to officers and employees who commence service with the political subdivision of the State, or the agency, authority or instrumentality thereof, on or after the effective date of P.L.2010, c.3. This section shall not be construed to affect the terms in any collective negotiations agreement with a relevant provision in force on that effective date.

C.18A:30-9.1 Use of accrued vacation leave by board of education employee.

5. Notwithstanding any law, rule or regulation to the contrary, an officer or employee of a board of education, or an agency or instrumentality thereof, who does not take vacation leave that accrues in a given year because of business demands shall be granted that accrued leave only during the next succeeding year. However, vacation leave not taken in a given year because of duties directly related to a state of emergency declared by the Governor may accumulate at the discretion of the appointing authority until, pursuant to a plan established by the officer or employee's appointing authority, the leave is used or the employee or officer is compensated for that leave, which shall not be subject to collective negotiation or collective bargaining. This provision shall apply only to officers and employees who commence service with the board of education, or the agency or instrumentality thereof, on or after the effective date of P.L.2010, c.3. This section shall not be construed to affect the terms in any collective negotiations agreement with a relevant provision in force on that effective date.

6. N.J.S.11A:6-8 is amended to read as follows:

Sick leave injury in State service.

11A:6-8. Sick leave injury in State service.

a. Sick leave injury in State service. Leaves of absence for career, senior executive and unclassified employees in State service due to injury or illness directly caused by and arising from State employment shall be gov-

erned by rules of the Civil Service Commission. Leaves of absence for career and unclassified employees of a political subdivision directly caused by or arising from employment shall be governed by rules of the political subdivision. Any sick leave with pay shall be reduced by the amount of workers' compensation or disability benefits, if any, received for the same injury or illness.

b. The rules promulgated by the commission to govern leaves of absence under this section shall not apply, nor shall a leave of absence pursuant to this section be available, to any career, senior executive or unclassified employee in State service who sustains an injury or illness on or after the effective date of P.L.2010, c.3, or the expiration of a collective negotiations agreement with a relevant provision in effect on that effective date, directly caused by and arising from State employment. This subsection shall not be construed as impairing the obligations set forth in any collective negotiations agreement between the State and its employees in effect on the effective date of P.L.2010, c.3.

7. N.J.S.18A:66-39 is amended to read as follows:

Teachers' disability retirement.

18A:66-39. a. Before June 9, 1971, a member, who shall have been a teacher and a member of the retirement system for each of the 10 years next preceding his retirement, shall, upon the application of his employer or upon his own application or the application of one acting in his behalf, be retired for ordinary disability by the board of trustees, on a regular disability allowance if he is under 60 years of age and on a service allowance if he has reached or passed that age. The physician or physicians designated by the board shall have first made a medical examination of him at his residence or at any other place mutually agreed upon and shall have certified to the board that the member is physically or mentally incapacitated for the performance of duty and should be retired.

b. On and after June 9, 1971, a member, under 60 years of age, who has 10 or more years of credit for New Jersey service, shall, upon the application of his employer or upon his own application or the application of one acting in his behalf, be retired for ordinary disability by the board of trustees. The physician or physicians designated by the board shall have first made a medical examination of him at his residence or at any other place mutually agreed upon and shall have certified to the board that the member is physically or mentally incapacitated for the performance of duty and should be retired. No person who becomes a member of the retirement sys-

tem on or after the effective date of P.L.2010, c.3 shall be eligible for retirement pursuant to this subsection.

c. A member, under 65 years of age, shall, upon the application of his employer or upon his own application or the application of one acting in his behalf, be retired by the board of trustees, if said 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, on an accidental disability allowance. A traumatic event occurring during voluntary performance of regular or assigned duties at a place of employment before or after required hours of employment which is not in violation of any valid work rule of the employer or otherwise prohibited by the employer shall be deemed as occurring during the performance of regular or assigned duties. No person who becomes a member of the retirement system on or after the effective date of P.L.2010, c.3 shall be eligible for retirement pursuant to this subsection.

The application to accomplish such retirement must be filed within five years of the original traumatic event, but the board of trustees may consider an application filed after the five-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 five-year period due to a delayed manifestation of the disability or to circumstances beyond the control of the member.

Permanent and total disability resulting from a cardiovascular, pulmonary or musculo-skeletal condition which was not a direct result of a traumatic event occurring in the performance of duty shall be deemed an ordinary disability.

Before consideration of an application for accidental disability allowance by the board of trustees, the physician or physicians designated by the board shall have first made a medical examination of the member at his residence or at any other place mutually agreed upon and shall have certified to the board that he is physically or mentally incapacitated for the performance of duty, and should be retired, and the employer shall have certified to the board 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 and assigned duties, the time and place where the duty causing the disability was performed, that the disability was not the result of his willful negligence and that the member should be retired.

8. Section 42 of P.L.1954, c.84 (C.43:15A-42) is amended to read as follows:

C.43:15A-42 Ordinary disability retirement.

42. A member, under 60 years of age, who has 10 or more years of credit for New Jersey service, shall, upon the application of the head of the department in which he shall have been employed or upon his own application or the application of one acting in his behalf, be retired for ordinary disability by the board of trustees. The physician or physicians designated by the board shall have first made a medical examination of him at his residence or at any other place mutually agreed upon and shall have certified to the board that the member is physically or mentally incapacitated for the performance of duty and should be retired.

The service requirement provisions of this amendatory and supplementary act shall not become effective for 5 years following the effective date of the act.

No person who becomes a member of the retirement system on or after the effective date of P.L.2010, c.3 shall be eligible for retirement pursuant to this section.

9. Section 43 of P.L.1954, c.84 (C.43:15A-43) is amended to read as follows:

C.43:15A-43 Public employees' disability retirement.

43. A member who has not attained age 65 shall, upon the application of the head of the department in which he is employed or upon his own application or the application of one acting in his behalf, be retired by the board of trustees, if said employee 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, on an accidental disability allowance. A traumatic event occurring during voluntary performance of regular or assigned duties at a place of employment before or after required hours of employment which is not in violation of any valid work rule of the employer or otherwise prohibited by the employer shall be deemed as occurring during the performance of regular or assigned duties.

The application to accomplish such retirement must be filed within five years of the original traumatic event, but the board of trustees may consider an application filed after the five-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 five-year period due to a delayed manifestation of the disability or to circumstances beyond the control of the member.

Permanent and total disability resulting from a cardiovascular, pulmonary or musculo-skeletal condition which was not a direct result of a traumatic event occurring in the performance of duty shall be deemed an ordinary disability.

Before consideration of the application by the board of trustees, the physician or physicians designated by the board shall have first made a medical examination of the member at his residence or at any other place mutually agreed upon and shall have certified to the board that he is physically or mentally incapacitated for the performance of duty, and should be retired, and the appointing authority shall have certified to the board 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, the time and place where the duty causing the disability was performed, that the disability was not the result of his willful negligence and that the member should be retired.

No person who becomes a member of the retirement system on or after the effective date of P.L.2010, c.3 shall be eligible for retirement pursuant to this section.

C.18A:66-39.1 Disability insurance for certain TPAF members; "Teachers Group Disability Insurance Premium Fund."

10. a. A person who becomes a member of the Teachers' Pension and Annuity Fund, N.J.S.18A:66-1 et seq., on or after the effective date of P.L.2010, c.3 shall not be eligible for an ordinary or accidental disability retirement allowance, but shall be eligible for disability insurance coverage pursuant to this section.

b. The State Treasurer is hereby authorized and permitted to purchase from one or more insurance companies, as determined by him, group disability benefit coverage to provide for the disability benefit in the amounts specified herein. The group disability benefit coverage may be provided under one or more policies issued to the State Treasurer specifically for this purpose or, in the discretion of the State Treasurer, under one or more policies issued to the State Treasurer which provide group life insurance coverage for members of the retirement system designated in subsection a. of this section. Any dividend or retrospective rate credit allowed by an insurance company attributable to this program shall be credited in an equitable manner to the funds available to meet the employers' obligations under such retirement system.

Premiums for such group insurance coverage shall be paid from a special fund, hereby created, called the "Teachers Group Disability Insurance

Premium Fund." The State Treasurer shall estimate annually the amount which shall be required for premiums for such benefits for the ensuing fiscal year and shall certify such amounts which shall be applied against the total employer contributions due for the members of the retirement system whose members are covered, depositing such amounts in the premium fund.

During the period such group insurance policy or policies are in effect with respect to members of the retirement system, the State Treasurer shall in no way commingle moneys in this fund with any retirement system.

c. A person shall not be allowed the group disability benefit coverage if on the date the person enrolls in the retirement system, the person is 60 or more years of age, unless the person furnishes satisfactory evidence of insurability and, on the effective date of the person's enrollment, is actively at work and performing all the regular duties at the customary place of employment.

The effective date of coverage for such a benefit shall be the first day of the month which immediately follows the date when such evidence is determined to be satisfactory.

Such evidence of insurability shall not be required of any person enrolling in the retirement system upon transfer from another retirement system, if such retirement system provided a benefit of a similar nature and the transferring person was covered by such a benefit at the time of the transfer. If such transferring person was not covered by such a benefit at the time of the transfer, the person may be allowed the benefit under the group policy or policies; however, any such person shall furnish satisfactory evidence of insurability if he had been unable or failed to give such evidence as a member of the retirement system from which the person transferred.

Any person who must furnish satisfactory evidence of insurability, and who ceases to be enrolled in the retirement system without such evidence having been given, shall continue to be subject to the same requirement if the person subsequently becomes a member.

d. The disability benefit coverage provided under such group policy or policies shall provide a monthly income if the member becomes totally disabled from occupational or nonoccupational causes for a period of at least six consecutive months following the effective date of the coverage. The monthly disability benefit may be paid by the insurance company so long as the member remains disabled up to the seventieth birthday, provided the disability commenced prior to the sixtieth birthday. The benefit shall terminate when the member is no longer considered totally disabled or begins to receive retirement benefits.

The member shall be considered totally disabled if the member is unable to perform each duty of the member's occupation and is under the regular care of a physician. After the 12 months following the commencement of such disability benefit payments, the member shall be unable to engage in any gainful occupation for which the member is reasonably fitted by education, training or experience. Total disability shall not be considered to exist if the member is gainfully employed. Following an agreement with the insurance company and the policyholder, the member may continue to receive disability benefits for a limited time while performing some type of work. During the period of rehabilitation, the monthly benefit shall be the regular payment less 80% of the member's earnings from such rehabilitative position.

e. A member shall be deemed to be in service and covered by the disability benefit insurance provisions for a period of no more than six months while on official leave of absence without pay if satisfactory evidence is presented to the Division of Pensions and Benefits that such leave of absence without pay is due to illness and that the member was not actively engaged in any gainful occupation during such period of leave of absence without pay.

Disability benefit insurance provisions of the group policy or policies shall not cover disability resulting from or contributed to by pregnancy, act of war, intentionally self-inflicted injury, or attempted suicide whether or not sane. For purposes of such disability benefit coverage, the member shall not be considered to be disabled while the member is imprisoned or while outside the United States, its territories or possessions, or Canada.

If the member has recovered from the disability for which the member had received benefits and again becomes totally disabled while insured, the later disability shall be regarded as a continuation of the prior one unless the member has returned to full-time covered employment for at least six months. If the later absence is due to an unrelated cause and the member had returned to full-time work, it shall be considered a new disability. The disability benefit insurance cannot be converted to an individual policy.

No person shall be covered by the disability benefit provision of the group policy or policies except upon the completion of one year of full-time continuous employment in a position eligible for participation in a retirement system designated in subsection a. of this section.

f. The disability benefit provided under such group policy or policies shall be in an amount equal to 60% of the member's base monthly salary, reduced by periodic benefits to which the member may be entitled during

the period of total disability. The minimum monthly disability benefit shall be \$50.

The periodic benefit by which the monthly disability benefit may be reduced shall include salary or wages, retirement benefits or benefits from any source for which the State or other public employer has paid any part of the cost or made payroll deductions, Social Security disability or other benefits, including dependents' benefits, and benefits paid by Social Security at the option of the participant before the age of 65, but not including any increase in Social Security benefits enacted after the disability benefit under such group policy or policies has commenced, and any other periodic benefits provided by law except on account of military service.

When a member begins to receive a disability benefit under such group policy or policies, the insurance company shall pay an amount equal to the employee contribution which would have been required of the member and deducted from the member's base salary in order to meet the member's obligation for the purchase of the member's individual retirement annuity. Such amount shall be paid by the insurance company without reduction by any other periodic benefit which the member is eligible to receive. Such amount shall be paid by the insurance company to the insurer or insurers for the member's retirement annuity.

g. Notwithstanding any other provision of law, an insurance company or companies issuing such policy or policies may credit the policyholder either directly or in the form of reduced premiums, with savings by the company or companies in the event that no brokerage commission or commissions are paid by the company or companies on the issuance of such policy or policies.

No employer obligations shall be paid when the member is on a leave of absence without pay or when the member no longer is enrolled in the retirement system designated in subsection a. of this section.

h. The group disability insurance policy or policies shall provide a member with an opportunity to purchase additional coverage.

i. A member who is disabled and receiving a benefit under this section shall remain eligible for employer-provided health care benefits coverage in the same manner as such coverage is provided by the employer to retirees of the retirement system.

j. The State Treasurer shall establish an appeals process to be used when an employer or employee disagrees with the insurer on the employee's ability to return to employment or on issues related to physical examinations.

C.43:15A-42.1 Disability insurance for certain PERS members; "Public Employees Group Disability Insurance Premium Fund."

11. a. A person who becomes a member of the Public Employees' Retirement System of New Jersey, P.L.1954, c.84 (C.43:15A-1 et seq.), on or after the effective date of P.L.2010, c.3 shall not be eligible for an ordinary or accidental disability retirement allowance, but shall be eligible for disability insurance coverage pursuant to this section.

b. The State Treasurer is hereby authorized and permitted to purchase from one or more insurance companies, as determined by him, group disability benefit coverage to provide for the disability benefit in the amounts specified herein. The group disability benefit coverage may be provided under one or more policies issued to the State Treasurer specifically for this purpose or, in the discretion of the State Treasurer, under one or more policies issued to the State Treasurer which provide group life insurance coverage for members of the retirement system designated in subsection a. of this section. Any dividend or retrospective rate credit allowed by an insurance company attributable to this program shall be credited in an equitable manner to the funds available to meet the employers' obligations under such retirement system.

Premiums for such group insurance coverage shall be paid from a special fund, hereby created, called the "Public Employees Group Disability Insurance Premium Fund." The State Treasurer shall estimate annually the amount which shall be required for premiums for such benefits for the ensuing fiscal year and shall certify such amounts which shall be applied against the total employer contributions due for the members of the retirement system whose members are covered, depositing such amounts in the premium fund.

During the period such group insurance policy or policies are in effect with respect to members of the retirement system, the State Treasurer shall in no way commingle moneys in this fund with any retirement system.

c. A person shall not be allowed the group disability benefit coverage if on the date the person enrolls in the retirement system, the person is 60 or more years of age, unless the person furnishes satisfactory evidence of insurability and, on the effective date of the person's enrollment, is actively at work and performing all the regular duties at the customary place of employment.

The effective date of coverage for such a benefit shall be the first day of the month which immediately follows the date when such evidence is determined to be satisfactory.

Such evidence of insurability shall not be required of any person enrolling in the retirement system upon transfer from another retirement sys-

tem, if such retirement system provided a benefit of a similar nature and the transferring person was covered by such a benefit at the time of the transfer. If such transferring person was not covered by such a benefit at the time of the transfer, the person may be allowed the benefit under the group policy or policies; however, any such person shall furnish satisfactory evidence of insurability if he had been unable or failed to give such evidence as a member of the retirement system from which the person transferred.

Any person who must furnish satisfactory evidence of insurability, and who ceases to be enrolled in the retirement system without such evidence having been given, shall continue to be subject to the same requirement if the person subsequently becomes a member.

d. The disability benefit coverage provided under such group policy or policies shall provide a monthly income if the member becomes totally disabled from occupational or nonoccupational causes for a period of at least six consecutive months following the effective date of the coverage. The monthly disability benefit may be paid by the insurance company so long as the member remains disabled up to the seventieth birthday, provided the disability commenced prior to the sixtieth birthday. The benefit shall terminate when the member is no longer considered totally disabled or begins to receive retirement benefits.

The member shall be considered totally disabled if the member is unable to perform each duty of the member's occupation and is under the regular care of a physician. After the 12 months following the commencement of such disability benefit payments, the member shall be unable to engage in any gainful occupation for which the member is reasonably fitted by education, training or experience. Total disability shall not be considered to exist if the member is gainfully employed. Following an agreement with the insurance company and the policyholder, the member may continue to receive disability benefits for a limited time while performing some type of work. During the period of rehabilitation, the monthly benefit shall be the regular payment less 80% of the member's earnings from such rehabilitative position.

e. A member shall be deemed to be in service and covered by the disability benefit insurance provisions for a period of no more than six months while on official leave of absence without pay if satisfactory evidence is presented to the Division of Pensions and Benefits that such leave of absence without pay is due to illness and that the member was not actively engaged in any gainful occupation during such period of leave of absence without pay.

Disability benefit insurance provisions of the group policy or policies shall not cover disability resulting from or contributed to by pregnancy, act of war, intentionally self-inflicted injury, or attempted suicide whether or not sane. For purposes of such disability benefit coverage, the member shall not be considered to be disabled while the member is imprisoned or while outside the United States, its territories or possessions, or Canada.

If the member has recovered from the disability for which the member had received benefits and again becomes totally disabled while insured, the later disability shall be regarded as a continuation of the prior one unless the member has returned to full-time covered employment for at least six months. If the later absence is due to an unrelated cause and the member had returned to full-time work, it shall be considered a new disability. The disability benefit insurance cannot be converted to an individual policy.

No person shall be covered by the disability benefit provision of the group policy or policies except upon the completion of one year of full-time continuous employment in a position eligible for participation in a retirement system designated in subsection a. of this section.

f. The disability benefit provided under such group policy or policies shall be in an amount equal to 60% of the member's base monthly salary, reduced by periodic benefits to which the member may be entitled during the period of total disability. The minimum monthly disability benefit shall be \$50.

The periodic benefit by which the monthly disability benefit may be reduced shall include salary or wages, retirement benefits or benefits from any source for which the State or other public employer has paid any part of the cost or made payroll deductions, Social Security disability or other benefits, including dependents' benefits, and benefits paid by Social Security at the option of the participant before the age of 65, but not including any increase in Social Security benefits enacted after the disability benefit under such group policy or policies has commenced, and any other periodic benefits provided by law except on account of military service.

When a member begins to receive a disability benefit under such group policy or policies, the insurance company shall pay an amount equal to the employee contribution which would have been required of the member and deducted from the member's base salary in order to meet the member's obligation for the purchase of the member's individual retirement annuity. Such amount shall be paid by the insurance company without reduction by any other periodic benefit which the member is eligible to receive. Such amount shall be paid by the insurance company to the insurer or insurers for the member's retirement annuity.

g. Notwithstanding any other provision of law, an insurance company or companies issuing such policy or policies may credit the policyholder either directly or in the form of reduced premiums, with savings by the company or companies in the event that no brokerage commission or commissions are paid by the company or companies on the issuance of such policy or policies.

No employer obligations shall be paid when the member is on a leave of absence without pay or when the member no longer is enrolled in the retirement system designated in subsection a. of this section.

h. The group disability insurance policy or policies shall provide a member with an opportunity to purchase additional coverage.

i. A member who is disabled and receiving a benefit under this section shall remain eligible for employer-provided health care benefits coverage in the same manner as such coverage is provided by the employer to retirees of the retirement system.

j. The State Treasurer shall establish an appeals process to be used when an employer or employee disagrees with the insurer on the employee's ability to return to employment or on issues related to physical examinations.

C.43:15A-42.2 Inapplicability relative to certain transferred service credit.

12. The provisions of section 42 of P.L.1954, c.84 (C.43:15A-42) and section 43 of P.L.1954, c.84 (C.43:15A-43) as amended by P.L.2010, c.3, and section 11 of P.L.2010, c.3 (C.43:15A-42.1), concerning persons who become members of the retirement system on or after the effective date of P.L.2010, c.3 shall not apply to a person who at the time of enrollment in the retirement system on or after that effective date transfers service credit, as permitted, from another State-administered retirement system or fund of which the person was a member immediately prior to the effective date and continuously thereafter, but shall apply to a former member of the retirement system who has been granted a retirement allowance and is reenrolled in the retirement system on or after that effective date after becoming employed again in a position that makes the person eligible to be a member of the retirement system.

C.18A:66-39.2 Inapplicability relative to certain transferred service credit.

13. The provisions of N.J.S.18A:66-39 as amended by P.L.2010, c.3, and section 10 of P.L.2010, c.3 (C.18A:66-39.1), concerning persons who become members of the retirement system on or after the effective date of P.L.2010, c.3 shall not apply to a person who at the time of enrollment in

the retirement system on or after that effective date transfers service credit, as permitted, from another State-administered retirement system or fund of which the person was a member immediately prior to the effective date and continuously thereafter, but shall apply to a former member of the retirement system who has been granted a retirement allowance and is reenrolled in the retirement system on or after that effective date after becoming employed again in a position that makes the person eligible to be a member of the retirement system.

14. This act shall take effect on the 60th day following enactment.

Approved March 22, 2010.

CHAPTER 4

AN ACT concerning solar panels and impervious surfaces, and amending and supplementing various parts of the statutory law.

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

1. R.S.12:5-3 is amended to read as follows:

Department approval required for waterfront development; exemptions.

12:5-3. a. All plans for the development of any waterfront upon any navigable water or stream of this State or bounding thereon, which is contemplated by any person or municipality, in the nature of individual improvement or development or as a part of a general plan which involves the construction or alteration of a dock, wharf, pier, bulkhead, bridge, pipeline, cable, or any other similar or dissimilar waterfront development shall be first submitted to the Department of Environmental Protection. No such development or improvement shall be commenced or executed without the approval of the Department of Environmental Protection first had and received, or as hereinafter in this chapter provided.

b. The following are exempt from the provisions of subsection a. of this section:

(1) The repair, replacement or renovation of a permanent dock, wharf, pier, bulkhead or building existing prior to January 1, 1981, provided the

repair, replacement or renovation does not increase the size of the structure and the structure is used solely for residential purposes or the docking or servicing of pleasure vessels;

(2) The repair, replacement or renovation of a floating dock, mooring raft or similar temporary or seasonal improvement or structure, provided the improvement or structure does not exceed in length the waterfront frontage of the parcel of real property to which it is attached and is used solely for the docking or servicing of pleasure vessels; and

(3) Development in the coastal area, as defined in section 4 of P.L.1973, c.185 (C.13:19-4), landward of the mean high water line of any tidal waters.

c. Notwithstanding the provisions of any law, rule, or regulation to the contrary, the Department of Environmental Protection shall not, as a condition of approval required pursuant to subsection a. of this section, include solar panels in any calculation of impervious surface or impervious cover.

As used in this subsection, "solar panel" means an elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy, or array.

C.13:18A-5.2 Solar panels not included in certain calculations relative to development in the pinelands.

2. Notwithstanding the provisions of the comprehensive management plan or any rule or regulation to the contrary, the commission shall not include solar panels in any calculation of impervious surface or impervious cover that may be required for an application for development in the pinelands area.

As used in this section, "solar panel" means an elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy, or array.

3. Section 3 of P.L.1973, c.185 (C.13:19-3) is amended to read as follows:

C.13:19-3 Definitions.

3. As used in this act:

"Beach" means a gently sloping unvegetated area of sand or other unconsolidated material found on tidal shorelines, including ocean, inlet, bay

and river shorelines, and that extends landward from the mean high water line to either: the vegetation line; a man-made feature generally parallel to the ocean, inlet, bay or river waters such as a retaining structure, seawall, bulkhead, road or boardwalk, except that sandy areas that extend fully under and landward of an elevated boardwalk are considered to be beach areas; or the seaward or bayward foot of dunes, whichever is closest to the ocean, inlet, bay or river waters;

"Commercial development" means a development designed, constructed or intended to accommodate commercial or office uses. "Commercial development" shall include, but need not be limited to, any establishment used for the wholesale or retail sale of food or other merchandise, or any establishment used for providing professional, financial, or other commercial services;

"Commissioner" means the Commissioner of Environmental Protection;

"Department" means the Department of Environmental Protection;

"Development" means the construction, relocation, or enlargement of any building or structure and all site preparation therefor, the grading, excavation or filling on beaches or dunes, and shall include residential development, commercial development, industrial development, and public development;

"Dune" means a wind- or wave-deposited or man-made formation of vegetated sand that lies generally parallel to and landward of the beach, and between the upland limit of the beach and the foot of the most inland slope of the dune. Dune includes the foredune, secondary and tertiary dune ridges, as well as man-made dunes, where they exist;

"Dwelling unit" means a house, townhouse, apartment, cooperative, condominium, cabana, hotel or motel room, a room in a hospital, nursing home or other residential institution, mobile home, campsite for a tent or recreational vehicle or any other habitable structure of similar size and potential environmental impact, except that dwelling unit shall not mean a vessel as defined in section 2 of P.L.1962, c.73 (C.12:7-34.37);

"Governmental agency" means the Government of the United States, the State of New Jersey, or any other state, or a political subdivision, authority, agency or instrumentality thereof, and shall include any interstate agency or authority;

"Industrial development" means a development that involves a manufacturing or industrial process, and shall include, but need not be limited to, electric power production, food and food by-product processing, paper production, agri-chemical production, chemical processes, storage facilities,

metallurgical processes, mining and excavation processes, and processes utilizing mineral products;

"Person" means any individual, corporation, company, association, society, firm, partnership, joint stock company, or governmental agency;

"Public development" means a solid waste facility, including an incinerator and landfill, wastewater treatment plant, public highway, airport, an above or underground pipeline designed to transport petroleum, natural gas, or sanitary sewage, and a public facility, and shall not mean a seasonal or temporary structure related to the tourism industry, an educational facility or power lines;

"Public highway" means a public highway as defined in section 3 of P.L.1984, c.73 (C.27:1B-3);

"Reconstruction" means the repair or replacement of a building, structure, or other part of a development;

"Residential development" means a development that provides one or more dwelling units; and

"Solar panel" means an elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy, or array.

C.13:19-5.4 Solar panels not included in certain calculations relative to coastal development.

4. Notwithstanding the provisions of any rule or regulation to the contrary, the department shall not include solar panels in any calculation of impervious surface or impervious cover that may be required as a condition of approval of an application to construct or undertake a development in the coastal area, pursuant to the provisions of P.L.1973, c.185 (C.13:19-1 et seq.).

As used in this section, "solar panel" means an elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy, or array.

5. Section 3 of P.L.2004, c.120 (C.13:20-3) is amended to read as follows:

C.13:20-3 Definitions relative to the "Highlands Water Protection and Planning Act."

3. As used in this act:

"Agricultural or horticultural development" means construction for the purposes of supporting common farmsite activities, including but not lim-

ited to: the production, harvesting, storage, grading, packaging, processing, and the wholesale and retail marketing of crops, plants, animals, and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease, and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing;

"Agricultural impervious cover" means agricultural or horticultural buildings, structures, or facilities with or without flooring, residential buildings, and paved areas, but shall not mean temporary coverings;

"Agricultural or horticultural use" means the use of land for common farmsite activities, including but not limited to: the production, harvesting, storage, grading, packaging, processing, and the wholesale and retail marketing of crops, plants, animals, and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease, and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing;

"Application for development" means the application form and all accompanying documents required for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance, or direction of the issuance of a permit pursuant to the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) or R.S.40:27-1 et seq., for any use, development, or construction;

"Capital improvement" means any facility for the provision of public services with a life expectancy of three or more years, owned and operated by or on behalf of the State or a political subdivision thereof;

"Construction beyond site preparation" means having completed the foundation for a building or structure, and does not include the clearing, cutting, or removing of vegetation, bringing construction materials to the site, or site grading or other earth work associated with preparing a site for construction;

"Construction materials facility" means any facility or land upon which the activities of production of ready mix concrete, bituminous concrete, or class B recycling occurs;

"Council" means the Highlands Water Protection and Planning Council established by section 4 of this act;

"Department" means the Department of Environmental Protection;

"Development" means the same as that term is defined in section 3.1 of P.L.1975, c.291 (C.40:55D-4);

"Development regulation" means the same as that term is defined in section 3.1 of P.L.1975, c.291 (C.40:55D-4);

"Disturbance" means the placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation;

"Environmental land use or water permit" means a permit, approval, or other authorization issued by the Department of Environmental Protection pursuant to the "Freshwater Wetlands Protection Act," P.L.1987, c.156 (C.13:9B-1 et seq.), the "Water Supply Management Act," P.L.1981, c.262 (C.58:1A-1 et seq.), the "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.), "The Realty Improvement Sewerage and Facilities Act (1954)," P.L.1954, c.199 (C.58:11-23 et seq.), the "Water Quality Planning Act," P.L.1977, c.75 (C.58:11A-1 et seq.), the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.), or the "Flood Hazard Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.);

"Facility expansion" means the expansion of the capacity of an existing capital improvement in order that the improvement may serve new development;

"Farm conservation plan" means a site specific plan that prescribes needed land treatment and related conservation and natural resource management measures, including forest management practices, that are determined to be practical and reasonable for the conservation, protection, and development of natural resources, the maintenance and enhancement of agricultural or horticultural productivity, and the control and prevention of nonpoint source pollution;

"Farm management unit" means a parcel or parcels of land, whether contiguous or noncontiguous, together with agricultural or horticultural buildings, structures and facilities, producing agricultural or horticultural products, and operated as a single enterprise;

"Highlands open waters" means all springs, streams including intermittent streams, wetlands, and bodies of surface water, whether natural or artificial, located wholly or partially within the boundaries of the Highlands Region, but shall not mean swimming pools;

"Highlands Region" means that region so designated by subsection a. of section 7 of this act;

"Immediate family member" means spouse, child, parent, sibling, aunt, uncle, niece, nephew, first cousin, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half brother, or half sister, whether the individual is related by blood, marriage, or adoption;

"Impact fee" means cash or in-kind payments required to be paid by a developer as a condition for approval of a major subdivision or major site

plan for the developer's proportional share of the cost of providing new or expanded reasonable and necessary public improvements located outside the property limits of the subdivision or development but reasonably related to the subdivision or development based upon the need for the improvement created by, and the benefits conferred upon, the subdivision or development;

"Impervious surface" means any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, and includes porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements;

"Individual unit of development" means a dwelling unit in the case of a residential development, a square foot in the case of a non-residential development, or any other standard employed by a municipality for different categories of development as a basis upon which to establish a service unit;

"Local government unit" means a municipality, county, or other political subdivision of the State, or any agency, board, commission, utilities authority or other authority, or other entity thereof;

"Major Highlands development" means, except as otherwise provided pursuant to subsection a. of section 30 of this act, (1) any non-residential development in the preservation area; (2) any residential development in the preservation area that requires an environmental land use or water permit or that results in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more; (3) any activity undertaken or engaged in the preservation area that is not a development but results in the ultimate disturbance of one-quarter acre or more of forested area or that results in a cumulative increase in impervious surface by one-quarter acre or more on a lot; or (4) any capital or other project of a State entity or local government unit in the preservation area that requires an environmental land use or water permit or that results in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more. Major Highlands development shall not mean an agricultural or horticultural development or agricultural or horticultural use in the preservation area. Solar panels shall not be included in any calculation of impervious surface;

"Mine" means any mine, whether on the surface or underground, and any mining plant, material, equipment, or explosives on the surface or underground, which may contribute to the mining or handling of ore or other metalliferous or non-metalliferous products. The term "mine" shall also include a quarry, sand pit, gravel pit, clay pit, or shale pit;

"Mine site" means the land upon which a mine, whether active or inactive, is located, for which the Commissioner of Labor and Workforce Development has granted a certificate of registration pursuant to section 4 of P.L.1954, c.197 (C.34:6-98.4) and the boundary of which includes all contiguous parcels, except as provided below, of property under common ownership or management, whether located in one or more municipalities, as such parcels are reflected by lot and block numbers or metes and bounds, including any mining plant, material, or equipment. "Contiguous parcels" as used in this definition of "mine site" shall not include parcels for which mining or quarrying is not a permitted use or for which mining or quarrying is not permitted as a prior nonconforming use under the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.);

"Office of Smart Growth" means the Office of State Planning established pursuant to section 6 of P.L.1985, c.398 (C.52:18A-201);

"Planning area" means that portion of the Highlands Region not included within the preservation area;

"Preservation area" means that portion of the Highlands Region so designated by subsection b. of section 7 of this act;

"Public utility" means the same as that term is defined in R.S.48:2-13;

"Recreation and conservation purposes" means the same as that term is defined in section 3 of P.L.1999, c.152 (C.13:8C-3);

"Regional master plan" means the Highlands regional master plan or any revision thereof adopted by the council pursuant to section 8 of this act;

"Resource management systems plan" means a site specific conservation system plan that (1) prescribes needed land treatment and related conservation and natural resource management measures, including forest management practices, for the conservation, protection, and development of natural resources, the maintenance and enhancement of agricultural or horticultural productivity, and the control and prevention of nonpoint source pollution, and (2) establishes criteria for resources sustainability of soil, water, air, plants, and animals;

"Service area" means that area to be served by the capital improvement or facility expansion as designated in the capital improvement program adopted by a municipality under section 20 of P.L.1975, c.291 (C.40:55D-29);

"Service unit" means a standardized measure of consumption, use, generation or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards for a particular category of capital improvements or facility expansions;

"Soil conservation district" means the same as that term is defined in R.S.4:24-2;

"Solar panel" means an elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy, or array;

"State Development and Redevelopment Plan" means the State Development and Redevelopment Plan adopted pursuant to P.L.1985, c.398 (C.52:18A-196 et al.);

"State entity" means any State department, agency, board, commission, or other entity, district water supply commission, independent State authority or commission, or bi-state entity;

"State Soil Conservation Committee" means the State Soil Conservation Committee in the Department of Agriculture established pursuant to R.S.4:24-3;

"Temporary coverings" means permeable, woven and non-woven geotextile fabrics that allow for water infiltration or impermeable materials that are in contact with the soil and are used for no more than two consecutive years; and

"Waters of the Highlands" means all springs, streams including intermittent streams, and bodies of surface or ground water, whether natural or artificial, located wholly or partially within the boundaries of the Highlands Region, but shall not mean swimming pools.

6. Section 31 of P.L.2004, c.120 (C.13:20-29) is amended to read as follows:

C.13:20-29 Agricultural, horticultural development, review required; enforcement.

31. a. (1) Any agricultural or horticultural development in the preservation area that would result in the increase, after the date of enactment of this act either individually or cumulatively, of agricultural impervious cover by three percent or more of the total land area of a farm management unit in the preservation area shall require the review and approval by the local soil conservation district of a farm conservation plan which shall be prepared and submitted by the owner or operator of the farm management unit. Upon approval of the farm conservation plan by the local soil conservation district, the owner or operator of the farm management unit shall implement the plan on the farm management unit. The local soil conservation district shall transmit a copy of an approved farm conservation plan to the State Soil Conservation Committee, and, if any part of the farm management unit

is preserved under any farmland preservation program, to the State Agriculture Development Committee.

(2) Any agricultural or horticultural development in the preservation area that would result in the increase, after the date of enactment of this act either individually or cumulatively, of agricultural impervious cover by nine percent or more of the total land area of a farm management unit in the preservation area shall require the review and approval by the local soil conservation district of a resource management systems plan which shall be prepared and submitted by the owner or operator of the farm management unit.

Prior to the approval of a resource management systems plan by a local soil conservation district, a copy of the resource management systems plan shall be forwarded by the local soil conservation district to the Department of Environmental Protection for review and approval, with or without conditions, or denial within 60 days after receipt by the department. Upon approval of the resource management systems plan by the local soil conservation district and the Department of Environmental Protection, the owner or operator of the farm management unit shall implement the plan on the farm management unit. The local soil conservation district shall transmit a copy of an approved resource management systems plan to the State Soil Conservation Committee, and, if any part of the farm management unit is preserved under any farmland preservation program, to the State Agriculture Development Committee.

(3) A farm conservation plan required pursuant to paragraph (1) of this subsection and a resource management systems plan required pursuant to paragraph (2) of this subsection shall be prepared in accordance with science-based standards, consistent with the goals and purposes of this act, which standards shall be established by the State Board of Agriculture and the Department of Agriculture, in consultation with the Department of Environmental Protection, the State Agriculture Development Committee, Rutgers Cooperative Extension, and the Natural Resources Conservation Service in the United States Department of Agriculture. Within 270 days after the date of enactment of this act, the State Department of Agriculture, in consultation with the Department of Environmental Protection, shall develop and adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), these standards and any other rules and regulations necessary to implement this section.

(4) Solar panels shall not be included in any calculation of agricultural impervious cover pursuant to this subsection.

b. (1) If any person violates any provision of subsection a. of this section, any rule or regulation adopted pursuant to subsection a. of this section,

or a farm conservation plan or a resource management systems plan approved pursuant to subsection a. of this section, the Department of Agriculture or the local soil conservation district may institute a civil action in the Superior Court for injunctive relief to prohibit and prevent the violation or violations and the court may proceed in a summary manner.

(2) (a) Any person who violates any provision of subsection a. of this section, any rule or regulation adopted pursuant to subsection a. of this section, or a farm conservation plan or a resource management systems plan approved pursuant to subsection a. of this section shall be liable to a civil administrative penalty of up to \$5,000 for each violation. If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate, and distinct offense. No assessment shall be levied pursuant to this subsection until after the party has been notified by certified mail or personal service and provided an opportunity for a hearing.

(b) Any amount assessed under this subsection shall fall within a range established in a penalty schedule adopted by the Department of Agriculture pursuant to the "Administrative Procedure Act," which shall take into account the seriousness and duration of the violation and whether the violation involves the failure to prepare or to implement a farm conservation plan or resource management systems plan. The schedule shall also provide for an enhanced penalty if the violation causes an impairment to water quality. Any civil administrative penalty assessed under this subsection may be compromised by the Secretary of Agriculture upon the posting of a performance bond by the violator, or upon such terms and conditions as the secretary may establish by regulation.

(c) Any person who fails to pay a civil administrative penalty in full pursuant to this subsection shall be subject, upon order of a court, to a civil penalty of up to \$5,000 for each violation. If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate, and distinct offense. Any such civil penalty imposed may be collected with costs in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court and the municipal court shall have jurisdiction to enforce the provisions of the "Penalty Enforcement Law of 1999" in connection with this subsection.

(d) All penalties collected pursuant to this subsection shall either be used, as determined by the council, by the State Agriculture Development Committee for the preservation of farmland in the preservation area or by any development transfer bank used or established by the council to purchase development potential in the preservation area.

c. Nothing in this act, the regional master plan, any rules or regulations adopted by the Department of Environmental Protection pursuant to this act, or any amendments to a master plan, development regulations, or other regulations adopted by a local government unit to specifically conform them with the regional master plan shall be construed to alter or compromise the goals, purposes, policies, and provisions of, or lessen the protections afforded to farmers by, the "Right to Farm Act," P.L.1983, c.31 (C.4:1C-1 et seq.), and any rules or regulations adopted pursuant thereto.

d. The provisions of this section shall not be construed to alter or obviate the requirements of any other applicable State or local laws, rules, regulations, development regulations, or ordinances.

7. Section 34 of P.L.2004, c.120 (C.13:20-32) is amended to read as follows:

C.13:20-32 Rules, regulations, standards.

34. The Department of Environmental Protection shall prepare rules and regulations establishing the environmental standards for the preservation area upon which the regional master plan adopted by the council and the Highlands permitting review program administered by the department pursuant to this act shall be based. These rules and regulations shall provide for at least the following:

a. a prohibition on major Highlands development within 300 feet of any Highlands open waters, and the establishment of a 300-foot buffer adjacent to all Highlands open waters; provided, however, that this buffer shall not extend into the planning area. For the purposes of this subsection, major Highlands development does not include linear development for infrastructure, utilities, and the rights-of-way therefor, provided that there is no other feasible alternative, as determined by the department, for the linear development outside of the buffer. Structures or land uses in the buffer existing on the date of enactment of this act may remain, provided that the area of disturbance shall not be increased. This subsection shall not be construed to limit any authority of the department to establish buffers of any size or any other protections for category one waters designated by the department pursuant to the "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.), or any other law, or any rule or regulation adopted pursuant thereto, for major Highlands development or for other development that does not qualify as major Highlands development;

b. measures to ensure that existing water quality shall be maintained, restored, or enhanced, as required pursuant to the "Water Pollution Control

Act," P.L.1977, c.74 (C.58:10A-1 et seq.) or the "Water Quality Planning Act," P.L.1977, c.75 (C.58:11A-1 et seq.), or any rule or regulation adopted pursuant thereto, in all Highlands open waters and waters of the Highlands, and to provide that any new or expanded point source discharge, except discharges from water supply facilities, shall not degrade existing water quality. In the case of water supply facilities, all reasonable measures shall be taken to eliminate or minimize water quality impacts;

c. notwithstanding the provisions of section 23 of P.L.1987, c.156 (C.13:9B-23), or any rule or regulation adopted pursuant thereto, to the contrary, the criteria for the type of activity or activities eligible for the use of a general permit for any portion of an activity located within a freshwater wetland or freshwater wetland transition area located in the preservation area, provided that these criteria are at least as protective as those provided in section 23 of P.L.1987, c.156 (C.13:9B-23);

d. notwithstanding the provisions of subsection a. of section 5 of P.L.1981, c.262 (C.58:1A-5), or any rule or regulation adopted pursuant thereto, to the contrary, a system for the regulation of any diversion of more than 50,000 gallons per day, and multiple diversions by the same or related entities for the same or related projects or developments of more than 50,000 gallons per day, of waters of the Highlands pursuant to the "Water Supply Management Act," P.L.1981, c.262 (C.58:1A-1 et seq.), and any permit issued pursuant thereto shall be based on consideration of individual and cumulative impacts of multiple diversions, maintenance of stream base flows, minimization of depletive use, maintenance of existing water quality, and protection of ecological uses. Any new or increased diversion for nonpotable purposes that is more than 50% consumptive shall require an equivalent reduction in water demand within the same subdrainage area through such means as groundwater recharge of stormwater or reuse. Existing unused allocation or allocations used for nonpotable purposes may be revoked by the department where measures to the maximum extent practicable are not implemented to reduce demand. All new or increased diversions shall be required to implement water conservation measures to the maximum extent practicable;

e. a septic system density standard established at a level to prevent the degradation of water quality, or to require the restoration of water quality, and to protect ecological uses from individual, secondary, and cumulative impacts, in consideration of deep aquifer recharge available for dilution;

f. a zero net fill requirement for flood hazard areas pursuant to the "Flood Hazard Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.);

g. the antidegradation provisions of the surface water quality standards and the stormwater regulations applicable to category one waters to be applied to Highlands open waters;

h. a prohibition on impervious surfaces of greater than three percent of the land area, except that Highlands open waters shall not be included in the calculation of that land area, and solar panels shall not be included in any calculation of impervious surface;

i. notwithstanding the provisions of the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.), or any rule or regulation adopted pursuant thereto, to the contrary, a limitation or prohibition on the construction of new public water systems or the extension of existing public water systems to serve development in the preservation area, except in the case of a demonstrated need to protect public health and safety;

j. a prohibition on development, except linear development for infrastructure, utilities, and the rights-of-way therefor, provided that no other feasible alternative, as determined by the department, exists for the linear development, on steep slopes in the preservation area with a grade of 20% or greater, and standards for development on slopes in the preservation area exhibiting a grade of between 10% and 20%. The standards shall assure that developments on slopes exhibiting a grade of between 10% and 20% preserve and protect steep slopes from the negative consequences of development on the site and the cumulative impact in the Highlands Region. The standards shall be developed to prevent soil erosion and sedimentation, protect water quality, prevent stormwater runoff, protect threatened and endangered animal and plant species sites and designated habitats, provide for minimal practicable degradation of unique or irreplaceable land types, historical or archeological areas, and existing scenic attributes at the site and within the surrounding area, protect upland forest, and restrict impervious surface; and shall take into consideration differing soil types, soil erodability, topography, hydrology, geology, and vegetation types; and

k. a prohibition on development that disturbs upland forested areas, in order to prevent soil erosion and sedimentation, protect water quality, prevent stormwater runoff, and protect threatened and endangered animal and plant species sites and designated habitats; and standards to protect upland forested areas that require all appropriate measures be taken to avoid impacts or disturbance to upland forested areas, and where avoidance is not possible that all appropriate measures have been taken to minimize and mitigate impacts to upland forested areas and to prevent soil erosion and sedimentation, protect water quality, prevent stormwater runoff, and protect threatened and endangered animal and plant species sites and designated habitats.

8. Section 8 of P.L.1968, c.285 (C.40:27-6.6) is amended to read as follows:

C.40:27-6.6 Review and approval of site plans for land development along county roads or affecting county drainage facilities.

8. The governing body of any county having a county planning board may provide for the review of site plans for land development along county roads or affecting county drainage facilities as provided in subsection e. of this section and for the approval of such development as hereinafter set forth and limited for the purpose of assuring a safe and efficient county road system. Such review and approval shall be in conformance with procedures and standards adopted by resolution or ordinance as appropriate of the governing body. Notice of the public hearing on a proposed resolution or ordinance of the governing body establishing procedures and standards to govern the review and regulation of land development along county roads or affecting county drainage facilities as provided in subsection e. of this section, and a copy of such resolution or ordinance, shall be given by delivery or by certified mail to the municipal clerk, secretary of the planning board and secretary of the board of adjustment of each municipality in the county at least 10 days prior to such hearing. These procedures and standards shall be limited to:

a. The submission of a site plan, prior to the issuance of a municipal building permit, drawn in accordance with standards in the resolution or ordinance for any proposed land development, excluding single family residential development but including proposed commercial, industrial, multifamily structures containing five or more units, or any other land development requiring an off-street parking area or producing surface runoff in excess of standards set forth in the site plan review and approval resolution or ordinance of the governing body.

b. The requirement of dedication of additional right-of-way in accordance with the county master plan adopted by the county planning board or an official county map adopted by the governing body. Where by reason of special or unusual conditions said total additional right-of-way is to be secured from just one side of an existing road, only one-half of the additional right-of-way may be required to be dedicated.

c. The requirement of physical improvements subject to recommendations of the county engineer relating to the safety and convenience of the traveling public, including drainage facilities, or other highway and traffic design features as may be deemed necessary on such county road or roads in accordance with the engineering and planning standards established in

the site plan review and approval resolution or ordinance of the governing body.

d. The requirement of performance and payment guarantees and procedures for the release of same, maintenance bonds of not more than 2 years' duration from the date of acceptance of improvements, cash contributions, and agreements specifying minimum standards of construction for required improvements. Procedures for, and limitations on the requirement of such guarantees or cash contributions shall be governed by the provisions of this act.

e. The requirement of adequate drainage facilities and easements when, as determined by the county engineer in accordance with county-wide standards, the proposed site plan will cause storm water to drain either directly or indirectly to a county road or through any drainage-way, structure, pipe, culvert or facility for which the county is responsible for the construction, maintenance or proper functioning.

Site plans for land development not along a county road that include less than 1 acre of impervious surfaces are exempt from county site plan review.

f. For the purposes of any county site plan review, solar panels shall not be included in any calculation of impervious surface or impervious cover.

As used in this subsection, "solar panel" means an elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy, or array.

C.40:55D-38.1 Solar panels not included in certain calculations relative to approval of subdivisions, site plans.

9. An ordinance requiring approval by the planning board of either subdivisions or site plans, or both, shall not include solar panels in any calculation of impervious surface or impervious cover.

As used in this section, "solar panel" means an elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy, or array.

10. Section 3 of P.L.1981, c.32 (C.40:55D-95) is amended to read as follows:

C.40:55D-95 Storm water management plan, ordinance; requirements.

3. A storm water management plan and a storm water management ordinance or ordinances shall conform to all relevant federal and State statutes, rules and regulations concerning storm water management or flood control and shall be designed: a. to reduce flood damage, including damage to life and property; b. to minimize storm water runoff from any new land development where such runoff will increase flood damage; c. to reduce soil erosion from any development or construction project; d. to assure the adequacy of existing and proposed culverts and bridges; e. to induce water recharge into the ground where practical; f. to prevent, to the greatest extent feasible, an increase in nonpoint pollution; g. to maintain the integrity of stream channels for their biological functions, as well as for drainage; and h. to minimize public safety hazards at any storm water detention facilities constructed as part of a subdivision or pursuant to a site plan. A storm water management plan shall also include such structural changes and such additional nonstructural measures and practices as may be necessary to manage storm water. A storm water management plan and a storm water management ordinance or ordinances shall not be construed to prohibit solar panels to be constructed and installed on a site. Solar panels shall not be included in any calculation of impervious surface or impervious cover.

For purposes of this act:

“Nonpoint pollution” means pollution from any source other than from any discernible, confined and discrete conveyance, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

“Solar panel” means an elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy, or array.

11. Section 4 of P.L.2009, c.82 (C.45:22A-46.6) is amended to read as follows:

C.45:22A-46.6 Application to change to a converted development.

4. a. A developer seeking to change an age-restricted development approval to a converted development approval shall file an application with the approving board seeking an amendment to the previously granted approvals requesting the authority to develop the land as a converted development. At such time, the developer shall also file a copy of said notice with the municipal clerk of the municipality in which the development is

located and the developer shall provide notice prior to a hearing on the application in the manner prescribed by section 7.1 of P.L.1975, c.291 (C.40:55D-12).

(1) No application for an amended approval seeking the authority to construct a converted development shall be considered a "use variance" or other "'d' variance" application pursuant to subsection d. of section 57 of P.L.1975, c.291 (C.40:55D-70). Both planning boards that initially granted approvals for the age-restricted development and zoning boards of adjustment that initially granted approvals for the age-restricted development shall have the legal authority to grant amended approvals for a converted development without the need to seek relief pursuant to subsection d. of section 57 of P.L.1975, c.291 (C.40:55D-70), it being the intent of this act that such converted developments are to be considered permitted uses in the zoning district in which they are located.

b. Applications seeking amended approval for a converted development shall include documentation that all of the following site improvement and infrastructure requirements have been met:

(1) the site meets the Residential Site Improvement Standards parking requirement for the residential land uses in a converted development as established pursuant to N.J.A.C.5:21-4.14 through -4.16;

(2) the recreation improvements and other amenities to be constructed on the site have been revised, as needed, to meet the needs of a converted development;

(3) the water supply system is adequate, as determined pursuant to N.J.A.C.5:21-5.1, to meet the needs of a converted development;

(4) the capacity of the sanitary sewer system is adequate to meet the projected flow requirements of a converted development pursuant to N.J.A.C.7:14A-23.3;

(5) if additional water supply or sewer capacity is needed and the developer is unable to obtain additional supply or capacity, the number of dwelling units in the development has been reduced accordingly;

(6) if additional parking is needed, and the developer is unable to provide the required parking, the number of dwelling units in the development has been reduced accordingly; and

(7) if additional parking is provided and increases the amount of impervious cover by more than one percent, the storm water system calculations and improvements have been revised accordingly, except that solar panels shall not be included in any calculation of impervious surface or impervious cover. As used in this paragraph, "solar panel" means an elevated panel or plate, or a canopy or array thereof, that captures and converts solar

radiation to produce power, and includes flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy, or array.

c. If the approving board determines that the requirements of P.L.2009, c.82 (C.45:22A-46.3 et seq.) have been satisfied, and the conversion can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance, the application for the conversion shall be approved.

12. This act shall take effect immediately.

Approved April 22, 2010.

CHAPTER 5

AN ACT concerning persons with developmental disabilities and supplementing chapter 6D of Title 30 of the Revised Statutes.

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

C.30:6D-73 Findings, declarations relative to persons with developmental disabilities.

1. The Legislature finds and declares that:

a. It is in the public interest for the State to provide for the protection of individuals with developmental disabilities by identifying those caregivers who have wrongfully caused them injury;

b. The safety of individuals with developmental disabilities receiving care from State-operated facilities or programs, from those facilities or programs licensed, contracted, or regulated by the Department of Human Services, or from State-funded community-based services shall be of paramount concern;

c. It is the intent of this legislation to assure that the lives of innocent individuals with developmental disabilities are immediately safeguarded from further injury and possible death and that the legal rights of such persons are fully protected; and

d. Therefore, this act establishes a Central Registry of Offenders Against Individuals with Developmental Disabilities in the Department of Human Services to prevent caregivers who become offenders against indi-

viduals with developmental disabilities from working with individuals with developmental disabilities.

C.30:6D-74 Definitions relative to persons with developmental disabilities.

2. As used in this act:

"Abuse" means wrongfully inflicting or allowing to be inflicted physical abuse, sexual abuse, or verbal or psychological abuse or mistreatment by a caregiver upon an individual with a developmental disability.

"Caregiver" means a person who receives State funding, directly or indirectly, in whole or in part, to provide services or supports, or both, to an individual with a developmental disability; except that "caregiver" shall not include an immediate family member of a person with a developmental disability.

"Central registry" means the Central Registry of Offenders Against Individuals with Developmental Disabilities established pursuant to this act.

"Commissioner" means the Commissioner of Human Services.

"Department" means the Department of Human Services.

"Developmental disability" means developmental disability as defined in section 3 of P.L.1977, c.82 (C.30:6D-3).

"Exploitation" means the act or process of a caregiver using an individual with a developmental disability or his resources for another person's profit or advantage.

"Intimate parts" means the following body parts of a person: sexual organs, genital area, anal area, inner thigh, groin, buttock, or breast.

"Lewdness" means the exposing of the genitals for the purpose of arousing or gratifying the sexual desire of a caregiver or an individual with a developmental disability, or any flagrantly lewd and offensive act which the caregiver knows or reasonably expects is likely to be observed by an individual with a developmental disability.

"Neglect" shall consist of any of the following acts by a caregiver on an individual with a developmental disability: willfully failing to provide proper and sufficient food, clothing, maintenance, medical care, or a clean and proper home; or failure to do or permit to be done any act necessary for the well-being of an individual with a developmental disability.

"Physical abuse" means a physical act directed at an individual with a developmental disability by a caregiver of a type that causes one or more of the following: pain, injury, anguish, or suffering. Such acts include, but are not limited to, the individual with a developmental disability being kicked, pinched, bitten, punched, slapped, hit, pushed, dragged, or struck with a thrown or held object.

"Sexual abuse" means an act or attempted act of lewdness, sexual contact, or sexual penetration between a caregiver and an individual with a developmental disability. Any form of sexual contact or activity between a caregiver and an individual with a developmental disability, absent marriage, domestic partnership, or civil union, is sexual abuse, regardless of whether the individual with a developmental disability gives consent or the caregiver is on or off duty.

"Sexual contact" means an intentional touching by a caregiver or individual with a developmental disability, either directly or through clothing, of the intimate parts of the individual with a developmental disability or the caregiver for the purpose of sexually arousing or sexually gratifying the caregiver. Sexual contact of the caregiver with himself must be in view of the individual with a developmental disability whom the caregiver knows to be present.

"Sexual penetration" means vaginal intercourse, cunnilingus, fellatio, or anal intercourse between a caregiver and an individual with a developmental disability or insertion of the hand, finger, or object into the anus or vagina, either by the caregiver or upon the caregiver's instruction.

"Verbal or psychological abuse or mistreatment" means any verbal or non-verbal act or omission by a caregiver that inflicts one or more of the following: emotional harm; mental distress; or invocation of fear, humiliation, intimidation, or degradation to an individual with a developmental disability. Examples include, but are not limited to: bullying; ignoring need; verbal assault; use of racial or ethnic slurs; or intimidating gestures, such as shaking a fist at an individual with a developmental disability.

C.30:6D-75 Report of abuse required.

3. a. A person employed or volunteering in a program, facility, community care residence, or living arrangement licensed or funded by the department, or a person providing community-based services with indirect State funding to a person with a developmental disability, as applicable, having reasonable cause to believe that an individual with a developmental disability has been subjected to abuse, neglect, or exploitation by a caregiver shall report the same immediately to the department by telephone or otherwise. Such report, where possible, shall contain the name and address of the individual with a developmental disability and the caregiver responsible for the care, custody, or control of the individual with a developmental disability, and the guardian, or other person having custody and control of the individual and, if known, the condition of the individual with a developmental disability, the nature and possible extent of the individual's inju-

ries, maltreatment, abuse, neglect or exploitation, including any evidence of previous injuries, maltreatment, abuse, neglect or exploitation, and any other information that the person believes may be helpful with respect to the injuries, maltreatment, abuse, neglect, or exploitation of the individual with a developmental disability and the identity of the alleged offender.

b. Within the department, the commissioner shall maintain a unit to receive and prioritize such reports, initiate appropriate responses through timely and appropriate investigative activities, alert appropriate staff, and ensure that findings are reported in a uniform and timely manner.

c. A person employed or volunteering in a program, facility, community care residence, or living arrangement licensed or funded by the department, or a person providing community-based services with indirect State funding to a person with a developmental disability, as applicable, who fails to report an act of abuse, neglect, or exploitation against an individual with a developmental disability while having reasonable cause to believe that such an act has been committed, is a disorderly person.

C.30:6D-76 Actions by department after receiving report.

4. a. Upon receipt of a report pursuant to section 3 of this act, the department shall designate an entity, as established by the commissioner, that shall immediately take such action as shall be necessary to ensure the safety of the individual with a developmental disability and to that end may request appropriate assistance from local and State law enforcement officials or contact Adult Protective Services to provide assistance in accordance with the provisions of P.L.1993, c.249 (C.52:27D-406 et seq.).

b. The commissioner shall adopt rules and regulations necessary to provide for an investigation of a reported incident and subsequent substantiation or non-substantiation of an allegation of abuse, neglect, or exploitation of an individual with a developmental disability by a caregiver, by maintaining a Special Response Unit to investigate serious unusual incidents, as defined by applicable rules and regulations, in facilities or community programs licensed, contracted, or regulated by the department. During its investigation of an allegation of abuse, neglect, or exploitation of an individual with a developmental disability by a caregiver, the Special Response Unit shall make a good faith effort to notify the caregiver of the possibility of the caregiver's inclusion on the registry, and give the caregiver an opportunity to respond to the department concerning the allegation.

c. The Special Response Unit, the department, or other investigating entity shall forward to the commissioner, or his designee, a substantiated incident of abuse, neglect, or exploitation of an individual with a develop-

mental disability for inclusion of an offending caregiver on the central registry.

C.30:6D-77 Central Registry of Offenders Against Individuals with Developmental Disabilities.

5. a. There is established a Central Registry of Offenders Against Individuals with Developmental Disabilities in the department.

b. The commissioner shall adopt rules and regulations that define the procedures and standards for inclusion of an offending caregiver on the central registry and for notification of such inclusion to the caregiver.

(1) For inclusion on the central registry in the case of a substantiated incident of abuse, the caregiver shall have acted with intent, recklessness, or careless disregard to cause or potentially cause injury to an individual with a developmental disability.

(2) For inclusion on the central registry in the case of a substantiated incident of neglect, the caregiver shall have acted with gross negligence, recklessness, or in a pattern of behavior that causes or potentially causes harm to an individual with a developmental disability.

(3) In the case of a substantiated incident of exploitation, the commissioner shall establish a dollar amount for inclusion on the central registry.

c. The commissioner also shall adopt rules and regulations:

(1) necessary to provide for an appeals process, through the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), of the commissioner's determination to include an alleged offending caregiver's name on the central registry. The commissioner's determination shall be a final agency decision subject to review by the Appellate Division of the Superior Court;

(2) concerning the dissemination of information in the central registry;

(3) that will prohibit persons included on the central registry from employment in facilities or programs of the Division of Developmental Disabilities in the department and those facilities or programs licensed, contracted, or regulated by the department, or from providing community-based services with indirect State funding to persons with developmental disabilities; and

(4) necessary to provide for the removal of a person's name from the central registry. A person may apply for removal of his name to the commissioner after a period of five years of being placed on the central registry. The person shall affirmatively demonstrate to the commissioner clear and convincing evidence of rehabilitation, using the provisions of P.L.1968, c.282 (C.2A:168A-1 et seq.) as a guide.

d. The commissioner may adopt rules and regulations that will allow bona fide employers serving vulnerable populations to inquire of the department if potential or current employees are included on the central registry, consistent with federal and State privacy and confidentiality laws.

e. No information received in the central registry shall be considered as a public or government record within the meaning of P.L.1963, c.73 (C.47:1A-1 et seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

C.30:6D-78 Records of report deemed confidential; exceptions.

6. All records of a report made pursuant to this act, all information obtained by the department in investigating such reports, and all reports of findings forwarded to the central registry pursuant to this act shall be kept confidential and may be disclosed only under circumstances expressly authorized by rules and regulations promulgated by the commissioner. The department shall only disclose information that is relevant to the purpose for which the information is required; except that the department shall not disclose information which would likely endanger the life, safety, or physical or emotional well-being of an individual with a developmental disability or the life or safety of any other person, or which may compromise the integrity of a department investigation, civil or criminal investigation, or judicial proceeding. If the department denies access to specific information on this basis, the requesting entity may seek disclosure through the Superior Court. Nothing in this act shall be construed to permit the disclosure of any information deemed confidential by federal or State law.

C.30:6D-79 Emergency telephone service.

7. The department shall maintain, at all times, an emergency telephone service for the receipt of calls involving a report, complaint, or allegation of abuse, neglect, or exploitation against an individual with a developmental disability.

C.30:6D-80 Immunity from liability, discrimination.

8. A person acting pursuant to this act in the making of a report under this act shall have immunity from any civil or criminal liability that might otherwise be incurred or imposed. Such a person shall have the same immunity with respect to testimony given in any judicial proceeding resulting from the report. A person who reports or causes to report in good faith an allegation of abuse, neglect, or exploitation pursuant to this act and as a result thereof is discharged from employment or in any manner discriminated against with respect to compensation, hire, tenure, or terms, condi-

tions or privileges of employment, may file a cause of action for appropriate relief in the Superior Court in the county in which the discharge or alleged discrimination occurred or in the county of the person's primary residence. If the court finds that the person was discharged or discriminated against as a result of the person's reporting an allegation of abuse, neglect, or exploitation pursuant to this act, the court may grant reinstatement of employment with back pay or other legal or equitable relief.

C.30:6D-81 Report to Governor, Legislature.

9. The Commissioner of Human Services shall study and assess the Central Registry of Offenders Against Individuals with Developmental Disabilities, and report two years after the effective date of this act to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), on the viability of extending the central registry to cover other populations served by the department.

C.30:6D-82 Rules, regulations, reporting procedures.

10. The Commissioner of Human Services shall adopt rules, regulations and reporting procedures, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to carry out the purposes of this act.

11. This act shall take effect on the 180th day after the date of enactment, but the Commissioner of Human Services may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved April 30, 2010.

CHAPTER 6

AN ACT concerning early release on parole for certain inmates and amending P.L.2009, c.330.

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

1. Section 12 of P.L.2009, c.330 is amended to read as follows:

12. Section 3 of this act shall take effect immediately; section 8 of this act shall take effect on the first day of the sixth month following enactment; sections 1, 2, 5, 6, 7, 9, 10, and 11 of this act shall take effect on the first day of the seventh month after enactment; and section 4 shall take effect on the first day of the 13th month following enactment. The Commissioner of Corrections, the Commissioner of Education, the Commissioner of Labor and Workforce Development, and the State Parole Board may take any anticipatory action prior to the effective date necessary to implement the provisions of this act.

2. This act shall take effect immediately.

Approved April 30, 2010.

CHAPTER 7

AN ACT concerning the Highlands transfer of development rights program and amending P.L.2004, c.120.

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

1. Section 13 of P.L.2004, c.120 (C.13:20-13) is amended to read as follows:

C.13:20-13 Use of regional master plan elements for TDR program.

13. a. The council shall use the regional master plan elements prepared pursuant to sections 11 and 12 of this act, including the resource assessment and the smart growth component, to establish a transfer of development rights program for the Highlands Region that furthers the goals of the regional master plan. The transfer of development rights program shall be consistent with the "State Transfer of Development Rights Act," P.L.2004, c.2 (C.40:55D-137 et seq.) or any applicable transfer of development rights program created otherwise by law, except as otherwise provided in this section.

b. In consultation with municipal, county, and State entities, the council shall, within 18 months after the date of enactment of this act, and from time to time thereafter as may be appropriate, identify areas within the preservation area that are appropriate as sending zones pursuant to P.L.2004, c.2 (C.40:55D-137 et seq.).

c. In consultation with municipal, county, and State entities, the council shall, within 18 months after the date of enactment of this act, and from time to time thereafter as may be appropriate, identify areas within the planning area that are appropriate for development as voluntary receiving zones pursuant to P.L.2004, c.2 (C.40:55D-137 et seq.) considering the information gathered pursuant to sections 11 and 12 of this act, including but not limited to the information gathered on the transfer of development rights pursuant to paragraph (6) of subsection a. of section 11 of this act. For the purposes of the council establishing a transfer of development rights program prior to the preparation of the initial regional master plan, the council in identifying areas appropriate for development as voluntary receiving zones shall consider such information as may be gathered pursuant to sections 11 and 12 of this act and as may be available at the time, but the council need not delay the creation of the transfer of development rights program until the initial regional master plan has been prepared. The council shall set a goal of identifying areas within the planning area that are appropriate for development as voluntary receiving zones that, combined together, constitute four percent of the land area of the planning area, to the extent that the goal is compatible with the amount and type of human development and activity that would not compromise the integrity of the ecosystem of the planning area.

d. The council shall work with municipalities and the State Planning Commission to identify centers, designated by the State Planning Commission, as voluntary receiving zones for the transfer of development rights program.

e. In consultation with municipal, county, and State entities, the council shall assist municipalities or counties in analyzing voluntary receiving zone capacity.

f. In consultation with municipal, county, and State entities, the council shall work with municipalities outside of the preservation area to assist these municipalities in developing ordinances necessary to implement the transfer of development rights. The council shall also establish advisory or model ordinances and other information for this purpose.

The council shall make assistance available to municipalities that desire to create additional sending zones on any lands within their boundaries which lie within the planning area and are designated for conservation in the regional master plan.

g. Notwithstanding the provisions of P.L.2004, c.2 (C.40:55D-137 et seq.) to the contrary, the council shall perform the real estate analysis for the Highlands Region that is required to be performed by a municipality prior to the adoption or amendment of any development transfer ordinance pursuant to P.L.2004, c.2.

h. (1) The council shall set the initial value of a development right. The Office of Green Acres in the Department of Environmental Protection and the State Agriculture Development Committee shall provide support and technical assistance to the council in the operation of the transfer of development rights program. The council shall establish the initial value of a development right considering the Department of Environmental Protection rules and regulations in effect the day before the date of enactment of this act.

(2) The council shall give priority consideration for inclusion in a transfer of development rights program any lands that comprise a major Highlands development that would have qualified for an exemption pursuant to paragraph (3) of subsection a. of section 30 of this act but for the lack of a necessary State permit as specified in subparagraph (b) or (c), as appropriate, of paragraph (3) of subsection a. of section 30 of this act, and for which an application for such a permit had been submitted to the Department of Environmental Protection and deemed by the department to be complete for review on or before March 29, 2004.

i. (1) The council may use the State Transfer of Development Rights Bank established pursuant to section 3 of P.L.1993, c.339 (C.4:1C-51) for the purposes of facilitating the transfer of development potential in accordance with this section and the regional master plan. The council may also establish a development transfer bank for such purposes.

(2) At the request of the council, the Department of Banking and Insurance, the State Transfer of Development Right Bank, the State Agriculture Development Committee, and the Pinelands Development Credit Bank shall provide technical assistance to the council in establishing and operating a development transfer bank as authorized pursuant to paragraph (1) of this subsection.

(3) Any bank established by the council shall operate in accordance with provisions of general law authorizing the creation of development transfer banks by municipalities and counties.

j. The Office of Smart Growth shall review and coordinate State infrastructure capital investment, community development and financial assistance in the planning area in furtherance of the regional master plan. Prior to the council establishing its transfer of development rights program, the Office of Smart Growth shall establish a transfer of development rights pilot program that includes Highlands Region municipalities.

k. Any municipality in the planning area whose municipal master plan and development regulations have been approved by the council to be in conformance with the regional master plan in accordance with section 14 or 15 of this act, and that amends its development regulations to accommodate

voluntary receiving zones within its boundaries which are identified pursuant to subsection c. of this section and which provide for a minimum residential density of five dwelling units per acre, shall, for those receiving zones, be: eligible for an enhanced planning grant from the council of up to \$250,000; eligible for a grant to reimburse the reasonable costs of amending the municipal development regulations; authorized to impose impact fees in accordance with subsection m. of this section; entitled to legal representation pursuant to section 22 of this act; accorded priority status in the Highlands Region for any State capital or infrastructure programs; and eligible for any other appropriate assistance, incentives, or benefits provided pursuant to section 18 of this act.

l. Any municipality located outside of the Highlands Region that (1) has received plan endorsement by the State Planning Commission pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.), or the State Planning Commission, in coordination with the Highlands Water Protection and Planning Council, determines has designated an appropriate project area as a receiving zone, (2) establishes a receiving zone which provides for a minimum residential density of five dwelling units per acre for the transfer of development rights from a sending zone in the Highlands Region, and (3) accepts that transfer of development rights, shall, for those receiving zones, be eligible for the same grants, authority, and other assistance, incentives, and benefits as provided to municipalities in the planning area pursuant to subsection k. of this section except for legal representation as provided pursuant to section 22 of this act and priority status in the Highlands Region for any State capital or infrastructure programs.

m. (1) A municipality that is authorized to impose impact fees under subsection k. of this section shall exercise that authority by ordinance.

(2) Any impact fee ordinance adopted pursuant to this subsection shall include detailed standards and guidelines regarding: (a) the definition of a service unit, including specific measures of consumption, use, generation or discharge attributable to particular land uses, densities and characteristics of development; and (b) the specific purposes for which the impact fee revenues may be expended.

(3) An impact fee ordinance shall also include a delineation of service areas for each capital improvement whose upgrading or expansion is to be funded out of impact fee revenues, a fee schedule which clearly sets forth the amount of the fee to be charged for each service unit, and a payment schedule.

(4) An impact fee may be imposed by a municipality pursuant to this subsection in order to generate revenue for funding or recouping the costs

of new capital improvements or facility expansions necessitated by new development, to be paid by the developer as defined pursuant to section 3.1 of P.L.1975, c.291 (C.40:55D-4). Improvements and expansions for which an impact fee is to be imposed shall bear a reasonable relationship to needs created by the new development, but in no case shall an impact fee assessed pursuant to this subsection exceed \$15,000 per dwelling unit unless and until impact fees are otherwise established by law at which time the impact fee shall be 200% of the calculated impact fee.

(5) No impact fee shall be assessed pursuant to this subsection against any low or moderate income housing unit within an inclusionary development as defined under P.L.1985, c.222 (C.52:27D-301 et al.).

No impact fee authorized under this subsection shall include a contribution for any transportation improvement necessitated by a new development in a county which is covered by a transportation development district created pursuant to the "New Jersey Transportation Development District Act of 1989," P.L.1989, c.100 (C.27:1C-1 et al.).

2. This act shall take effect immediately.

Approved May 5, 2010.

CHAPTER 8

AN ACT permitting the Department of Military and Veterans' Affairs to raise money to purchase a handicap accessible vehicle.

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

1. The Legislature finds and declares that:

a. The New Jersey Department of Military and Veterans' Affairs provides outreach services to the veterans of this State. These outreach services have proven to be beneficial; however, there is a large population of veterans, particularly the handicapped and disabled, who are not receiving these outreach services because of limitations such as remote living areas with lack of public transportation or handicap or wheelchair accessibility concerns.

b. This limited access to outreach services denies handicapped and disabled veterans access to information and activities such as health screenings. Handicapped and disabled veterans should have the same access to

outreach services as other veterans. The Department of Military and Veterans' Affairs should utilize a veteran service vehicle to travel to various locations to provide outreach services to veterans.

c. The Department of Military and Veterans' Affairs lacks the adequate funding needed to be able to purchase a handicap accessible veteran service vehicle that would allow handicapped and disabled veterans to be able to board the vehicle and partake in the outreach services, thus providing assistance to the veterans in need.

d. It is necessary to permit the Department of Military and Veterans' Affairs to fundraise to obtain the necessary monies to purchase a handicap accessible veteran service vehicle for outreach services throughout the State of New Jersey to assist handicapped and disabled veterans.

2. a. The Adjutant General of the Department of Military and Veterans' Affairs, or a designee, shall create a non-lapsing fund dedicated to the purchase and maintenance of a handicap accessible veteran service vehicle to be used to improve handicapped and disabled veteran outreach accessibility. The Adjutant General may solicit and accept donations or grants of money or property from any source, to be credited to the fund.

b. The fund shall be credited with any money received by the Department of Military and Veterans' Affairs through fundraising efforts and donations or grants of money, including any monies as may thereafter be donated by members of the public, for a handicap accessible vehicle. All monies obtained shall be dedicated towards the purchase of a handicap accessible veteran service vehicle and its maintenance. Any interest on monies in the fund shall be credited to the fund. Investment of such monies shall be consistent with policies of the Division of Investment.

c. The Adjutant General of the Department of Military and Veterans' Affairs and the Deputy Commissioner of Veterans' Affairs shall distribute the monies received through fundraising efforts.

3. This act shall take effect immediately.

Approved May 5, 2010.

CHAPTER 9

AN ACT concerning the review and approval of applications for development and supplementing P.L.1975, c.291 (C.40:55D-1 et seq.).

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

C.40:55D-10.5 Developmental regulations, certain, govern review of application.

1. Notwithstanding any provision of law to the contrary, those development regulations which are in effect on the date of submission of an application for development shall govern the review of that application for development and any decision made with regard to that application for development. Any provisions of an ordinance, except those relating to health and public safety, that are adopted subsequent to the date of submission of an application for development, shall not be applicable to that application for development.

2. This act shall take effect one year next following enactment.

Approved May 5, 2010.

CHAPTER 10

AN ACT concerning certain economic stimulus activities and amending and supplementing P.L.2009, c.90 and amending P.L.1999, c.140.

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

1. Section 43 of P.L.2009, c.90 (C.18A:64-85) is amended to read as follows:

C.18A:64-85 State, county college may enter into certain contracts with a private entity.

43. a. A State college or county college may enter into a contract with a private entity, subject to subsection f. of this section, to be referred to as a public-private partnership agreement, that permits the private entity to assume full financial and administrative responsibility for the on-campus construction, reconstruction, repair, alteration, improvement or extension of a building, structure, or facility of, or for the benefit of, the institution, provided that the project is financed in whole by the private entity and that the State or institution of higher education, as applicable, retains full ownership of the land upon which the project is completed.

b. (1) A private entity that assumes financial and administrative responsibility for a project pursuant to subsection a. of this section shall not be subject to the procurement and contracting requirements of all statutes applicable to the institution of higher education at which the project is completed, including, but not limited to, the "State College Contracts Law," P.L.1986, c.43 (C.18A:64-52 et seq.), and the "County College Contracts Law," P.L.1982, c.189 (C.18A:64A-25.1 et seq.). For the purposes of facilitating the financing of a project pursuant to subsection a. of this section, a public entity may become the owner or lessee of the project or the lessee of the land, or both, may issue indebtedness in accordance with the public entity's enabling legislation and, notwithstanding any provision of law to the contrary, shall be empowered to enter into contracts with a private entity and its affiliates without being subject to the procurement and contracting requirements of any statute applicable to the public entity provided that the private entity has been selected by the institution of higher education pursuant to a solicitation of proposals or qualifications. For the purposes of this section, a public entity shall include the New Jersey Economic Development Authority, and any project undertaken pursuant to subsection a. of this section of which the authority becomes the owner or lessee, or which is situated on land of which the authority becomes the lessee, shall be deemed a "project" under the "New Jersey Economic Development Authority Act," P.L.1974, c.80 (C.34:1B-1 et seq.).

(2) As the carrying out of any project described pursuant to this section constitutes the performance of an essential public function, all projects predominantly used in furtherance of the educational purposes of the institution undertaken pursuant to this section, provided it is owned by or leased to a public entity, non-profit business entity, foreign or domestic, or a business entity wholly owned by such non-profit business entity, shall at all times be exempt from property taxation and special assessments of the State, or any municipality, or other political subdivision of the State and, notwithstanding the provisions of section 15 of P.L.1974, c.80 (C.34:1B-15) or section 2 of P.L.1977, c.272 (C.54:4-2.2b) or any other section of law to the contrary, shall not be required to make payments in lieu of taxes. The land upon which the project is located shall also at all times be exempt from property taxation. Further, the project and land upon which the project is located shall not be subject to the provisions of section 1 of P.L.1984, c.176 (C.54:4-1.10) regarding the tax liability of private parties conducting for profit activities on tax exempt land, or section 1 of P.L.1949, c.177 (C.54:4-2.3) regarding the taxation of leasehold interests in exempt property that are held by nonexempt parties.

c. Each worker employed in the construction, rehabilitation, or building maintenance services of facilities by a private entity that has entered into a public-private partnership agreement with a State or county college pursuant to subsection a. of this section 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.).

d. (1) All construction projects under a public-private partnership agreement entered into pursuant to this section shall contain a project labor agreement. The project labor agreement shall be subject to the provisions of P.L.2002, c.44 (C.52:38-1 et seq.), and shall be in a manner that to the greatest extent possible enhances employment opportunities for individuals residing in the county of the project's location. Further, the general contractor, construction manager, design-build team, or subcontractor for a construction project proposed in accordance with this paragraph shall be registered pursuant to the provisions of P.L.1999, c.238 (C.34:11-56.48 et seq.), and shall be classified by the Division of Property Management and Construction to perform work on a public-private partnership higher education project. All construction projects proposed in accordance with this paragraph shall be submitted to the New Jersey Economic Development Authority for its review and approval and, when practicable, are encouraged to adhere to the Leadership in Energy and Environmental Design Green Building Rating System as adopted by the United States Green Building Council.

(2) Where no public fund has been established for the financing of a public improvement, the chief financial officer of the public owner shall require the private entity for whom the public improvement is being made to post, or cause to be posted, a bond guaranteeing prompt payment of moneys due to the contractor, his or her subcontractors and to all persons furnishing labor or materials to the contractor or his or her subcontractors in the prosecution of the work on the public improvement.

e. A general contractor, construction manager, design-build team, or subcontractor shall be registered pursuant to the provisions of P.L.1999, c.238 (C.34:11-56.48 et seq.), and shall be classified by the Division of Property Management and Construction to perform work on a public-private partnership higher education project.

f. (1) On or before February 1, 2012, all projects proposed in accordance with this section shall be submitted to the New Jersey Economic Development Authority for its review and approval. The projects are encouraged, when practicable, to adhere to 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). Any application that is deemed to be incomplete on February 2, 2012 shall not be eligible for consideration.

(2) (a) In order for an application to be complete and considered by the authority it shall include, but not be limited to: (i) a public-private partnership agreement between the State or county college and the private developer; (ii) a full description of the project; (iii) the estimated costs and financial documentation for the project; (iv) a timetable for completion of the project extending no more than five years after consideration and approval; and (v) any other requirements that the authority deems appropriate or necessary.

(b) As part of the estimated costs and financial documentation for the project the application shall contain a long-range maintenance plan and shall specify the expenditures that qualify as an appropriate investment in maintenance. This long-range maintenance plan shall be approved by the authority pursuant to regulations promulgated by the authority that reflect national building maintenance standards and other appropriate building maintenance benchmarks. All contracts to implement a long-range maintenance plan pursuant to this paragraph shall contain a project labor agreement. The project labor agreement shall be subject to the provisions of P.L.2002, c.44 (C.52:38-1 et seq.), and shall be in a manner that to the greatest extent possible enhances employment opportunities for individuals residing in the county of the project's location.

(3) The authority shall review all completed applications, and request additional information as is needed to make a complete assessment of the project. No project shall be undertaken until final approval has been granted by the authority; provided, however, that the authority shall retain the right to revoke approval if it determines that the project has deviated from the plan submitted pursuant to paragraph (2) of this subsection.

(4) The authority may promulgate any rules and regulations necessary to implement this subsection, including provisions for fees to cover administrative costs.

Where no public fund has been established for the financing of a public improvement, the chief financial officer of the public owner shall require the private entity for whom the public improvement is being made to post, or cause to be posted, a bond guaranteeing prompt payment of moneys due to the contractor, his or her subcontractors and to all persons furnishing labor or materials to the contractor or his or her subcontractors in the prosecution of the work on the public improvement.

g. The provisions of P.L.2009, c.136 (C.52:18-42 et al.) shall not apply to any project carried out pursuant to this section.

2. Section 1 of P.L.1999, c.140 (C.34:1B-7.42b) is amended to read as follows:

C.34:1B-7.42b Definitions relative to certain corporation tax benefit program.

1. As used in P.L.1997, c.334 (C.34:1B-7.42a et al.):

"Authority" means the New Jersey Economic Development Authority established pursuant to section 4 of P.L.1974, c.80 (C.34:1B-4).

"Biotechnology" means the continually expanding body of fundamental knowledge about the functioning of biological systems from the macro level to the molecular and sub-atomic levels, as well as novel products, services, technologies and sub-technologies developed as a result of insights gained from research advances that add to that body of fundamental knowledge.

"Biotechnology company" means an emerging corporation that has its headquarters or base of operations in this State; that owns, has filed for, or has a valid license to use protected, proprietary intellectual property; and that is engaged in the research, development, production, or provision of biotechnology for the purpose of developing or providing products or processes for specific commercial or public purposes, including but not limited to, medical, pharmaceutical, nutritional, and other health-related purposes, agricultural purposes, and environmental purposes.

"Full-time employee" means a person employed by a new or expanding emerging technology or biotechnology company for consideration for at least 35 hours a week, or who renders any other standard of service generally accepted by custom or practice as full-time employment and whose wages are subject to withholding as provided in the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., or who is a partner of a new or expanding emerging technology or biotechnology company who works for the partnership for at least 35 hours a week, or who renders any other standard of service generally accepted by custom or practice as full-time employment, and whose distributive share of income, gain, loss, or deduction, or whose guaranteed payments, or any combination thereof, is subject to the payment of estimated taxes, as provided in the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq. To qualify as a "full-time employee," an employee shall also receive from the new or expanding emerging technology or biotechnology company health benefits under a group health plan as defined under section 14 of P.L.1997, c.146 (C.17B:27-54), a health benefits plan as defined under section 1 of P.L.1992, c.162 (C.17B:27A-

17), or a policy or contract of health insurance covering more than one person issued pursuant to Article 2 of chapter 27 of Title 17B of the New Jersey Statutes. "Full-time employee" shall not include any person who works as an independent contractor or on a consulting basis for the new or expanding emerging technology or biotechnology company.

"New or expanding" means a technology or biotechnology company that (1) on June 30 of the year in which the company files an application for surrender of unused but otherwise allowable tax benefits under P.L.1997, c.334 (C.34:1B-7.42a et al.) and on the date of the exchange of the corporation business tax benefit certificate, has fewer than 225 employees in the United States of America; (2) on June 30 of the year in which the company files such an application, has at least one full-time employee working in this State if the company has been incorporated for less than three years, has at least five full-time employees working in this State if the company has been incorporated for more than three years but less than five years, and has at least 10 full-time employees working in this State if the company has been incorporated for more than five years; and (3) on the date of the exchange of the corporation business tax benefit certificate, the company has the requisite number of full-time employees in New Jersey that were required on June 30 as set forth in part (2) of this definition.

"Technology company" means an emerging corporation that has its headquarters or base of operations in this State; that owns, has filed for, or has a valid license to use protected, proprietary intellectual property; and that employs some combination of the following: highly educated or trained managers and workers, or both, employed in this State who use sophisticated scientific research service or production equipment, processes or knowledge to discover, develop, test, transfer or manufacture a product or service.

3. Section 4 of P.L.2009, c.90 (C.52:27D-489d) is amended to read as follows:

C.52:27D-489d Establishment of local Economic Redevelopment and Growth Grant program.

4. a. The governing body of a municipality wherein is located a qualifying economic redevelopment and growth grant incentive area may adopt an ordinance to establish a local Economic Redevelopment and Growth Grant program for the purpose of encouraging redevelopment projects in that area through the provision of incentive grants to reimburse developers for all or a portion of the project financing gap for such projects. No local

Economic Redevelopment and Growth Grant program shall take effect until the Local Finance Board approves the ordinance.

b. A developer that submits an application for a local incentive grant shall indicate on the application whether it is also applying for a State incentive grant. An application by a developer applying for a local incentive grant only shall not require approval by the authority. A municipal redeveloper may only apply for local incentive grants for the construction of: (1) infrastructure improvements in the public right-of-way, or (2) publicly owned facilities.

c. No local incentive grant shall be finally approved by a municipality until approved by the Local Finance Board.

d. In deciding whether or not to approve a local incentive grant agreement the Local Finance Board shall consider the following factors:

- (1) the economic feasibility of the redevelopment project;
- (2) the extent of economic and related social distress in the municipality and the area to be affected by the redevelopment project;
- (3) the degree to which the redevelopment project will advance State, regional, and local development and planning strategies;
- (4) the likelihood that the redevelopment project shall, upon completion, be capable of generating new tax revenue in an amount in excess of the amount necessary to reimburse the developer for project costs incurred as provided in the redevelopment incentive grant agreement;
- (5) the relationship of the redevelopment project to a comprehensive local development strategy, including other major projects undertaken within the municipality;
- (6) the need for the redevelopment incentive grant agreement to the viability of the redevelopment project;
- (7) compliance with the provisions of P.L.2009, c.90 (C.52:27D-489a et al.); and
- (8) the degree to which the redevelopment project enhances and promotes job creation and economic development.

4. 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 public structures or improvements that are located in the public right-of-way outside the project area of a redevelopment project, provided a developer or municipal redeveloper has demonstrated that the redevelopment project would not be economically viable without such improvements.

"Authority" means the New Jersey Economic Development Authority established under section 4 of P.L.1974, c.80 (C.34:1B-4).

"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). A developer also may be a municipal government or a redevelopment agency as defined in section 3 of P.L.1992, c.79 (C.40A:12A-3).

"Director" means the Director of the Division of Taxation in the Department of the Treasury.

"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).

"Incentive grant" means reimbursement of all or a portion of the project financing gap of a redevelopment project through the State or a local Economic Redevelopment and Growth Grant program pursuant to section 4 or section 5 of P.L.2009, c.90 (C.52:27D-489d or C.52:27D-489e).

"Infrastructure improvements in the public right-of-way" mean public structures or improvements located in the public right of way that are located within a project area or that constitute an ancillary infrastructure project.

"Municipal redeveloper" means a municipal government 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) that is an applicant for a redevelopment incentive grant agreement.

"Project area" means land or lands under common ownership or control including through a redevelopment agreement with a municipality or as otherwise established by a municipality.

"Project financing gap" means the part of the total redevelopment 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, 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.

"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:

(1) 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

(2) 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.

"Qualifying economic redevelopment and growth grant incentive area" means Planning Area 1 (Metropolitan), Planning Area 2 (Suburban), or a center as designated by the State Planning Commission; a pinelands regional growth area, a pinelands town management area, a pinelands village, or a military and federal installation area established pursuant to the pinelands comprehensive management plan adopted pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.); a transit village, as determined by the Commissioner of Transportation; and federally owned land approved for closure under a federal Base Realignment Closing Commission action.

"Redevelopment incentive grant agreement" means an agreement between, (1) the State and the New Jersey Economic Development Authority and a developer, or (2) 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 work or improvement, including lands, buildings, improvements, real and personal property or any interest therein, including lands under water, riparian rights, space rights and air rights, acquired, owned, developed or redeveloped, constructed, reconstructed, rehabilitated or improved, undertaken by a developer within a project area and any ancillary infrastructure project associated therewith.

"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 preceding the year in which the redevelopment incentive grant agreement is executed, as certified by the State Treasurer for State revenues, and the chief financial officer of the municipality for municipal revenues.

"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.

5. Section 5 of P.L.2009, c.90 (C.52:27D-489e) is amended to read as follows:

C.52:27D-489e State Economic Development and Growth Grant Program.

5. a. The New Jersey Economic Development Authority, in consultation with the State Treasurer, shall establish an Economic Redevelopment and Growth Grant program for the purpose of encouraging redevelopment projects in qualifying economic redevelopment and growth grant incentive areas that do not qualify as such areas solely by virtue of being a transit village, through the provision of incentive grants to reimburse developers for certain project financing gap costs.

b. (1) A developer that submits an application for a State incentive grant shall indicate on the application whether it is also applying for a local incentive grant.

(2) When an applicant indicates it is also applying for a local incentive grant, the authority shall forward a copy of the application to the municipality wherein the redevelopment project is to be located for approval by municipal ordinance.

c. An application for a State incentive grant shall be reviewed and approved by the authority.

6. 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, the State Treasurer shall pay to the developer incremental State revenues directly

realized from businesses operating on the redevelopment project premises 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.), 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 materials used for the remediation, the construction of new structures, or the construction of new residences 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).

b. Up to 75 percent of the projected annual incremental revenues may be pledged towards the State portion of an incentive grant.

c. All administrative costs associated with the incentive grant shall be assessed to the applicant and be retained by the State Treasurer from the annual incentive grant payments.

d. The incremental revenue for the revenues listed in subsection a. of this section shall be calculated as the difference between the amount collected in any fiscal year from any eligible revenue source included in the State redevelopment incentive grant agreement, less the revenue increment base for that eligible revenue.

e. The municipality is authorized to collect any and all information necessary to facilitate grants under this program and remit that information, as may be required from time to time, in order to assist in the calculation of incremental revenue.

7. Section 7 of P.L.2009, c.90 (C.52:27D-489g) is amended to read as follows:

C.52:27D-489g Payment to developers from municipalities.

7. a. Up to the limits established in subsection b. of this section, and in accordance with a redevelopment incentive grant agreement, the municipality shall pay to the developer incremental eligible revenues directly realized from activities or business operations on the redevelopment project premises and may also pay eligible revenues derived from the project area.

b. Up to 75 percent of the incremental local revenues collected pursuant to subsection d. of section 11 of P.L.2009, c.90 (C.52:27D-489k) may be pledged towards the municipal portion, if any, of an incentive grant.

c. All administrative costs associated with the local incentive grant shall be assessed to the applicant and be retained by the municipality from its annual payments to the developer.

8. Section 8 of P.L.2009, c.90 (C.52:27D-489h) is amended to read as follows:

C.52:27D-489h Incentive grant application form, procedure.

8. a. (1) The New Jersey Economic Development Authority, in consultation with the State Treasurer, shall promulgate an incentive grant application form and procedure for the Economic Redevelopment and Growth Grant program.

(2) (a) The Local Finance Board, in consultation with the New Jersey Economic Development Authority, shall develop a minimum standard incentive grant application form for municipal Economic Redevelopment and Growth Grant programs.

(b) Through regulation, the Economic Development Authority shall establish standards for redevelopment projects seeking State or local incentive grants based on the green building manual prepared by the Commissioner of Community Affairs pursuant to section 1 of P.L.2007, c.132 (C.52:27D-130.6), regarding the use of renewable energy, energy-efficient technology, and non-renewable resources in order to reduce environmental degradation and encourage long-term cost reduction.

b. Within each incentive grant application, a developer shall certify information concerning:

(1) the status of control of the entire redevelopment project site;

(2) all required State and federal government permits that have been issued for the redevelopment project, or will be issued pending resolution of financing issues;

(3) local planning and zoning board approvals, as required, for the redevelopment project;

(4) estimates of the revenue increment base, the eligible revenues for the project, and the assumptions upon which those estimates are made.

c. (1) With regard to State tax revenues proposed to be pledged for an incentive grant the authority and the State Treasurer shall review the redevelopment project costs, evaluate and validate the project financing gap estimated by the developer, and conduct a State fiscal impact analysis to ensure that the overall public assistance provided to the project will result in net benefits to the State.

(2) With regard to local incremental revenues proposed to be pledged for an incentive grant the authority and the Local Finance Board shall review the redevelopment project costs, and except with respect to an application by a municipal redeveloper, evaluate and validate the financing gap projected by the developer, and conduct a local fiscal impact analysis to ensure that the overall public assistance provided to the project will result in net benefits to the municipality wherein the redevelopment project is located.

(3) The authority, State Treasurer, and Local Finance Board may act cooperatively to administer and review applications, and shall consult with the Office of State Planning on matters concerning State, regional, and local development and planning strategies.

(4) The costs of the aforementioned reviews shall be assessed to the applicant as an application fee.

9. Section 9 of P.L.2009, c.90 (C.52:27D-489i) is amended to read as follows:

C.52:27D-489i Certain grant agreements permitted.

9. a. The authority is authorized to enter into a redevelopment incentive grant agreement with a developer for any redevelopment project located within a qualifying economic redevelopment and growth grant incentive area that does not qualify as such area solely by virtue of being a transit village.

b. The decision whether or not to enter into a redevelopment incentive grant agreement is solely within the discretion of the authority and the State Treasurer, provided that they both agree to enter into an agreement.

c. The Chief Executive Officer of the New Jersey Economic Development Authority, in consultation with the State Treasurer shall negotiate the terms and conditions of any redevelopment incentive grant agreement on behalf of the State.

d. The redevelopment incentive grant agreement shall specify the amount of the incentive grant to be awarded the developer, the frequency of payments, and the length of time, which shall not exceed 20 years, during

which that reimbursement shall be granted. Except for redevelopment incentive grant agreements with a municipal redeveloper, in no event shall the combined amount of the reimbursements under redevelopment incentive grant agreements with the State or municipality exceed 20 percent of the total cost of the project. For the purposes of calculating the total cost of all projects, the cost of infrastructure improvements in the public right-of-way and publicly owned facilities shall not be included. The amount of the redevelopment incentive grant for a municipal redeveloper may include the total cost of such infrastructure improvements and publicly owned facilities.

e. The authority and the State Treasurer may enter into a redevelopment incentive grant agreement only if they make a finding that the State revenues to be realized from the redevelopment project will be in excess of the amount necessary to reimburse the developer for its project financing gap. This finding may be made by an estimation based upon the professional judgment of the Chief Executive Officer of the New Jersey Economic Development Authority and the State Treasurer.

f. In deciding whether or not to recommend entering into a redevelopment incentive grant agreement and in negotiating a redevelopment agreement with a developer, the Chief Executive Officer of the New Jersey Economic Development Authority shall consider the following factors:

- (1) the economic feasibility of the redevelopment project;
- (2) the extent of economic and related social distress in the municipality and the area to be affected by the redevelopment project;
- (3) the degree to which the redevelopment project will advance State, regional and local development and planning strategies;
- (4) the likelihood that the redevelopment project shall, upon completion, be capable of generating new tax revenue in an amount in excess of the amount necessary to reimburse the developer for project costs incurred as provided in the redevelopment incentive grant agreement;
- (5) the relationship of the redevelopment project to a comprehensive local development strategy, including other major projects undertaken within the municipality;
- (6) the need of the redevelopment incentive grant agreement to the viability of the redevelopment project; and
- (7) the degree to which the redevelopment project enhances and promotes job creation and economic development.

g. (1) A developer that has entered into a redevelopment incentive grant agreement with the authority and the State Treasurer pursuant to this section may, upon notice to and consent of the authority and the State Treasurer, pledge and assign as security or support for any loan or bond, any or

all of its right, title and interest in and to such agreements and in the incentive grants payable thereunder, and the right to receive same, along with the rights and remedies provided to the developer under such agreement. Any such assignment shall be an absolute assignment for all purposes, including the federal bankruptcy code.

(2) Any pledge of incentive grants made by the developer shall be valid and binding from the time when the pledge is made and filed in the records of the authority. The incentive grants so pledged and thereafter received by the developer shall immediately be subject to the lien of the pledge without any physical delivery thereof or further act, and the lien of any pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the developer irrespective of whether the parties have notice thereof. Neither the redevelopment incentive grant agreement nor any other instrument by which a pledge under this section is created need be filed or recorded except with the authority.

10. Section 11 of P.L.2009, c.90 (C.52:27D-489k) is amended to read as follows:

C.52:27D-489k Agreement between developer and municipality.

11. a. The governing body of a municipality is authorized to enter into a redevelopment incentive grant agreement with a developer, which shall not be effective until adopted by ordinance, for any redevelopment project located within a qualifying economic redevelopment and growth grant incentive area.

b. The redevelopment incentive grant agreement shall specify the amount of the incentive grant to be awarded the developer, the frequency of payments, and the length of time, which shall not exceed 20 years, during which that reimbursement shall be granted. Except for redevelopment incentive grants with a municipal redeveloper, in no event shall the combined amount of the reimbursements under redevelopment incentive grant agreements with the State or municipality exceed 20 percent of the total cost of the project. For the purposes of calculating the total cost of all projects, the cost of infrastructure improvements in the public right-of-way and publicly owned facilities shall not be included. The amount of the redevelopment incentive grant for a municipal redeveloper may include the total cost of such infrastructure improvements and publicly owned facilities.

c. The municipality may enter into a redevelopment incentive grant agreement only if the chief financial officer of the municipality makes a finding that the incremental revenues to be realized from the redevelopment

project will be in excess of the amount necessary to reimburse the developer for its project financing gap. Such finding shall be based upon appropriate documentation and calculations supporting the decision.

d. Within a qualifying economic redevelopment and growth grant incentive area a municipality that has entered into a local redevelopment incentive grant agreement may pledge eligible revenues it is authorized to collect as follows:

(1) incremental payments in lieu of taxes, with respect to property located in the district, made pursuant to the "Five-Year Exemption and Abatement Law," P.L.1991, c.441 (C.40A:21-1 et seq.), or the "Long Term Tax Exemption Law," P.L.1991, c.431 (C.40A:20-1 et al.);

(2) incremental revenues collected from payroll taxes, with respect to business activities carried on within the area, pursuant to section 15 of P.L.1970, c.326 (C.40:48C-15);

(3) incremental revenue from lease payments made to the municipality, the developer, or the developer's successors with respect to property located in the area;

(4) incremental revenue collected from parking taxes derived from parking facilities located within the area pursuant to section 7 of P.L.1970, c.326 (C.40:48C-7);

(5) incremental admissions and sales taxes derived from the operation of a public facility within the area pursuant to section 1 of P.L.2007, c.302 (C.40:48G-1);

(6) (a) incremental sales and excise taxes which are derived from activities within the area and which are rebated to or retained by the municipality pursuant to the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.) or any other law providing for such rebate or retention;

(b) within Planning Area 1 (Metropolitan) under the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.), a municipality may impose the entire State sales tax on business activities within a redevelopment project located in an urban enterprise zone that would ordinarily be entitled to collect reduced rate revenues under section 21 of P.L.1983, c.303 (C.52:27H-80), and pledge the excess revenues to a local redevelopment incentive grant agreement;

(7) incremental parking revenue collected, pursuant to section 7 of P.L.1970, c.326 (C.40:48C-7), from public parking facilities built as part of a redevelopment project, except for public parking facilities owned by parking authorities pursuant to the "Parking Authority Law," P.L.1948, c.198 (C.40:11A-1 et seq.);

(8) incremental revenues collected, pursuant to section 3 of P.L.2003, c.114 (C.40:48F-1), P.L.1981, c.77 (C.40:48E-1 et seq.), or P.L.1947, c.71 (C.40:48-8.15 et seq.), from hotel and motel taxes;

(9) upon approval by the Local Finance Board, other incremental municipal revenues that may become available;

(10) the property tax increment.

The incremental revenue for the revenues listed in this subsection, when applicable, shall be calculated as the difference between the amount collected in any fiscal year from any eligible revenue source included in the local redevelopment incentive grant agreement, less the revenue increment base for that eligible revenue.

e. (1) In calculating the general tax rate of a municipality each year, the aggregate amount of the incremental ratable value over the property tax increment base in the redevelopment project area that is pledged as part of a redevelopment incentive grant agreement shall be excluded from the ratable base of a municipality.

(2) The amount of property tax increment not pledged toward a redevelopment incentive grant agreement shall be allocated pursuant to the normal tax rate distribution.

The full incremental value of a project area shall be included in the value used for county and regional school tax apportionment until such time that the Director of the Division of Taxation in the Department of the Treasury can certify that property tax management systems are capable of handling the technical and legal requirements of treating parcels in areas of redevelopment as exempt from county and regional school apportionment.

f. In addition to the incremental revenues that may be pledged in subsection d. of this section, any amount of tax proceeds collected from the tax on the rental of motor vehicles pursuant to section 20 of P.L.2009, c.90 (C.40:48H-2), may be included in a redevelopment incentive grant agreement with a developer, regardless of whether or not the redevelopment project area is within or outside of the designated industrial zone from which the tax on the rental of motor vehicles is collected.

g. (1) A developer that has entered into a redevelopment incentive grant agreement with a municipality pursuant to this section may, upon notice to and consent of the municipality, pledge and assign as security or support for any loan or bond, any or all of its right, title and interest in and to such agreements and in the incentive grants payable thereunder, and the right to receive same, along with the rights and remedies provided to the developer under such agreement. Any such assignment shall be an absolute assignment for all purposes, including the federal bankruptcy code.

(2) Any pledge of incentive grants made by the developer shall be valid and binding from the time when the pledge is made and filed in the office of the municipal clerk. The incentive grants so pledged and thereafter received by the developer shall immediately be subject to the lien of the pledge without any physical delivery thereof or further act, and the lien of any pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the developer irrespective of whether the parties have notice thereof. Neither the redevelopment incentive grant agreement nor any other instrument by which a pledge under this section is created need be filed or recorded except with the municipality.

C.52:27D-489o Ordinance for payment to municipal redeveloper for certain projects.

11. a. The governing body of a municipality may, by ordinance, agree that certain eligible revenues in a project area may be paid for a period, not to exceed 20 years, to a municipal redeveloper to undertake and fund up to 100 percent of the construction of infrastructure improvements in a public right-of-way or publicly owned facilities.

b. An ordinance adopted pursuant to subsection a. of this section shall set forth in detail the proposed construction, the proposed redevelopment project, the estimated project costs, and the projected eligible incremental revenues to be paid. No ordinance shall be finally approved by the municipality unless approved by the Local Finance Board. In deciding whether or not to approve such ordinance, the Local Finance Board shall determine whether the proposed redevelopment project consists of publicly owned facilities or infrastructure improvements in the public right-of-way. It also shall consider the factors listed at paragraphs (1) through (8) of subsection d. of section 4 of P.L.2009, c.90 (C.52:27D-489d), provided that with respect to infrastructure improvements in the public right-of-way, it shall not consider paragraph (4) of subsection d. of section 4 of P.L.2009, c.90 (C.52:27D-489d). Such proposed redevelopment project shall conform to the requirements of sections 7, 8, and 11 of P.L.2009, c.90 (C.52:27D-489g, C.52:27D-489h, and C.52:27D-489k), except as set forth therein.

12. This act shall take effect immediately and section 1 and sections 3 through 9 shall be retroactive to July 28, 2009 (the date of enactment of P.L.2009, c.90), and section 2, if enacted on or before June 30, 2010, shall apply to applications submitted for the 2010 Technology Business Tax Certificate Transfer Program.

Approved May 5, 2010.

CHAPTER 11

AN ACT requiring the Department of Military and Veterans' Affairs to provide a surviving beneficiary of a deceased service member with certain information and supplementing chapter 3 of Title 38A of the New Jersey Statutes.

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

C.38A:3-28.1 Provision of certain information to surviving beneficiary of deceased service member.

1. a. Upon receipt of the notice from the United States Department of Defense of the death of a service member who resided in this State and whose surviving beneficiary resides in this State, the Department of Military and Veterans' Affairs shall notify the appropriate State veterans service office and the office shall provide the surviving beneficiary of a deceased service member with a comprehensive packet containing information on all federal and State benefits for which the surviving beneficiary may be eligible. The department shall develop the packet and provide all State veterans service offices with a supply of packets for distribution.

This section shall also apply when a deceased service member is not a resident of this State, but whose surviving beneficiary is a resident of this State, if that information is known.

b. For the purpose of this section:

"Child" means the individual who is a son or daughter by birth or adoption.

"Deceased service member" means any member of the Armed Forces of the United States or a Reserve component thereof or a member of the National Guard who dies as a result of enemy action, accident or disease while on federal active duty, including active duty for training.

"Parent" means the individual who is a father or mother by birth or adoption.

"Spouse" means the individual to whom the deceased service member was legally married at the time of the member's death.

"Surviving beneficiary" means the spouse, child or parent of a deceased service member who resides in this State.

2. This act shall take effect immediately.

Approved May 6, 2010.

CHAPTER 12

AN ACT concerning dispensing of certain contact lenses and amending P.L.1991, c.187 and P.L.1991, c.385.

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

1. Section 46 of P.L.1991, c.187 (C.45:9-22.11) is amended to read as follows:

C.45:9-22.11 Dispensing of drugs to patient limited; exceptions.

46. A physician shall not dispense more than a seven-day supply of drugs or medicines to any patient. The drugs or medicines shall be dispensed at or below the cost the physician has paid for the particular drug or medicine, plus an administrative cost not to exceed 10% of the cost of the drug or medicine.

The provisions of this section shall not apply to a physician:

- a. who dispenses drugs or medicines in a hospital emergency room, a student health center at an institution of higher education, or a publicly subsidized community health center, family planning clinic or prenatal clinic, if the drugs or medicines that are dispensed are directly related to the services provided at the facility;
- b. whose practice is situated 10 miles or more from a licensed pharmacy;
- c. when he dispenses allergenic extracts and injectables;
- d. when he dispenses drugs pursuant to an oncological or AIDS protocol;
- e. when he dispenses salves, ointments or drops; or
- f. when he dispenses a drug or medicine delivered to the eye through a contact lens.

The provisions of this section shall not apply to a licensed chiropractic physician who dispenses food concentrates, food extracts, vitamins, minerals, herbs, enzymes, amino acids, tissue or cell salts, glandular extracts, nutraceuticals, botanicals, homeopathic remedies, and other nutritional supplements.

2. Section 9 of P.L.1991, c.385 (C.45:12-9.11) is amended to read as follows:

C.45:12-9.11 Prescription restrictions.

9. a. Whenever in any law there is a requirement or duty with respect to the prescription, administration or dispensing of any drug which applies to any person authorized to prescribe that drug, the same shall apply to an optometrist when prescribing, administering or dispensing a pharmaceutical agent pursuant to R.S.45:12-1, except that an optometrist shall not dispense a prescription as provided for in R.S.45:12-1 in an amount exceeding a 72-hour supply of that prescription unless the prescription is dispensed at no charge to the patient.

b. Notwithstanding the provisions of subsection a. of this section, an optometrist may dispense a pharmaceutical agent, as provided for in R.S.45:12-1, that is delivered to the eye through a contact lens and may dispense such pharmaceutical agent at a charge to the patient.

3. This act shall take effect immediately.

Approved May 6, 2010.

CHAPTER 13

AN ACT concerning certain benefits for school district employees 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:6-8.5 Requirements for receipt of employee tuition assistance, additional compensation.

1. In order for a board of education to provide to an employee tuition assistance for coursework taken at an institution of higher education or additional compensation upon the acquisition of additional academic credits or completion of a degree program at an institution of higher education:

a. The institution shall be a duly authorized institution of higher education as defined in section 3 of P.L.1986, c.87 (C.18A:3-15.3);

b. The employee shall obtain approval from the superintendent of schools prior to enrollment in any course for which tuition assistance is sought. In the event that the superintendent denies the approval, the employee may appeal the denial to the board of education.

In the case of a superintendent, the approval shall be obtained from the board of education; and

c. The tuition assistance or additional compensation shall be provided only for a course or degree related to the employee's current or future job responsibilities.

C.18A:6-8.6 Construction of act.

2. Nothing in this act shall be construed to limit the authority of a board of education to establish more stringent requirements for the provision of tuition assistance or additional compensation than the requirements set forth in section 1 of P.L.2010, c.13 (C.18A:6-8.5).

3. This act shall take effect on July 1 of the school year next following the date of enactment, except that this act shall not be deemed to impair an obligation set forth in a collective negotiations agreement or an individual contract of employment in effect on the effective date.

Approved May 6, 2010.

CHAPTER 14

AN ACT concerning retail alcoholic beverage licenses and amending P.L.1947, c.94.

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

1. Section 6 of P.L.1947, c.94 (C.33:1-12.18) is amended to read as follows:

C.33:1-12.18 Issuance of new license permitted to applicants filing within one year of expiration; fee.

6. a. Except as provided in subsection d. of this section, in any case in which a timely renewal was not filed, nothing in this act shall be deemed to prevent the issuance of a new license to a person who files an application therefor within one year following the expiration of the license renewal period, but who pays the municipal and State renewal fees for the year for which a timely renewal application was not filed, if the director shall determine in writing that the applicant's failure to apply for a renewal of his license was due to circumstances beyond his control or other extraordinary circumstances.

b. Any request for relief under this section shall be filed not later than one year following the expiration of the license renewal period for the license which was not renewed in a timely manner and shall be accompanied by a nonreturnable filing fee of \$100 payable to the director for each license term.

c. A new license issued pursuant to this section shall be assigned the same license number as the license which was not renewed in a timely manner.

d. Notwithstanding subsection a. of this section, a person with an expired license which was not renewed within the five years immediately preceding the enactment of P.L.2010, c.14, but who pays the municipal and State renewal fees for each year for which a timely renewal application was not filed, may file for issuance of a new license in accordance with subsection a. of this section within six months of the effective date of P.L.2010, c.14.

2. This act shall take effect immediately.

Approved May 6, 2010.

CHAPTER 15

AN ACT concerning certain actions taken by shareholders without a meeting and amending N.J.S.14A:5-6.

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

1. N.J.S.14A:5-6 is amended to read as follows:

Action by shareholders without a meeting.

14A:5-6. Action by shareholders without a meeting.

(1) Any action required or permitted to be taken at a meeting of shareholders by this act or the certificate of incorporation or bylaws of a corporation, may be taken without a meeting if all the shareholders entitled to vote thereon consent thereto in writing, except that in the case of any action to be taken pursuant to N.J.S.14A:10-1 et seq., such action may be taken without a meeting only if all shareholders consent thereto in writing or if all shareholders entitled to vote thereon consent thereto in writing and the corporation provides to all other shareholders the advance notification required by paragraph (b) of subsection (2) of this section.

(2) Except as otherwise provided in the certificate of incorporation and subject to the provisions of this subsection, any action required or permitted

to be taken at a meeting of shareholders by this act, the certificate of incorporation, or bylaws, other than the annual election of directors, may be taken without a meeting, without prior notice and without a vote, upon the written consent of shareholders who would have been entitled to cast the minimum number of votes which would be necessary to authorize such action at a meeting at which all shareholders entitled to vote thereon were present and voting.

(a) If any shareholder shall have the right to dissent from the proposed action, pursuant to N.J.S.14A:11-1 et seq., the board shall fix a date on which written consents are to be tabulated; in any other case, it may fix a date for tabulation. If no date is fixed, consents may be tabulated as they are received. No consent shall be counted which is received more than 60 days after the date of the board action authorizing the solicitation of consents or, in a case in which consents, or proxies for consents, are solicited from all shareholders who would have been entitled to vote at a meeting called to take such action, more than 60 days after the date of mailing of solicitation of consents, or proxies for consents.

(b) Except as provided in paragraph (c) of this subsection, the corporation, upon receipt and tabulation of the requisite number of written consents, shall promptly notify all non-consenting shareholders, who would have been entitled to notice of a meeting to vote upon such action, of the action consented to, the proposed effective date of such action, and any conditions precedent to such action. In the case of any action taken pursuant to N.J.S.14A:10-1 et seq., such notification shall be given at least 20 days in advance of the proposed effective date of such action. Any shareholder who did not consent, personally, or by proxy, to any action which he has a right to dissent from as provided in N.J.S.14A:11-1 et seq. shall in such notice also be informed that he has the right to dissent and to be paid the fair value of his shares, provided he files with the corporation a written notice of dissent as required by subsection (1) of N.J.S.14A:11-2 within 20 days from the date of giving of the notice, or such greater period of time as may be granted by the corporation, and outlining briefly, with particular reference to the time periods within which actions must be taken, the procedures set forth in N.J.S.14A:11-1 et seq. with which he must comply in order to assert and enforce such right.

(c) The corporation need not provide the notification required by paragraph (b) of this subsection if it

(i) solicits written consents or proxies for consents from all shareholders who would have been entitled to vote at a meeting called to take such action, and at the same time gives notice of the proposed action to all other

shareholders who would have been entitled to notice of a meeting called to vote upon such action;

(ii) advises all shareholders, if any, who are entitled to dissent from the proposed action, as provided in N.J.S.14A:11-1 et seq., of their right to do so and to be paid the fair value of their shares, provided they file with the corporation before the date fixed for tabulation of the written consents a written notice of dissent as required by subsection (1) of N.J.S.14A:11-2, and outlining briefly, with particular reference to the time periods within which actions must be taken, the procedures set forth in N.J.S.14A:11-1 et seq. with which they must comply in order to assert and enforce such right; and

(iii) in the case of any proposed action to be taken pursuant to N.J.S.14A:10-1 et seq., fixes a date for tabulation of consents not less than 20 days, and not more than 60 days, after the date of mailing of solicitations of consents or proxies for consents.

(d) Any consent obtained pursuant to paragraph (c) of this subsection may be revoked at any time prior to the day fixed for tabulation of consents. Any other consent may be revoked at any time prior to the day on which the proposed action could be taken upon compliance with paragraph (b) of this subsection. No revocation shall be effective unless in writing and until received by the corporation at the place fixed for receipt of consents or, if none, at the main business office or headquarters of the corporation.

(3) Whenever action is taken pursuant to subsection (1) or (2) of this section, the written consents of the shareholders consenting thereto or the written report of inspectors appointed to tabulate such consents shall be filed with the minutes of proceedings of shareholders.

(4) Any action taken pursuant to subsection (1) or (2) of this section shall have the same effect for all purposes as if such action had been taken at a meeting of the shareholders.

(5) If any other provision of this act requires the filing of a certificate upon the taking of an action by shareholders, and such action is taken in the manner authorized by subsection (1) or (2) of this section, such certificate shall state that such action was taken without a meeting pursuant to the written consents of the shareholders and shall set forth the number of shares represented by such consents.

2. This act shall take effect immediately.

Approved May 6, 2010.

New Jersey State Library

CHAPTER 16

AN ACT appropriating \$16,950,000 from the "Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003," P.L.2003, c.162, and \$500,000 from the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, to provide loans for dam restoration and repair projects, and appropriating \$1,371,075 from monies previously appropriated from P.L.1992, c.88 and made available due to project cancellations, withdrawals, or cost savings, to finance the costs of certain State high-hazard dam restoration projects.

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 from the "2003 Dam, Lake and Stream Project Revolving Loan Fund," established pursuant to section 17 of the "Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003," P.L.2003, c.162, the sum of \$16,950,000, made available due to project cancellations, withdrawals, and cost savings, for the purpose of providing loans to owners of private dams, as co-applicants with local government units, or to local government units that own dams, to finance the costs of dam restoration and repair projects undertaken by, or on behalf of, the owners of dams. This sum shall include administrative costs and shall be allocated as follows:

Dam Name	Applicant	Loan Amount
Swannanoa Lake South Dam	Swannanoa Sentinel Society	\$1,200,000
Lake Tranquility Dam	Green Township	\$607,000
Lake Lenape Dam	Lake Lenape Association	\$2,300,000
Forest Lake Dam	Forest Lakes Club	\$1,500,000
Heaters Pond Dam	Borough of Ogdensburg	\$750,000
Reservoir Lake Dam	Boy Scouts of America	\$1,125,000
Frenche's Dam	Boy Scouts of America	\$1,175,000
Mishe Mokwa Dam	Medford Lakes Borough	\$280,000
Glen Lake Dam	Glen Lake Beach Club, Inc.	\$725,000
Lake Rickabear Dam	Girl Scouts of America	\$319,000
Saffin Pond Dam	Morris County Park Commission	\$1,700,000
Lake Grinnel Dam	Lake Grinnel Association	\$200,000

Upper Lake Mohawk Dam	Lake Mohawk County Club	\$1,321,800
Lake Panorama Dam	Lake Panorama Community Assoc.	\$250,000
Lake Neepaulin Dam	Friends of Lake Neepaulin, Inc.	\$1,000,000
NJ No Name Dam #113	Holiday City Association	\$335,000
Marlton Lakes Upper Dam	Marlton Lakes Civic Association	\$1,200,000
Amwell Dam No. 1	Lower Lake Steering Group	\$700,000
Administrative		\$262,200

b. Any unexpended funds remaining after completion of the projects listed in subsection a. of this section shall be returned to the “2003 Dam, Lake and Stream Project Revolving Loan Fund” for re-appropriation to fund additional projects authorized by law.

c. Any transfer of any funds or project sponsor, or change in project site, listed in subsection a. of this section shall require the approval of the Joint Budget Oversight Committee or its successor.

d. There are appropriated to the Department of Environmental Protection such sums as may be, or may become, available on or before June 30, 2010, due to interest earnings or loan repayments to the “2003 Dam, Lake and Stream Project Revolving Loan Fund,” to fund additional projects authorized by law.

e. The expenditures of sums appropriated by this section are subject to the provisions and conditions of P.L.2003, c.162.

2. a. There is appropriated to the Department of Environmental Protection from the “1992 Dam Restoration and Clean Water Trust Fund,” established pursuant to section 26 of the “Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992,” P.L.1992, c.88, the sum of \$500,000 for the purpose of providing additional funds to support the dam restoration projects authorized pursuant to P.L.2009, c.49.

b. There is appropriated to the Department of Environmental Protection such sums as may be, or may become, available on or before June 30, 2010, due to interest earnings or loan repayments to the “1992 Dam Restoration and Clean Water Trust Fund,” to fund additional projects authorized by law.

3. a. There is appropriated to the Department of Environmental Protection from the “1992 Dam Restoration and Clean Water Trust Fund,” established pursuant to section 26 of the “Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992,” P.L.1992, c.88, the sum of \$1,371,075 from monies previously appropriated from the fund pursuant to

P.L.1993, c.273 and made available due to project cancellations, withdrawals, or cost savings attributable to the following State high-hazard dam restoration projects:

Project	County	Amount
Atsion Lake Dam	Burlington	\$654,483
Cranbury Lake Dam	Sussex	\$ 23,329
Cumberland Pond Dam	Cumberland	\$100,000
Pohatcong Lake Dam	Ocean	\$520,543
Skillman Lake Dam	Somerset	\$ 72,720

b. The monies appropriated pursuant to subsection a. of this section shall be allocated to finance the costs of the following State high-hazard dam restoration projects:

Project	County	Amount
Hunt and Honey Lake Dams	Mercer	\$1,000,000
Musconetcong Lake Dam	Morris	\$ 371,075

c. Any unexpended funds remaining after completion of the projects listed in subsection b. of this section shall be returned to the "1992 Dam Restoration and Clean Water Trust Fund" for re-appropriation to fund additional projects authorized by law.

d.. Any transfer of any funds or project sponsor, or change in project site, listed in subsection b. of this section shall require the approval of the Joint Budget Oversight Committee or its successor.

4. This act shall take effect immediately.

Approved May 6, 2010.

CHAPTER 17

AN ACT concerning consumer complaints of certain licensed professionals and amending P.L.1978, c.73.

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

1. Section 5 of P.L.1978, c.73 (C.45:1-18) is amended to read as follows:

C.45:1-18 Investigative powers of board, director, or attorney general.

5. Whenever it shall appear to any board, the director or the Attorney General that a person has engaged in, or is engaging in any act or practice declared unlawful by a statute or regulation administered by such board, or when the board, the director or the Attorney General shall deem it to be in the public interest to inquire whether any such violation may exist, the board or the director through the Attorney General, or the Attorney General acting independently, may exercise any of the following investigative powers:

a. Require any person to file on such form as may be prescribed, a statement or report in writing under oath, or otherwise, as to the facts and circumstances concerning the rendition of any service or conduct of any sale incidental to the discharge of any act or practice subject to an act or regulation administered by the board;

b. Examine under oath any person in connection with any act or practice subject to an act or regulation administered by the board;

c. Inspect any premises from which a practice or activity subject to an act or regulation administered by the board is conducted;

d. Examine any goods, ware or item used in the rendition of a practice or activity subject to an act or regulation administered by the board;

e. Examine any record, book, document, account or paper prepared or maintained by or for any professional or occupational licensee in the regular course of practicing such profession or engaging in such occupation or any individual engaging in practices subject to an act or regulation administered by the board. Nothing in this subsection shall require the notification or consent of the person to whom the record, book, account or paper pertains, unless otherwise required by law;

f. For the purpose of preserving evidence of an unlawful act or practice, pursuant to an order of the Superior Court, impound any record, book, document, account, paper, goods, ware, or item used, prepared or maintained by or for any board licensee in the regular course of practicing such profession or engaging in such occupation or any individual engaging in a practice or activity subject to an act or regulation administered by the board. In such cases as may be necessary, the Superior Court may, on application of the Attorney General, issue an order sealing items or material subject to this subsection;

g. Require any board licensee, permit holder or registered or certified person to submit to an assessment of skills to determine whether the board

licensee, permit holder or registered or certified person can continue to practice with reasonable skill and safety; and

h. Whenever a board, the director through the Attorney General, or the Attorney General investigates a consumer complaint, the board, director or the Attorney General, as applicable, shall render a final disposition of the inquiry within 120 days of the filing of the complaint; except that the 120-day period shall be tolled, based upon the documented approval of the Attorney General or the Attorney General's designee, whenever additional time is required: to obtain information, records or evidence sought pursuant to this section that is necessary for the investigation or disposition of the consumer complaint; for the board, director or the Attorney General, as the case may be, to consider additional information furnished more than 30 days after the filing of the complaint; to conduct an administrative hearing in a contested case; for expert consultation related to the subject matter under investigation; because a complaint is, or becomes, the subject of a criminal investigation or prosecution; or for other good cause shown due to extraordinary or unforeseen circumstances. The number of consumer complaints for which tolling of the 120-day period is approved shall be reported to the Attorney General on a monthly basis, and this information shall be provided to the Legislature on a semi-annual basis. Nothing in this subsection shall be construed as affecting the jurisdiction of a board, the director through the Attorney General or the Attorney General.

In order to accomplish the objectives of this act or any act or regulation administered by a board, the Attorney General may hold such investigative hearings as may be necessary and the board, director or Attorney General may issue subpoenas to compel the attendance of any person or the production of books, records or papers at any such hearing or inquiry.

2. The Director of the Division of Consumer Affairs in the Department of Law and Public Safety shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to carry out the purposes of this act.

3. This act shall take effect on the 180th day after enactment, but the Director of the Division of Consumer Affairs in the Department of Law and Public Safety may take such anticipatory administrative action in advance as shall be necessary for the implementation of the act.

Approved May 6, 2010.

CHAPTER 18

AN ACT concerning horse racing and amending P.L.2001, c.199 and P.L.1992, c.19.

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

1. Section 30 of P.L.2001, c.199 (C.5:5-156) is amended to read as follows:

C.5:5-156 Scheduling of race dates, minimum required.

30. a. The permit holder at Monmouth Park and the thoroughbred permit holder at Meadowlands Racetrack together shall schedule (1) no fewer than 120 thoroughbred race dates in the aggregate in each of calendar years 2004 through 2007; (2) no fewer than 141 thoroughbred race dates in the aggregate in each of calendar years 2008 through 2016, except that in calendar year 2010 the permit holder at Monmouth Park and the thoroughbred permit holder at Meadowlands Racetrack may schedule no fewer than 71 race dates in the aggregate and all to take place at Monmouth Park; and (3) beginning in calendar year 2017 and in each calendar year thereafter, no fewer than 141 thoroughbred race dates in the aggregate, provided that in calendar year 2017 and in each calendar year thereafter the permit holders may schedule fewer than 141 thoroughbred race dates in the aggregate if the commission determines, upon application by the permit holders, that scheduling fewer dates in that calendar year is in the best interest of the racing industry and the State. In making its determination, the commission shall consider all factors, including, but not limited to, handle, number of starters, interstate competition, and export marketability. Notwithstanding the foregoing in (3), in no calendar year shall the permit holders schedule, in the aggregate, fewer than 120 thoroughbred race dates.

b. The standardbred permit holder at Meadowlands Racetrack shall schedule annually no fewer than 151 standardbred race dates, except that the standardbred permit holder may decrease the annual number of scheduled standardbred race dates to no fewer than 141 standardbred race dates upon mutual written agreement with the representative horsemen's organization.

c. The permit holders at Freehold Raceway shall schedule annually no fewer than 192 standardbred race dates, except that the permit holders may decrease the annual number of scheduled race dates to no fewer than 168

standardbred race dates upon mutual written agreement with the representative horsemen's organization.

d. Notwithstanding subsection a. of this section, the permit holder at Monmouth Park and the thoroughbred permit holder at Meadowlands Racetrack may schedule 120 thoroughbred race dates in the aggregate in each calendar year from 2004 through 2007 only if the thoroughbred permit holder at Meadowlands Racetrack or the permit holder at Monmouth Park guarantee in each calendar year from 2004 through 2007 at least \$4,200,000 in thoroughbred stakes at Meadowlands Racetrack and Monmouth Park, and guarantee the average daily overnight purses for thoroughbred race meetings at the following levels: (1) at least \$300,000 at Meadowlands Racetrack in each calendar year from 2004 through 2007; (2) for the traditional meet at Monmouth Park, at least \$320,000 in calendar year 2004, at least \$325,000 in calendar year 2005, at least \$330,000 in calendar year 2006 and at least \$335,000 in calendar year 2007; and (3) for the 18-day supplemental meet at Monmouth Park, at least \$300,000 in each calendar year from 2004 through 2006. In any calendar year from 2004 through 2007 in which the permit holder at the Meadowlands Racetrack or the permit holder at Monmouth Park, as appropriate, fails to guarantee the required minimum for thoroughbred stakes or the required minimum in average in daily overnight purses pursuant to this subsection, the permit holder at Monmouth Park and the thoroughbred permit holder at Meadowlands Racetrack together shall schedule no fewer than 141 thoroughbred race dates in the aggregate in that calendar year.

2. Section 5 of P.L.1992, c.19 (C.5:12-195) is amended to read as follows:

C.5:12-195 Applications to conduct casino simulcasting, conditions of approval.

5. A permit holder which wishes to conduct casino simulcasting shall request the approval of the New Jersey Racing Commission in its annual application for horse race meeting dates filed with that commission pursuant to section 23 of P.L.1940, c.17 (C.5:5-43), or, if applying between the submittal of annual applications, through such supplemental application as that commission shall deem appropriate. The New Jersey Racing Commission shall not approve the request of any permit holder to conduct casino simulcasting unless the permit holder will conduct a number of live racing programs during the period for which the permit is issued which is equal to the following:

a. in the case of harness races, each permit holder shall conduct at least the number of live racing programs required under subsections b. and c. of section 30 of P.L.2001, c.199 (C.5:5-156); and

b. in the case of running races, Monmouth Racetrack shall conduct at least the same number of live racing programs conducted in 1991 and each of the other permit holders conducting running races shall conduct at least five live racing programs, except that in calendar year 2010 Monmouth Racetrack may conduct at least 71 live racing programs and Meadowlands Racetrack may conduct zero live racing programs.

For the purpose of satisfying the requirements of this section for the conduct of live racing programs, any live racing program or part thereof which is cancelled because of weather or another act of God shall be deemed to have been conducted, subject to the approval of the New Jersey Racing Commission.

3. Notwithstanding the provisions of any other law to the contrary, of the monies distributed in calendar years 2009 and 2010 for purses and programs designed to aid the horsemen pursuant to:

section 46(a)(4) of P.L.1940, c.17 (C.5:5-66),
section 38(a)(4)(a) of P.L.1992, c.19 (C.5:5-126),
section 38(b)(4)(a) of P.L.1992, c.19 (C.5:5-126),
section 38(c)(2)(a) of P.L.1992, c.19 (C.5:5-126), and
section 7(f)(1)(b) of P.L.1971, c.137 (C.5:10-7),

the Standardbred Breeders' and Owners' Association of New Jersey is hereby authorized to utilize up to a total of \$3,000,000 thereof for a grant to the New Jersey Sports and Exposition Authority to promote financially the continued viability and success of standardbred racing at the Meadowlands Racetrack and the continued viability and success of thoroughbred racing at Monmouth Park Racetrack.

4. Notwithstanding the provisions of any other law to the contrary, of the monies distributed in calendar years 2009 and 2010 for purses and programs designed to aid the horsemen pursuant to:

section 46(b)(1)(d) of P.L.1940, c.17 (C.5:5-66),
section 46(b)(2)(d) of P.L.1940, c.17 (C.5:5-66),
section 38(a)(4)(b) of P.L.1992, c.19 (C.5:5-126),
section 38(b)(4)(b) of P.L.1992, c.19 (C.5:5-126),
section 38(c)(2)(b) of P.L.1992, c.19 (C.5:5-126), and
section 7(f)(2)(b) of P.L.1971, c.137 (C.5:10-7),

the New Jersey Thoroughbred Horsemen's Association is hereby authorized to utilize up to a total of \$2,000,000 thereof for a loan to the New Jersey Sports and Exposition Authority for use as purse money in calendar year 2010 at Monmouth Park Racetrack. The loan shall be repaid pursuant to the contract between the Thoroughbred Horsemen's Association and the authority entered into on March 15, 2010.

5. Notwithstanding the provisions of section 7(f)(2) of P.L.1971, c.137 (C.5:10-7) or any other law to the contrary, if any purse underpay exists on November 21, 2010 in connection with thoroughbred racing at Monmouth Park Racetrack in calendar year 2010, the New Jersey Sports and Exposition Authority shall distribute any such underpay on or before January 15, 2011 to the New Jersey Thoroughbred Horsemen's Association for programs designed to aid the New Jersey thoroughbred horsemen in calendar year 2011. The authority is hereby authorized to recapture any purse overpay up to \$1,000,000 in connection with thoroughbred racing at Monmouth Park Racetrack in calendar years 2010 and 2011.

6. Notwithstanding the provisions of section 46(b)(1)(e) of P.L.1940, c.17 (C.5:5-66) or any other law to the contrary, during 2010, and during that portion of 2011 which precedes the start of the regular 2011 thoroughbred racing season in New Jersey, funds in the special trust account established by that section 46(b)(1)(e) may be used to pay awards to breeders and owners of registered New Jersey bred horses who earn portions of purses in races at an out-of-State racetrack even if a surplus in the special trust account does not exist for those races conducted at an out-of-State racetrack during the period of time which shall begin 15 days after the end of thoroughbred racing at Monmouth Park Racetrack in the year 2010 and end 15 days prior to the start of the 2011 thoroughbred meet at Monmouth Park Racetrack.

7. Notwithstanding the provisions of section 46(b)(2)(e) of P.L.1940, c.17 (C.5:5-66) or any other law to the contrary, during 2010 and 2011, awards to breeders and owners of registered New Jersey bred horses who earn portions of purses in races at an out-of-State racetrack may be paid pursuant to that section 46(b)(2)(e) even if a surplus of these funds in the special trust account does not exist in that calendar year.

8. Notwithstanding the provisions of section 38(a)(4)(b) of P.L.1992, c.19 (C.5:5-126) or any other law to the contrary, the New Jersey Sports

and Exposition Authority is hereby authorized to use the underpay in purses from the 2009 thoroughbred meet totaling \$2,270,000 to pay purses for the thoroughbred meet at Monmouth Park Racetrack beginning on September 11, 2010 and concluding on November 21, 2010.

9. Notwithstanding the provisions of section 29 of P.L.1940, c.17 (C.5:5-49) or any other law to the contrary, during the year 2010, the New Jersey Sports and Exposition Authority shall not pay the 25 percent purse enhancement for thoroughbred races conducted at Monmouth Park Race-track, and funds that would have been used to increase purses by 25 percent as provided by that section 29, but not more than \$2,250,000, shall be used, instead, to increase purses payable to New Jersey bred foals finishing in first, second, or third place in open races by 20 percent, but not more than \$20,000 per horse per race, with any amount not used for that purpose to be paid to the Thoroughbred Breeders' Association of New Jersey not later than two weeks after the last day of the 2010 Monmouth Park meet and used by the association to pay incentive awards to breeders and owners.

10. Notwithstanding the provisions of any other law to the contrary, if the New Jersey Horse Racing Injury Compensation Board determines that a surplus exists in the monies collected from the thoroughbred industry pursuant to subsection b. of section 6 of P.L.1995, c.329 (C.34:15-134) after the insurance or self-insurance coverage for calendar year 2010 and all additional costs necessary to carry out the board's other duties in calendar year 2010 have been paid, the board is hereby authorized to utilize \$2,000,000 from the surplus monies existing in calendar year 2010 to make a loan of \$2,000,000 in calendar year 2010 to the Thoroughbred Breeders' Association of New Jersey. The loan shall have a term of four years commencing on January 1, 2012 and be paid at an annual interest rate of 4 percent. The Thoroughbred Breeders' Association of New Jersey shall use \$1,500,000 of this loan to pay those breeders' awards that accrued in calendar years 2008 and 2009 that remain unpaid and \$500,000 of this loan to pay awards to breeders and owners of registered New Jersey bred horses who earn portions of purses in races conducted at an out-of-State racetrack during the period of time that shall begin 15 days after the end of thoroughbred racing at Monmouth Park Racetrack in 2010 and end 15 days prior to the start of the 2011 thoroughbred meet at Monmouth Park Race-track. The Thoroughbred Breeders' Association of New Jersey or the association's successor shall repay any such loan, interest and costs to the board utilizing all sources of revenue, including those monies distributed to it

pursuant to law. In the years 2012 through 2015, any surplus may be saved to repay the loan from the Thoroughbred Breeders' Association of New Jersey's statutory sources and other revenue instead of out-of-State awards.

11. This act shall take effect immediately.

Approved May 22, 2010.

CHAPTER 19

AN ACT amending and supplementing the Fiscal Year 2010 annual appropriations act, P.L.2009, c.68.

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

1. The following items in section 1 of P.L.2009, c.68, the annual appropriations act for State fiscal year 2010, are amended to read as follows:

16 DEPARTMENT OF CHILDREN AND FAMILIES

50 Economic Planning, Development, and Security

55 Social Services Programs

GRANTS-IN-AID

01- 1610 Child Protective and Permanency Services	<u>\$210,052,000</u>
Total Grants-in-Aid Appropriation, Social Services Programs	<u>\$210,052,000</u>

Grants-in-Aid:

01 Independent Living and Shelter Care.....	(\$19,836,000)
01 Family Support Services	(80,656,000)
01 Foster Care.....	(105,047,000)
01 State Match	(4,513,000)

Department of Children and Families, Total State	
Appropriation	<u>\$210,052,000</u>

26 DEPARTMENT OF CORRECTIONS

10 Public Safety and Criminal Justice

16 Detention and Rehabilitation

DIRECT STATE SERVICES

08-7025 Institutional Care and Treatment	<u>\$154,187,000</u>
Total Direct State Services Appropriation, Detention	
and Rehabilitation.....	<u>\$154,187,000</u>

Direct State Services:

Services Other Than Personal (\$154,187,000)
 Department of Corrections, Total State Appropriation \$154,187,000

34 DEPARTMENT OF EDUCATION**30 Educational, Cultural, and Intellectual Development****31 Direct Educational Services and Assistance****STATE AID**

01-5120 General Formula Aid \$6,710,357,000
(From Property Tax Relief Fund..... \$6,710,357,000)
 07-5120 Special Education 692,844,000
(From Property Tax Relief Fund..... 692,844,000)
 Total State Aid Appropriation, Direct Educational
 Services and Assistance..... \$7,403,201,000
(From Property Tax Relief Fund..... \$7,403,201,000)

State Aid:

01 Equalization Aid (PTRF) (\$5,282,386,000)
 01 Security Aid (PTRF) (209,143,000)
 01 Adjustment Aid (PTRF)..... (623,834,000)
 01 Preschool Education Aid (PTRF)..... (594,994,000)
 07 Special Education Categorical Aid (PTRF) (692,844,000)

34 Educational Support Services**STATE AID**

36-5120 Student Transportation \$282,769,000
(From Property Tax Relief Fund..... \$282,769,000)
 39-5095 Teachers' Pension and Annuity Assistance..... 648,125,000
(From Property Tax Relief Fund..... 648,125,000)
 Total State Aid Appropriation, Educational Support Services..... \$930,894,000
(From Property Tax Relief Fund..... \$930,894,000)

State Aid:

36 Transportation Aid (PTRF) (\$282,769,000)
 39 Teachers' Pension and Annuity Fund --
 Post Retirement Medical (PTRF) (648,125,000)
 Department of Education, Total State Appropriation..... \$8,334,095,000

82 DEPARTMENT OF THE TREASURY**30 Educational, Cultural, and Intellectual Development****36 Higher Educational Services****STATE AID****State Aid:**

50 Economic Planning, Development, and Security**51 Economic Planning and Development****GRANTS-IN-AID**

38-2043 Economic Development	\$103,563,000
Total Grants-in-Aid Appropriation, Economic Planning and Development.....	\$103,563,000

Grants-in-Aid:

38 InvestNJ -- Capital Credits, EDA.....	(200,000)
38 Business Employment Incentive Program, EDA	(103,363,000)

70 Government Direction, Management, and Control**75 State Subsidies and Financial Aid****STATE AID****State Aid:**

Department of The Treasury, Total State Appropriation.....	<u>\$103,563,000</u>

94 INTER-DEPARTMENTAL ACCOUNTS**70 Government Direction, Management and Control****74 General Government Services****9430 Salary Increases and Other Benefits****DIRECT STATE SERVICES**

05-9430 Salary Increases and Other Benefits	<u>\$6,344,000</u>
Total Direct State Services Appropriation, Salary Increases and Other Benefits	<u>\$6,344,000</u>

Direct State Services:

05 Salary Increases and Other Benefits	(\$6,344,000)
Inter-Departmental Accounts, Total State Appropriation	<u>\$6,344,000</u>

98 THE JUDICIARY**10 Public Safety and Criminal Justice****15 Judicial Services****DIRECT STATE SERVICES**

05-9730 Family Courts	<u>\$57,718,000</u>
Total Direct State Services Appropriation, Judicial Services.....	<u>\$57,718,000</u>

Direct State Services:**Personal Services:**

Judges.....	(\$57,718,000)
The Judiciary, Total State Appropriation	<u>\$57,718,000</u>
Total Appropriation, All State Funds	<u>\$8,865,959,000</u>

2. Section 15 of P.L.2009, c.68, the annual appropriations act for State fiscal year 2010, is amended to read as follows:

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; provided, however, that the director may deappropriate any such unexpended balances at any time during the fiscal year. 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.

3. In addition to the amounts appropriated under P.L.2009, c.68, the annual appropriations act for State fiscal year 2010, there are appropriated out of the General Fund the following sums for the purposes specified:

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural, and Intellectual Development

31 Direct Educational Services and Assistance

STATE AID

Notwithstanding the provisions of any law or regulation to the contrary, any reduction in an appropriation for State aid made pursuant to P.L.2010, c.19 shall not necessitate an adjustment to any State school aid withholding made by the Department of Education pursuant to Executive Order #14 of 2010.

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

42 Natural Resource Management

GRANTS-IN-AID

In addition to the amount hereinabove appropriated for Parks Management, an amount not to exceed \$10,000,000 is appropriated from the Shade Tree and Community Forest Preservation License Plate Fund, established pursuant to section 12 of P.L.1996, c.135 (C.39:3-27.81), for the operation and maintenance of State parks and forests.

43 Science and Technical Programs

GRANTS-IN-AID

Of the amounts hereinabove for the Stormwater Management Grants program and Watershed Restoration Projects, such sums as are necessary 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.

46 DEPARTMENT OF HEALTH AND SENIOR SERVICES

20 Physical and Mental Health

26 Senior Services

GRANTS-IN-AID

22-4275 Medical Services for the Aged	\$79,582,000
24-4275 Pharmaceutical Assistance to the Aged and Disabled	<u>3,697,000</u>
Total Grants-in-Aid Appropriation, Senior Services.....	<u>\$83,279,000</u>

Grants-in-Aid:

22 Medical Day Care Services	(\$20,498,000)
22 Payments for Medical Assistance Recipients – Nursing Homes	(43,972,000)
22 Global Budget for Long Term Care	(15,112,000)
24 Senior Gold Prescription Discount Program	(3,697,000)
Department of Health and Senior Services, Total State Appropriation	<u>\$83,279,000</u>

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

23 Mental Health Services

DIRECT STATE SERVICES

10-7710 Patient Care and Health Services	<u>\$11,062,000</u>
Total Direct State Services Appropriation, Mental Health Services	<u>\$11,062,000</u>

Direct State Services:

Personal Services

Salaries and Wages	(\$6,669,000)
Materials and Supplies	(4,393,000)

7700 Division of Mental Health Services

STATE AID

08-7700 Community Services	<u>\$26,626,000</u>
Total State Aid Appropriation, Division of Mental Health Services.....	<u>\$26,626,000</u>

State Aid:

08 Support of Patients in County Psychiatric Hospitals (\$26,626,000)

24 Special Health Services**7540 Division of Medical Assistance and Health Services****GRANTS-IN-AID**

22-7540 General Medical Services	<u>\$218,500,000</u>
Total Grants-in-Aid Appropriation, Division of Medical Assistance and Health Service	<u>\$218,500,000</u>

Grants-in-Aid:

22 Managed Care Initiative	(\$24,209,000)
22 Payments for Medical Assistance Recipients -- Medicare Premiums	(93,750,000)
22 General Assistance Medical Services	(100,541,000)

27 Disability Services**7545 Division of Disability Services****GRANTS-IN-AID**

27-7545 Disability Services	<u>\$11,932,000</u>
Total Grants-in-Aid Appropriation, Division of Disability Services.....	<u>\$11,932,000</u>

Grants-in-Aid:

27 Payments for Medical Assistance Recipients -- Personal Care	(\$11,932,000)

50 Economic Planning, Development, and Security**53 Economic Assistance and Security****7550 Division of Family Development****STATE AID**

15-7550 Income Maintenance Management	<u>\$14,321,000</u>
Total State Aid Appropriation, Division of Family Development ..	<u>\$14,321,000</u>

State Aid:

15 Payments for Cost of General Assistance	(\$992,000)
15 General Assistance Emergency Assistance Program	(3,338,000)
15 Payments for Supplemental Security Income (9,947,000)	
15 State Supplemental Security Income Administrative Fee to SSA	(44,000)
Department of Human Services, Total State Appropriation	<u>\$282,441,000</u>

66 DEPARTMENT OF LAW AND PUBLIC SAFETY**10 Public Safety and Criminal Justice****12 Law Enforcement****DIRECT STATE SERVICES**

06-1200 State Police Operations	<u>\$3,750,000</u>
Total Direct State Services Appropriation, Law Enforcement	<u>\$3,750,000</u>

Direct State Services:

Personal Services

Salaries and Wages	(\$3,750,000)
Department of Law and Public Safety, Total State Appropriation ...	<u>\$3,750,000</u>

74 DEPARTMENT OF STATE***30 Educational, Cultural, and Intellectual Development******36 Higher Educational Services******2405 Higher Education Student Assistance Authority*****GRANTS-IN-AID**

45-2405 Student Assistance Programs	<u>\$3,411,000</u>
Total Grants-in-Aid Appropriation, Higher Education	
Student Assistance Authority	<u>\$3,411,000</u>

Grants-in-Aid:

45 Part-Time Tuition Aid Grants for County	
Colleges	(\$2,496,000)
45 New Jersey Student Tuition Assistance	
Reward Scholarship (NJSTARS I & II)	(915,000)
Department of State, Total State Appropriation	<u>\$3,411,000</u>

78 DEPARTMENT OF TRANSPORTATION***60 Transportation Programs******61 State and Local Highway Facilities*****DIRECT STATE SERVICES**

06-6100 Maintenance and Operations	<u>\$29,503,000</u>
Total Direct State Services Appropriation, State	
and Local Highway Facilities	<u>\$29,503,000</u>

Direct State Services:

Maintenance and Fixed Charges	(\$29,503,000)
Department of Transportation, Total State Appropriation	<u>\$29,503,000</u>

82 DEPARTMENT OF THE TREASURY***70 Government Direction, Management, and Control******75 State Subsidies and Financial Aid*****STATE AID**

28-2078 County Boards of Taxation	<u>\$125,000</u>
Total State Aid Appropriation, State Subsidies and Financial Aid	<u>\$125,000</u>

State Aid:

28 County Boards of Taxation	(\$125,000)
Department of the Treasury, Total State Appropriation	<u>\$125,000</u>

94 INTER-DEPARTMENTAL ACCOUNTS**70 Government Direction, Management and Control****74 General Government Services****DIRECT STATE SERVICES**

01-9400 Property Rentals	<u>\$20,000,000</u>
Total Direct State Services Appropriation, General Government Services	<u>\$20,000,000</u>

Direct State Services:**Property Rentals**

01 Existing and Anticipated Leases	(\$20,000,000)
Inter-Departmental Accounts, Total State Appropriation	<u>\$20,000,000</u>
Total Appropriation, General Fund	<u>\$422,509,000</u>
Total Appropriation, All State Funds	<u>\$422,509,000</u>

4. Upon certification by the Director of the Division of Budget and Accounting in the Department of the Treasury that federal funds to support the expenditures listed below are available, the following sum is appropriated:

FEDERAL FUNDS**16 DEPARTMENT OF CHILDREN AND FAMILIES****50 Economic Planning, Development, and Security****55 Social Services Programs**

01-1610 Child Protective and Permanency Services	<u>\$32,000,000</u>
Total Appropriation, Social Services Programs	<u>\$32,000,000</u>
Personal Services:	
Salaries and Wages	(\$32,000,000)
Total Appropriation, Federal Funds	<u>\$32,000,000</u>
Grand Total Appropriation, All Funds	<u>\$454,509,000</u>

5. Notwithstanding any provision of law or P.L.2009, c.68, the fiscal year 2010 appropriations act to the contrary, the following appropriations in the amounts specified are deappropriated and the amounts so deappropriated shall be considered as part of the General Fund balance and are available for appropriation for any other purpose: Housing Demonstration Program: \$2,668,000; Neighborhood Preservation Program: \$499,000, State Rental Assistance Program: \$12,000,000; School District Deficit Relief: \$2,040,000; Infant Mortality Reduction Program: \$401,000; New Jersey Emergency Medical Services Helicopter Response Program: \$485,000; Energy Efficiency – Statewide Projects: \$10,000,000; New Jersey Builders' Utilization for Labor Diversity: \$1,500,000; Public Area Furniture Contingency – Justice Complex: \$31,000; Office of Homeland Security and Pre-

paredness: \$84,000; Professional Campaign Fund Raiser Register: \$11,000; Lobbying Annual Fees: \$346,000; New Home Owner's Warranty: \$149,000; Residential Warranty Corporation: \$196,000; Commercial Vehicle Enforcement Program: \$8,000,000; Motor Vehicle Services: \$14,899,000; Drug Abuse Education Fund: \$457,000; Retail Margin Fund: \$134,000,000; and New Jersey Public Records Preservation: \$13,400,000.

6. Notwithstanding any provision of law or regulation to the contrary, there may be transferred from the Clean Energy Fund to the General Fund as State revenue an amount not in excess of \$158,000,000, subject to the approval of the Director of the Division of Budget and Accounting.

7. Notwithstanding any provision of law or regulation to the contrary, there may be transferred from the Spinal Cord Research Fund, P.L.1999, c.201, to the General Fund as State revenue an amount not in excess of \$5,150,000, subject to the approval of the Director of the Division of Budget and Accounting.

8. Notwithstanding any provision of law or regulation to the contrary, there may be transferred from surplus balances in the Enterprise Zone Assistance Fund to the General Fund as State revenue an amount not in excess of \$78,117,512, subject to the approval of the Director of the Division of Budget and Accounting.

9. Notwithstanding any provision of law or regulation to the contrary, there may be transferred from the various accounts established pursuant to section 4 of P.L. 2008, c.22 in the Long Term Obligation and Capital Expenditure Fund to the General Fund as State revenue an amount not in excess of \$103,730,332, subject to the approval of the Director of the Division of Budget and Accounting.

10. Notwithstanding any provision of law or regulation to the contrary, there may be transferred from the State Disability Benefits Fund to the General Fund as State revenue an amount not in excess of \$25,000,000, subject to the approval of the Director of the Division of Budget and Accounting.

11. This act shall take effect immediately.

Approved June 29, 2010.

CHAPTER 20

AN ACT providing a temporary reduction of the annual cap imposed on the corporation business tax benefit certificate transfer program for certain technology and biotechnology companies and temporarily suspending certain tax credits for certain film and digital media content production expenses, supplementing P.L.1997, c.334 (C.34:1B-7.42a et al.) and P.L.2005, c.345 (C.54:10A-5.39 et al.)

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

C.34:1B-7.42c Authorization to approve certain transfers of tax benefits.

1. Notwithstanding the provisions of subsection b. of section 1 of P.L.1997, c.334 (C.34:1B-7.42a) or the provisions of any other law, rule, or regulation to the contrary, the authority shall be authorized to approve the transfer of no more than \$30,000,000 of tax benefits in State Fiscal Year 2011; provided however, that of the \$30,000,000 of transferable tax benefits authorized for State Fiscal Year 2011, \$5,000,000 shall be allocated by the authority for the surrender of transferable tax benefits exclusively by new or expanding emerging technology and biotechnology companies that operate within the boundaries of an innovation zone; provided further, that any portion of the \$5,000,000 that is not so approved by the authority shall be available in State Fiscal Year 2011 for the surrender of transferable tax benefits by new or expanding emerging technology and biotechnology companies that do not operate within the boundaries of an innovation zone.

C.54:10A-5.39a Certain tax credits prohibited.

2. Notwithstanding the provisions of subsection f. of section 1 of P.L.2005, c.345 (C.54:10A-5.39) or the provisions of any other law, rule, or regulation to the contrary, no credits, including tax credits allowed through the granting of tax credit transfer certificates, approved by the director and the authority pursuant to subsection a. of section 1 of P.L.2005, c.345 and pursuant to section 2 of P.L.2005, c.345 (C.54A:4-12) shall be allowed in State Fiscal Year 2011 to apply against the tax imposed pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5) and the tax imposed pursuant to the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., and no credits, including tax credits allowed through the granting of tax credit transfer certificates, approved by the director and the authority pursuant to subsection b. of section 1 of P.L.2005, c.345 (C.54:10A-5.39) shall be allowed in State

Fiscal Year 2011 to apply against the tax imposed pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5).

C.54A:4-12a Application of certain tax credits prohibited.

3. Notwithstanding the provisions of subsection f. of section 2 of P.L.2005, c.345 (C.54A:4-12) or the provisions of any other law, rule, or regulation to the contrary, no credits, including tax credits allowed through the granting of tax credit transfer certificates, approved by the director and the authority pursuant to subsection a. of section 2 of P.L.2005, c.345 and pursuant to section 1 of P.L.2005, c.345 (C.54A:4-12) shall be allowed in State Fiscal Year 2011 to apply against the tax imposed under N.J.S.54A:1-1 et seq. and the tax imposed pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5).

4. a. The State Treasurer shall prepare a report evaluating the effectiveness of: (1) the corporation business tax benefit certificate transfer program for new or expanding emerging technology and biotechnology companies established pursuant to P.L.1997, c.334 (C.34:1B-7.42a et al.), (2) the corporation business tax and gross income tax credits allowed for certain qualified film production expenses pursuant to P.L.2005, c.345 (C.54:10A-5.39 et al.), and (3) the corporation business tax credit allowed for certain qualified digital media content expenses pursuant to P.L.2005, c.345 (C.54:10A-5.39) as amended by section 1 of P.L.2007, c.257 in fulfilling their statutory goals and objectives, including the ability to create and retain jobs in this State.

b. The report prepared pursuant to subsection a. of this section shall be submitted by the State Treasurer to the Governor and the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), on or before the date the Governor's annual budget message is presented to the Legislature, pursuant to section 11 of P.L.1944, c.112 (C.52:27B-20), for State Fiscal Year 2012.

5. This act shall take effect immediately.

Approved June 29, 2010.

CHAPTER 21

AN ACT concerning certain taxes and assessments dedicated to the administrative costs of the Department of Banking and Insurance and amending P.L.1945, c.132 and P.L.1995, c.156.

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

1. Section 13 of P.L.1995, c.156 (C.17:1C-31) is amended to read as follows:

C.17:1C-31 Permitted increase in amount assessable.

13. Commencing with fiscal year 1999 and in each fiscal year thereafter, the total amount assessable to companies in any fiscal year for all special purpose assessments made pursuant to applicable law as of the effective date of this act, including the special purpose apportionment established by this act, shall not exceed 0.25 percent of the combined net written premiums received, as defined in subsection b. of section 2 of this act, by all companies for the previous year.

2. Section 2 of P.L.1945, c.132 (C.54:18A-2) is amended to read as follows:

C.54:18A-2 Amount of tax, additional tax, percentage reduction.

2. (a) The tax specified in subsection (a) of section 1 of this act, except as to life insurance companies and except as to marine insurance as described by chapter 16 of Title 54 of the Revised Statutes, shall, except as hereinafter provided, be 2% upon the taxable premiums collected by such company during the year ending December 31 next preceding on all business of the company in this State, less the amount of taxes on its property, exclusive of taxes on real estate and of taxes payable pursuant to this section, paid in this State by the company pursuant to any law of this State during the said year. Any taxes paid to the treasurer of any firemen's relief association of this State pursuant to R.S.54:18-1 shall be considered a part of the tax payable under this act. An additional tax of 0.1% upon such taxable premiums of such insurers shall also be paid.

(b) Taxable premiums, collected after December 31, 1965 by an insurance company subject to the provisions of subsection (a) hereof under group accident and health insurance policies on residents of this State, and taxable premiums collected under legal insurance policies as defined in section 3 of P.L.1981, c.160 (C.17:46C-3) on residents of this State, shall be subject to tax at the following rates:

As to taxes payable in 1967	1 3/4 %
As to taxes payable in 1968	1 1/2 %
As to taxes payable in 1969	1 1/4 %

As to taxes payable in 1970 through 2008	1%
As to taxes payable in 2009	1.35%
As to taxes payable in 2010 and thereafter	1%

An additional tax of 0.05% upon such taxable premiums of such insurers shall also be paid.

(c) For the filing pursuant to subsection (a) of section 1 of P.L.1945, c.132 (C.54:18A-1) due on or before March 1, 2014 and each filing thereafter, every domestic insurance company subject to this section shall be allowed to reduce the amount owed pursuant to this section by 5% of any retaliatory tax liability incurred by that insurance company for the same filing period pursuant to the laws of any other state in which the insurance company transacts business. Such percentage reduction shall increase 1% per annual filing, until reaching 15% of any retaliatory tax liability for the filing due on or before March 1, 2024 and each year thereafter.

3. Section 3 of P.L.1945, c.132 (C.54:18A-3) is amended to read as follows:

C.54:18A-3 Amount of tax, life insurance companies; additional tax.

3. Amount of tax, life insurance companies; additional tax. (a) The tax specified in subsection (a) of section 1 of this act as to life insurance companies, shall, except as hereinafter provided, be 2% upon the taxable premiums collected by the company during the year ending December 31 next preceding under all policies or contracts of insurance on residents of this State, less the amount of taxes on its property, exclusive of taxes on real estate and of taxes payable pursuant to this section, paid in this State by the company pursuant to any law of this State during the said year. An additional tax of 0.1% upon such taxable premiums of such insurers shall also be paid.

(b) Taxable premiums, collected after December 31, 1965 by an insurance company subject to the provisions of subsection (a) hereof under group accident and health insurance policies on residents of this State, and taxable premiums collected under legal insurance policies as defined in section 3 of P.L.1981, c.160 (C.17:46C-3) on residents of this State, shall be subject to tax at the following rates:

As to taxes payable in 1967	1 3/4%
As to taxes payable in 1968	1 1/2%
As to taxes payable in 1969	1 1/4%
As to taxes payable in 1970 through 2008	1%
As to taxes payable in 2009	1.35%
As to taxes payable in 2010 and thereafter	1%

An additional tax of 0.05% upon such taxable premiums of such insurers shall also be paid.

(c) For the filing pursuant to subsection (a) of section 1 of P.L.1945, c.132 (C.54:18A-1) due on or before March 1, 2014 and each filing thereafter, every domestic insurance company subject to this section shall be allowed to reduce the amount owed pursuant to this section by 5% of any retaliatory tax liability incurred by that insurance company for the same filing period pursuant to the laws of any other state in which the insurance company transacts business. Such percentage reduction shall increase 1% per annual filing, until reaching 15% of any retaliatory tax liability for the filing due on or before March 1, 2024 and each year thereafter.

4. This act shall take effect immediately.

Approved June 29, 2010.

CHAPTER 22

AN ACT concerning the taxation of motor fuels, supplementing Chapter 39 of Title 54 of the Revised Statutes, amending P.L.1990, c.42, P.L.1980, c.105, and P.L.1963, c.44, and repealing parts of the statutory law.

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

C.54:39-101 Short title.

1. Sections 1 through 49 of this act shall be known and may be cited as the "Motor Fuel Tax Act."

C.54:39-102 Definitions relative to taxation of motor fuels.

2. For the purposes of P.L.2010, c.22 (C.54:39-101 et al.), the following terms have the following meanings:

"Aviation fuel" means aviation gasoline or aviation grade kerosene;

"Aviation fuel dealer" means a person that acquires aviation fuel from a supplier or from another aviation fuel dealer for subsequent sale;

"Aviation gasoline" means fuel specifically compounded for use in reciprocating aircraft engines;

"Aviation grade kerosene" means any kerosene type jet fuel covered by ASTM Specification D 1655 or meeting specification MIL-DTL-5624T (Grade JP-5) or MIL-DTL-83133E (Grade JP-8);

"Blend stock" means a petroleum product component of motor fuel, such as naphtha, reformat, toluene or kerosene, that can be blended for use in a motor fuel without further processing. The term includes those petroleum products defined by regulations issued pursuant to sections 4081 and 4082 of the federal Internal Revenue Code of 1986 (26 U.S.C. ss. 4081 and 4082), but does not include any substance that:

- a. will be ultimately used for consumer nonmotor fuel use; and
- b. is sold or removed in fifty-five gallon drum quantities or less at the time of the sale or removal;

"Blended fuel" means a mixture composed of motor fuel and another liquid, including blend stock other than a de minimis amount of a product such as carburetor detergent or oxidation inhibitor, that can be used as a fuel in a highway vehicle. "Blended fuel" includes but is not limited to gasohol, biodiesel, ethanol, methanol, fuel grade alcohol, diesel fuel enhancers and resulting blends;

"Blender" means a person that produces blended motor fuel outside the terminal transfer system;

"Blending" means the mixing of one or more petroleum products, with or without another product, regardless of the original character of the product blended, if the product obtained by the blending is capable of use or otherwise sold for use in the generation of power for the propulsion of a motor vehicle, an airplane, or a motorboat. The term does not include the blending that occurs in the process of refining by the original refiner of crude petroleum or the blending of products known as lubricating oil and greases, or the commingling of products during transportation in a pipeline;

"Blocked pump" means a pump that, because of the pump's physical limitations, for example, a short hose, cannot be used to fuel a vehicle, or a pump that is locked by the vendor after each sale and unlocked by the vendor in response to a request by a buyer for undyed kerosene for use other than as a fuel in a diesel-powered highway vehicle or train;

"Biodiesel" means any motor fuel or mixture of motor fuels that is derived, in whole or in part, from agricultural products or animal fats, or the wastes of such products or fats, and is advertised as, offered for sale as, suitable for use or used as motor fuel in an internal combustion engine;

"Bulk plant" means a bulk fuel storage and distribution facility that is not a terminal within the terminal transfer system and from which fuel may be removed by truck or rail car;

"Bulk transfer" means a transfer of fuel from one location to another by pipeline tender or marine delivery within the terminal transfer system;

"Consumer" means the ultimate user of fuel;

"Delivery" means the placing of fuel into the fuel tank of a motor vehicle or into a bulk fuel storage and distribution facility;

"Diesel fuel" means a liquid that is commonly or commercially known or sold as a fuel that is suitable for use in a diesel-powered highway vehicle. A liquid meets this requirement if, without further processing or blending, the liquid has practical and commercial fitness for use in the propulsion engine of a diesel-powered highway vehicle. "Diesel fuel" includes biodiesel, number 1 and number 2 diesel;

"Diesel-powered motor vehicle" means a motor vehicle that is propelled by a diesel-powered engine;

"Director" means the Director of the Division of Taxation in the Department of the Treasury;

"Distributor" means a person who acquires fuel from a supplier, permissive supplier or from another distributor for subsequent sale;

"Dyed fuel" means dyed diesel fuel or dyed kerosene that is required to be dyed pursuant to United States Environmental Protection Agency rules or is dyed pursuant to Internal Revenue Service rules or pursuant to any other requirements subsequently set by the United States Environmental Protection Agency or Internal Revenue Service including any invisible marker requirements;

"Export" means to obtain fuel in this State for sale or other distribution outside of this State. In applying this definition, fuel delivered out-of-State by or for the seller constitutes an export by the seller, and fuel delivered out-of-State by or for the purchaser constitutes an export by the purchaser;

"Exporter" means any person, other than a supplier, who purchases fuel in this State for the purpose of transporting or delivering the fuel outside of this State;

"Fuel" means:

- a. a liquid or gaseous substance commonly or commercially known or sold as gasoline, regardless of its classification or use; and
- b. a liquid or gaseous substance used, offered for sale or sold for use, either alone or when mixed, blended, or compounded, which is capable of generating power for the propulsion of motor vehicles upon the public highways;

"Fuel grade alcohol" means a methanol or ethanol with a proof of not less than one hundred ninety degrees (determined without regard to denaturants) and products derived from that methanol and ethanol for blending with motor fuel;

"Fuel transportation vehicle" means any vehicle designed for highway use which is also designed or used to transport fuel;

"Gasoline" means all products commonly or commercially known or sold as gasoline that are suitable for use as a motor fuel. Gasoline does not include products that have an ASTM octane number of less than seventy-five as determined by the "motor method," ASTM D2700-92. The term does not include racing gasoline or aviation gasoline, but for administrative purposes does include fuel grade alcohol;

"General aviation airport" means a civil airport located in this State other than the international airports located in Newark and Atlantic City;

"Gross gallons" means the total measured volume of fuel, measured in U.S. gallons, exclusive of any temperature or pressure adjustments;

"Import" means to bring fuel into this State by any means of conveyance other than in the fuel supply tank of a motor vehicle. In applying this definition, fuel delivered into this State from out-of-State by or for the seller constitutes an import by the seller, and fuel delivered into this State from out-of-State by or for the purchaser constitutes an import by the purchaser;

"Import verification number" means the number assigned by the director with respect to a single fuel transportation vehicle delivery into this State from another state upon request for an assigned number by an importer or the transporter carrying fuel into this State for the account of an importer;

"Importer" includes any person who is the importer of record, pursuant to federal customs law, with respect to fuel. If the importer of record is acting as an agent, the person for whom the agent is acting is the importer. If there is no importer of record of fuel imported into this State, the owner of the fuel at the time it is brought into this State from another state or foreign country is the importer;

"Invoiced gallons" means the gallons actually billed on an invoice for payment to a supplier which shall be either gross gallons or net gallons on the original manifest or bill of lading;

"Kerosene" means the petroleum fraction containing hydrocarbons that are slightly heavier than those found in gasoline and naphtha, with a boiling range of one hundred forty-nine to three hundred degrees Celsius;

"Liquefied petroleum gas dealer" means a person who acquires liquefied petroleum gas for subsequent sale to a consumer and delivery into the vehicle fuel supply tank;

"Liquid" means any substance that is liquid in excess of sixty degrees Fahrenheit and at a pressure of fourteen and seven-tenths pounds per square inch absolute;

"Motor fuel" means gasoline, diesel fuel, kerosene and blended fuel;

"Motor vehicle" means an automobile, truck, truck-tractor or any motor bus or self-propelled vehicle not exclusively operated or driven upon fixed rails or tracks. "Motor vehicle" does not include tractor-type, motorized farm implements and equipment but does include motor vehicles of the truck-type, pickup truck-type, automobiles, and other vehicles required to be registered and licensed each year pursuant to the provisions of the motor vehicle license and registration laws of this State. "Motor vehicle" does not include tractors and machinery designed for off-road use but capable of movement on roads at low speeds;

"Net gallons" means the total measured volume of fuel, measured in U.S. gallons, when corrected to a temperature of sixty degrees Fahrenheit and a pressure of fourteen and seven-tenths pounds per square inch absolute;

"Permissive supplier" means an out-of-State supplier that elects, but is not required, to have a supplier's license pursuant to P.L.2010, c.22 (C.54:39-101 et al.);

"Person" means an individual, a partnership, a limited liability company, a firm, an association, a corporation, estate, trustee, business trust, syndicate, this State, a county, city, municipality, school district or other political subdivision of this State, or any corporation or combination acting as a unit or any receiver appointed by any state or federal court;

"Position holder" means the person who holds the inventory position in fuel in a terminal, as reflected on the records of the terminal operator. A person holds the inventory position in fuel when that person has a contract with the terminal operator for the use of storage facilities and terminating services for fuel at the terminal. The term includes a terminal operator who owns fuel in the terminal;

"Propel" means operate the drive engine of a motor vehicle, whether the vehicle is in motion or at rest;

"Qualified terminal" means a terminal which has been assigned a terminal control number by the federal Internal Revenue Service;

"Rack" means a mechanism for delivering fuel from a refinery or terminal into a railroad tank car, a fuel transportation vehicle or other means of transfer outside of the terminal transfer system;

"Racing gasoline" means gasoline that contains lead, has an octane rating of 110 or higher, does not have detergent additives, and is not suitable for use as a motor fuel in a motor vehicle used on public highways;

"Refiner" means a person that owns, operates, or otherwise controls a refinery;

"Refinery" means a facility used to produce fuel from crude oil, unfinished oils, natural gas liquids, or other hydrocarbons and from which fuel may be removed by pipeline, by ship or barge, or at a rack;

"Removal" means any physical transfer of fuel from a terminal, manufacturing plant, pipeline, ship or barge, refinery, from customs custody, or from a facility that stores fuel;

"Retail dealer" means a person that engages in the business of selling or dispensing motor fuel to the consumer within this State;

"Supplier" means a person that is:

a. registered or required to be registered pursuant to section 4101 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.4101) for transactions in fuels in the terminal transfer system; and

b. satisfies one or more of the following:

(1) is the position holder in a terminal or refinery in this State;

(2) imports fuel into this State from a foreign country;

(3) acquires fuel from a terminal or refinery in this State from a position holder pursuant to either a two-party exchange or a qualified buy-sell arrangement which is treated as an exchange and appears on the records of the terminal operator; or

(4) is the position holder in a terminal or refinery outside this State with respect to fuel which that person imports into this State. A terminal operator shall not be considered a supplier based solely on the fact that the terminal operator handles fuel consigned to it within a terminal.

"Supplier" also means a person that produces fuel grade alcohol or alcohol-derivative substances in this State, produces fuel grade alcohol or alcohol-derivative substances for import to this State into a terminal, or acquires upon import by truck, rail car or barge into a terminal, fuel grade alcohol or alcohol-derivative substances.

"Supplier" includes a permissive supplier unless the "Motor Fuel Tax Act," P.L.2010, c.22 (C.54:39-101 et seq.) specifically provides otherwise;

"Terminal" means a bulk fuel storage and distribution facility:

a. which is a qualified terminal,

b. to which fuel is supplied by pipeline or marine vessel, or, for the purposes of fuel grade alcohol, is supplied by truck or railcar, and

c. from which fuel may be removed at a rack;

"Terminal bulk transfer" includes but is not limited to the following:

a. a boat or barge movement of fuel from a refinery or terminal to a terminal;

b. a pipeline movement of fuel from a refinery or terminal to a terminal;

c. a book transfer of product within a terminal between suppliers prior to completion of removal across the rack; and

d. a two-party exchange within a terminal between licensed suppliers;

"Terminal operator" means a person that owns, operates, or otherwise controls a terminal. A terminal operator may own the fuel that is transferred through, or stored in, the terminal;

"Terminal transfer system" means the fuel distribution system consisting of refineries, pipelines, vessels, and terminals. Fuel in a refinery, pipeline, vessel, barge or terminal is in the terminal transfer system. Fuel in the fuel supply tank of an engine, or in a tank car, rail car, trailer, truck, or other equipment suitable for ground transportation is not in the terminal transfer system;

"Transmix" means the buffer or interface between two different products in a pipeline shipment, or a mix of two or more different products within a refinery or terminal that results in an off-grade mixture;

"Transporter" means an operator of a pipeline, barge, railroad or fuel transportation vehicle engaged in the business of transporting fuel;

"Two-party exchange" means a transaction in which:

a. the fuel is transferred from one licensed supplier or licensed permissive supplier to another licensed supplier or licensed permissive supplier;

b. the transaction includes a transfer from the person that holds the original inventory position for fuel in the terminal as reflected on the records of the terminal operator;

c. the exchange transaction is simultaneous with removal from the terminal by the receiving exchange partner; and

d. the terminal operator in its books and records treats the receiving exchange party as the supplier which removes the product across a terminal rack for purposes of reporting such events to this State;

"Ultimate vendor - blocked pumps" means a person that sells clear kerosene at a retail site through a blocked pump and who is registered with both the Division of Taxation in the Department of the Treasury and the federal Internal Revenue Service as an Ultimate vendor - blocked pumps;

"Undyed diesel fuel" means diesel fuel that is not subject to the federal Environmental Protection Agency dyeing requirements, or has not been dyed in accordance with federal Internal Revenue Service fuel dyeing provisions;

"Undyed kerosene" means kerosene that is not subject to the federal Environmental Protection Agency dyeing requirements, or has not been dyed in accordance with federal Internal Revenue Service fuel dyeing provisions; and

"Vehicle fuel supply tank" means any receptacle on a motor vehicle from which fuel is supplied to propel the motor vehicle.

C.54:39-103 Tax imposed on fuel used, consumed in State.

3. a. A tax is imposed on fuel used or consumed in this State as follows:

(1) Motor fuel:

(a) at the rate of 10.5 cents per gallon for:

gasoline and

blended fuel that contains gasoline or that is intended for use as gasoline;

(b) at the rate of 13.5 cents per gallon for:

diesel fuel,

blended fuel that contains diesel fuel or that is intended for use as diesel fuel, and

kerosene other than aviation grade kerosene;

(2) Liquefied Petroleum Gas:

at the rate of one-half of the tax imposed under subsection a. of this section on gasoline, or 5.25 cents per gallon;

(3) Aviation gasoline:

at the rate of 10.5 cents per gallon.

b. In addition to the tax, if any, imposed pursuant to subsection a. of this section a tax is imposed on aviation fuel distributed to a general aviation airport at the rate of 2 cents per gallon.

c. The taxes imposed by this section are imposed on the consumer, but shall be precollected pursuant to the terms of the "Motor Fuel Tax Act," P.L.2010, c.22 (C.54:39-101 et seq.), for the facility and convenience of the consumer.

C.54:39-104 Measurement by invoiced gallons of fuel removed.

4. a. The tax imposed by section 3 of P.L.2010, c.22 (C.54:39-103) on the use of motor fuel and aviation gasoline shall be measured by invoiced gallons of fuel removed, other than by a bulk transfer:

(1) From the terminal transfer system within this State;

(2) From the terminal transfer system outside this State for delivery to a location in this State as represented on the shipping papers, provided that the supplier imports the motor fuel or aviation gasoline for the account of the supplier, or the supplier has made a tax precollection election pursuant to section 18 of P.L.2010, c.22 (C.54:39-118); and

(3) Upon sale in a terminal or refinery in this State to a person not holding a supplier's or permissive supplier's license.

b. Except as provided in paragraph (2) of subsection a. of this section, the tax imposed by section 3 of P.L.2010, c.22 (C.54:39-103) on the use of motor fuel and aviation gasoline which is imported into this State, other than

by a bulk transfer, is payable at the time the product is imported into the State and shall be measured by invoiced gallons received outside this State at a refinery, terminal or at a bulk plant for delivery to a destination in this State.

c. The tax imposed by section 3 of P.L.2010, c.22 (C.54:39-103) on blended fuel made in this State is payable by the blender at the point the blended fuel is made in this State outside of the terminal transfer system. The tax imposed by section 3 of P.L.2010, c.22 (C.54:39-103) on blended fuel imported into this State is payable by the importer of that blended fuel, provided the tax imposed by section 3 of P.L.2010, c.22 (C.54:39-103) has not already been paid to a permissive supplier through a precollection agreement. The number of gallons of blended fuel on which the tax shall be imposed shall be equal to the difference between the number of gallons of blended fuel made and the number of gallons of motor fuel that was previously taxed by section 3 of P.L.2010, c.22 (C.54:39-103) and used to make the blended fuel.

d. The tax imposed on aviation fuel by subsection b. of section 3 of P.L.2010, c.22 (C.54:39-103) is payable by the person purchasing or acquiring the aviation fuel within this State and shall be precollected by the Aviation Fuel Dealer or Supplier making the sale. A person, whether or not licensed under P.L.2010, c.22 (C.54:39-101 et al.), who uses, acquires for use, sells or delivers for use in motor vehicles any aviation fuel taxable pursuant to P.L.2010, c.22 (C.54:39-101 et al.) shall be liable for the tax imposed by subsection a. of section 3 of P.L.2010, c.22 (C.54:39-103) as if the aviation fuel were gasoline or kerosene defined as motor fuel.

e. The tax imposed by section 3 of P.L.2010, c.22 (C.54:39-103) on liquefied petroleum gas is payable by the person purchasing or acquiring the liquefied petroleum gas within this State for use in a motor vehicle and shall be precollected by the liquefied petroleum gas dealer making the sale. A person, whether or not licensed under P.L.2010, c.22 (C.54:39-101 et al.), who uses, acquires for use, sells or delivers for use in motor vehicles any liquefied petroleum gas taxable pursuant to P.L.2010, c.22 (C.54:39-101 et al.) shall be liable for the tax imposed by subsection a. of section 3 of P.L.2010, c.22 (C.54:39-103) along with applicable penalties.

C.54:39-105 Records of fuel received, sold, used; report.

5. a. A supplier, permissive supplier, importer, exporter, blender, distributor, liquefied petroleum gas dealer, or aviation fuel dealer shall keep a record of all fuel received, sold or used which shall include the name of the purchaser, the number of gallons used or sold and the date of the use or sale. A supplier, permissive supplier, importer, exporter, blender, distribu-

tor, liquefied petroleum gas dealer, or aviation fuel dealer shall also deliver with each consignment of fuel to a purchaser within this State a written statement containing the date and number of gallons delivered and the names of the purchaser and seller, and that statement shall show a separate charge for the tax imposed by section 3 of P.L.2010, c.22 (C.54:39-103) on each gallon; provided however, that a statement shall not be required to be delivered by the supplier, permissive supplier, importer, exporter, blender, distributor, liquefied petroleum gas dealer, or aviation fuel dealer if a sale of fuel is made at a service station and the fuel is delivered directly into a vehicle fuel supply tank. The records and written statements shall be preserved by a supplier, permissive supplier, importer, exporter, blender, distributor, liquefied petroleum gas dealer, or aviation fuel dealer and the purchaser respectively, for a period of four years and shall be offered for inspection at the request of the director.

b. A supplier, permissive supplier, importer, exporter, blender, distributor, liquefied petroleum gas dealer, or aviation fuel dealer shall take a physical inventory of fuel on hand on the first or last day of each month and shall have the record of that inventory and of all other matters enumerated in this section available at all times for inspection by the director. Upon demand by the director each supplier, permissive supplier, importer, exporter, blender, distributor, liquefied petroleum gas dealer, and aviation fuel dealer shall furnish a statement under oath reflecting the contents of any records required to be kept by this section.

c. Each supplier, permissive supplier, importer, exporter, blender, distributor, liquefied petroleum gas dealer, or aviation fuel dealer shall, on or before the 22nd day of each month, render a report to the director, in the form and manner prescribed by the director, stating the number of gallons of fuel sold or used in this State by that person during the preceding calendar month. Upon application to the director, the period within which a report must be made may be extended up to an additional 10 days, if deemed advisable by the director. A tax at the rate imposed by section 3 of P.L.2010, c.22 (C.54:39-103) shall be paid by each supplier, permissive supplier, importer, exporter, blender, distributor, liquefied petroleum gas dealer, or aviation fuel dealer, on the number of gallons of fuel sold or used in this State by that person during the preceding calendar month and not exempted from taxation, the payment to accompany the filing of the report. The report shall contain further information as the director may prescribe or determine.

d. If a supplier, permissive supplier, importer, exporter, blender, distributor, liquefied petroleum gas dealer, or aviation fuel dealer shall fail, neglect or refuse to file the report within the time prescribed by this section,

the director shall note that failure, neglect or refusal upon the director's records, and may estimate the sales, distribution and use of that supplier, permissive supplier, importer, exporter, blender, distributor, liquefied petroleum gas dealer, or aviation fuel dealer, assessing the tax thereon, and adding to that assessed tax a penalty of 20% thereof for failure, neglect or refusal to report, and that estimate shall be prima facie evidence of the true amount of tax due to the director from the supplier, permissive supplier, importer, exporter, blender, distributor, liquefied petroleum gas dealer, or aviation fuel dealer; provided that if a good and sufficient cause or reason is shown for a delinquency, the director may remit or waive the payment of the whole or any part of the penalty, as allowed by the State Uniform Tax Procedure Law, R.S.54:48-1 et seq. Reports required by this section, exclusive of schedules, itemized statements and other supporting evidence annexed to those reports, shall at all reasonable times be open to the public, notwithstanding any provision of R.S.54:50-8 to the contrary.

C.54:39-106 Report to director.

6. a. Each supplier, permissive supplier, importer, exporter, blender, distributor, liquefied petroleum gas dealer, or aviation fuel dealer who sells aviation fuel for distribution to general aviation airports shall, on or before the 22nd day of each month, render a report to the director, stating the number of gallons of aviation gasoline, sold in this State by that person for distribution to general aviation airports during the preceding month. In addition to the provisions of section 4 of P.L.2010, c.22 (C.54:39-104) and except as otherwise provided in section 12 of P.L.2010, c.22 (C.54:39-112), the tax of 2 cents per gallon as imposed by subsection b. of section 3 of P.L.2010, c.22 (C.54:39-103) on each gallon of aviation gasoline so reported shall be paid by each supplier, permissive supplier, importer, exporter, blender, distributor, liquefied petroleum gas dealer, or aviation fuel dealer, the payment to accompany the filing of the report.

b. Each supplier, permissive supplier, importer, exporter, blender, distributor, liquefied petroleum gas dealer, or aviation fuel dealer who sells turbine fuels for distribution to general aviation airports shall, on or before the 22nd day of each month, render a report to the director, stating the number of gallons of aviation grade kerosene sold by that person for distribution to general aviation airports during the preceding month. Except as otherwise provided by section 12 of P.L.2010, c.22 (C.54:39-112), the tax of 2 cents per gallon imposed under subsection b. of section 3 of P.L.2010, c.22 (C.54:39-103) on each gallon of aviation grade kerosene so reported shall be paid by each supplier, permissive supplier, importer, exporter,

blender, distributor, liquefied petroleum gas dealer, or aviation fuel dealer, the payment to accompany the filing of the report.

c. If a supplier, permissive supplier, importer, exporter, blender, distributor, liquefied petroleum gas dealer, or aviation fuel dealer shall fail, neglect or refuse to file the report within the time prescribed by this section, the director shall note such failure, neglect or refusal upon the director's records, and may estimate the sales, distribution and use of that supplier, permissive supplier, importer, exporter, blender, distributor, liquefied petroleum gas dealer, or aviation fuel dealer, assessing the tax thereon, and adding to that assessed tax a penalty of 20% thereof for failure, neglect or refusal to report, and that estimate shall be prima facie evidence of the true amount of tax due to the director from the supplier, permissive supplier, importer, exporter, blender, distributor, liquefied petroleum gas dealer, or aviation fuel dealer provided that if a good and sufficient cause or reason is shown for a delinquency, the director may remit or waive the payment of the whole or any part of the penalty, as allowed by the State Uniform Tax Procedure Law, R.S.54:48-1 et seq. Reports required by this section, exclusive of schedules, itemized statements and other supporting evidence annexed to those reports, shall at all reasonable times be open to the public, notwithstanding any provision of R.S.54:50-8 to the contrary.

d. The monthly filing provisions of this section notwithstanding, the director may require payments of tax liability at intervals and based upon those classifications as the director may prescribe by regulation. In prescribing those other periods to be covered by the return or intervals or classifications for payment of tax liability, the director may take into account the dollar volume of tax involved and the need for assuring the prompt and orderly collection of the taxes imposed.

e. The refund provisions of section 12 of P.L.2010, c.22 (C.54:39-112) shall not apply to amounts paid pursuant to this section. However, a user of general aviation aircraft shall be allowed a refund or credit of the tax imposed by subsection a. of section 3 of P.L.2010, c.22 (C.54:39-103), provided the user complies with the provisions of section 12 of P.L.2010, c.22 (C.54:39-112).

C.54:39-107 Transporter reports, registration of fuel conveyance.

7. a. (1) Transporter reports shall cover monthly periods and shall be submitted within 30 days after the close of the month covered by the reports. The transporter reports shall show all quantities of fuel delivered at points in the State or from points inside the State to points outside of the State during the month, giving the name and address of the consignor, the name and ad-

dress of the consignee, place at which delivered, the date of shipment, the date of delivery, the numbers and initials of the car if shipped by rail, the name of the boat or barge, if shipped by water, or if delivery by other means, the method of delivery and the number of gallons in each shipment.

(2) The director shall have the right at any time during normal business hours to inspect the books of a transporter to determine if the requirements of this section are being properly complied with.

(3) Each person engaged in the business of hauling, transporting or delivering fuel shall, before entering upon the highways or waterways of this State with any conveyance used therein, apply to the director for the registration of a fuel conveyance on forms as the director shall prescribe. Upon receipt of an application, the director shall issue a license certificate and license plate for each conveyance which shall show the license number assigned and which shall be displayed on the conveyance at all times in such a manner as the director may regulate. An annual license fee of \$50 shall be paid for the licensing of each such conveyance. Nothing in this section shall in any manner relieve or discharge persons obtaining licenses pursuant to this section from complying with provisions of other laws.

(4) A person coming into this State in a motor vehicle may transport in the vehicle fuel supply tank, for the propulsion thereof, fuel without paying the tax, securing the license, or making any report required under P.L.2010, c.22 (C.54:39-101 et al.).

b. (1) The driver of a conveyance shall have in the driver's possession at all times while hauling, distributing or transporting fuel, a delivery ticket or other form approved by the director, which shall show the true names of the consignor and consignee and such information as the director may prescribe by regulation. The director or any police officer may stop a conveyance to determine if the provisions of this section are being complied with.

(2) The person in charge of any barge, tanker or other vessel in which fuel is being transported, or of a tank truck, truck tractor, semitrailer, trailer, or other vehicle used in transporting fuels other than fuel being transported for use in operating the engine which propels the vessel or vehicle, shall have in that person's possession an invoice, bill of sale or other evidence showing the name and address of the consignor or person from whom that fuel was received by the person in charge and the name and address of the consignee or person to whom the person in charge is to make delivery of the fuel, together with the number of gallons to be delivered to that person, and shall at the request of the director produce that invoice, bill of sale or other record evidence for inspection.

c. (1) A barge, tanker, or other vessel so used for the transportation of fuel shall be plainly and visibly marked on both sides thereof and above the water line with the word "gasoline," or other name of the fuel being transported, in letters at least eight inches high and of corresponding appropriate width. An owner or lessee violating the provisions of this paragraph shall be guilty of a crime of the fourth degree.

(2) A tank truck, truck tractor, semitrailer, or trailer used in transporting fuels shall affix to the rear of the truck or trailers a sign which shall indicate in letters not less than four inches high and of corresponding appropriate width, the type of fuel being transported. An owner or lessee violating the provisions of this section shall be punished by imprisonment for not more than six months, or by a fine of not more than \$500, or by both.

d. The license cards issued for the operation over the highways or waterways of this State of any conveyance used for the transportation or hauling of fuels may be suspended or revoked upon reasonable grounds by the director in the same manner as other licenses may be suspended or revoked by the director under the provisions of P.L.2010, c.22 (C.54:39-101 et al.).

C.54:39-108 License required for retail sale of fuel.

8. a. A retail dealer, an aviation fuel dealer and a liquefied petroleum gas dealer shall, before engaging in the retail sale of fuel, apply to the director for a license for each establishment operated by that person. A license fee of \$150 shall be paid for the issuance of a retail license, which shall be valid for a three-year period, and the director shall supply a license plate or suitable substitute containing the number assigned to the licensee, and words denoting whether the license is a retail dealer's license, an aviation fuel dealer's license or a liquefied petroleum gas dealer's license, which the licensee shall publicly display at each establishment in the manner as the director shall prescribe. No applicant shall continue in business after the end of the 14th day following the date of application unless the license applied for has been procured and is publicly displayed at the establishment being operated.

b. A retail dealer, liquefied petroleum gas dealer and an aviation fuel dealer shall keep a daily record showing the total amount of fuels sold on each business day, daily dispensing pump totalizer readings, and monthly physical inventories, such records to be preserved for a period of four years, and to be open for inspection by the director at all times.

C.54:39-109 Terminal operator's license required, report.

9. a. A person shall, before engaging in the business of a terminal operator, obtain a terminal operator's license from the director.

b. A terminal operator shall, on or before the last day of each month, render a report to the director, in such form as the director may prescribe, stating the quantities of fuel received at the terminal in the State or sold from it during the preceding month.

At the discretion of the director, a terminal operator's report as submitted under the federal ExSTARS reporting system may be accepted in lieu of the terminal operator's report required under this subsection.

c. The director shall have the right at any time during normal business hours to inspect the books of a terminal operator to determine if the requirements of this act are being properly observed.

d. The director may require those returns to be filed, in the form and manner, and at the intervals, that the director may prescribe by regulation.

C.54:39-110 Fuel presumed to be used, consumed on State highways to propel motor vehicles.

10. a. Except as otherwise provided in this act, all fuel delivered in this State in a vehicle fuel supply tank is presumed to be used or consumed on the highways in this State in producing or generating power for propelling motor vehicles.

b. Subject to proof of exemption pursuant to section 13 of P.L.2010, c.22 (C.54:39-113), all motor fuel is presumed to be used or consumed on the highways of this State to propel motor vehicles if the fuel is:

- (1) removed from a terminal in this State; or
- (2) imported into this State other than by a bulk transfer within the terminal transfer system; or
- (3) delivered into a consumer's bulk storage tank from which motor vehicles can be fueled.

C.54:39-111 Excise tax imposed, determination of liability.

11. a. An excise tax at the applicable rate determined pursuant to section 3 of P.L.2010, c.22 (C.54:39-103) is imposed for a calendar year on unaccounted-for fuel losses at a terminal that exceed one-half of one percent of the total number of net gallons removed from the terminal during the calendar year by a system transfer or at a rack. To determine liability for the excise tax, the terminal operator shall determine the terminal loss as the difference between:

- (1) the total amount of all fuel in inventory at the applicable terminal at the beginning of the year plus the total amount of all fuel received at the terminal during the year; and

(2) the total amount of all fuel in inventory at the terminal at the end of the year plus the total amount of all fuel removed from the terminal during the year.

b. The terminal operator whose fuel is unaccounted for is liable for the tax imposed by this section. Fuel received by a terminal operator and not shown on a report as having been removed from the terminal is presumed to be unaccounted for if not part of the physical inventory of the terminal. A terminal operator may provide documentation to substantiate otherwise unaccountable losses and at the discretion of the director may be relieved of all or a portion of the tax liability.

c. The tax at the applicable rate determined pursuant to section 3 of P.L.2010, c.22 (C.54:39-103) shall be reported, and the tax shall be due and payable, on or before the 22nd day of the second month following the end of the year.

C.54:39-112 Exemptions from tax.

12. a. Fuel used for the following purposes is exempt from the tax imposed by the "Motor Fuels Tax Act," P.L.2010, c.22 (C.54:39-101 et seq.), and a refund may be claimed by the consumer providing proof the tax has been paid and no refund has been previously issued:

(1) Buses while being operated over the highways of this State in those municipalities to which the operator has paid a monthly franchise tax for the use of the streets therein under the provisions of R.S.48:16-25 and buses while being operated over the highways of this State in a regular route bus operation as defined in R.S.48:4-1 and under operating authority conferred pursuant to R.S.48:4-3, or while providing bus service under a contract with the New Jersey Transit Corporation or under a contract with a county for special or rural transportation bus service subject to the jurisdiction of the New Jersey Transit Corporation pursuant to P.L.1979, c.150 (C.27:25-1 et seq.), and buses providing commuter bus service which receive or discharge passengers in New Jersey. For the purpose of this paragraph "commuter bus service" means regularly scheduled passenger service provided by motor vehicles whether within or across the geographical boundaries of New Jersey and utilized by passengers using reduced fare, multiple ride or commutation tickets and shall not include charter bus operations for the transportation of enrolled children and adults referred to in subsection c. of R.S.48:4-1 and "regular route service" does not mean a regular route in the nature of special bus operation or a casino bus operation,

(2) agricultural tractors not operated on a public highway,

(3) farm machinery,

- (4) aircraft,
- (5) ambulances,
- (6) rural free delivery carriers in the dispatch of their official business,
- (7) vehicles that run only on rails or tracks, and such vehicles as run in substitution therefor,

- (8) highway motor vehicles that are operated exclusively on private property,

- (9) motor boats or motor vessels used exclusively for or in the propagation, planting, preservation and gathering of oysters and clams in the tidal waters of this State,

- (10) motor boats or motor vessels used exclusively for commercial fishing,

- (11) motor boats or motor vessels, while being used for hire for fishing parties or being used for sightseeing or excursion parties,

- (12) cleaning,

- (13) fire engines and fire-fighting apparatus,

- (14) stationary machinery and vehicles or implements not designed for the use of transporting persons or property on the public highways,

- (15) heating and lighting devices,

- (16) motor boats or motor vessels used exclusively for Sea Scout training by a duly chartered unit of the Boy Scouts of America,

- (17) emergency vehicles used exclusively by volunteer first-aid or rescue squads, and

- (18) three cents per gallon, the difference between the rate of tax on diesel fuel and the rate of tax on gasoline, for diesel fuel used by passenger automobiles and motor vehicles of less than 5,000 pounds gross weight.

b. Subject to the procedural requirements and conditions set out in the "Motor Fuels Tax Act," P.L.2010, c.22 (C.54:39-101 et seq.), the following uses are exempt from the tax imposed by section 3 of P.L.2010, c.22 (C.54:39-103) on fuel, and a deduction or a refund may be claimed by the supplier, permissive supplier or licensed distributor:

- (1) fuel for which proof of export, satisfactory to the director, is available and is either:

- (a) removed by a licensed supplier for immediate export to a state in which the supplier has a valid license;

- (b) removed from a terminal by a licensed exporter for immediate export as evidenced by the terminal issued shipping papers; or

- (c) acquired by a licensed distributor and which the tax imposed by P.L.2010, c.22 (C.54:39-101 et al.) has previously been paid or accrued either as a result of being stored outside of the bulk transfer system immedi-

ately prior to loading or as a diversion across state boundaries properly reported in conformity with P.L.2010, c.22 (C.54:39-101 et al.) and was subsequently exported from this State on behalf of the distributor.

The exemption pursuant to subparagraphs (a) and (b) of this paragraph shall be claimed by a deduction on the report of the supplier which is otherwise responsible for remitting the tax upon removal of the product from a terminal or refinery in this State. The exemption pursuant to subparagraph (c) of this paragraph shall be claimed by the distributor, upon a refund application made to the director within six months of the licensed distributor's acquisition of the fuel;

(2) undyed kerosene sold to a licensed ultimate vendor - blocked pumps if the licensed ultimate vendor - blocked pumps does not sell the kerosene through dispensers that have been designed and constructed to prevent delivery directly from the dispenser into a motor vehicle fuel supply tank, the ultimate vendor - blocked pumps shall be responsible for the tax imposed by section 3 of P.L.2010, c.22 (C.54:39-103) at the diesel fuel rate. Exempt use of undyed kerosene shall be governed by rules and regulations of the director. If rules or regulations are not promulgated by the director, then the exempt use of undyed kerosene shall be governed by rules and regulations of the Internal Revenue Service. An ultimate vendor-blocked pumps who obtained undyed kerosene upon which the tax levied by section 3 of P.L.2010, c.22 (C.54:39-103) had been paid and makes sales qualifying pursuant to this subsection may apply for a refund of the tax pursuant to an application, as provided by section 14 of P.L.2010, c.22 (C.54:39-114), to the director provided the ultimate vendor-blocked pumps did not charge that tax to the consumer;

(3) fuel sold to the United States or any agency or instrumentality thereof, and to the State of New Jersey and its political subdivisions, departments and agencies;

(4) aviation fuel sold to a licensed aviation fuel dealer;

(5) liquefied petroleum gas except when sold by a liquefied petroleum gas dealer to someone who is not licensed as a liquefied petroleum gas dealer;

(6) motor fuel on which tax has been paid under this act that is later contaminated with dyed fuel making it unsuitable for taxable use. This credit or refund is limited to the remaining portion of taxed fuel in the contaminated mixture and is conditioned upon submitting to the director adequate documentation that the contaminated mixture was subsequently used in an exempt manner;

(7) fuel on which tax has been paid pursuant to P.L.2010, c.22 (C.54:39-101 et al.) that is either subsequently delivered back into the terminal transfer system for further distribution or delivered to a refinery for further processing;

(8) fuel on which tax has been previously imposed and paid pursuant to section 3 of P.L.2010, c.22 (C.54:39-103) and which is either subsequently exported, sold or distributed in this State in a manner which would result in a second tax being owed. If there is a second taxable distribution or sale, the party responsible for remittance of the second tax shall be the party eligible for claiming the refund or deduction.

C.54:39-113 Tax exemption for certain sales; documentation from seller required.

13. The exemption under section 12 of P.L.2010, c.22 (C.54:39-112) for sales of fuel sold for use by the United States or any agency or instrumentality thereof and fuel sold for use by the Government of this State, or of any political subdivision of this State or to any department or agency of any of those governments for official use of those governments in motor vehicles, motor boats, or other implements owned or leased by this State or any political subdivision or agency thereof, or to fuels sold at retail to diplomatic missions and diplomatic personnel under a program administered by the director and predicated upon the United States Department of State, Office of Foreign Missions (or its successor office), national tax exemption program shall be claimed as follows:

a. The seller shall obtain from the purchasing entity a certificate in such form as the director may by regulation prescribe signed by the purchasing entity listed in this section setting forth:

- (1) The name and address of the purchasing entity;
- (2) The quantity of fuel, or if the certificate is for all the fuel purchased by the purchasing entity, the certificate shall be for a period as the director may by regulation prescribe, but not to exceed four years;
- (3) The exempt use of the fuel;
- (4) The name and address of the seller from whom the fuel was purchased;
- (5) The federal employer identification number of the purchasing entity; and
- (6) A statement that the purchasing entity understands that the fraudulent use of the certificate to obtain fuel without paying the tax levied pursuant to P.L.2010, c.22 (C.54:39-101 et al.) shall result in the purchaser paying the tax, with penalties and interest, as well as such other penalties provided by P.L.2010, c.22 (C.54:39-101 et al.);

b. The seller, having obtained from the purchasing entity the certificate, which the seller shall retain for a period of not less than four years, shall be eligible for a deduction or to claim a refund of any taxes paid pursuant to P.L.2010, c.22 (C.54:39-101 et al.); and

c. If the sale of fuel to the purchasing entity occurs at a fixed retail pump available to the general public, the seller, having made the sale to the purchasing entity without the tax, may apply for a refund from the director by submitting the application and supporting documentation as the director shall reasonably prescribe. However, if the purchase is charged to a fleet or government fueling credit card, or to an oil company credit card issued to the purchasing entity, the party extending the credit shall be deemed the seller and may bill the purchasing entity without the tax and seek a refund, or use the provisions of this section.

C.54:39-114 Procedure for claiming a refund.

14. a. To claim a refund in accordance with section 12 of P.L.2010, c.22 (C.54:39-112), a person shall present to the director a statement containing a written verification that the claim is made under penalties of perjury and listing the total amount of fuel purchased and used for exempt purposes. A claim shall not be transferred or assigned and shall be filed not more than four years after the date the fuel was imported, removed or sold if the claimant is a supplier, importer, exporter or distributor. If the claim is filed by the consumer, the consumer shall file the claim within six months of the date of purchase. The claim statement shall be supported by the original sales slip, invoice or other documentation as approved by the director and shall include the following information:

- (1) Date of sale;
- (2) Name and address of purchaser;
- (3) Name and address of seller;
- (4) Number of gallons purchased and base price per gallon;
- (5) Number of gallons purchased and charged New Jersey fuel tax, as a separate item;
- (6) Number of gallons purchased and charged sales tax, if applicable, as a separate item; and
- (7) Marked "paid" by the seller.

b. If the original sales slip or invoice is lost or destroyed, a statement to that effect shall accompany the claim for refund, and the claim statement shall also set forth the serial number of the invoice. If the director finds the claim is otherwise regular, the director may allow such claim for refund.

c. The director may make any investigation necessary before refunding the fuel tax to a person and may investigate a refund after the refund has been issued and within the period in which a deficiency may be assessed pursuant to R.S.54:49-6.

d. In the case of a refund payable to a supplier pursuant to section 12 of P.L.2010, c.22 (C.54:39-112), the supplier may claim a credit in lieu of the refund for a period not to exceed four years from the date the fuel was imported, removed or sold.

e. To establish the validity of claims filed, the claimant shall maintain and preserve for a period of at least four years such fuel consumption records as may be prescribed by the director. The director may require a claimant to furnish such additional proof of the validity of a claim as the director may determine, and may examine the books and records of the claimant for such purpose. Failure of the claimant to maintain and preserve such records, furnish such additional proof or to accede to the demand for such examination by the director shall constitute a waiver of all rights to the claim or claims questioned and such subsequent claims as the director may determine.

f. Motor fuel tax that has been paid more than once with respect to the same gallon of fuel shall be refunded by the director to the person who last paid the tax after the subsequent taxable event upon submitting proof satisfactory to the director.

g. Fuel tax that has otherwise been erroneously paid by a person shall be refunded by the director upon proof shown satisfactory to the director.

h. A refund granted pursuant to section 12 of P.L.2010, c.22 (C.54:39-112) to a person for fuel used in aircraft, shall be paid from the moneys deposited in the Airport Safety Fund established by section 4 of P.L.1983, c.264 (C.6:1-92). Those refunds shall be granted on an annual basis.

i. Upon approval by the director of an application, a warrant shall be drawn upon the State Treasurer for the amount of the claim in favor of the claimant and the warrant shall be paid from the tax collected on fuel.

j. If the State or any political subdivision of the State heretofore shall have been reimbursed and repaid for the tax paid on fuel used for operating or propelling motor vehicles, motor boats or other implements, whether owned or leased by the State or any political subdivision of the State, the State or that political subdivision shall be entitled to retain such reimbursement and repayment, and further claim therefor shall not be required.

k. If fuel is sold to a person who claims to be allowed a refund of the tax imposed by the "Motor Fuel Tax Act," P.L.2010, c.22 (C.54:39-101 et

seq.) the seller of that fuel shall furnish the purchaser with an invoice, or invoices, in conformity with the requirements of this section.

C.54:39-115 Personal liability for tax imposed, precollected, paid.

15. A person who is required to precollect or pay a tax imposed pursuant to P.L.2010, c.22 (C.54:39-101 et al.) shall be personally liable for the tax imposed, precollected or paid. For purposes of assessment and collection, any amount required to be precollected and paid over to the director, and any additions to tax, penalties and interest with respect to that amount, shall be considered the tax of the person required to precollect the tax. A person required to precollect tax shall have the same right in respect to collecting the tax from a purchaser or in respect to non-payment of the tax by the purchaser as if the tax were a part of the purchase price of the fuel and payable at the same time; provided, however, that the director shall be joined as a party in any action or proceeding brought to collect the tax. Any amount of tax actually precollected or paid pursuant to P.L.2010, c.22 (C.54:39-101 et al.) shall be held to be a special fund in trust for the director.

A person required to precollect tax who fails to precollect or remit the tax or any part thereof is fully responsible for the unpaid tax. The director may recover any unpaid taxes pursuant to P.L.2010, c.22 (C.54:39-101 et al.) from any party who was under a duty to precollect or pay the tax. That person remains liable for the taxes even if, for whatever reason, the person failed to precollect or pay the taxes due. The liability to precollect and remit tax shall be separate from any duty that the consumer may have pursuant to P.L.2010, c.22 (C.54:39-101 et al.) to pay upon consumption, and the existence of such overlapping duties shall not be a defense for a failure to precollect and remit, although it may give rise to a refund claim in accordance with section 12 of P.L.2010, c.22 (C.54:39-112) if both parties pay the tax.

C.54:39-116 Responsibility for precollection for fuel imported from another state.

16. Except as otherwise provided by the "Motor Fuel Tax Act," P.L.2010, c.22 (C.54:39-101 et seq.), the tax imposed by section 3 of P.L.2010, c.22 (C.54:39-103) on fuel imported from another state shall be precollected on behalf of the consumers and remitted to the director by the:

- a. Importer who has imported the nonexempt fuel. The precollection shall be made and remitted when the tax return is due. If the importer was not subject to a precollection agreement with the supplier or permissive supplier, the precollection shall be remitted in the manner specified by the director; or
- b. Importer who has imported the nonexempt fuel which is subject to a precollection agreement with the supplier or permissive supplier. If the

importer is a licensed distributor, the precollection shall be made and remitted to the supplier or permissive supplier no later than two business days prior to the date on which the tax is required to be remitted by the supplier or permissive supplier pursuant to section 19 of P.L.2010, c.22 (C.54:39-119). The importer shall remit the tax to the supplier or permissive supplier, acting as trustee who shall remit to the director on behalf of the distributor under the same terms as a supplier payment pursuant to section 19 of P.L.2010, c.22 (C.54:39-119); or

c. Unlicensed importer at the time the fuel is entered into this State. However, if the supplier of the fuel, as shown on the records of the terminal operator, has made a blanket election to precollect tax in accordance with section 18 of P.L.2010, c.22 (C.54:39-118), then the importer shall remit the tax to the supplier, acting as trustee, who shall remit to the director on behalf of the importer under the same terms as a supplier payment pursuant to section 19 of P.L.2010, c.22 (C.54:39-119), and no import verification number shall be required.

C.54:39-117 Import verification number required, certain circumstances.

17. An importer that acquires fuel for import by fuel transportation vehicle from a supplier that is not an elective supplier or a permissive supplier, and therefore will not be acting as trustee for the remittance of tax to the State on behalf of the importer, shall first obtain an import verification number from the director before importing the fuel. The importer shall write the import verification number on the shipping document issued for the fuel. The importer shall obtain a separate import verification number for each fuel transportation vehicle delivery of fuel into this State.

C.54:39-118 Elections permitted by certain suppliers.

18. a. A licensed supplier or licensed permissive supplier may make a blanket election with the director to treat all removals of fuel from all of its out-of-State terminals with a destination in this State as shown on the terminal-issued shipping paper as if the removals were removed across the rack by the supplier or permissive supplier from a terminal in this State for all purposes.

b. The election allowed by this section shall be made by filing a "notice of election" with the director, in the form and manner as the director by regulation may prescribe.

c. The director shall publish a list of suppliers electing pursuant to this section.

d. The absence of an election by a supplier in accordance with this section shall in no way relieve the supplier of responsibility for remitting the tax imposed by the "Motor Fuel Tax Act," P.L.2010, c.22 (C.54:39-101 et seq.) upon the removal from an out-of-State terminal for import into this State by the supplier.

e. A supplier that makes the election allowed by this section shall precollect the tax imposed by P.L.2010, c.22 (C.54:39-101 et al.) on all removals from a qualified terminal on its account as a position holder, or as a person receiving fuel from a position holder pursuant to a terminal bulk transfer, without regard to the license status of the person acquiring the fuel from the supplier, the point or terms of sale, or the character of delivery.

f. Each supplier who elects to precollect the tax imposed by P.L.2010, c.22 (C.54:39-101 et al.) agrees to waive any defense that this State lacks jurisdiction to require collection on all out-of-State sales by such person as to which the person had knowledge that the shipments were destined for this State and that this State imposes the requirement pursuant to this subsection under its general police powers to regulate the movement of fuels.

C.54:39-119 Precollection remittance to State by transporter.

19. a. The tax imposed by section 3 of P.L.2010, c.22 (C.54:39-103), measured by fuel removed from a terminal or refinery in this State, other than a terminal bulk transfer, shall be precollected and remitted on behalf of the consumers to the State by the transporter removing the fuel from the facility through the supplier or permissive supplier of the fuel, as shown in the records of the terminal operator, acting as a trustee.

b. The supplier, permissive supplier and each reseller shall list the amount of tax as a separate line item on all invoices or billings.

c. All tax to be paid by a supplier or permissive supplier with respect to gallons removed on the account of the supplier or permissive supplier during a calendar month shall be due and payable on or before the 22nd day of the following month unless that day falls upon a weekend or State holiday in which case the liability shall be due the next succeeding business day.

d. A supplier or permissive supplier shall remit any late taxes remitted to the supplier or permissive supplier by a licensed distributor and shall notify the director within the twenty business day limit provided by section 24 of P.L.2010, c.22 (C.54:39-124) of any late remittances if that supplier or permissive supplier has previously given notice to the director that the tax amount was not received pursuant to section 24 of P.L.2010, c.22 (C.54:39-124).

e. The remittance of all amounts of tax due shall be paid on the basis of the amount invoiced.

C.54:39-120 Liability for tax by terminal operator; exemptions.

20. a. The operator of a terminal in this State is jointly and severally liable for the tax imposed by section 3 of P.L.2010, c.22 (C.54:39-103) and shall remit payment to this State at the same time and on the same basis as a supplier in accordance with section 19 of P.L.2010, c.22 (C.54:39-119) upon:

(1) The removal of fuel from the terminal on account of any supplier who is not licensed in this State; or

(2) The removal of motor fuel that is not dyed and marked in accordance with Internal Revenue Service requirements, if the terminal operator provides any person with any bill of lading, shipping paper, or similar document indicating that the motor fuel is dyed and marked in accordance with Internal Revenue Service requirements.

b. However, the terminal operator shall be relieved of liability for a removal of fuel from the terminal on account of a supplier who is not licensed in this State if the terminal operator establishes all of the following:

(1) the terminal operator has a valid terminal operator's license issued for the facility from which the fuel is withdrawn;

(2) the terminal operator has a copy of a valid license from the supplier as required by the director; and

(3) The terminal operator has no reason to believe that any information is false.

C.54:39-121 Election as to timing of remittance by licensed distributor.

21. A licensed distributor who removes fuel from a terminal or refinery operated by a supplier or permissive supplier and who remits the tax through the supplier or permissive supplier, acting as a trustee, may make an election as to the timing of the remittance. At the election of a licensed distributor, which notice shall be evidenced by a written statement from the director as to the purchaser's eligibility status as determined pursuant to section 22 of P.L.2010, c.22 (C.54:39-122), the supplier or permissive supplier shall not require a payment of motor fuel tax on fuel transportation vehicle loads from the licensed distributor sooner than two business days prior to the date on which the tax is required to be remitted by the supplier pursuant to section 19 of P.L.2010, c.22 (C.54:39-119). This election shall be subject to a condition that the remittances by the licensed distributor of tax due the supplier or permissive supplier shall be paid by electronic funds transfer.

C.54:39-122 Evidence presented by purchaser.

22. a. A purchaser desiring to make an election under section 21 of P.L.2010, c.22 (C.54:39-121) shall present evidence to the director that:

(1) The applicant was a licensee in good standing under R.S.54:39-1 et seq. as to which the applicant remitted tax to the director; or

(2) The applicant meets the financial responsibility and bonding requirements imposed by P.L.2010, c.22 (C.54:39-101 et al.), which bond shall conform to the specific requirements of this section.

b. The director shall require a purchaser who pays the tax to a supplier to file with the director a surety bond payable to the State, upon which the purchaser is the obligor, or other financial security, in an amount satisfactory to the director, calculated based on three times the potential monthly tax payments for gasoline and diesel fuel separately. The director shall require that the bond indemnify the director against the tax credits claimed by the suppliers pursuant to section 23 of P.L.2010, c.22 (C.54:39-123).

c. A purchaser desiring to make an election in accordance with section 21 of P.L.2010, c.22 (C.54:39-121) shall not be subject to the provisions of subsection b. of this section if the purchaser holds a valid distributor's license and meets the bonding requirements according to the law on the day prior to October 1, 2010. On and after October 1, 2010 each purchaser holding a valid distributor's license issued prior to October 1, 2010, may elect to become an eligible purchaser. An eligible purchaser shall have the option to provide bonding as provided for distributors in section 34 of P.L.2010, c.22 (C.54:39-134).

d. The director may rescind a purchaser's eligibility and election to defer fuel tax remittances for the purchaser's failure to make timely tax-deferred payment of tax to a supplier pursuant to section 21 of P.L.2010, c.22 (C.54:39-121), by sending written notice to all suppliers and publishing notice of the revocation on the website of the Division of Taxation in the Department of the Treasury. As a condition of restoring a purchaser's eligibility, the director may require further assurance of the financial responsibility of the purchaser, including an increase in the amount of the bond or any other action that the director may reasonably require to ensure remittance of the tax imposed by P.L.2010, c.22 (C.54:39-101 et al.). The refusal of an application or the cancellation of eligibility shall be an action of the director subject to review pursuant to R.S.54:51A-14; provided however that, notwithstanding any other provision of law to the contrary, appeal shall not act as a stay.

e. The director shall publish a list of licensed distributors and make it available to all suppliers on at least a quarterly basis. The director may, at

the director's discretion, provide more timely publication via the website of the Division of Taxation in the Department of the Treasury.

C.54:39-123 Fiduciary duty of supplier to remit tax.

23. A supplier has a fiduciary duty to remit to the director the amount of tax imposed by P.L.2010, c.22 (C.54:39-101 et al.) paid to the supplier, in its role as a trustee, by any purchaser, importer, exporter or licensed distributor. In computing the amount of tax due, the supplier shall be allowed a credit against the tax payable in the amount of tax paid by the supplier that was accrued and remitted to a state, but not received from a licensed distributor. The director may recover any unpaid tax directly from the licensed distributor.

C.54:39-124 Eligibility of supplier for credit.

24. For a supplier to be eligible for the credit provided by section 23 of P.L.2010, c.22 (C.54:39-123) the supplier shall provide notice to the director of a failure to collect the tax within 20 business days following the earliest date on which the supplier was entitled to collect the tax from the licensed distributor pursuant to section 21 of P.L.2010, c.22 (C.54:39-121).

A supplier shall supply with the claim for credit such information as the director may prescribe by regulation. The claim for credit shall identify the defaulting licensed distributor and any tax liability that remains unpaid. The credit of the supplier shall be limited to the amount due from the purchaser, plus any tax that accrues from that purchaser from the period from the date of the failure to pay to the date of notification to the director, not to exceed 20 days. Additional credit shall not be allowed to a supplier pursuant to this section with respect to that purchaser until the director has notified the supplier that the purchaser's eligibility to make deferrals in accordance with section 22 of P.L.2010, c.22 (C.54:39-122) has been restored.

C.54:39-125 Tax remitted by electronic fund transfer.

25. If required by the director, all suppliers and other persons required to pay tax pursuant to P.L.2010, c.22 (C.54:39-101 et al.) shall remit tax by electronic fund transfer. The transfer shall be made on or before the date the tax is due.

C.54:39-126 Liability for tax upon delivery; exemptions.

26. a. If the tax imposed by section 3 of P.L.2010, c.22 (C.54:39-103) is not otherwise precollected, the consumer shall be liable, unless the consumer is otherwise exempt pursuant to section 12 of P.L.2010, c.22

(C.54:39-112), for the tax upon the delivery into a motor vehicle fuel supply tank for the use of motor fuel on the highways including, but not limited to:

- (1) Any dyed fuel; or
- (2) Any motor fuel on which a claim for refund has been made.

b. A retail dealer, an aviation fuel dealer or liquefied petroleum gas dealer that sells fuel shall be jointly and severally liable for the tax precollected pursuant to subsection a. of this section if the retail dealer, aviation fuel dealer or liquefied petroleum gas dealer knows or has reason to know that the fuel, as to which tax imposed by P.L.2010, c.22 (C.54:39-101 et al.) has not been paid, is or will be consumed in a nonexempt use.

C.54:39-127 Final report.

27. a. A licensee shall, upon the discontinuance, sale, or transfer of the business or upon the cancellation, revocation or termination by law of a license pursuant to section 35 of P.L.2010, c.22 (C.54:39-135), or as otherwise provided, within thirty days, make a report as required pursuant to P.L.2010, c.22 (C.54:39-101 et al.) marked "Final Report," and shall pay all taxes, penalties and interest that may be due the State except as may otherwise be provided by law.

b. The final report required by this section shall be accompanied by payment of the liability of the final month.

C.54:39-128 Application for license; fee, term.

28. a. An applicant for a license issued pursuant to P.L.2010, c.22 (C.54:39-101 et al.) shall apply in the form and manner as the director shall prescribe by regulation. The application shall be subscribed to by the applicant and shall provide such information as the director may require, including the applicant's federal identification number.

b. A license issued pursuant to P.L.2010, c.22 (C.54:39-101 et al.) shall be issued for a three-year period, or the unexpired portion thereof, commencing on April 1 and ending on the third succeeding March 31 and shall be void thereafter, and that license may be suspended, revoked or cancelled by the director. A license fee of \$450 shall be paid for the issuance of that license.

c. The director shall investigate each applicant for a license issued pursuant to P.L.2010, c.22 (C.54:39-101 et al.). A license shall not be issued if the director determines that any one of the following conditions exists:

- (1) The application is not filed in good faith;
- (2) The applicant is not the real party in interest;
- (3) The license of the real party in interest has been revoked for cause;

(4) The applicant managed, operated, owned or controlled, directly or indirectly, a business which held a license issued pursuant to P.L.2010, c.22 (C.54:39-101 et al.) which business is indebted to this State for any tax, penalties or interest accruing hereunder;

(5) The applicant is managed, operated or controlled, directly or indirectly, by a person who held a license issued pursuant to P.L.2010, c.22 (C.54:39-101 et al.) who is indebted to this State for any tax, penalties, or interest accruing hereunder;

(6) The applicant is managed, operated, owned, or controlled, directly or indirectly, by a person who managed, operated, owned or controlled, directly or indirectly, a business that held a license issued pursuant to P.L.2010, c.22 (C.54:39-101 et al.) and which is indebted to this State for any tax, penalties, or interest accruing hereunder;

(7) Any good cause as the director may determine; or

(8) With respect to a distributor's license, the applicant intending to export is not licensed in the intended specific state or states of destination.

d. A person shall not be entitled to hold a license if it shall appear to the director that an officer, director or employee of that person has been convicted of violating any of the provisions of P.L.2010, c.22 (C.54:39-101 et al.) or of R.S.54:39-1 et seq. or if a license issued pursuant to the provisions of P.L.2010, c.22 (C.54:39-101 et al.) or of R.S.54:39-1 et seq. and held by an officer, director or employee of that person has been revoked by the director for cause.

e. Applicants, including corporate officers, partners, and individuals, for a license issued by the director may be required to submit their fingerprints to the director at the time of application. Officers of a "publicly traded corporation," as that term is defined by section 39 of P.L.1977, c.110 (C.5:12-39), and its subsidiaries shall be exempt from this fingerprinting requirement. Persons, other than applicants for a distributor's license, who possessed licenses issued pursuant to R.S.54:39-1 et seq. continuously for three years prior to October 1, 2010, shall also be exempt from this provision. Fingerprints required by this section shall be submitted on forms prescribed by the director. The director may forward to the Federal Bureau of Investigation or any other agency for processing all fingerprints submitted by license applicants. The receiving agency shall issue its findings to the director. The director or another State agency may maintain a file of fingerprints.

C.54:39-129 Deposits in lieu of bonds.

29. a. In lieu of any of the bonds required by P.L.2010, c.22 (C.54:39-101 et al.), a licensee may deposit with the director cash, a certificate of

deposit or an irrevocable letter of credit. If the applicant files a bond or letter of credit it shall:

(1) Be with a surety company or bank approved by the director which may be an affiliate in the business of assuring such obligations;

(2) Name the applicant as the principal obligor and the State as the obligee; and

(3) Be on forms prescribed by the director.

b. The director may, at the discretion of the director, require a licensee or an applicant to furnish current verified financial statements. The director may make independent inquiry into the financial condition of the applicant and, in any case, shall not be required to accept as accurate financial statements which have not been certified or independently audited. If the director determines that the financial condition of a licensee warrants an increase in the bond, the director may require the licensee to furnish an increased bond.

c. The director may require a licensee to file a new bond with a satisfactory surety in the same form and amount if:

(1) Liability upon the previous bond is discharged or reduced by a judgment rendered, payment made, or otherwise disposed of; or

(2) In the opinion of the director, any surety on the previous bond becomes unsatisfactory. If the new bond is unsatisfactory, the director shall cancel the license. If the new bond is satisfactorily furnished, the director shall release in writing the surety on the previous bond from any liability accruing after the effective date of the new bond.

d. If a licensee has cash, a certificate of deposit or a letter of credit with the director and it is reduced by a judgment rendered, payment made, or otherwise disposed of, the director may require the licensee to make a new deposit equal to the amount of the reduction.

e. If the director determines that the amount of the existing bond is insufficient to ensure payment to the State of the tax, fee, and any penalty and interest for which a licensee is or may become liable, the licensee shall, upon written demand of the director, file a new or increased bond. The director shall allow the licensee at least 30 days to secure the increased bond or cash deposit.

f. A new or increased bond shall meet the requirements set forth in P.L.2010, c.22 (C.54:39-101 et al.); if the new or increased bond required pursuant to this section is unsatisfactory, the director shall cancel the license.

g. Sixty days after making a written request for release to the director, the surety of a bond furnished by a licensee shall be released from any liability to the State accruing on the bond after the 60-day period. The release shall not affect any liability accruing before the expiration of the sixty-day period.

h. The director shall promptly notify the licensee furnishing the bond that a release has been requested. Unless the licensee obtains a new bond that meets the requirements of P.L.2010, c.22 (C.54:39-101 et al.) and files with the director the new bond within the sixty-day period, the director shall cancel the license.

i. Sixty days after the licensee makes a written request for release to the director, the cash deposit, letter of credit or certificate of deposit provided by a licensee shall be cancelled as security for any obligation accruing after the expiration of the sixty-day period. However, the director may retain all or part of the bond for up to three years and one day as security for any obligations accruing before the effective date of the cancellation. Any part not retained by the director shall be released to the licensee. Before the expiration of the 60-day period, the licensee shall provide the director with a bond that satisfies the requirements of P.L.2010, c.22 (C.54:39-101 et al.) or the director shall cancel the license.

C.54:39-130 Supplier's license, permissive supplier's license, posting of bond.

30. a. Before becoming a position holder in a terminal in this State or engaging in a terminal bulk transfer a person shall first obtain a supplier's license. A valid supplier's license allows the holder of the license to engage in all other activities without having to obtain any other license.

b. A person who desires to precollect the tax imposed by P.L.2010, c.22 (C.54:39-101 et al.) as a supplier and who meets the definition of a permissive supplier may obtain a permissive supplier's license. Application for or possession of a permissive supplier's license shall not in itself subject the applicant or licensee to the jurisdiction of this State for any other purpose than administration and enforcement of P.L.2010, c.22 (C.54:39-101 et al.).

c. A supplier or a permissive supplier shall be required to post a bond of not less than three months' potential tax liability based on the number of taxable gallons handled as estimated by the director, but in no event shall the bond be less than \$25,000 or more than \$2,000,000. An applicant who is a "publicly traded corporation," as that term is defined by section 39 of P.L.1977, c.110 (C.5:12-39) and has assets within the State having a book value of \$5 million or more may, at the discretion of the director, be exempted from having to post a bond under this section.

d. For the purpose of determining the amount of precollected tax due, a supplier shall file with the director, on forms prescribed and furnished by the director, a verified statement. The director may require the reporting of any information necessary to determine the amount of precollected tax due.

e. The director may require each licensed supplier or licensed permissive supplier to separately disclose and identify, in a written statement to the director with the supplier or permissive supplier report, any removal and sale from the terminal transfer system in another state by that supplier to a person, other than a licensed supplier, permissive supplier or distributor, of gallons of fuel, other than dyed fuel, and which gallons are destined for this State, as shown by the terminal-issued shipping paper, and as to which gallons the tax imposed by P.L.2010, c.22 (C.54:39-101 et al.) has not been collected or accrued by the supplier upon the removal.

f. The reports required by this section shall be filed on or before the 22nd day of the current month with respect to information for the preceding calendar month.

C.54:39-131 Terminal operator's license.

31. a. A person, other than a supplier licensed under section 30 of P.L.2010, c.22 (C.54:39-130), engaged in business in this State as a terminal operator shall first obtain a terminal operator's license for each terminal site in this State.

b. A terminal operator shall be required to post a bond of not less than three months' potential tax liability based on the number of gallons handled as estimated by the director.

c. A person operating a terminal in this State shall file with the director by the 25th day of the next month a sworn statement of operations within this State for each of the operator's terminals within this State, including information as the director may prescribe, on forms prescribed and furnished by the director.

d. For purposes of reporting and determining tax liability under P.L.2010, c.22 (C.54:39-101 et al.), a licensee shall maintain inventory records as the director by regulation shall require.

C.54:39-132 Report of deliveries of fuel in bulk.

32. Every railway or railroad company, water transportation company, and every person transporting fuels in bulk, between points within the State, and every railway or railroad company, water transportation company, and every person transporting fuel in bulk to a point outside the State from any point within the State, or to a point within the State from a point outside of the State, shall, (at any time, and from time to time, upon written request of the director) report, in a manner prescribed by the director, all deliveries of fuel in bulk so made to points within or without the State.

C.54:39-133 Distributor's license.

33. a. A person other than a supplier desiring to export fuel to a destination outside of this State shall first obtain a distributor's license. Issuance of a distributor's license shall be conditioned upon the applicant holding an appropriate license to import the fuel into the destination state or states.

b. A person desiring to deliver dyed fuel or undyed fuel into this State on the person's own behalf, for the person's own account, or for resale to a purchaser in this State, from another state in a fuel transportation vehicle or in a pipeline or barge shipment into storage facilities other than a qualified terminal, shall first make application for and obtain a distributor's license.

c. A person desiring to import fuel to a destination in this State from another state, and who has not entered into an agreement to remit the tax imposed by section 3 of P.L.2010, c.22 (C.54:39-103) to the supplier or permissive supplier as trustee with respect to the imports shall do the following:

- (1) apply for and obtain a distributor's license; and
- (2) comply with the payment requirements of section 12 of P.L.2010, c.22 (C.54:39-112).

d. A person blending any motor fuel for sale shall apply for and obtain a distributor's license.

e. A distributor's license is a prerequisite to making the election permitted in section 21 of P.L.2010, c.22 (C.54:39-121).

C.54:39-134 Bond posted by distributor.

34. A distributor shall post a bond of not less than three months' total liability for the tax imposed by section 3 of P.L.2010, c.22 (C.54:39-103), based on the number of gallons handled as estimated by the director for gasoline and diesel fuel separately. The tax on fuel exported from this State by a licensed distributor shall not be considered part of potential liability for calculation of the bond required of a distributor's licensee.

C.54:39-135 Issuance of license.

35. a. If the license applicant and bond are approved, the director shall issue a license for the applicant's principal place of business and the applicant shall make copies for each other business location.

b. A license is valid until suspended, revoked for cause, cancelled or the license expires.

c. A license is not transferable to another person or to another place of business. For purposes of this section, a transfer of a majority interest in a business association, including corporations, partnerships, trusts, joint ven-

tures and any other business association, shall be deemed to be a transfer of any license held by the business association to another person. Any change in ownership of a business association, other than a "publicly traded corporation," as that term is defined by section 39 of P.L.1977, c.110 (C.5:12-39), shall be reported to the director.

d. A license shall be preserved and conspicuously displayed at the principal place of business for which it is issued.

e. A person licensed under P.L.2010, c.22 (C.54:39-101 et al.) shall display the person's conveyance number on the back of any conveyance of fuel.

f. Upon the discontinuance, sale, transfer or change of ownership of the business, the license shall be immediately surrendered to the director. Any relocation of the business shall be immediately reported to the director.

g. If a person licensed to do business pursuant to P.L.2010, c.22 (C.54:39-101 et al.) discontinues, sells, or transfers the business, the licensee shall immediately notify the director in writing of the discontinuance, sale, or transfer. The notice shall give the date of discontinuance, sale, or transfer and if the business is sold or transferred, the name and address of the purchaser or transferee. The licensee shall be liable for all taxes, interest, and penalties that accrue or may be owing and any criminal liability for misuse of the license that occurs prior to cancellation of the license.

h. The director shall publish without charge a list of updates of all licensees, by category.

i. A licensee shall maintain and keep for a period of four years records of all transactions by which fuel is received, used, sold, delivered, or otherwise disposed of, together with invoices, bills of lading, and other pertinent records and papers as may be required by the director for reasonable administration of P.L.2010, c.22 (C.54:39-101 et al.).

C.54:39-136 Suspension, revocation of license.

36. a. A license required by P.L.2010, c.22 (C.54:39-101 et al.) may be suspended or revoked by the director for a violation of any of the provisions of P.L.2010, c.22 (C.54:39-101 et al.), or on other reasonable grounds, after five days' notice of and hearing on such proposed revocation or suspension conducted pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). Upon receipt of a written request from the holder of any license issued pursuant to the provisions of P.L.2010, c.22 (C.54:39-101 et al.), the director may cancel a license effective as soon thereafter as it has been determined that all tax, fines, penalties and interest properly owing to the State have been paid. If the director finds that a person to whom a license has been issued is no longer engaged

in the business for which the license was issued, the director may cancel that license by providing reasonable notice of the intent to cancel by mail to the last known address of such person. If a license is cancelled, the license certificate previously issued shall be surrendered to the director.

b. A person who fails to file any report required by P.L.2010, c.22 (C.54:39-101 et al.) and for which a penalty is not otherwise set forth in P.L.2010, c.22 (C.54:39-101 et al.), shall be liable for the penalties determined pursuant to R.S.54:49-4.

c. A person shall not engage in any business activity in this State for which a license is required by P.L.2010, c.22 (C.54:39-101 et al.) unless the person first obtains the license. A person who negligently violates this section is subject to a civil penalty in the amount of \$1,000.

d. A supplier, permissive supplier, or distributor who knowingly fails to precollect or timely remit tax otherwise required to be paid over to the director pursuant to P.L.2010, c.22 (C.54:39-101 et al.), or pursuant to a tax precollection agreement pursuant to P.L.2010, c.22 (C.54:39-101 et al.), shall be liable for the uncollected tax plus any penalties determined pursuant to R.S.54:49-4.

C.54:39-137 Tax due, payable on 20th day of month.

37. If the tax imposed by P.L.2010, c.22 (C.54:39-101 et al.) is not precollected and must be paid by the consumer in accordance with section 26 of P.L.2010, c.22 (C.54:39-126), the tax is due and payable by the consumer on the 20th day of each month for the purchases made in the preceding calendar month. The consumer shall file with the director, on forms furnished by the director, a return showing in detail the total purchase price of the fuel, the number of gallons purchased or blended, the location of the purchase, the blend stocks and motor fuel components, if any, and other information as the director may prescribe. With each return, the consumer shall remit to the director the amount of tax shown on the return to be due.

C.54:39-138 Provision of shipping document to driver of transportation vehicle.

38. a. A terminal operator and a refiner with a facility in this State shall prepare and provide to the driver of every fuel transportation vehicle receiving fuel into the vehicle storage tank at the facility a shipping document setting out on its face:

- (1) Identification by city and state of the terminal or refinery from which the fuel was removed;
- (2) The date the fuel was removed;
- (3) The amount of fuel removed, gross gallons and net gallons;

(4) The state of destination as represented to the terminal operator or refiner by the transporter, the shipper or the agent of the shipper. A refinery or terminal operator may load fuel if a portion of the fuel is destined for sale or use in this State and a portion of the fuel is destined for sale or use in another state or states. However, such split loads removed shall be documented by the terminal operator or refiner by issuing shipping papers designating the state of destination for each portion of the fuel;

(5) The supplier, consignee and transporter of the fuel; and

(6) Any other information required by the director for the enforcement of P.L.2010, c.22 (C.54:39-101 et al.).

b. A terminal operator or refiner may manually prepare shipping papers if the terminal does not have the ability to prepare automated shipping papers or as a result of extraordinary unforeseen circumstances, including acts of God, which temporarily interfere with the ability of the terminal operator or refiner to issue automated machine-generated shipping papers.

c. No terminal operator or refiner shall imprint, and no supplier shall knowingly permit a terminal operator to imprint on behalf of the supplier, any false statement on a shipping paper relating to fuel to be delivered to this State or to a state having substantially the same shipping paper requirements with respect to the supplier of the fuel, whether or not it was dyed for the intended destination.

d. A terminal operator or refiner who shall knowingly imprint any false statement in violation of this section shall be jointly and severally liable for all the taxes imposed by P.L.2010, c.22 (C.54:39-101 et al.) which are not otherwise collected by this State as a result of that action.

e. A supplier who knowingly violates this section shall be jointly and severally liable with the terminal operator.

f. The director may impose a civil penalty of \$500 for the first occurrence against a terminal operator or refiner that fails to meet shipping paper issuance requirements pursuant to P.L.2010, c.22 (C.54:39-101 et al.). Each subsequent occurrence described in this subsection against that terminal operator is subject to a civil penalty of \$5,000.

C.54:39-139 Requirements for transportation of fuel on public highways.

39. a. A person transporting fuel in a fuel transportation vehicle upon the public highways of this State shall:

(1) Carry on board the shipping document issued by the terminal operator or the bulk plant operator of the facility where the fuel was obtained, whether within or without this State. The shipping paper shall set out on its face the state of destination of the fuel transported in the vehicle as repre-

sented to the terminal operator at the time the fuel transportation vehicle was loaded;

(2) Show, and permit duplication of, the shipping document by a law enforcement officer or the director, upon request, when transporting, holding or off-loading the fuel described in the shipping document;

(3) Provide a copy of the shipping document to the distributor or other person who controls the facility to which the fuel is delivered; and

(4) Meet such other conditions as the director may require for the enforcement of P.L.2010, c.22 (C.54:39-101 et al.).

b. A person transporting fuel in fuel transportation vehicles upon the public highways of this State shall provide the original or a copy of the terminal-issued shipping document accompanying the shipment to the operator of the retail outlet, bulk plant or bulk end user bulk storage facility to which delivery of the shipment was made. However, a delivery ticket created by the person transporting the fuel may be provided in lieu of the terminal-issued shipping paper for deliveries into bulk end user bulk storage.

c. The operator of a fuel retail outlet, bulk plant or bulk end user bulk storage facility shall receive, examine, and retain for a period of 30 days at the delivery location the terminal-issued shipping document received from the transporter for every shipment of fuel that is delivered to that location with record retention of the shipping paper of three years required off-site. If the delivery location is an unattended location, the operator may retain the shipping documents at the normal billing address of the operator.

d. A retail dealer, liquefied petroleum gas dealer, aviation fuel dealer, bulk plant operator, wholesale distributor or bulk end user shall not knowingly accept delivery of fuel into bulk storage facilities in this State if that delivery is not accompanied by a shipping paper issued by the terminal operator, or bulk plant operator as provided by regulations, that sets out on its face this State as the state of destination of the fuel.

e. A person who knowingly violates or knowingly aids and abets another to violate this section shall be jointly and severally liable for the tax on the fuel transported or delivered.

f. A person owning or operating a motor vehicle in violation of this section and sections 42 and 43 of P.L.2010, c.22 (C.54:39-142 and C.54:39-143) is guilty of a crime of the fourth degree for the first offense. For the second and each subsequent offense, a violator is guilty of a crime of the third degree.

g. The director shall impose a civil penalty of \$500 on a person transporting fuel for the first occurrence of transporting fuel without adequate shipping papers annotated as required under this section and sections 42

and 43 of P.L.2010, c.22 (C.54:39-142 and C.54:39-143). Each of that person's subsequent occurrences described in this subsection is subject to a civil penalty of \$5,000.

C.54:39-140 Reliance on representation of transporter, shipper, agent.

40. The supplier and the terminal operator may rely for all purposes of P.L.2010, c.22 (C.54:39-101 et al.) on the representation by the transporter, the shipper or the agent of the shipper as to the intended state of destination and tax-exempt use by the shipper or the purchaser. The shipper, importer, transporter, agent of the shipper and any purchaser, not the supplier or terminal operator, shall be jointly liable for any tax otherwise due to the State as a result of a diversion of the fuel from the represented destination state. A terminal operator may rely on the representation of a licensed supplier with respect to the obligation of the supplier to precollect tax and the related shipping paper representation to be as shown on the shipping paper as provided by subsection a. of section 38 of P.L.2010, c.22 (C.54:39-138).

C.54:39-141 Payment of tax required.

41. a. A person shall not sell, use, deliver, or store in this State, or import for sale, use, delivery or storage in this State, fuel as to which the tax imposed by section 3 of P.L.2010, c.22 (C.54:39-103) has not been previously paid to or accrued by either a licensed supplier, or permissive supplier, at the time of removal from a terminal, or a licensed distributor provided all the conditions of section 43 of P.L.2010, c.22 (C.54:39-143) applicable to lawful import by the distributor shall have been met.

b. The provisions of subsection a. of this section shall not apply to:

(1) A supplier with respect to fuel held within the terminal transfer system in this State which was manufactured in this State or imported into this State in a bulk transfer;

(2) A consumer with respect to fuel placed in the vehicle fuel supply tank of that person's motor vehicle outside of this State;

(3) Dyed fuel, dyed in accordance with P.L.2010, c.22 (C.54:39-101 et al.);

(4) Fuel in the process of exportation by a supplier or a distributor in accordance with the shipping papers required by section 39 of P.L.2010, c.22 (C.54:39-139) and with a statement meeting the requirements of section 42 of P.L.2010, c.22 (C.54:39-142) shown on the shipping papers;

(5) Kerosene used in aircraft subject to the conditions and exceptions in subsection a. of section 12 of P.L.2010, c.22 (C.54:39-112);

(6) Fuel in possession of a consumer as to which a refund has been issued;

(7) Government and other exempt fuel under paragraphs (3) and (4) of subsection b. of section 12 of P.L.2010, c.22 (C.54:39-112); or

(8) A distributor who has met the conditions of section 43 of P.L.2010, c.22 (C.54:39-143).

C.54:39-142 Requirements for operation of fuel transportation vehicle.

42. a. Except as provided in subsection c. of this section, a person shall not operate a fuel transportation vehicle that is engaged in the shipment of fuel on the public highways of this State without having on board a terminal-issued shipping paper bearing, in addition to the requirements of subsection a. of section 38 of P.L.2010, c.22 (C.54:39-138), a notation indicating that, with respect to diesel fuel acquired under claim of exempt use, a statement indicating the fuel is "DYED DIESEL FUEL, NONTAXABLE USE ONLY, PENALTY FOR TAXABLE USE" for the load or the appropriate portion of the load. With respect to kerosene acquired under claim of exempt use, a statement shall indicate the fuel is "DYED KEROSENE, NONTAXABLE USE ONLY, PENALTY FOR TAXABLE USE" for the load or the appropriate portion of the load.

b. A person is in violation of subsection a. of this section upon boarding the vehicle with a shipping paper which does not meet the requirements set forth in this section.

c. The director may in the director's discretion provide an advance notification procedure with respect to documentation for imported fuel as to which the importer is unable to obtain terminal-issued shipping papers which comply with this section.

d. Any person who knowingly violates any part of this section is guilty of a crime of the fourth degree.

e. The director, the Office of Weights and Measures of the Division of Consumer Affairs in the Department of Law and Public Safety, and the State Police, and its officers shall have full authority in enforcing the provisions of this section.

C.54:39-143 Conditions for entering onto State highways transporting fuel.

43. a. If a distributor acquires fuel destined for this State which has neither been dyed in accordance with the Internal Revenue Code and the regulations issued thereunder, nor tax paid to or accrued by the supplier at the time of removal from the out-of-State terminal, a licensed distributor and transporter operating on behalf of the licensed importer shall meet all of the

following conditions prior to entering fuel onto the highways of this State by loaded fuel transportation vehicle:

(1) The terminal origin and the name and address of the importer shall also be set out prominently on the face of each copy of the terminal-issued shipping paper;

(2) The terminal-issued shipping paper data otherwise required by P.L.2010, c.22 (C.54:39-101 et al.), shall be present; and

(3) All tax imposed by P.L.2010, c.22 (C.54:39-101 et al.) with respect to previously requested import verification number activity on the account of the distributor or the transporter shall have been timely precollected or remitted.

b. A person who knowingly violates or knowingly aids and abets another to violate this section is guilty of a crime of the fourth degree, provided that a first offense related to a good faith belief that the distributor could import under the conditions will be punishable only by a fine not to exceed \$1,000.

c. The director, the Office of Weights and Measures of the Division of Consumer Affairs in the Department of Law and Public Safety, and the Superintendent of State Police and the members of the State Police shall have full authority in enforcing the provisions of this section.

C.54:39-144 Prohibited use of dyed fuel.

44. a. A person shall not operate or maintain a motor vehicle on any public highway in this State with dyed fuel contained in the vehicle fuel supply tank except for uses of dyed fuel on the highway which are lawful under the federal Internal Revenue Code and the regulations thereunder unless otherwise prohibited by P.L.2010, c.22 (C.54:39-101 et al.).

b. A person shall not sell or hold for sale dyed fuel for any use that the person knows or has reason to know is a taxable use of the dyed fuel.

c. A person shall not use or hold for use any dyed fuel for a taxable use when the person knows or has reason to know that the fuel is dyed fuel.

d. A person shall not willfully, with intent to evade tax, alter or attempt to alter the strength or composition of any dye or marker in any dyed fuel.

e. A person who knowingly violates or knowingly aids and abets another to violate the provisions of this section with the intent to evade the tax imposed by P.L.2010, c.22 (C.54:39-101 et al.) is guilty of a crime of the fourth degree.

f. A person, and an officer, employee, or agent of that person or entity who willfully participates in any act in violation of this section shall be jointly and severally liable with the person for the tax and penalty which

shall be the same as imposed pursuant to section 6715 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.6715).

g. A person or business entity, and each officer, employee, or agent of the entity who willfully participates in any act in violation of this section shall be jointly and severally liable with the entity for the tax and penalty which shall be the same as that imposed pursuant to section 6715 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.6715).

C.54:39-145 Notice provided.

45. A notice stating "DYED DIESEL FUEL, NONTAXABLE USE ONLY, PENALTY FOR TAXABLE USE" or "DYED KEROSENE, NONTAXABLE USE ONLY, PENALTY FOR TAXABLE USE" shall be:

- a. Provided by the terminal operator to any person that receives dyed diesel fuel or dyed kerosene at a terminal rack of that terminal operator; and
- b. Posted by a retail dealer on any pump where it sells dyed diesel fuel or dyed kerosene for use by its consumer. The form of notice required by this section shall be provided by the time of the removal or sale of the dyed fuel and shall appear on shipping papers, bills of lading, and invoices accompanying the sale or removal of the dyed fuel.

C.54:39-146 Inspections permitted by director.

46. a. The director, upon presenting appropriate credentials may conduct inspections and remove samples of fuel to determine the coloration of diesel fuel and kerosene, or to identify shipping paper violations at any place where fuel is or may be produced, stored or loaded into fuel transportation vehicles. Inspections shall be performed in a reasonable manner consistent with the circumstances, but in no event is prior notice required. Inspectors may physically inspect, examine or otherwise search any tank, reservoir, or other container that can or might be used for the production, storage, or transportation of fuel. Inspections may be made of any equipment used for, or in connection with, the production, storage, or transportation of fuel. Upon demand by the inspectors all shipping papers, documents and records required to be kept by a person transporting fuel shall be produced for immediate inspection. The places where inspections may occur include, but are not limited to:

- (1) A terminal;
- (2) A fuel storage facility that is not a terminal;
- (3) A retail fuel facility;
- (4) Highway rest stops; or
- (5) A designated inspection site.

For purposes of this section, a "designated inspection site" means any state highway or waterway inspection station, weigh station, agricultural inspection station, mobile station, or other location designated by the director, either fixed or mobile.

b. Inspections to determine violations under P.L.2010, c.22 (C.54:39-101 et al.) may be conducted by the director, the Chief Administrator of the New Jersey Motor Vehicle Commission, and any other law enforcement officer through procedures established by the director.

c. Inspectors may reasonably detain any person or equipment transporting fuel in or through this State for the purpose of determining whether the person is operating in compliance with the provisions of P.L.2010, c.22 (C.54:39-101 et al.) and any rules and regulations promulgated pursuant thereto. Detainment may continue for such time only as is necessary to determine whether the person is in compliance with P.L.2010, c.22 (C.54:39-101 et al.).

C.54:39-147 Audit, examination authorized.

47. a. The director is authorized to audit and examine the records, books, papers, and equipment of a licensee or other person selling, transporting, storing or using fuel to verify the completeness, truth and accuracy of any statement or report and ascertain whether or not the tax imposed by P.L.2010, c.22 (C.54:39-101 et al.) has been paid.

b. Records shall be made available to the director during normal business hours at the physical location of the person in this State, or at the offices of the director within three business days after the director's request if the location at which records are located is outside of this State.

c. The director, may, upon showing credentials, inspect, and each fuel vendor, fuel transporter or bulk purchaser shall disclose, immediately upon request any shipping paper required by P.L.2010, c.22 (C.54:39-101 et al.) to be maintained at the physical location where the request is made which may include any place fuel is stored or held for sale or transportation.

d. A person who shall refuse to permit any inspection or audit authorized by P.L.2010, c.22 (C.54:39-101 et al.) shall be subject to a civil penalty of \$5,000 in addition to any penalty imposed by any other provision of P.L.2010, c.22 (C.54:39-101 et al.).

e. A person who refuses, for the purpose of evading tax, to allow an inspection shall, in addition to being liable for any other penalties imposed by P.L.2010, c.22 (C.54:39-101 et al.), be guilty of a crime of the third degree.

C.54:39-148 Additional powers of director.

48. In addition to the powers granted to the director by P.L.2010, c.22 (C.54:39-101 et al.), the director is authorized and empowered:

- a. to make, adopt and amend rules and regulations appropriate to carrying out P.L.2010, c.22 (C.54:39-101 et al.) and accomplishing its purposes;
- b. to delegate the director's functions hereunder to any officer or employee of the director's division, or to federal government employees or persons operating under contract with this State, such of the director's powers as the director may deem necessary to carry out efficiently the provisions of P.L.2010, c.22 (C.54:39-101 et al.), and the person or persons to whom such power has been delegated shall possess and may exercise all of the power and perform all of the duties herein conferred and imposed upon the director;
- c. to arrange for the institution of programs of cooperation with other departments, divisions, and agencies of the State of New Jersey such as but not limited to the Office of Weights and Measures of the Division of Consumer Affairs in the Department of Law and Public Safety, Motor Carrier Services in the Motor Vehicle Commission, or the Board of Regulatory Commissioners, if a program may be necessary to ensure effective administration and enforcement of P.L.2010, c.22 (C.54:39-101 et al.);
- d. to conduct investigations as necessary to enforce the provisions of P.L.2010, c.22 (C.54:39-101 et al.);
- e. to prescribe forms upon which reports are made to the director and all other forms and information the director deems necessary to enforce the provisions of P.L.2010, c.22 (C.54:39-101 et al.), and may require periodic submission of information from any person dealing in, transporting or storing fuel;
- f. to conduct joint audits, subject to specific agreements with any agency of the United States of America, with another state, or through National or Regional Tax Associations, of the obligations of any license holder, arising out of P.L.2010, c.22 (C.54:39-101 et al.). Notwithstanding the provisions of R.S.54:50-8 to the contrary, if any, the agreements may provide for exchange of the records and files of the director respecting the administration of P.L.2010, c.22 (C.54:39-101 et al.) or of any other State tax law;
- g. to require the licensure of any person not otherwise required to be licensed pursuant to P.L.2010, c.22 (C.54:39-101 et al.) dealing in, transporting or storing fuel, and to issue licenses for the terms and for the fees, as the director may prescribe; the director may decline to issue a license, or revoke a license issued, for good cause including, but not limited to, the standards provided by subsections c. and d. of section 28 of P.L.2010, c.22 (C.54:39-128);

h. to co-collect with the tax imposed pursuant to P.L.2010, c.22 (C.54:39-101 et al.), the tax imposed pursuant to the "Petroleum Products Gross Receipts Tax Act," P.L.1990, c.42 (C.54:15B-1 et seq.) pursuant to such procedures as the director may prescribe.

C.54:39-149 Disposition of moneys received from taxes on aircraft fuel.

49. Moneys received from taxes on fuel used in aircraft, pursuant to subsection b. of section 3 of P.L.2010, c.22 (C.54:39-103), shall be accounted for and forwarded by the director to the State Treasurer, who shall credit these payments to the Airport Safety Fund established by section 4 of the "New Jersey Airport Safety Act of 1983," P.L.1983, c.264 (C.6:1-92).

50. a. There is levied a tax on fuel held in storage as of the close of the business day preceding October 1, 2010. For the purpose of this section, "close of the business day" means the time at which the last transaction has occurred for that day. The tax on fuel shall be the tax rate specified by subsection a. of section 3 of P.L.2010, c.22 (C.54:39-103) for the type of fuel, multiplied by the gallons in storage of that type of fuel as of the close of the business day preceding October 1, 2010.

b. Persons in possession of fuel in storage as of the close of the business day immediately preceding October 1, 2010 shall:

(1) take an inventory at the close of the business day immediately preceding October 1, 2010;

(2) report the gallons listed in paragraph (1) of this subsection on forms provided by the director, not later than October 31, 2010; and

(3) Remit the tax levied under this section no later than April 1, 2011.

c. If tax due pursuant to subsection b. of this section is paid to the director on or before October 31, 2010, the person remitting the tax may deduct from that person's tax liability 10% of the tax liability otherwise due.

d. In determining the amount of tax due under this section, a person may exclude the amount of fuel in dead storage in each storage tank. For the purposes of this section, "dead storage" means the amount of fuel that cannot be pumped out of a fuel storage tank because the motor fuel is below the mouth of the draw pipe. The amount of motor fuel in dead storage is 200 gallons for a tank with a capacity of less than 10,000 gallons and 400 gallons for a tank with a capacity of 10,000 gallons or more.

51. a. A person who is licensed as a distributor pursuant to R.S.54:39-17 prior to October 1, 2010 shall be deemed a supplier licensed pursuant to the "Motor Fuel Tax Act," P.L.2010, c.22 (C.54:39-101 et seq.) as of Octo-

ber 1, 2010 and subject to P.L.2010, c.22 (C.54:39-101 et al.) regarding licensed suppliers unless the person licensed as a distributor pursuant to R.S.54:39-17 provides notice prior to October 1, 2010 that the person does not desire the status of licensee as a supplier pursuant to P.L.2010, c.22 (C.54:39-101 et al.). A person who is licensed as a distributor pursuant to R.S.54:39-17 prior to October 1, 2010 who declines licensure pursuant to the "Motor Fuel Tax Act," P.L.2010, c.22 (C.54:39-101 et seq.) shall be deemed to have terminated its license as of the end of September 30, 2010, shall cease in-State activities covered by P.L.2010, c.22 (C.54:39-101 et al.), and shall be subject to final report requirements of section 27 of P.L.2010, c.22 (C.54:39-127). If no notice is received by the director prior to October 1, 2010 declining licensure, then that shall be deemed acceptance of the new license and responsibilities pursuant to the "Motor Fuel Tax Act," P.L.2010, c.22 (C.54:39-101 et seq.), and the person may continue in operation except as provided by subsection f. of this section.

Notice may be given to a person who is licensed as a distributor pursuant to R.S.54:39-17 prior to October 1, 2010 that the person will not be granted a license pursuant to the "Motor Fuel Tax Act," P.L.2010, c.22 (C.54:39-101 et seq.). A person given that notice shall cease activities covered by the license on or before October 1, 2010, shall be deemed to have terminated its license as of the end of September 30, 2010, and shall be subject to final report requirements of section 27 of P.L.2010, c.22 (C.54:39-127).

b. A person who is licensed as a retail dealer pursuant to R.S.54:39-30 prior to October 1, 2010 shall be deemed a retail dealer licensed pursuant to the "Motor Fuel Tax Act," P.L.2010, c.22 (C.54:39-101 et seq.) as of October 1, 2010 and subject to P.L.2010, c.22 (C.54:39-101 et al.) regarding retail dealers unless the person licensed as a retail dealer pursuant to R.S.54:39-30 provides notice prior to October 1, 2010 that the person does not desire the status of licensee as a retail dealer pursuant to P.L.2010, c.22 (C.54:39-101 et al.). A person who is licensed as a retail dealer pursuant to R.S.54:39-30 prior to October 1, 2010 who declines licensure pursuant to the "Motor Fuel Tax Act," P.L.2010, c.22 (C.54:39-101 et seq.) shall be deemed to have terminated its license as of the end of September 30, 2010, and shall cease in-State activities covered by P.L.2010, c.22 (C.54:39-101 et al.). If no notice is received by the director prior to October 1, 2010 declining licensure, then that shall be deemed acceptance of the new license and responsibilities pursuant to the "Motor Fuel Tax Act," P.L.2010, c.22 (C.54:39-101 et seq.), and the person may continue in operation except as provided by subsection f. of this section.

Notice may be given to a person who is licensed as a retail dealer pursuant to R.S.54:39-30 prior to October 1, 2010 that the person will not be granted a license pursuant to the "Motor Fuel Tax Act," P.L.2010, c.22 (C.54:39-101 et seq.). A person given that notice shall cease activities covered by the license on or before October 1, 2010, shall be deemed to have terminated its license as of the end of September 30, 2010, and shall be subject to final report requirements of section 27 of P.L.2010, c.22 (C.54:39-127).

c. A person who is licensed as an importer, exporter, wholesaler, or jobber pursuant to R.S.54:39-1 et seq. prior to October 1, 2010 shall be deemed a distributor licensed pursuant to the "Motor Fuel Tax Act," P.L.2010, c.22 (C.54:39-101 et seq.) as of October 1, 2010 and subject to P.L.2010, c.22 (C.54:39-101 et al.) regarding licensed suppliers unless the person licensed as an importer, exporter, wholesaler, or jobber pursuant to R.S.54:39-1 et seq. provides notice prior to October 1, 2010 that the person does not desire the status of licensee as a distributor pursuant to P.L.2010, c.22 (C.54:39-101 et al.). A person who is licensed as an importer, exporter, wholesaler, or jobber pursuant to R.S.54:39-1 et seq. prior to October 1, 2010 who declines licensure pursuant to the "Motor Fuel Tax Act," P.L.2010, c.22 (C.54:39-101 et seq.) shall be deemed to have terminated its license as of the end of September 30, 2010, shall cease in-State activities covered by P.L.2010, c.22 (C.54:39-101 et al.), and shall be subject to final report requirements of section 27 of P.L.2010, c.22 (C.54:39-127). If no notice is received by the director prior to October 1, 2010 declining licensure, then that shall be deemed acceptance of the new license and responsibilities pursuant to the "Motor Fuel Tax Act," P.L.2010, c.22 (C.54:39-101 et seq.), and the person may continue in operation except as provided by subsection f. of this section.

Notice may be given to a person who is licensed as an importer, exporter, wholesaler, or jobber pursuant to R.S.54:39-1 et seq. prior to October 1, 2010 that the person will not be granted a license pursuant to the "Motor Fuel Tax Act," P.L.2010, c.22 (C.54:39-101 et seq.). A person given that notice shall cease activities covered by the license on or before October 1, 2010, shall be deemed to have terminated its license as of September 30, 2010, and shall be subject to final report requirements of section 27 of P.L.2010, c.22 (C.54:39-127).

d. A person engaged in the business of hauling, transporting or delivering fuel who is a motor fuel transport licensee pursuant to R.S.54:39-1 or who has registered a conveyance for transporting fuel pursuant to R.S.54:39-41 prior to October 1, 2010 shall be deemed a transporter and the

conveyance shall be deemed registered as a fuel conveyance pursuant to the “Motor Fuel Tax Act,” P.L.2010, c.22 (C.54:39-101 et seq.) as of October 1, 2010 and subject to P.L.2010, c.22 (C.54:39-101 et al.) regarding transporters and fuel conveyances unless the motor fuel transport licensee or person having a registered conveyance provides notice prior to October 1, 2010 that the person does not desire the status of transporter or does not desire to have a registered fuel conveyance pursuant to P.L.2010, c.22 (C.54:39-101 et al.). A person who is a motor fuel transport licensee or who has a conveyance registered pursuant to R.S.54:39-41 prior to October 1, 2010 who declines status pursuant to the “Motor Fuel Tax Act,” P.L.2010, c.22 (C.54:39-101 et seq.) shall be deemed to have terminated its motor fuel transport license and its conveyance registration, as applicable, as of the end of September 30, 2010, and shall cease in-State activities covered by P.L.2010, c.22 (C.54:39-101 et al.). If no notice is received by the director prior to October 1, 2010 declining licensure, or registration as applicable, then that shall be deemed acceptance of the new license, or registration as applicable, and acceptance of transporter responsibilities pursuant to the “Motor Fuel Tax Act,” P.L.2010, c.22 (C.54:39-101 et seq.).

e. All other persons licensed pursuant to R.S.54:39-1 et seq. shall apply to the director for an appropriate license, as determined by the director and subject to such rules as the director may prescribe, pursuant to this section on or before October 1, 2010 or cease activities requiring a license under this section. If a person accepts a new license and responsibilities that license entails pursuant to the “Motor Fuel Tax Act,” P.L.2010, c.22 (C.54:39-101 et seq.), the person may continue in operation except as provided by subsection f. of this section.

f. A person required to file a bond or other surety with the director pursuant to the “Motor Fuel Tax Act,” P.L.2010, c.22 (C.54:39-101 et seq.) shall have until October 31, 2010, to establish, reestablish or transfer that surety to the person’s new license status pursuant to P.L.2010, c.22 (C.54:39-101 et al.). A person who does not meet those bonding requirements by October 31, 2010 shall cease activities covered by the license on October 31, 2010.

g. Licenses issued pursuant to R.S.54:39-1 et seq. and not continued pursuant to this section shall be invalid as of October 1, 2010. Licenses accepted pursuant to this section in place of the license issued pursuant to R.S.54:39-1 et seq. shall be valid until the expiration date of the license originally issued pursuant to R.S.54:39-1 et seq.

52. 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 regulations as the director deems necessary to implement the provisions of P.L.2010, c.22 (C.54:39-101 et al.), which regulations shall be effective for a period not to exceed 360 days following the date of enactment of P.L.2010, c.22 (C.54:39-101 et al.) and may thereafter be amended, adopted, or readopted by the director in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

53. Section 7 of P.L.1990, c.42 (C.54:15B-7) is amended to read as follows:

C.54:15B-7 Filing of return; payment of tax.

7. a. A company subject to tax under P.L.1990, c.42 (C.54:15B-1 et seq.) shall, on or before the 25th day of a month, file a remittance to the director on such forms as may be prescribed by the director and pay the full amount of the tax due on gross receipts subject to tax derived from the first sale of petroleum products within this State and the consideration given or contracted to be given for all deliveries of petroleum products for use or consumption by it within this State for the preceding month.

b. On or before the 25th day following the end of a quarterly period, a company subject to tax under P.L.1990, c.42 (C.54:15B-1 et seq.) shall file a reconciliation return under oath to the director on such forms as may be prescribed by the director reflecting such information and payments from the preceding quarterly period as the director shall deem necessary.

c. The tax payments of a company subject to tax under P.L.1990, c.42 (C.54:15B-1 et seq.) whose tax on sales is co-collected with the tax imposed by section 3 of P.L.2010, c.22 (C.54:39-103) pursuant to regulations of the director shall pay the tax under P.L.1990, c.42 (C.54:15B-1 et seq.) at such times and on the returns for the tax imposed under P.L.2010, c.22 (C.54:39-101 et al.), and omit those sales from the returns required under this section.

54. Section 20 of P.L.1980, c.105 (C.54:32B-8.8) is amended to read as follows:

C.54:32B-8.8 Motor, airplane or railroad fuels.

20. Receipts from sales of motor fuel, racing gasoline, liquefied petroleum gas, and aviation fuel as those fuels are defined by section 2 of

P.L.2010, c.22 (C.54:39-102); and sales of fuel to an airline for use in its airplanes or to a railroad for use in its locomotives are exempt from the tax imposed under the Sales and Use Tax Act.

55. Section 2 of P.L.1963, c.44 (C.54:39A-2) is amended to read as follows:

C.54:39A-2 Definitions.

2. For the purpose of this act, unless inconsistent with the context:

(a) "User" means every person who operates or causes to be operated any qualified motor vehicle on any highway in this State. The term shall include a rental company in the case of a rental vehicle.

(b) "Qualified motor vehicle" means a motor vehicle that is not an exempt vehicle and that is used, designed or maintained for transportation of persons or property; and

(1) having two axles and a gross vehicle weight or registered gross vehicle weight in excess of 26,000 pounds;

(2) having three or more axles, regardless of weight; or

(3) that is used in combination, when the weight of such combination is in excess of 26,000 pounds gross vehicle weight or registered gross vehicle weight.

Notwithstanding this definition of qualified motor vehicle, if the director enters into the agreement authorized pursuant to subsection b. of section 24 of P.L.1963, c.44 (C.54:39A-24), the director shall, as may be required by the agreement, issue a card and markers pursuant to section 10 of P.L.1963, c.44 (C.54:39A-10) to the user of an exempt vehicle other than a recreational vehicle that is a New Jersey base jurisdiction vehicle and that would be a qualified motor vehicle but for being an exempt vehicle and the director shall administer the reporting and collection of tax imposed by other member jurisdictions with respect to such vehicle.

(c) "Exempt vehicle" means:

(1) Any vehicle owned or operated by an agency of this State or any political subdivision thereof, or any quasi-governmental authority of which this State is a participating member, or any agency of the federal government or the District of Columbia, or of any state or province or political subdivision thereof.

(2) School bus as defined in R.S.39:1-1.

(3) Vehicles operated under authority of dealer, manufacturer, converter and transporter general registration plates such as prescribed in R.S.39:3-18 and similar laws of other states.

(4) Special mobile equipment not designed or used primarily for the transportation of persons or property.

(5) Vehicles operated not for profit by any religious or charitable organization.

(6) Vehicles operated by a public utility as defined in R.S.48:2-13, or under a contract with the New Jersey Transit Corporation or under a contract with a county for special or rural transportation bus service subject to the jurisdiction of the New Jersey Transit Corporation pursuant to P.L.1979, c.150 (C.27:25-1 et seq.) whose operations are limited to the State of New Jersey, or vehicles providing commuter bus service which receive or discharge passengers in New Jersey.

(7) Vehicles operated, not for hire, by a farmer as defined in R.S.39:3-25.

(8) Vehicles used to transport farm labor.

(9) Recreational vehicles such as motor homes, pickup trucks with attached campers, and buses when used exclusively for personal pleasure by an individual. A recreational vehicle is a vehicle that is not used in connection with any business endeavor.

(d) "Operations" means operations of all qualified motor vehicles, whether loaded or empty, whether for compensation or not for compensation, and whether owned by, contracted for use by, or leased by the user who operates or causes them to be operated, except operations of an omnibus in a regular route bus operation as defined in R.S.48:4-1 and under operating authority conferred pursuant to R.S.48:4-3.

(e) The term "motor fuels" means any combustible liquid or gaseous substance used, or suitable, for the generation of power to propel motor vehicles.

(f) "Motor fuel tax" means a tax imposed at a rate equal to the sum of:

(1) the tax rate per gallon on motor fuels imposed by section 3 of P.L.2010, c.22 (C.54:39-103); and

(2) the tax rate per gallon on motor fuels imposed pursuant to section 3 of P.L.1990, c.42 (C.54:15B-3).

(g) "Director" shall mean the Director of the Division of Motor Vehicles in the Department of Transportation.

(h) "Purchaser" means the person, firm or corporation who or which purchased the fuel, and paid the motor fuel tax thereon, used in the qualified motor vehicles of the user.

(i) (Deleted by amendment, P.L.1995, c.347).

(j) (Deleted by amendment, P.L.1995, c.347).

(k) "Rental vehicle" means a vehicle owned by a rental company and rented to the general public on an hourly, daily, trip, or other short-term basis.

(l) "Rental company" means a person engaged in the business of renting vehicles to the general public, including motor carriers, on an hourly, daily, trip, or other short-term basis.

(m) "Commuter bus service" means regularly scheduled passenger service provided by qualified motor vehicles within or across the geographical boundaries of New Jersey and utilized by passengers using reduced fare, multiple ride or commutation tickets and shall not include charter bus operations or special bus operations as defined in R.S.48:4-1 or buses operated for the transportation of enrolled children and adults referred to in subsection c. of R.S.48:4-1.

Repealer.

56. The following sections are repealed:

R.S.54:39-1 through R.S.54:39-15;

R.S.54:39-17 through R.S.54:39-49;

R.S.54:39-51 through R.S.54:39-54;

R.S.54:39-56;

R.S.54:39-58 through R.S.54:39-60;

R.S.54:39-65 through R.S.54:39-75;

Sections 2 and 3 of P.L.1955, c.90 (C.54:39-66.1 and 54:39-67.1);

Sections 1 and 2 of P.L.1968, c.420 (C.54:39-6.1 and 54:39- 31.1);

Section 1 of P.L.1971, c.52 (C.54:39-27.1);

Section 7 of P.L.1983, c.264 (C.54:39-27a); and

Sections 41, 49, 50 through 62, and 68 of P.L.1992, c.23 (C.54:39-57.1, 54:39-6.2, 54:39-6.3, 54:39-6.4, 54:39-64.1, through 54:39-64.8, 54:39-10.1, 54:39-64.9, 54:39-64.10, and 54:39-10.2).

provided, however, that this repeal shall not affect any obligation, lien or duty to pay taxes, interest or penalties which have accrued or may accrue by virtue of any taxes imposed pursuant to the provisions of the law repealed by this act, or which may be imposed with respect to any redetermination, correction, recomputation or deficiency assessment; and provided that all taxes and returns which would have been due and payable under the provisions of the law repealed shall be due and payable as if the law was in effect; and provided that this repeal shall not affect the legal authority of the State to audit records and assess and collect taxes due or which may be due, together with the interest and penalties as have accrued or would have accrued on those taxes under the provisions of the law repealed; and provided that this repeal shall not affect any determination of, or affect any proceeding for, the enforcement thereof.

57. This act shall take effect immediately, provided however that sections 1 through 27, 29 through 49, and 53 through 56 shall remain inoperative until October 1, 2010.

Approved June 29, 2010.

CHAPTER 23

AN ACT concerning funding for charity care subsidies and amending P.L.1992, c.160.

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

1. Section 7 of P.L.1992, c.160 (C.26:2H-18.57) is amended to read as follows:

C.26:2H-18.57 Assessment of per adjusted admission charge.

7. a. Effective January 1, 1994, the Department of Health and Senior Services shall assess each hospital a per adjusted admission charge of \$10.00.

Of the revenues raised by the hospital per adjusted admission charge, \$5.00 per adjusted admission shall be used by the department to carry out its duties pursuant to P.L.1992, c.160 (C.26:2H-18.51 et al.) and \$5.00 per adjusted admission shall be used by the department for administrative costs related to health planning.

b. Effective July 1, 2004, the department shall assess each licensed ambulatory care facility that is licensed to provide one or more of the following ambulatory care services: ambulatory surgery, computerized axial tomography, comprehensive outpatient rehabilitation, extracorporeal shock wave lithotripsy, magnetic resonance imaging, megavoltage radiation oncology, positron emission tomography, orthotripsy and sleep disorder services. The Commissioner of Health and Senior Services may, by regulation, add additional categories of ambulatory care services that shall be subject to the assessment if such services are added to the list of services provided in N.J.A.C.8:43A-2.2(b) after the effective date of P.L.2004, c.54.

The assessment established in this subsection shall not apply to an ambulatory care facility that is licensed to a hospital in this State as an off-site ambulatory care service facility.

(1) For Fiscal Year 2005, the assessment on an ambulatory care facility providing one or more of the services listed in this subsection shall be based on gross receipts for the 2003 tax year as follows:

(a) a facility with less than \$300,000 in gross receipts shall not pay an assessment; and

(b) a facility with at least \$300,000 in gross receipts shall pay an assessment equal to 3.5% of its gross receipts or \$200,000, whichever amount is less.

The commissioner shall provide notice no later than August 15, 2004 to all facilities that are subject to the assessment that the first payment of the assessment is due October 1, 2004 and that proof of gross receipts for the facility's tax year ending in calendar year 2003 shall be provided by the facility to the commissioner no later than September 15, 2004. If a facility fails to provide proof of gross receipts by September 15, 2004, the facility shall be assessed the maximum rate of \$200,000 for Fiscal Year 2005.

The Fiscal Year 2005 assessment shall be payable to the department in four installments, with payments due October 1, 2004, January 1, 2005, March 15, 2005 and June 15, 2005.

(2) For Fiscal Year 2006, the commissioner shall use the calendar year 2004 data submitted in accordance with subsection c. of this section to calculate a uniform gross receipts assessment rate for each facility with gross receipts over \$300,000 that is subject to the assessment, except that no facility shall pay an assessment greater than \$200,000. The rate shall be calculated so as to raise the same amount in the aggregate as was assessed in Fiscal Year 2005. A facility shall pay its assessment to the department in four payments in accordance with a timetable prescribed by the commissioner.

(3) Beginning in Fiscal Year 2007 and for each fiscal year thereafter through Fiscal Year 2010, the uniform gross receipts assessment rate calculated in accordance with paragraph (2) of this subsection shall be applied to each facility subject to the assessment with gross receipts over \$300,000, as those gross receipts are documented in the facility's most recent annual report to the department, except that no facility shall pay an assessment greater than \$200,000. A facility shall pay its annual assessment to the department in four payments in accordance with a timetable prescribed by the commissioner.

(4) Beginning in Fiscal Year 2011 and for each fiscal year thereafter, the uniform gross receipts assessment shall be applied at the rate of 2.95% to each facility subject to the assessment with gross receipts over \$300,000, as those gross receipts are documented in the facility's most recent annual report submitted to the department pursuant to subsection c. of this section, except that no facility shall pay an assessment greater than \$350,000. A

facility shall pay its annual assessment to the department in four payments in accordance with a timetable prescribed by the commissioner.

c. Each ambulatory care facility that is subject to the assessment provided in subsection b. of this section shall submit an annual report including, at a minimum, data on volume of patient visits, charges, and gross revenues, by payer type, for patient services, beginning with calendar year 2004 data. The annual report shall be submitted to the department according to a timetable and in a form and manner prescribed by the commissioner.

The department may audit selected annual reports in order to determine their accuracy.

d. (1) If, upon audit as provided for in subsection c. of this section, it is determined that an ambulatory care facility understated its gross receipts in its annual report to the department, the facility's assessment for the fiscal year that was based on the defective report shall be retroactively increased to the appropriate amount and the facility shall be liable for a penalty in the amount of the difference between the original and corrected assessment.

(2) A facility that fails to provide the information required pursuant to subsection c. of this section shall be liable for a civil penalty not to exceed \$500 for each day in which the facility is not in compliance.

(3) A facility that is operating one or more of the ambulatory care services listed in subsection b. of this section without a license from the department, on or after July 1, 2004, shall be liable for double the amount of the assessment provided for in subsection b. of this section, in addition to such other penalties as the department may impose for operating an ambulatory care facility without a license.

(4) The commissioner shall recover any penalties provided for in this subsection in an administrative proceeding in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

e. The revenues raised by the ambulatory care facility assessment pursuant to this section shall be deposited in the Health Care Subsidy Fund established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58).

2. Section 12 of P.L.1992, c.160 (C.26:2H-18.62) is amended to read as follows:

C.26:2H-18.62 Monies designated for Health Care Subsidy Fund; allocation of monies.

12. a. (Deleted by amendment, P.L.2005, c.237).

b. (Deleted by amendment, P.L.2005, c.237).

c. (1) Notwithstanding any law to the contrary, each general hospital and each specialty heart hospital shall pay .53% of its total operating reve-

nue to the department for deposit in the Health Care Subsidy Fund. The hospital shall make monthly payments to the department beginning July 1, 1993. The commissioner shall determine the manner in which the payments shall be made.

For the purposes of this subsection, "total operating revenue" shall be defined by the department in accordance with financial reporting requirements established pursuant to N.J.A.C.8:31B-3.3 and shall include revenue from any ambulatory care facility that is licensed to a general hospital as an off-site ambulatory care service facility.

(2) The commissioner shall allocate the monies paid by hospitals pursuant to paragraph (1) of this subsection as follows:

(a) In State fiscal years 2006 and 2007, \$35 million of those monies shall be allocated to the support of federally qualified health centers in this State, and the remainder shall be allocated to the support of (i) the infant mortality reduction program in the Department of Health and Senior Services, (ii) the primary care physician and dentist loan redemption program established in the Higher Education Student Assistance Authority by article 3 of P.L.1999, c.46 (C.18A:71C-32 et seq.), and (iii) the development and use of health information electronic data interchange technology pursuant to P.L.1999, c.154 (C.17B:30-23 et al.); and

(b) In State fiscal year 2008 and thereafter, \$40 million of those monies shall be allocated to the support of federally qualified health centers in this State.

Monies allocated to the support of federally qualified health centers in the State under this paragraph shall be used for the purpose of compensating them for health care services provided to uninsured patients.

d. The monies paid by the hospitals and allocated under subsection c. of this section for the support of federally qualified health centers shall be credited to the federally qualified health centers account.

e. (1) Monies paid by hospitals under subsection c. of this section in excess of \$40 million, federal matching funds received on account of such monies, and interest received on such payments and funds shall be allocated exclusively to support funding to hospitals.

(2) In the event that any approval, application, or other condition necessary for the implementation of this subsection and the distribution of funds pursuant thereto consistent with the Fiscal Year 2011 annual appropriations act is not obtained, granted, or satisfied, the Departments of Health and Senior Services and Human Services shall jointly prepare a plan concerning charity care and related hospital funding, which shall be subject to the approval of the Joint Budget Oversight Committee.

3. This act shall take effect July 1, 2010.

Approved June 29, 2010.

CHAPTER 24

AN ACT concerning professional sports team specialty license plates and supplementing chapter 3 of Title 39 of the Revised Statutes.

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

C.39:3-27.140 Professional sports team specialty license plates.

1. a. The Chief Administrator of the New Jersey Motor Vehicle Commission shall establish professional sports team specialty license plates. The commission is authorized to enter into licensing contracts or agreements with the appropriate entities representing professional sports teams for the design and sale of professional sports team specialty license plates. As used in this act, “professional sports team” includes, but is not limited to, teams and franchises associated with the National Hockey League; Major League Baseball Properties, Inc.; NASCAR; NFL Properties, LLC; and National Basketball Properties, Inc.

b. Upon proper application, the chief administrator shall issue a professional sports team specialty license plate for any motor vehicle owned or leased and registered in the State. In addition to the registration number and other markings or identification otherwise prescribed by law, the license plate may display wording and a design, including an emblem and color scheme, chosen by the chief administrator, in coordination with the professional sports team and its professional sports league.

c. In addition to the fees otherwise prescribed by law for the registration of a motor vehicle, the commission shall impose and collect a fee in an amount to be determined by the chief administrator for the issuance of professional sports team specialty license plates. The annual renewal of a registration certificate of a motor vehicle that has been issued professional sports team specialty license plates shall be accompanied by an additional fee in an amount to be determined by the chief administrator. Notwithstanding any law, rule, or regulation to the contrary, revenues derived from the additional fee imposed and collected for the issuance and renewal of

professional sports team specialty license plates, less the amounts necessary to reimburse the commission for administrative costs pursuant to subsection d. of this section, shall be remitted to the General Fund.

d. Prior to the deposit of license plate fees collected pursuant to subsection c. of this section into the General Fund, amounts thereof as are necessary shall be used to reimburse the commission for costs reasonably and actually incurred, as stipulated by the chief administrator, for producing, issuing, renewing, and publicizing the availability of professional sports team specialty license plates, including the cost of any initial computer programming changes.

e. The chief administrator shall notify eligible motorists of the opportunity to obtain professional sports team specialty license plates by including a notice with all motor vehicle registration renewals and by posting appropriate posters or signs in all commission facilities and offices.

2. This act shall take effect immediately.

Approved June 29, 2010.

CHAPTER 25

AN ACT concerning presumptions of abandonment, issuer imposed dormancy fees and related administration of certain unclaimed properties, amending and supplementing chapter 30B of Title 46 of the Revised Statutes and repealing parts of the statutory law.

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

1. R.S.46:30B-6 is amended to read as follows:

Definitions.

46:30B-6. Definitions.

As used in this chapter:

a. "Administrator" means the Treasurer of the State of New Jersey, any individual serving as the Acting Treasurer in the absence of the appointed Treasurer, and any State employee to whom the Treasurer has delegated authority to administer the provisions of this chapter and to execute any pertinent documents;

b. "Apparent owner" means the person whose name appears on the records of the holder as the person entitled to property held, issued, or owing by the holder;

c. (Deleted by amendment, P.L.2002, c.35).

d. "Business association" means a corporation, joint stock company, investment company, business trust, partnership, unincorporated association, joint venture, limited liability company, safe deposit company, safe-keeping depository, financial organization, insurance company, mutual fund, utility or other business entity consisting of one or more persons, whether or not for profit;

e. "Domicile" means the state of incorporation of a corporation and the state of the principal place of business of an unincorporated person;

f. "Financial organization" means a savings and loan association, building and loan association, credit union, savings bank, industrial bank, bank, banking organization, trust company, safe deposit company, private banker, or any organization defined by other law as a bank or banking organization;

g. "Holder" means a person, wherever organized or domiciled, who is the original obligor indebted to another on an obligation;

h. "Insurance company" means an association, corporation, fraternal or mutual benefit organization, whether or not for profit, which is engaged in providing insurance coverage, including accident, burial, casualty, credit life, contract performance, dental, fidelity, fire, health, hospitalization, illness, life (including endowments and annuities), malpractice, marine, mortgage, surety, and wage protection insurance;

i. (Deleted by amendment, P.L.2002, c.35).

j. (Deleted by amendment, P.L.2002, c.35).

k. "Owner" means a person having a legal or equitable interest in property subject to this chapter or the person's legal representative and includes, but is not limited to, a depositor in the case of a deposit, a beneficiary in the case of a trust other than a deposit in trust, and a creditor, claimant, or payee in the case of other property;

l. "Person" means an individual, business association, state or other government, governmental subdivision or agency, public corporation, public authority, estate, trust, two or more persons having a joint or common interest, or any other legal or commercial entity;

m. "State" means any state in the United States, district, commonwealth, territory, insular possession, or any other area subject to the jurisdiction of the United States;

n. "Utility" means a person who owns or operates for public use any plant, equipment, property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas;

o. "Mineral" means gas, oil, coal, other gaseous, liquid and solid hydrocarbons, oil shale, cement material, sand and gravel, road material, building stone, chemical raw material, gemstone, fissionable and nonfissionable ores, colloidal and other clay, steam and other geothermal resources, or any other substance defined as a mineral by the law of this State;

p. "Mineral proceeds" means amounts payable for the extraction, production, or sale of minerals, or, upon the abandonment of those payments, all payments that become payable thereafter, and includes, but is not limited to, amounts payable:

for the acquisition and retention of a mineral lease, including bonuses, royalties, compensatory royalties, shut-in royalties, minimum royalties, and delay rentals;

for the extraction, production, or sale of minerals, including net revenue interests, royalties, overriding royalties, extraction payments, and production payments; and

under an agreement of option, including a joint operating agreement, pooling agreement, and farm-out agreement;

q. "Money order" means an express money order and a personal money order, on which the remitter is the purchaser;

r. "Property" means tangible property described in R.S.46:30B-45 or a fixed and certain interest in intangible property that is held, issued, or owed in the course of a holder's business, or by a government, government subdivision, agency, or instrumentality, and all income or increments therefrom, and includes property that is referred to as or evidenced by:

money, a check, draft, deposit, interest, or dividend;

stored value card;

credit balance, customer's overpayment, security deposit, refund, credit memorandum, unpaid wage, unused ticket, mineral proceeds or unidentified remittance;

stock or other evidence of ownership of an interest in a business association or financial organization;

a bond, debenture, note, or other evidence of indebtedness;

money deposited to redeem stock, bonds, coupons, or other securities or distributions;

an amount due and payable under the terms of an annuity or insurance policy, including policies providing life insurance, property and casualty

insurance, workers compensation insurance, or health and disability insurance; and

an amount distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death stock purchase, profit sharing, employee savings, supplemental unemployment, insurance, or similar benefits;

s. "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form; and

t. "Stored value card" means a record that evidences a promise, made for monetary or other consideration, by the issuer or seller of the record that the owner of the record will be provided, solely or a combination of, merchandise, services, or cash in the value shown in the record, which is pre-funded and the value of which is reduced upon each redemption. The term "stored value card" includes, but is not limited to the following items: paper gift certificates, records that contain a microprocessor chip, magnetic stripe or other means for the storage of information, gift cards, electronic gift cards, rebate cards, stored-value cards or certificates, store cards, and similar records or cards.

2. R.S.46:30B-11 is amended to read as follows:

Presumption of abandonment of travelers check.

46:30B-11. Presumption of abandonment of travelers check. Subject to R.S.46:30B-14, any sum payable on a travelers check that has been outstanding for more than three years after its issuance is presumed abandoned unless the owner, within three years, has communicated in writing with the issuer concerning it or otherwise indicated an interest as evidenced by a contemporaneous memorandum or other record on file prepared by an employee of the issuer.

3. R.S.46:30B-12 is amended to read as follows:

Presumption of abandonment of money order.

46:30B-12. Presumption of abandonment of money order. Subject to R.S.46:30B-14, any sum payable on a money order or similar written instrument that has been outstanding for more than three years after its issuance is presumed abandoned unless the owner, within three years, has communicated in writing with the issuer concerning it or otherwise indicated an interest as evidenced by a contemporaneous memorandum or other record on file prepared by an employee of the issuer.

4. R.S.46:30B-13 is amended to read as follows:

Limitation on holder's power to impose service charges.

46:30B-13. Limitation on holder's power to impose service charges. A holder may not deduct from the amount of a travelers check or money order any charge imposed by reason of the failure to present the instrument for payment unless there is a valid and enforceable written contract between the issuer and the owner of the instrument pursuant to which the issuer may impose a charge and the issuer regularly imposes the charges and does not regularly reverse or otherwise cancel them. The amount of the deduction shall be limited to an amount not to exceed \$2 per month. Notwithstanding any provision of this section to the contrary, no service charge, dormancy fee or other similar charge shall be imposed against a travelers check or money order within the twelve months immediately following the date of sale.

C.46:30B-42.1 Presumption of abandonment of stored value card.

5. a. A stored value card for which there has been no stored value card activity for two years is presumed abandoned.

b. The proceeds of a stored value card presumed abandoned shall be the value of the card, in money, on the date the stored value card is presumed abandoned.

c. An issuer of a stored value card shall obtain the name and address of the purchaser or owner of each stored value card issued or sold and shall, at a minimum, maintain a record of the zip code of the owner or purchaser.

If the issuer of a stored value card does not have the name and address of the purchaser or owner of the stored value card, the address of the owner or purchaser of the stored value card shall assume the address of the place where the stored value card was purchased or issued and shall be reported to New Jersey if the place of business where the stored value card was sold or issued is located in New Jersey.

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

e. This section does not apply to a stored value card that is distributed by the issuer to a person under a promotional or customer loyalty program or a charitable program for which no monetary or other consideration has been tendered by the owner and this section does not apply to a stored value card issued by any issuer that in the past year sold stored value cards with a

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

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

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

h. As used in this section:

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

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

6. Section 37 of P.L.2002, c.35 (C.46:30B-43.1) is amended to read as follows:

C.46:30B-43.1 Limitation on holder’s power to impose charges.

37. Limitation on holder's power to impose charges. A holder of property subject to R.S.46:30B-42, section 5 of P.L.2010, c.25 (C.46:30B-42.1), and R.S.46:30B-43 shall not impose on the property a dormancy charge or fee, abandoned property charge or fee, unclaimed property charge or fee, escheat

charge or fee, inactivity charge or fee, or any similar charge, fee or penalty for inactivity with respect to the property. Neither the property nor an agreement with respect to the property may contain language suggesting that the property may be subject to that kind of charge, fee or penalty for inactivity.

7. R.S.46:30B-62 is amended to read as follows:

Reimbursement of holder paying claim.

46:30B-62. Reimbursement of holder paying claim. A holder who has paid money to the administrator pursuant to this chapter may make payment to any person appearing to the holder to be entitled to payment and, upon filing proof of payment and proof that the payee was entitled thereto, the administrator shall promptly reimburse the holder for the payment without imposing any fee or other charge. If reimbursement is sought for a payment made on a negotiable instrument, including a stored value card, travelers check or money order, the holder shall be reimbursed under this section upon filing proof that the instrument was duly presented and that payment was made to a person who appeared to the holder to be entitled to payment. The holder shall be reimbursed for payment made under this section even if the payment was made to a person whose claim was barred under R.S.46:30B-88.

Repealer.

8. The following sections are repealed:
Sections 1 through 3 of P.L.2007, c.326 (C.56:8-182 et seq.).

9. This act shall take effect July 1, 2010 and apply to travelers checks, money orders, stored value cards, credit balances, customer overpayments, security deposits, refunds, credit memoranda, unused tickets, or similar instruments outstanding on and after July 1, 2010, including, but not limited to, those outstanding instruments issued before July 1, 2010.

Approved June 29, 2010.

CHAPTER 26

AN ACT concerning certain fees for civil service examinations and appeals and amending P.L.1992, c.197.

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

1. Section 1 of P.L.1992, c.197 (C.11A:4-1.1) is amended to read as follows:

C.11A:4-1.1 Application fee for examinations; additional fees; uses.

1. a. Except as provided in subsection b. of this section concerning law enforcement officer and firefighter examinations, the commission shall establish a \$25 fee for each application for an open competitive or promotional examination and a \$15 fee for each application for an open competitive or promotional examination by a veteran. Persons receiving public assistance benefits pursuant to P.L.1947, c.156 (C.44:8-107 et seq.), P.L.1973, c.256 (C.44:7-85 et seq.), or P.L.1997, c.38 (C.44:10-55 et seq.) shall not be required to pay this fee if they apply for an open competitive examination. Receipts derived from application fees established by this subsection shall be appropriated to the commission. On or after July 1, 2015, and every five years thereafter, the chairperson of the commission shall review the \$25 fee established by this subsection and may modify the fee, provided, however, that the fee, along with the \$15 fee, shall not exceed the cost of developing, procuring, and administering the examination.

b. The commission shall establish a fee for each application for an open competitive or promotional examination for a law enforcement officer or firefighter title. The fee shall not exceed the cost of developing, procuring and administering the examination. Persons receiving public assistance benefits pursuant to P.L.1947, c.156 (C.44:8-107 et seq.), P.L.1973, c.256 (C.44:7-85 et seq.), or P.L.1997, c.38 (C.44:10-55 et seq.) shall not be required to pay this fee if they apply for an open competitive examination. Receipts derived from application fees established by this subsection shall be appropriated to the commission for use in developing, procuring and administering law enforcement officer and firefighter examinations.

c. In addition to the fees established in subsections a. and b. of this section, the commission shall establish a \$15 fee for each application for an open competitive or promotional examination for a position in State service. Persons receiving public assistance benefits pursuant to P.L.1947, c.156 (C.44:8-107 et seq.), P.L.1973, c.256 (C.44:7-85 et seq.), or P.L.1997, c.38 (C.44:10-55 et seq.) shall not be required to pay this fee if they apply for an open competitive examination. Receipts derived from the application fee established pursuant to this subsection shall be appropriated annually to the commission for the costs of the displaced workers pool program.

This fee shall not be assessed and collected unless the commission implements a displaced workers pool program. If the displaced workers pool program is terminated at any time by the commission, the assessment and collection of this additional fee shall also be terminated.

d. The commission shall establish a \$20 fee for each appeal filed under the provisions of subsection a. or b. of N.J.S.11A:2-6, subsection e. of N.J.S.11A:4-1, N.J.S.11A:8-4, and the rules promulgated thereunder. Persons who are receiving public assistance benefits pursuant to P.L.1947, c.156 (C.44:8-107 et seq.), P.L.1973, c.256 (C.44:7-85 et seq.), or P.L.1997, c.38 (C.44:10-55 et seq.), or persons who are veterans, shall not be required to pay this fee.

2. This act shall take effect on July 1, 2010, or if enacted after that date, this act shall take effect immediately upon enactment.

Approved June 29, 2010.

CHAPTER 27

AN ACT reducing benefit amounts under the New Jersey earned income credit program, amending P.L.2000, c.80.

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

1. Section 2 of P.L.2000, c.80 (C.54A:4-7) is amended to read as follows:

C.54A:4-7 New Jersey Earned Income Tax Credit program.

2. There is established the New Jersey Earned Income Tax Credit program in the Division of Taxation in the Department of the Treasury.

a. (1) A resident individual who is eligible for a credit under section 32 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.32) shall be allowed a credit for the taxable year equal to a percentage, as provided in paragraph (2) of this subsection, of the federal earned income tax credit that would be allowed to the individual or the married individuals filing a joint return under section 32 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.32) for the same taxable year for which a credit is claimed pursu-

ant to this section, subject to the restrictions of this subsection and subsections b., c., d. and e. of this section.

(2) For the purposes of the calculation of the New Jersey earned income tax credit, the percentage of the federal earned income tax credit referred to in paragraph (1) of this subsection shall be:

(a) 10% for the taxable year beginning on or after January 1, 2000, but before January 1, 2001;

(b) 15% for the taxable year beginning on or after January 1, 2001, but before January 1, 2002;

(c) 17.5% for the taxable year beginning on or after January 1, 2002, but before January 1, 2003;

(d) 20% for taxable years beginning on or after January 1, 2003, but before January 1, 2008;

(e) 22.5% for taxable years beginning on or after January 1, 2008 but before January 1, 2009;

(f) 25% for taxable years beginning on or after January 1, 2009 but before January 1, 2010; and

(g) 20% for taxable years beginning on or after January 1, 2010.

(3) To qualify for the New Jersey earned income tax credit, if the claimant is married, except for a claimant who files as a head of household or surviving spouse for federal income tax purposes for the taxable year, the claimant shall file a joint return or claim for the credit.

b. In the case of a part-year resident claimant, the amount of the credit allowed pursuant to this section shall be pro-rated, based upon that proportion which the total number of months of the claimant's residency in the taxable year bears to 12 in that period. For this purpose, 15 days or more shall constitute a month.

c. The amount of the credit allowed pursuant to this section shall be applied against the tax otherwise due under N.J.S.54A:1-1 et seq., after all other credits and payments. If the credit exceeds the amount of tax otherwise due, that amount of excess shall be an overpayment for the purposes of N.J.S.54A:9-7; provided however, that subsection (f) of N.J.S.54A:9-7 shall not apply. The credit provided under this section as a credit against the tax otherwise due and the amount of the credit treated as an overpayment shall be treated as a credit towards or overpayment of gross income tax, subject to all provisions of N.J.S.54A:1-1 et seq., except as may be otherwise specifically provided in P.L.2000, c.80 (C.54A:4-6 et al.).

d. The Director of the Division of Taxation in the Department of the Treasury shall have discretion to establish a program for the distribution of earned income tax credits pursuant to the provisions of this section.

e. Any earned income tax credit pursuant to this section shall not be taken into account as income or receipts for purposes of determining the eligibility of an individual for benefits or assistance or the amount or extent of benefits or assistance under any State program and, to the extent permitted by federal law, under any State program financed in whole or in part with federal funds.

2. This act shall take effect immediately and apply to taxable years beginning on or after January 1, 2010.

Approved June 29, 2010.

CHAPTER 28

AN ACT providing for the transfer of certain funds from the Invest in New Jersey Business Grant Program to the Economic Recovery Fund, amending P.L.1992, c.16 and P.L.1974, c.80.

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

1. Notwithstanding any provision of law to the contrary, the New Jersey Economic Development Authority established pursuant to section 4 of P.L.1974, c.80 (C.34:1B-4) shall transfer, on or before the fifth day after enactment of this act, an amount not to exceed \$22,000,000, as shall be determined by the State Treasurer, from the Invest in New Jersey Business Grant Program established pursuant to P.L.2008, c.112 (C.34:1B-237 et seq.), to the Economic Recovery Fund established pursuant to P.L.1992, c.16 (C.34:1B-7.10 et seq.), for the purpose of funding the Main Street Business Assistance Program established pursuant to P.L.2008, c.117.

2. Section 4 of P.L.1992, c.16 (C.34:1B-7.13) is amended to read as follows:

C.34:1B-7.13 Use of moneys in fund.

4. The authority may use the moneys in the fund to pay principal of, premium, if any, and interest on bonds or notes, which shall be entitled "Economic Recovery Fund Bonds or Notes," as appropriate, the proceeds, or net proceeds, of which shall be deposited into the fund, or used for purposes of the fund, and moneys in the fund, including money received from

the sale of bonds shall, in such manner as is determined by the authority, and pursuant to subsections d., e., and f. of this section, be used for the financing of projects as set forth in section 3 of P.L.1974, c.80 (C.34:1B-3) and to establish:

a. an economic growth account for business programs, which will invest in small and medium-size businesses that have the greatest potential for creating jobs and stimulating economic growth through such elements as a Statewide lending pool for small business, a business composite bond guarantee, a fund to further supplement the export finance program of the authority to provide direct loans and working capital necessary for New Jersey businesses to compete in the global market, real estate partnerships, a Statewide composite bond pool to assist municipalities in acquiring needed financing for capital expenditures, community-based assistance to assist municipalities in establishing local development corporations to stimulate economic development, a venture capital fund for start-up costs for businesses developing new concepts and inventions, a fund to assist businesses with expansion in such areas as manufacturing retooling to improve quality, to reduce production costs and to train employees to apply the latest technology, and a "Main Street Business Assistance Program" to provide guarantees and loans to small and mid-size businesses and not-for-profit corporations to stimulate the economy. The authority may promulgate rules and regulations for the effective implementation of the "Main Street Business Assistance Program." Notwithstanding any provision of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the authority may adopt, immediately upon filing with the Office of Administrative Law, such regulations as are necessary to implement the provisions of this act, which shall be effective for a period not to exceed 12 months following enactment, and may thereafter be amended, adopted, or readopted by the authority in accordance with the requirements of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.);

b. an economic development infrastructure program account, which shall provide for the financing and development of infrastructure and transportation projects, including but not limited to ports, terminal and transit facilities, roads and airports, parking facilities used in connection with transit facilities, and related facilities, including public-private partnerships, that are integral to economic growth;

c. an account for a cultural, recreational, fine and performing arts, military and veterans memorial, historic preservation project and tourism facilities and improvements program, which shall provide for the financing and development of cultural, recreational, fine and performing arts, military

and veterans memorial, historic preservation and tourism projects, including partnerships with public, private and nonprofit entities;

d. an account, into which shall be deposited an amount not less than \$45,000,000, out of the total amounts deposited or credited to the fund from the proceeds of the sale of Economic Recovery Fund Bonds or Notes, for the financing of capital facilities for primary and secondary schools in the State for the purpose of the renovation, repair or alteration of existing school buildings, the construction of new school buildings or the conversion of existing school buildings to other instructional purposes.

(1) Of the amount deposited in the account, not less than \$25,000,000 shall be deposited in the "Public School Facilities Code Compliance Loan Fund" established pursuant to section 4 of P.L.1993, c.102 (C.34:1B-7.23).

(2) Of the amount deposited in the account, not less than \$20,000,000 shall be deposited in the "Public School Facilities Loan Assistance Fund" established pursuant to section 5 of P.L.1993, c.102 (C.34:1B-7.24);

e. an environmental cleanup assistance account, into which shall be deposited an amount not less than \$10,000,000, out of the total amounts deposited or credited to the fund from the proceeds of the sale of Economic Recovery Fund Bonds or Notes, to provide financial assistance to the persons and other entities entitled to apply for financial assistance pursuant to P.L.1993, c.139; and

f. an account, into which shall be deposited an amount not less than \$15,000,000, out of the total amounts deposited or credited to the fund from the proceeds of the sale of Economic Recovery Fund Bonds or Notes, for the financing of shore restoration, maintenance, monitoring, protection and preservation projects pursuant to the shore protection master plan prepared by the Department of Environmental Protection pursuant to P.L.1978, c.157.

3. Section 5 of P.L.1974, c.80 (C.34:1B-5) is amended to read as follows:

C.34:1B-5 Powers.

5. The authority shall have the following powers:
 - a. To adopt bylaws for the regulation of its affairs and the conduct of its business;
 - b. To adopt and have a seal and to alter the same at pleasure;
 - c. To sue and be sued;
 - d. To acquire in the name of the authority by purchase or otherwise, on such terms and conditions and such manner as it may deem proper, or by the exercise of the power of eminent domain in the manner provided by the

"Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.), any lands or interests therein or other property which it may determine is reasonably necessary for any project; provided, however, that the authority in connection with any project shall not take by exercise of the power of eminent domain any real property except upon consent thereto given by resolution of the governing body of the municipality in which such real property is located; and provided further that the authority shall be limited in its exercise of the power of eminent domain in connection with any project in qualifying municipalities as defined under the provisions of P.L.1978, c.14 (C.52:27D-178 et seq.), or to municipalities which had a population, according to the latest federal decennial census, in excess of 10,000;

e. To enter into contracts with a person upon such terms and conditions as the authority shall determine to be reasonable, including, but not limited to, reimbursement for the planning, designing, financing, construction, reconstruction, improvement, equipping, furnishing, operation and maintenance of the project and to pay or compromise any claims arising therefrom;

f. To establish and maintain reserve and insurance funds with respect to the financing of the project or the school facilities project and any project financed pursuant to the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.);

g. To sell, convey or lease to any person all or any portion of a project for such consideration and upon such terms as the authority may determine to be reasonable;

h. To mortgage, pledge or assign or otherwise encumber all or any portion of a project, or revenues, whenever it shall find such action to be in furtherance of the purposes of this act, P.L.2000, c.72 (C.18A:7G-1 et al.), the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), P.L.2007, c.137 (C.52:18A-235 et al.), and sections 3 through 18 of P.L.2009, c.90 (C.52:27D-489c et al.);

i. To grant options to purchase or renew a lease for any of its projects on such terms as the authority may determine to be reasonable;

j. To contract for and to accept any gifts or grants or loans of funds or property or financial or other aid in any form from the United States of America or any agency or instrumentality thereof, or from the State or any agency, instrumentality or political subdivision thereof, or from any other source and to comply, subject to the provisions of P.L.1974, c.80 (C.34:1B-1 et seq.), section 6 of P.L.2001, c.401 (C.34:1B-4.1), P.L.2000, c.72 (C.18A:7G-1 et al.), the "Municipal Rehabilitation and Economic Recovery

Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), and P.L.2007, c.137 (C.52:18A-235 et al.), with the terms and conditions thereof;

k. In connection with any action undertaken by the authority in the performance of its duties and any application for assistance or commitments therefor and modifications thereof, to require and collect such fees and charges as the authority shall determine to be reasonable, including but not limited to fees and charges for the authority's administrative, organizational, insurance, operating, legal, and other expenses;

l. To adopt, amend and repeal regulations to carry out the provisions of P.L.1974, c.80 (C.34:1B-1 et seq.), section 6 of P.L.2001, c.401 (C.34:1B-4.1), P.L.2000, c.72 (C.18A:7G-1 et al.), the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), and P.L.2007, c.137 (C.52:18A-235 et al.);

m. To acquire, purchase, manage and operate, hold and dispose of real and personal property or interests therein, take assignments of rentals and leases and make and enter into all contracts, leases, agreements and arrangements necessary or incidental to the performance of its duties;

n. To purchase, acquire and take assignments of notes, mortgages and other forms of security and evidences of indebtedness;

o. To purchase, acquire, attach, seize, accept or take title to any project or school facilities project by conveyance or by foreclosure, and sell, lease, manage or operate any project or school facilities project for a use specified in this act, P.L.2000, c.72 (C.18A:7G-1 et al.), the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), P.L.2007, c.137 (C.52:18A-235 et al.), and sections 3 through 18 of P.L.2009, c.90 (C.52:27D-489c et al.);

p. To borrow money and to issue bonds of the authority and to provide for the rights of the holders thereof, as provided in P.L.1974, c.80 (C.34:1B-1 et seq.), section 6 of P.L.2001, c.401 (C.34:1B-4.1), P.L.2000, c.72 (C.18A:7G-1 et al.), the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), P.L.2007, c.137 (C.52:18A-235 et al.), and sections 3 through 18 of P.L.2009, c.90 (C.52:27D-489c et al.);

q. To extend credit or make loans to any person for the planning, designing, acquiring, constructing, reconstructing, improving, equipping and furnishing of a project or school facilities project, which credits or loans may be secured by loan and security agreements, mortgages, leases and any other instruments, upon such terms and conditions as the authority shall deem reasonable, including provision for the establishment and maintenance of reserve and insurance funds, and to require the inclusion in any

mortgage, lease, contract, loan and security agreement or other instrument, of such provisions for the construction, use, operation and maintenance and financing of a project or school facilities project as the authority may deem necessary or desirable;

r. To guarantee up to 90% of the amount of a loan to a person, if the proceeds of the loan are to be applied to the purchase and installation, in a building devoted to industrial or commercial purposes, or in an office building, of an energy improvement system;

s. To employ consulting engineers, architects, attorneys, real estate counselors, appraisers, and such other consultants and employees as may be required in the judgment of the redevelopment utility to carry out the purposes of P.L.1974, c.80 (C.34:1B-1 et seq.), section 6 of P.L.2001, c.401 (C.34:1B-4.1), P.L.2000, c.72 (C.18A:7G-1 et al.), the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), P.L.2007, c.137 (C.52:18A-235 et al.), and sections 3 through 18 of P.L.2009, c.90 (C.52:27D-489c et al.), and to fix and pay their compensation from funds available to the redevelopment utility therefor, all without regard to the provisions of Title 11A of the New Jersey Statutes;

t. To do and perform any acts and things authorized by P.L.1974, c.80 (C.34:1B-1 et seq.), section 6 of P.L.2001, c.401 (C.34:1B-4.1), P.L.2000, c.72 (C.18A:7G-1 et al.), the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), P.L.2007, c.137 (C.52:18A-235 et al.), and sections 3 through 18 of P.L.2009, c.90 (C.52:27D-489c et al.), under, through or by means of its own officers, agents and employees, or by contract with any person;

u. To procure insurance against any losses in connection with its property, operations or assets in such amounts and from such insurers as it deems desirable;

v. To do any and all things necessary or convenient to carry out its purposes and exercise the powers given and granted in P.L.1974, c.80 (C.34:1B-1 et seq.), section 6 of P.L.2001, c.401 (C.34:1B-4.1), P.L.2000, c.72 (C.18A:7G-1 et al.), the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), P.L.2007, c.137 (C.52:18A-235 et al.), and sections 3 through 18 of P.L.2009, c.90 (C.52:27D-489c et al.);

w. To construct, reconstruct, rehabilitate, improve, alter, equip, maintain or repair or provide for the construction, reconstruction, improvement, alteration, equipping or maintenance or repair of any development property and lot, award and enter into construction contracts, purchase orders and other contracts with respect thereto, upon such terms and conditions as the

authority shall determine to be reasonable, including, but not limited to, reimbursement for the planning, designing, financing, construction, reconstruction, improvement, equipping, furnishing, operation and maintenance of any such development property and the settlement of any claims arising therefrom and the establishment and maintenance of reserve funds with respect to the financing of such development property;

x. When authorized by the governing body of a municipality exercising jurisdiction over an urban growth zone, to construct, cause to be constructed or to provide financial assistance to projects in an urban growth zone which shall be exempt from the terms and requirements of the land use ordinances and regulations, including, but not limited to, the master plan and zoning ordinances, of such municipality;

y. To enter into business employment incentive agreements as provided in the "Business Employment Incentive Program Act," P.L.1996, c.26 (C.34:1B-124 et al.);

z. To enter into agreements or contracts, execute instruments, and do and perform all acts or things necessary, convenient or desirable for the purposes of the redevelopment utility to carry out any power expressly provided pursuant to P.L.1974, c.80 (C.34:1B-1 et seq.), P.L.2000, c.72 (C.18A:7G-1 et al.), and P.L.2007, c.137 (C.52:18A-235 et al.), including, but not limited to, entering into contracts with the State Treasurer, the Commissioner of Education, districts, the New Jersey Schools Development Authority, and any other entity which may be required in order to carry out the provisions of P.L.2000, c.72 (C.18A:7G-1 et al.), P.L.2007, c.137 (C.52:18A-235 et al.), and sections 3 through 18 of P.L.2009, c.90 (C.52:27D-489c et al.);

aa. (Deleted by amendment, P.L.2007, c.137);

bb. To make and contract to make loans to local units to finance the cost of school facilities projects and to acquire and contract to acquire bonds, notes or other obligations issued or to be issued by local units to evidence the loans, all in accordance with the provisions of P.L.2000, c.72 (C.18A:7G-1 et al.), and P.L.2007, c.137 (C.52:18A-235 et al.);

cc. Subject to any agreement with holders of its bonds issued to finance a project or school facilities project, obtain as security or to provide liquidity for payment of all or any part of the principal of and interest and premium on the bonds of the authority or for the purchase upon tender or otherwise of the bonds, lines of credit, letters of credit, reimbursement agreements, interest rate exchange agreements, currency exchange agreements, interest rate floors or caps, options, puts or calls to hedge payment, currency, rate, spread or similar exposure or similar agreements, float

agreements, forward agreements, insurance contract, surety bond, commitment to purchase or sell bonds, purchase or sale agreement, or commitments or other contracts or agreements, and other security agreements or instruments in any amounts and upon any terms as the authority may determine and pay any fees and expenses required in connection therewith;

dd. To charge to and collect from local units, the State and any other person, any fees and charges in connection with the authority's actions undertaken with respect to school facilities projects, including, but not limited to, fees and charges for the authority's administrative, organization, insurance, operating and other expenses incident to the financing of school facilities projects;

ee. To make loans to refinance solid waste facility bonds through the issuance of bonds or other obligations and the execution of any agreements with counties or public authorities to effect the refunding or rescheduling of solid waste facility bonds, or otherwise provide for the payment of all or a portion of any series of solid waste facility bonds. Any county or public authority refunding or rescheduling its solid waste facility bonds pursuant to this subsection shall provide for the payment of not less than fifty percent of the aggregate debt service for the refunded or rescheduled debt of the particular county or public authority for the duration of the loan; except that, whenever the solid waste facility bonds to be refinanced were issued by a public authority and the county solid waste facility was utilized as a regional county solid waste facility, as designated in the respective adopted district solid waste management plans of the participating counties as approved by the department prior to November 10, 1997, and the utilization of the facility was established pursuant to tonnage obligations set forth in their respective interdistrict agreements, the public authority refunding or rescheduling its solid waste facility bonds pursuant to this subsection shall provide for the payment of a percentage of the aggregate debt service for the refunded or rescheduled debt of the public authority not to exceed the percentage of the specified tonnage obligation of the host county for the duration of the loan. Whenever the solid waste facility bonds are the obligation of a public authority, the relevant county shall execute a deficiency agreement with the authority, which shall provide that the county pledges to cover any shortfall and to pay deficiencies in scheduled repayment obligations of the public authority. All costs associated with the issuance of bonds pursuant to this subsection may be paid by the authority from the proceeds of these bonds. Any county or public authority is hereby authorized to enter into any agreement with the authority necessary, desirable or convenient to effectuate the provisions of this subsection.

The authority shall not issue bonds or other obligations to effect the refunding or rescheduling of solid waste facility bonds after December 31, 2002. The authority may refund its own bonds issued for the purposes herein at any time;

ff. To pool loans for any local government units that are refunding bonds and do and perform any and all acts or things necessary, convenient or desirable for the purpose of the authority to achieve more favorable interest rates and terms for those local governmental units;

gg. To finance projects approved by the board, provide staff support to the board, oversee and monitor progress on the part of the board in carrying out the revitalization, economic development and restoration projects authorized pursuant to the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.) and otherwise fulfilling its responsibilities pursuant thereto;

hh. To offer financial assistance to qualified film production companies as provided in the "New Jersey Film Production Assistance Act," P.L.2003, c.182 (C.34:1B-178 et al.); and

ii. To finance or develop private or public parking facilities or structures, which may include the use of solar photovoltaic equipment, in municipalities qualified to receive State aid pursuant to the provisions of P.L.1978, c.14 (C.52:27D-178 et seq.) and municipalities that contain areas designated pursuant to P.L.1985, c.398 (C.52:18A-196 et al.) as Planning Area 1 (Metropolitan), Planning Area 2 (Suburban), or a town center, and to provide appropriate assistance, including but not limited to, extensions of credit, loans, and guarantees, to municipalities qualified to receive State aid pursuant to the provisions of P.L.1978, c.14 (C.52:27D-178 et seq.) and municipalities that contain areas designated pursuant to P.L.1985, c.398 (C.52:18A-196 et seq.) as Planning Area 1 (Metropolitan), Planning Area 2 (Suburban), or a town center, and their agencies and instrumentalities or to private entities whose projects are located in those municipalities, in order to facilitate the financing and development of parking facilities or structures in such municipalities. The authority may serve as the issuing agent of bonds to finance the undertaking of a project for the purposes of this subsection.

4. This act shall take effect immediately.

Approved June 29, 2010.

CHAPTER 29

AN ACT concerning motor vehicle inspections and amending chapter 8 of Title 39 of the Revised Statutes.

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

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

Motor vehicle inspections, exceptions.

39:8-1. a. Every motor vehicle registered in this State which is used over any public road, street, or highway or any public or quasi-public property in this State, and every vehicle subject to enhanced inspection and maintenance programs pursuant to 40 C.F.R. s.51.356, except motorcycles, historic motor vehicles registered as such, collector motor vehicles designated as such pursuant to this subsection, and those vehicles over 8,500 pounds gross weight that are under the inspection jurisdiction of the commission pursuant to Titles 27 and 48 of the Revised Statutes, shall be inspected by designated inspectors or at official inspection facilities to be designated by the commission or at licensed private inspection facilities. Passenger automobiles registered in accordance with R.S.39:3-4 or R.S.39:3-27 and noncommercial trucks registered in accordance with section 2 of P.L.1968, c.439 (C.39:3-8.1) or R.S.39:3-27 inspected pursuant to this section shall only be inspected for emissions and emission-related items such as emission control equipment and on-board diagnostics. The commission shall adopt rules and regulations establishing a procedure for the designation of motor vehicles as collector motor vehicles, which designation shall include consideration by the commission of one or more of the following factors: the age of the vehicle, the number of such vehicles originally manufactured, the number of such vehicles that are currently in use, the total number of miles the vehicle has been driven, the number of miles the vehicle has been driven during the previous year or other period of time determined by the commission, and whether the vehicle has a collector classification for insurance purposes.

b. The commission shall determine the official inspection facility or private inspection facility at which a motor vehicle, depending upon its characteristics, shall be inspected. The commission, with the concurrence of the Department of Environmental Protection, may exclude by regulation

from this inspection requirement any category of motor vehicle if good cause for such exclusion exists, unless the exclusion is likely to prevent this State from meeting the applicable performance standard established by the United States Environmental Protection Agency. The commission may determine that a vehicle is in compliance with the inspection requirements of this section if the vehicle has been inspected and passed under a similar inspection program of another state, district, or territory of the United States.

2. R.S.39:8-2 is amended to read as follows:

Inspectors of motor vehicles; rules, regulations.

39:8-2. a. The commission may designate and appoint, subject to existing laws, competent inspectors of motor vehicles to conduct examinations, other than the periodic inspections required pursuant to subsection b. of this section, of motor vehicles required to be inspected in accordance with the provisions of this chapter. The inspectors may be delegated to enforce the provisions of the motor vehicle and traffic law.

b. (1) The commission shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations consistent with P.L.1966, c.16 (C.26:2C-8.1 et seq.) and with the requirements of the federal Clean Air Act with respect to the type and character of the inspections to be made, the facility at which the vehicle shall be inspected, the frequency of inspections of motor vehicles and the approval or rejection of motor vehicles as a result of these inspections. These rules and regulations shall require the use of inspection tests that are designed to meet the enhanced inspection and maintenance requirements of the federal Clean Air Act and that have been proven to be feasible and effective for the inspection of large numbers of motor vehicles, except that these tests shall not include the "I/M 240" test. Nothing in this subsection shall preclude the use of the "I/M 240" test in sampling for performance evaluations only or the use of the test at the option of a private inspection facility. The rules and regulations may distinguish between vehicles based on model year, type, or other vehicle characteristics in order to facilitate inspections or to comply with the federal Clean Air Act.

(2) The Department of Environmental Protection and the commission shall investigate advanced testing technologies, including but not limited to remote sensing and onboard diagnostics, and shall, to the extent permitted by law, pursue the use of such technologies, other than the "I/M 240" test, in motor vehicle emission inspections required by the United States Environmental Protection Agency pursuant to the federal Clean Air Act. The

commission shall adopt, to the extent practicable, advanced technologies to facilitate the retrieval of testing and other information concerning motor vehicles, which technologies shall include but not be limited to the use of computer bar codes and personal cards containing encoded information, such as a person's operating license, motor vehicle registration, and motor vehicle insurance, the inspection status of a motor vehicle, and mass transit fares, that can be accessed quickly by a computer.

c. Except as modified by the commission to distribute evenly the volume of inspections, all motor vehicles required by the commission, in accordance with the provisions of R.S.39:8-1, to be inspected under this chapter shall be inspected biennially, except that:

(i) after certification by the commission of the federal approval by the Environmental Protection Agency of the State waiver request, model year 2006 and newer motor vehicles shall be inspected no later than five years from the last day of the month in which they were initially registered and thereafter biennially and a decal affixed thereto shall so indicate. Motor vehicles five model years old or newer, purchased in a foreign jurisdiction, and to be registered in this State, shall be subject to inspection not later than five years from the last day of the last calendar month of the model year of the vehicle, and thereafter, inspected biennially and a decal affixed thereto shall so indicate. Whenever a used motor vehicle five model years old or newer is purchased in this or any other state which has affixed thereto an unexpired decal issued pursuant to this paragraph or an unexpired New Jersey inspection certificate of approval and is initially registered by the purchaser in this State, the unexpired decal or unexpired New Jersey inspection certificate of approval displayed on the windshield shall be valid for the remaining time indicated thereon. Upon expiration of the decal or inspection certificate of approval, such vehicle shall be subject to inspection and inspected biennially thereafter; and

(ii) classes of vehicles that require more frequent inspections, such as school buses, shall be inspected at such shorter intervals as may be established by the commission after consultation with the Department of Environmental Protection. At any time, the commission may require the owner, lessee, or operator of a motor vehicle to submit the vehicle for inspection.

d. The commission shall furnish to designated inspectors or to other persons authorized to conduct inspections official certificates of approval and rejection stickers, the form, content and use of which it shall establish. The certificates of approval and rejection stickers shall be of a type, such as a windshield sticker or license plate decal, that can be attached to the vehicle or license plate in a location that is readily visible to anyone viewing the

vehicle. If a certificate of approval cannot be issued, the driver shall be provided with a written inspection report describing the reasons for rejection and, if appropriate, the repairs needed or likely to be needed to bring the vehicle into compliance with applicable standards.

e. The commission may, with the approval of the State House Commission, purchase, lease or acquire by the exercise of the power of eminent domain any property for the purpose of assisting it in carrying out the provisions of this chapter. This property may also be used by the commission for the exercise of the duties and powers conferred upon it by the other chapters of this Title.

f. For the purpose of implementing the motor vehicle inspection requirements of the federal Clean Air Act and subject to the approval of the Attorney General, the State Treasurer, prior to January 1, 1997, may:

(1) Purchase, lease or acquire by eminent domain any property for vehicle inspection purposes. Any other provision of law to the contrary notwithstanding, no further approval shall be required for transactions authorized by this paragraph, except that a proposed purchase, lease or acquisition by eminent domain shall require the approval of the Joint Budget Oversight Committee, and shall be submitted to the Joint Budget Oversight Committee, which shall review the proposed purchase, lease or acquisition by eminent domain within 15 business days; and

(2) Sell or lease, or grant an easement in, any property acquired, held or used for vehicle inspection purposes or any other suitable property held by the State that is not currently in use or dedicated to another purpose. For the purpose of this paragraph and notwithstanding any provision of R.S.52:20-1 et seq. to the contrary, the sale or lease of, or the granting of an easement in, real property owned by the State shall be subject to the approval of the State House Commission, which shall meet at the call of the Governor to act on a proposed sale or lease or grant of an easement pursuant to this paragraph. A member of the State House Commission may permit a representative to act on that member's behalf in considering and voting on a sale or lease or grant of an easement pursuant to this paragraph. Any other provision of law to the contrary notwithstanding, any moneys derived from a sale, lease or granting of an easement by the State pursuant to this paragraph shall not be expended unless approved by the Joint Budget Oversight Committee for the purpose of purchasing, leasing or acquiring property pursuant to paragraph (1) of this subsection, except that any moneys derived therefrom and not approved for that purpose shall be appropriated to the Department of Transportation to provide for mass transit improvements.

g. The commission shall conduct roadside examinations of motor vehicles required to be inspected, using such inspection equipment and procedures, and standards established pursuant to section 1 of P.L.1966, c.16 (C.26:2C-8.1), including, but not limited to, remote sensing technology, as the commission shall deem appropriate to provide for the monitoring of motor vehicles pursuant to this subsection. At least 20,000 vehicles or 0.5 percent of the total number of motor vehicles required to be inspected under this chapter, whichever is less, shall be inspected during each inspection cycle by roadside examination teams under the supervision of the commission. The commission may require any vehicle failing a roadside examination to be inspected at an official inspection facility or a private inspection facility within a time period fixed by the commission. Failure to appear and pass inspection within the time period fixed by the commission shall result in registration suspension in addition to any other penalties provided in this Title. The commission shall conduct an aggressive roadside inspection program to ensure that all motor vehicles that are required to be inspected in this State are in compliance with State law.

h. The commission, and, when appropriate, the Department of Environmental Protection, shall conduct inspections and audits of licensed private inspection facilities, official inspection facilities and designated inspectors to ensure accurate test equipment calibration and use, and compliance with proper inspection procedures and with the provisions of P.L.1995, c.112 (C.39:8-41 et al.) and any regulations adopted pursuant thereto by the commission or by the Department of Environmental Protection. These inspections and audits shall be conducted at such times and in such manner as the commission, upon consultation with the Department of Environmental Protection, shall determine in order to provide quality assurance in the performance of the inspection and maintenance program.

i. (1) The commission shall make a charge of \$2.50 for the initial inspection for each vehicle subject to inspection, which amount shall be paid to the commission or its representative when payment of the registration fees fixed in chapter 3 of this Title is made which inspection charge shall be considered a service charge and shall be subject to the calculation of proportional revenue remitted to the commission pursuant to section 105 of P.L.2003, c.13 (C.39:2A-36); provided however, that on and after January 1, 1999, a school bus as defined pursuant to section 3 of P.L.1999, c.5 (C.39:3B-20) and having a registration period commencing on or after January 1, 1999, shall be subject to an inspection fee for each in-terminal or in-lieu-of terminal inspection in accordance with the following schedule:

School Bus Specification Inspection	\$50 per bus

School Bus Inspection	\$25 per bus
School Bus Reinspection	\$25 per bus

subject to the conditions set forth below

The specification inspection is required when a school bus is put into service in New Jersey, whether a new bus or a bus from another state. The specification inspection is conducted to ensure that the school bus meets New Jersey specification standards. The school bus inspection fees shall be charged to the operator for each in-terminal or in-lieu-of terminal inspection. School Vehicle Type I and School Vehicle Type II buses shall be inspected semiannually. Retired school buses shall be inspected annually. No school bus inspection fee shall be charged for any reinspection conducted by the commission if the reinspection is conducted on the same day as the inspection that necessitated the reinspection. If an additional trip is required by the commission's inspectors, a fee of \$25 per bus shall be charged. School bus inspection fees shall be paid to the commission or the commission's designee subject to the terms and conditions prescribed by the commission and shall be considered service charges of the commission and not subject to the calculation of proportional revenue remitted to the commission pursuant to section 105 of P.L.2003, c.13 (C.39:2A-36). Any law or rule or regulation adopted pursuant thereto to the contrary notwithstanding, a registration fee authorized pursuant to chapter 3 of Title 39 of the Revised Statutes shall not be increased for the purpose of paying any costs associated in any manner with the establishment, implementation or operation of the motor vehicle inspection and maintenance program established pursuant to P.L.1995, c.112 (C.39:8-41 et al.).

(2) The commission shall establish by regulation a fee to cover the costs of inspecting any vehicle that is required, or has the option, under federal law to be inspected in this State but is registered in another state or is owned or leased by the federal government. In determining these costs, the commission shall include all capital and direct and indirect operating costs associated with the inspection of these vehicles including, but not limited to, the costs of the actual inspection, the creation and maintenance of the vehicle inspection record, administrative, oversight and quality assurance costs and the costs associated with reporting inspection information to the owner, the federal government and agencies of other states. All fees collected pursuant to this subsection shall be paid to the State Treasurer and deposited in the "Motor Vehicle Inspection Fund" established pursuant to subsection j. of this section.

j. There is established in the General Fund a special dedicated, non-lapsing fund to be known as the "Motor Vehicle Inspection Fund," which

shall be administered by the State Treasurer. The State Treasurer shall deposit into the "Motor Vehicle Inspection Fund" \$11.50 from each motor vehicle registration fee received by the State after June 30, 1995. This fee shall be considered a service charge of the commission and shall be subject to the calculation of proportional revenue remitted to the commission pursuant to section 105 of P.L.2003, c.13 (C.39:2A-36). The Legislature shall annually appropriate from the fund an amount necessary to pay the reasonable and necessary expenses of the implementation and operation of the motor vehicle inspection program. The State Treasurer shall:

(1) Pay to a private contractor or contractors contracted to design, construct, renovate, equip, establish, maintain and operate official inspection facilities under a contract or contracts entered into with the State Treasurer pursuant to subsection a. of section 4 of P.L.1995, c.112 (C.39:8-44) from the fund the amount necessary to meet the costs agreed to under the contract or contracts; and

(2) Transfer from the fund to the commission as provided pursuant to section 105 of P.L.2003, c.13 (C.39:2A-36) and the Department of Environmental Protection the amounts necessary to finance the costs of administering and implementing all aspects of the inspection and maintenance program, and to the Office of Telecommunications and Information Systems in the Department of the Treasury the amount necessary for computer support upgrades;

Moneys remaining in the fund and any unexpended balance of appropriations from the fund at the end of each fiscal year shall be reappropriated for the purposes of the fund. Any interest earned on moneys in the fund shall be credited to the fund.

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

Certificate of approval, issuance; owner's obligation for safety.

39:8-3. a. No certificate of approval shall be issued by an examiner, official inspection facility or private inspection facility until the motor vehicle inspected successfully passes inspections for emissions and emission-related items such as emission control equipment and on-board diagnostics required by the chief administrator and the mechanism, brakes and equipment of the motor vehicle inspected have been found to be in a proper and safe condition and complying with the laws of this State.

b. Notwithstanding subsection a. of this section, passenger automobiles registered in accordance with R.S.39:3-4 or R.S.39:3-27 and non-commercial trucks registered in accordance with section 2 of P.L.1968,

c.439 (C.39:3-8.1) or R.S.39:3-27 that are only inspected for emissions and emission-related items such as emission control equipment and on-board diagnostics pursuant to R.S.39:8-1 and that successfully pass such inspections shall be issued a certificate of approval.

c. Notwithstanding the issuance or non-issuance of a certificate of approval, the obligation to ensure that a vehicle is in a proper and safe condition rests with the owner, operator or lessee, as appropriate, of the vehicle.

4. This act shall take effect on July 1, 2010. General implementation of section 3 of this act is to be completed no later than the 30th day following enactment.

Approved June 29, 2010.

CHAPTER 30

AN ACT concerning penalties for Medicaid fraud, amending N.J.S.2C:44-1, and amending and supplementing P.L.1968, c.413.

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

1. N.J.S.2C:44-1 is amended to read as follows:

Criteria for withholding or imposing sentence of imprisonment.

2C:44-1. a. In determining the appropriate sentence to be imposed on a person who has been convicted of an offense, the court shall consider the following aggravating circumstances:

(1) The nature and circumstances of the offense, and the role of the actor therein, including whether or not it was committed in an especially heinous, cruel, or depraved manner;

(2) The gravity and seriousness of harm inflicted on the victim, including whether or not the defendant knew or reasonably should have known that the victim of the offense was particularly vulnerable or incapable of resistance due to advanced age, ill-health, or extreme youth, or was for any other reason substantially incapable of exercising normal physical or mental power of resistance;

(3) The risk that the defendant will commit another offense;

(4) A lesser sentence will depreciate the seriousness of the defendant's offense because it involved a breach of the public trust under chapters 27 and 30, or the defendant took advantage of a position of trust or confidence to commit the offense;

(5) There is a substantial likelihood that the defendant is involved in organized criminal activity;

(6) The extent of the defendant's prior criminal record and the seriousness of the offenses of which he has been convicted;

(7) The defendant committed the offense pursuant to an agreement that he either pay or be paid for the commission of the offense and the pecuniary incentive was beyond that inherent in the offense itself;

(8) The defendant committed the offense against a police or other law enforcement officer, correctional employee or fireman, acting in the performance of his duties while in uniform or exhibiting evidence of his authority; the defendant committed the offense because of the status of the victim as a public servant; or the defendant committed the offense against a sports official, athletic coach or manager, acting in or immediately following the performance of his duties or because of the person's status as a sports official, coach or manager;

(9) The need for deterring the defendant and others from violating the law;

(10) The offense involved fraudulent or deceptive practices committed against any department or division of State government;

(11) The imposition of a fine, penalty or order of restitution without also imposing a term of imprisonment would be perceived by the defendant or others merely as part of the cost of doing business, or as an acceptable contingent business or operating expense associated with the initial decision to resort to unlawful practices;

(12) The defendant committed the offense against a person who he knew or should have known was 60 years of age or older, or disabled; and

(13) The defendant, while in the course of committing or attempting to commit the crime, including the immediate flight therefrom, used or was in possession of a stolen motor vehicle.

b. In determining the appropriate sentence to be imposed on a person who has been convicted of an offense, the court may properly consider the following mitigating circumstances:

(1) The defendant's conduct neither caused nor threatened serious harm;

(2) The defendant did not contemplate that his conduct would cause or threaten serious harm;

(3) The defendant acted under a strong provocation;

(4) There were substantial grounds tending to excuse or justify the defendant's conduct, though failing to establish a defense;

(5) The victim of the defendant's conduct induced or facilitated its commission;

(6) The defendant has compensated or will compensate the victim of his conduct for the damage or injury that he sustained, or will participate in a program of community service;

(7) The defendant has no history of prior delinquency or criminal activity or has led a law-abiding life for a substantial period of time before the commission of the present offense;

(8) The defendant's conduct was the result of circumstances unlikely to recur;

(9) The character and attitude of the defendant indicate that he is unlikely to commit another offense;

(10) The defendant is particularly likely to respond affirmatively to probationary treatment;

(11) The imprisonment of the defendant would entail excessive hardship to himself or his dependents;

(12) The willingness of the defendant to cooperate with law enforcement authorities;

(13) The conduct of a youthful defendant was substantially influenced by another person more mature than the defendant.

c. (1) A plea of guilty by a defendant or failure to so plead shall not be considered in withholding or imposing a sentence of imprisonment.

(2) When imposing a sentence of imprisonment the court shall consider the defendant's eligibility for release under the law governing parole, including time credits awarded pursuant to Title 30 of the Revised Statutes, in determining the appropriate term of imprisonment.

d. **Presumption of imprisonment.** The court shall deal with a person who has been convicted of a crime of the first or second degree, or a crime of the third degree where the court finds that the aggravating factor in paragraph (5) of subsection a. applies, by imposing a sentence of imprisonment unless, having regard to the character and condition of the defendant, it is of the opinion that his imprisonment would be a serious injustice which overrides the need to deter such conduct by others. Notwithstanding the provisions of subsection e. of this section, the court shall deal with a person who has been convicted of theft of a motor vehicle or of the unlawful taking of a motor vehicle and who has previously been convicted of either offense by imposing a sentence of imprisonment unless, having regard to the character and condition of the defendant, it is of the opinion that his im-

prisonment would be a serious injustice which overrides the need to deter such conduct by others.

e. The court shall deal with a person convicted of an offense other than a crime of the first or second degree, who has not previously been convicted of an offense, without imposing a sentence of imprisonment unless, having regard to the nature and circumstances of the offense and the history, character and condition of the defendant, it is of the opinion that his imprisonment is necessary for the protection of the public under the criteria set forth in subsection a., except that this subsection shall not apply if the court finds that the aggravating factor in paragraph (5) of subsection a. applies or if the person is convicted of any of the following crimes of the third degree: theft of a motor vehicle; unlawful taking of a motor vehicle; eluding; if the person is convicted of a crime of the third degree constituting use of a false government document in violation of subsection c. of section 1 of P.L.1983, c.565 (C.2C:21-2.1); if the person is convicted of a crime of the third degree constituting distribution, manufacture or possession of an item containing personal identifying information in violation of subsection b. of section 6 of P.L.2003, c.184 (C.2C:21-17.3); if the person is convicted of a crime of the third or fourth degree constituting bias intimidation in violation of N.J.S.2C:16-1; if the person is convicted of a crime of the third degree under section 2 of P.L.1997, c.111 (C.2C:12-1.1); or if the person is convicted of a crime of the third or fourth degree under the provisions of section 1 or 2 of P.L.2007, c.341 (C.2C:33-29 or C.2C:33-30).

f. Presumptive Sentences. (1) Except for the crime of murder, unless the preponderance of aggravating or mitigating factors, as set forth in subsections a. and b., weighs in favor of a higher or lower term within the limits provided in N.J.S.2C:43-6, when a court determines that a sentence of imprisonment is warranted, it shall impose sentence as follows:

(a) To a term of 20 years for aggravated manslaughter or kidnapping pursuant to paragraph (1) of subsection c. of N.J.S.2C:13-1 when the offense constitutes a crime of the first degree;

(b) Except as provided in paragraph (a) of this subsection to a term of 15 years for a crime of the first degree;

(c) To a term of seven years for a crime of the second degree;

(d) To a term of four years for a crime of the third degree; and

(e) To a term of nine months for a crime of the fourth degree.

In imposing a minimum term pursuant to 2C:43-6b., the sentencing court shall specifically place on the record the aggravating factors set forth in this section which justify the imposition of a minimum term.

Unless the preponderance of mitigating factors set forth in subsection b. weighs in favor of a lower term within the limits authorized, sentences imposed pursuant to 2C:43-7a.(1) shall have a presumptive term of life imprisonment. Unless the preponderance of aggravating and mitigating factors set forth in subsections a. and b. weighs in favor of a higher or lower term within the limits authorized, sentences imposed pursuant to 2C:43-7a.(2) shall have a presumptive term of 50 years' imprisonment; sentences imposed pursuant to 2C:43-7a.(3) shall have a presumptive term of 15 years' imprisonment; and sentences imposed pursuant to 2C:43-7a.(4) shall have a presumptive term of seven years' imprisonment.

In imposing a minimum term pursuant to 2C:43-7b., the sentencing court shall specifically place on the record the aggravating factors set forth in this section which justify the imposition of a minimum term.

(2) In cases of convictions for crimes of the first or second degree where the court is clearly convinced that the mitigating factors substantially outweigh the aggravating factors and where the interest of justice demands, the court may sentence the defendant to a term appropriate to a crime of one degree lower than that of the crime for which he was convicted. If the court does impose sentence pursuant to this paragraph, or if the court imposes a noncustodial or probationary sentence upon conviction for a crime of the first or second degree, such sentence shall not become final for 10 days in order to permit the appeal of such sentence by the prosecution.

g. Imposition of Noncustodial Sentences in Certain Cases. If the court, in considering the aggravating factors set forth in subsection a., finds the aggravating factor in paragraph a.(2), a.(5), a.(10), or a.(12) and does not impose a custodial sentence, the court shall specifically place on the record the mitigating factors which justify the imposition of a noncustodial sentence.

h. Except as provided in section 2 of P.L.1993, c.123 (C.2C:43-11), the presumption of imprisonment as provided in subsection d. of this section shall not preclude the admission of a person to the Intensive Supervision Program, established pursuant to the Rules Governing the Courts of the State of New Jersey.

2. Section 17 of P.L.1968, c.413 (C.30:4D-17) is amended to read as follows:

C.30:4D-17 Penalty.

17. (a) Any person who willfully obtains benefits under this act to which he is not entitled or in a greater amount than that to which he is enti-

New Jersey State Library

tled and any provider who willfully receives medical assistance payments to which he is not entitled or in a greater amount than that to which he is entitled is guilty of a crime of the third degree, provided, however, that the presumption of nonimprisonment set forth in subsection e. of N.J.S.2C:44-1 for persons who have not previously been convicted of an offense shall not apply to a person who is convicted under the provisions of this subsection.

(b) Any provider, or any person, firm, partnership, corporation or entity, who:

(1) Knowingly and willfully makes or causes to be made any false statement or representation of a material fact in any cost study, claim form, or any document necessary to apply for or receive any benefit or payment under this act; or

(2) At any time knowingly and willfully makes or causes to be made any false statement, written or oral, of a material fact for use in determining rights to such benefit or payment under this act; or

(3) Conceals or fails to disclose the occurrence of an event which

(i) affects his initial or continued right to any such benefit or payment, or

(ii) affects the initial or continued right to any such benefit or payment of any provider or any person, firm, partnership, corporation or other entity in whose behalf he has applied for or is receiving such benefit or payment

with an intent to fraudulently secure benefits or payments not authorized under this act or in a greater amount than that which is authorized under this act; or

(4) Knowingly and willfully converts benefits or payments or any part thereof received for the use and benefit of any provider or any person, firm, partnership, corporation or other entity to a use other than the use and benefit of such provider or such person, firm, partnership, corporation or entity; is guilty of a crime of the third degree, provided, however, that the presumption of nonimprisonment set forth in subsection e. of N.J.S.2C:44-1 for persons who have not previously been convicted of an offense shall not apply to a person who is convicted under the provisions of this subsection.

(c) Any provider, or any person, firm, partnership, corporation or entity who solicits, offers, or receives any kickback, rebate or bribe in connection with:

(1) The furnishing of items or services for which payment is or may be made in whole or in part under this act; or

(2) The furnishing of items or services whose cost is or may be reported in whole or in part in order to obtain benefits or payments under this act; or

(3) The receipt of any benefit or payment under this act, is guilty of a crime of the third degree, provided, however, that the presumption of nonimprisonment set forth in subsection e. of N.J.S.2C:44-1 for persons who have not previously been convicted of an offense shall not apply to a person who is convicted under the provisions of this subsection.

This subsection shall not apply to (A) a discount or other reduction in price under this act if the reduction in price is properly disclosed and appropriately reflected in the costs claimed or charges made under this act; and (B) any amount paid by an employer to an employee who has a bona fide employment relationship with such employer for employment in the provision of covered items or services.

(d) Whoever knowingly and willfully makes or causes to be made or induces or seeks to induce the making of any false statement or representation of a material fact with respect to the conditions or operations of any institution or facility in order that such institution or facility may qualify either upon initial certification or recertification as a hospital, skilled nursing facility, intermediate care facility, or health agency, thereby entitling them to receive payments under this act, shall be guilty of a crime of the fourth degree.

(e) Any person, firm, corporation, partnership, or other legal entity who violates the provisions of any of the foregoing subsections of this section or any provisions of section 3 of P.L.2007, c.265 (C.2A:32C-3), shall, in addition to any other penalties provided by law, be liable to civil penalties of (1) payment of interest on the amount of the excess benefits or payments at the maximum legal rate in effect on the date the payment was made to said person, firm, corporation, partnership or other legal entity for the period from the date upon which payment was made to the date upon which repayment is made to the State, (2) payment of an amount not to exceed three-fold the amount of such excess benefits or payments, and (3) payment in the sum of not less than and not more than the civil penalty allowed under the federal False Claims Act (31 U.S.C. s.3729 et seq.), as it may be adjusted for inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, Pub.L.101-410 for each excessive claim for assistance, benefits or payments.

(f) Any person, firm, corporation, partnership or other legal entity, other than an individual recipient of medical services reimbursable by the Division of Medical Assistance and Health Services, who, without intent to violate this act, obtains medical assistance or other benefits or payments under this act in excess of the amount to which he is entitled, shall be liable to a civil penalty of payment of interest on the amount of the excess bene-

fits or payments at the maximum legal rate in effect on the date the benefit or payment was made to said person, firm, corporation, partnership, or other legal entity for the period from September 15, 1976 or the date upon which payment was made, whichever is later, to the date upon which repayment is made to the State, provided, however, that no such person, firm, corporation, partnership or other legal entity shall be liable to such civil penalty when excess medical assistance or other benefits or payments under this act are obtained by such person, firm, corporation, partnership or other legal entity as a result of error made by the Division of Medical Assistance and Health Services, as determined by said division; provided, further, that if preliminary notification of an overpayment is not given to a provider by the division within 180 days after completion of the field audit as defined by regulation, no interest shall accrue during the period beginning 180 days after completion of the field audit and ending on the date preliminary notification is given to the provider.

(g) All interest and civil penalties provided for in this act and all medical assistance and other benefits to which a person, firm, corporation, partnership, or other legal entity was not entitled shall be recovered in an administrative proceeding held pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), except that recovery actions against minors or incompetents shall be initiated in a court of competent jurisdiction.

(h) Upon the failure of any person, firm, corporation, partnership or other legal entity to comply within 10 days after service of any order of the director or his designee directing payment of any amount found to be due pursuant to subsection (g) of this section, or at any time prior to any final agency adjudication not involving a recipient or former recipient of benefits under this act, the director may issue a certificate to the clerk of the Superior Court that such person, firm, corporation, partnership or other legal entity is indebted to the State for the payment of such amount. A copy of such certificate shall be served upon the person, firm, corporation, partnership or other legal entity against whom the order was entered. Thereupon the clerk shall immediately enter upon his record of docketed judgments the name of the person, firm, corporation, partnership or other legal entity so indebted, and of the State, a designation of the statute under which such amount is found to be due, the amount due, and the date of the certification. Such entry shall have the same force and effect as the entry of a docketed judgment in the Superior Court. Such entry, however, shall be without prejudice to the right of appeal to the Appellate Division of the Superior Court from the final order of the director or his designee.

(i) In order to satisfy any recovery claim asserted against a provider under this section, whether or not that claim has been the subject of final agency adjudication, the division or its fiscal agents is authorized to withhold funds otherwise payable under this act to the provider.

(j) The Attorney General may, when requested by the commissioner or his agent, apply ex parte to the Superior Court to compel any party to comply forthwith with a subpoena issued under this act. Any party who, having been served with a subpoena issued pursuant to the provisions of this act, fails either to attend any hearing, or to appear or be examined, to answer any question or to produce any books, records, accounts, papers or documents, shall be liable to a penalty of \$500.00 for each such failure, to be recovered in the name of the State in a summary civil proceeding to be initiated in the Superior Court. The Attorney General shall prosecute the actions for the recovery of the penalty prescribed in this section when requested to do so by the commissioner or his agent and when, in the judgment of the Attorney General, the facts and law warrant such prosecution. Such failure on the part of the party shall be punishable as contempt of court by the court in the same manner as like failure is punishable in an action pending in the court when the matter is brought before the court by motion filed by the Attorney General and supported by affidavit stating the circumstances.

(k) Notwithstanding the provisions of N.J.S.2C:43-3 to the contrary, but in addition to any other penalty or disposition that may be imposed by law:

(1) a person who violates the provisions of subsection (a), (b), or (c) of this section shall be liable to a penalty of not less than \$15,000 and not more than \$25,000 for each violation; and

(2) a person who violates the provisions of subsection (d) of this section shall be liable to a penalty of not less than \$10,000 and not more than \$25,000 for each violation.

(l) A person who violates the provisions of subsection (a), (b), or (c) of this section under circumstances in which the aggregate amount obtained or sought to be obtained is \$1,000 or more, who has previously been convicted of a violation of the provisions of subsection (a), (b), or (c) of this section within 10 years of the current violation, under circumstances where the aggregate amount obtained or sought to be obtained was \$1,000 or more, is guilty of a crime of the second degree and, in addition to any other penalty or disposition authorized by law and notwithstanding the provisions of N.J.S.2C:43-3 to the contrary, shall be liable to a penalty of not less than \$25,000 and not more than \$150,000 for each such repeat violation.

C.30:4D-17a Additional action by Attorney General.

3. In addition to any other action authorized or required by law, the Attorney General shall refer any matter regarding a person who is licensed or otherwise authorized to practice a health care profession in this State pursuant to Title 45 or Title 52 of the Revised Statutes and has been convicted of an offense under the provisions of section 17 of P.L.1968, c.413 (C.30:4D-17), to the appropriate professional and occupational licensing board within the Division of Consumer Affairs in the Department of Law and Public Safety or the Director of the Division of Consumer Affairs, as applicable, for such action as they determine appropriate regarding that person's license or other authorization to practice as a health care professional.

C.30:4D-17b Construction of act.

4. Nothing in section 17 of P.L.1968, c.413 (C.30:4D-17) or in section 3 of P.L.2010, c.30 (C.30:4D-17a) shall be construed to preclude the indictment or conviction for any other offense defined by law, or to impair or limit the discretion and authority of the State regarding any civil action, criminal prosecution, or other action authorized by law.

5. This act shall take effect immediately.

Approved June 29, 2010.

CHAPTER 31

AN ACT concerning the State's pension contributions to the Alternate Benefit Program and amending P.L.1969, c.242.

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

1. Section 8 of P.L.1969, c.242 (C.18A:66-174) is amended to read as follows:

C.18A:66-174 Reduction from compensation of participants; payments of employer contribution.

8. (a) The University of Medicine and Dentistry of New Jersey, Rutgers, The State University and the New Jersey Institute of Technology shall reduce the compensation of each participant in the alternate benefit pro-

gram and pay over to the insurers or mutual fund companies for the benefit of the participant an employee contribution for the retirement annuity contract or contracts equal to 5% of the participant's base salary. The intervals for deductions or reductions and payments shall be determined by the respective school governing bodies.

The Division of Pensions and Benefits shall provide for reductions from the compensation of each participant in the alternate benefit program employed by the State and county colleges of an employee contribution equal to 5% of the participant's base salary and pay this amount to the insurers or mutual fund companies for the individual's retirement annuity contract or contracts. The intervals for deductions or reductions and payments shall be determined by the Division of Pensions and Benefits.

The Division of Pensions and Benefits may require that all participant contributions be made in accordance with section 414(h) of the federal Internal Revenue Code (26 U.S.C. s.414(h)).

(b) Based on a certification to the Division of Pensions and Benefits by the University of Medicine and Dentistry of New Jersey, Rutgers, The State University and the New Jersey Institute of Technology of the number and base salary of participants, the division shall authorize the State to make payment of the employer contributions to the alternate benefit program at a rate equal to 8% of the employee's base salary, except the amount of the contribution shall not exceed 8% of the maximum salary for department officers established pursuant to section 1 of P.L.1974, c.55 (C.52:14-15.107), which moneys shall be paid to the designated insurers or mutual fund companies for the benefit of each participant.

Based on a certification by the Division of Pensions and Benefits of the number and base salary of participants employed by the State and county colleges, the State shall make payment of the employer contributions to the alternate benefit program at a rate equal to 8% of the employee's base salary, except the amount of the contribution shall not exceed 8% of the maximum salary for department officers established pursuant to section 1 of P.L.1974, c.55 (C.52:14-15.107), which moneys shall be paid to the designated insurers or mutual fund companies for the benefit of each participant.

(c) For the member of the Public Employees' Retirement System employed by the county colleges, who is defined in the regulations of the Division of Pensions and Benefits as a full-time faculty member and who is permitted to transfer his membership and does so, the State shall pay the employer contribution to the alternate benefit program at a rate equal to 8% of the member's base salary, except the amount of the contribution shall not exceed 8% of the maximum salary for department officers established pur-

suant to section 1 of P.L.1974, c.55 (C.52:14-15.107). If the member continues membership in the Public Employees' Retirement System, the State shall pay the employer contribution to the retirement system on his behalf and such employer contribution shall be at a rate equal to the normal contribution made by the State on behalf of nonveteran members of the Public Employees' Retirement System.

(d) For any nonacademic employee of a county college, as defined in section 4 of P.L.1969, c.242 (C.18A:66-170), who is eligible for the program according to the regulations of the Director of the Division of Pensions and Benefits, the county college shall pay the employer contribution to the retirement system on the employee's behalf in the same manner as the State, pursuant to this section.

2. This act shall take effect on July 1, 2010.

Approved June 29, 2010.

CHAPTER 32

AN ACT concerning insurance fraud, amending the title and body of P.L.1983, c.320, and amending P.L.1998, c.21 and P.L.2005, c.82.

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

1. The title of P.L.1983, c.320 is amended to read as follows:

Title amended.

AN ACT concerning insurance fraud, establishing a certain fund, defining certain civil offenses, establishing a Bureau of Fraud Deterrence in the Department of Banking and Insurance and making an appropriation therefor.

2. Section 3 of P.L.1983, c.320 (C.17:33A-3) is amended to read as follows:

C.17:33A-3 Definitions.

3. As used in this act:

"Attorney General" means the Attorney General of New Jersey or his designated representatives.

"Bureau" means the Bureau of Fraud Deterrence established by section 8 of P.L.1983, c.320 (C.17:33A-8).

"Commissioner" means the Commissioner of Banking and Insurance.

"Hospital" means any general hospital, mental hospital, convalescent home, nursing home or any other institution, whether operated for profit or not, which maintains or operates facilities for health care.

"Insurance company" means:

a. Any corporation, association, partnership, reciprocal exchange, interinsurer, Lloyd's insurer, fraternal benefit society or other person engaged in the business of insurance pursuant to Subtitle 3 of Title 17 of the Revised Statutes (R.S.17:17-1 et seq.), or Subtitle 3 of Title 17B of the New Jersey Statutes (N.J.S.17B:17-1 et seq.);

b. Any medical service corporation operating pursuant to P.L.1940, c.74 (C.17:48A-1 et seq.);

c. Any hospital service corporation operating pursuant to P.L.1938, c.366 (C.17:48-1 et seq.);

d. Any health service corporation operating pursuant to P.L.1985, c.236 (C.17:48E-1 et seq.);

e. Any dental service corporation operating pursuant to P.L.1968, c.305 (C.17:48C-1 et seq.);

f. Any dental plan organization operating pursuant to P.L.1979, c.478 (C.17:48D-1 et seq.);

g. Any insurance plan operating pursuant to P.L.1970, c.215 (C.17:29D-1);

h. The New Jersey Insurance Underwriting Association operating pursuant to P.L.1968, c.129 (C.17:37A-1 et seq.); and

i. (Deleted by amendment, P.L.2010, c.32)

j. Any risk retention group or purchasing group operating pursuant to the "Liability Risk Retention Act of 1986," 15 U.S.C.s.3901 et seq.

"Pattern" means five or more related violations of P.L.1983, c.320 (C.17:33A-1 et seq.). Violations are related if they involve either the same victim, or same or similar actions on the part of the person or practitioner charged with violating P.L.1983, c.320 (C.17:33A-1 et seq.).

"Person" means a person as defined in R.S.1:1-2, and shall include, unless the context otherwise requires, a practitioner.

"Principal residence" means that residence at which a person spends the majority of his time. Principal residence may be an abode separate and

distinct from a person's domicile. Mere seasonal or weekend residence within this State does not constitute principal residence within this State.

"Practitioner" means a licensee of this State authorized to practice medicine and surgery, psychology, chiropractic, or law or any other licensee of this State whose services are compensated, directly or indirectly, by insurance proceeds, or a licensee similarly licensed in other states and nations or the practitioner of any nonmedical treatment rendered in accordance with a recognized religious method of healing.

"Producer" means an insurance producer as defined in section 3 of P.L.2001, c.210 (C.17:22A-28), licensed to transact the business of insurance in this State pursuant to the provisions of the "New Jersey Insurance Producer Licensing Act of 2001," P.L.2001, c.210 (C.17:22A-26 et seq.).

"Statement" includes, but is not limited to, any application, writing, notice, expression, statement, proof of loss, bill of lading, receipt, invoice, account, estimate of property damage, bill for services, diagnosis, prescription, hospital or physician record, X-ray, test result or other evidence of loss, injury or expense.

3. Section 8 of P.L.1983, c.320 (C.17:33A-8) is amended to read as follows:

C.17:33A-8 Bureau of Fraud Deterrence.

8. a. (1) There is established in the Department of Banking and Insurance the Bureau of Fraud Deterrence. The bureau shall assist the commissioner in administratively investigating allegations of insurance fraud in consultation with the Office of the Insurance Fraud Prosecutor in accordance with subsection a. of section 9 of P.L.1983, c.320 (C.17:33A-9), and implementing programs to prevent insurance fraud and abuse. When so required by the commissioner and the Attorney General, the bureau shall cooperate with the Attorney General in the investigation and prosecution of criminal violations.

(2) In order to achieve administrative efficiencies, and notwithstanding the provisions of section 33 of P.L.1998, c.21 (C.17:33A-17), all civil investigators in the Office of the Insurance Fraud Prosecutor, other than those assigned to the Case Screening, Litigation and Analytical Support Unit, and those additional administrative and clerical support personnel as may be mutually agreed to by the commissioner and the Attorney General, shall be transferred to the Bureau of Fraud Deterrence in the Department of Banking and Insurance. Personnel transferred from the Office of the Insurance Fraud Prosecutor in the Department of Law and Public Safety to the De-

partment of Banking and Insurance pursuant to this paragraph shall be transferred with all tenure rights and any rights or protections provided by Title 11A of the New Jersey Statutes or other applicable statute, and any pension law or retirement system, as provided in the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

b. The commissioner shall appoint the full-time supervisory and investigative personnel of the bureau, including the assistant commissioner, who, except as provided in subsections a. and d. of this section, shall hold their employment at the pleasure of the commissioner without regard to the provisions of Title 11A of the New Jersey Statutes and shall receive such salaries as the commissioner from time to time designates, and who shall be qualified by training and experience to perform the duties of their position.

c. When so requested by the commissioner, the Attorney General may assign one or more deputy attorneys general to assist the bureau in the performance of its duties.

d. The commissioner shall also appoint the clerical and other staff necessary for the bureau to fulfill its responsibilities under this act. The personnel shall be employed subject to the provisions of Title 11A of the New Jersey Statutes, and other applicable statutes.

e. The commissioner shall appoint an insurance fraud advisory board consisting of eight representatives from insurers doing business in this State. The members of the board shall serve for two year terms and until their successors are appointed and qualified. The members of the board shall receive no compensation. The board shall advise the commissioner with respect to the implementation of this act, when so requested by the commissioner.

f. The Director of the Division of Budget and Accounting in the Department of the Treasury shall, on or before September 1 in each year, ascertain and certify to the commissioner the total amount of expenses incurred by the State in connection with the administration of this act during the preceding fiscal year, which expenses shall include, in addition to the direct cost of personal service, the cost of maintenance and operation, the cost of retirement contributions made and the workers' compensation paid for and on account of personnel, rentals for space occupied in State owned or State leased buildings and all other direct and indirect costs of the administration thereof.

g. The commissioner shall, on or before October 15 in each year, apportion the amount so certified to him among all of the companies writing the class or classes of insurance described in Subtitle 3 of Title 17 of the Revised Statutes (R.S.17:17-1 et seq.), and Subtitle 3 of Title 17B of the

New Jersey Statutes (N.J.S.17B:17-1 et seq.), within this State in the proportion that the net premiums received by each of them for such insurance written or renewed on risks within this State during the calendar year immediately preceding, as reported to him, bears to the sum total of all such net premiums received by all companies writing that insurance within the State during the year, as reported, except that no one company shall be assessed for more than 5% of the amount apportioned. The commissioner shall certify the sum apportioned to each company on or before November 15 next ensuing. Each company shall pay the amount so certified as apportioned to it to the Department of Banking and Insurance on or before December 31 next ensuing, and the sum paid shall be paid into the State Treasury in reimbursement to the State for the expenses paid.

"Net premiums received" means gross premiums written, less return premiums thereon and dividends credited or paid to policyholders.

h. (Deleted by amendment, P.L.2010, c.32)

4. Section 9 of P.L.1983, c.320 (C.17:33A-9) is amended to read as follows:

C.17:33A-9 Alleged violations; civil liability; referrals; records.

9. a. (1) Any person who believes that a violation of this act has been or is being made shall notify the bureau and the Office of the Insurance Fraud Prosecutor immediately after discovery of the alleged violation of this act and shall send to the bureau and office, on a form and in a manner jointly prescribed by the commissioner and the Insurance Fraud Prosecutor, the information requested and such additional information relative to the alleged violation as the bureau or office may require. The bureau and the office shall jointly review the reports and select those alleged violations as may require further investigation by the office for possible criminal prosecution, and those that may warrant investigation and possible civil action or enforcement proceeding by the bureau in lieu of or in addition to criminal prosecution. The Insurance Fraud Prosecutor and the assistant commissioner shall meet monthly to ensure that reports are handled in an expedited fashion.

(2) Whenever the Bureau of Fraud Deterrence or any employee of the bureau obtains information or evidence of a reasonable possibility of criminal wrongdoing not previously known or disclosed to the Office of the Insurance Fraud Prosecutor, the bureau shall immediately refer that information or evidence to that office. In determining whether a referral to the office is appropriate, the bureau shall utilize appropriate levels of internal

review, which shall include but not be limited to approval at the assistant commissioner level. Upon referral, the bureau shall provide the office with all documents related to the referral consistent with section 39 of P.L.1998, c.21 (C.17:33A-23).

b. No person shall be subject to civil liability for libel, violation of privacy or otherwise by virtue of the filing of reports or furnishing of other information, in good faith and without malice, required by this section or required by the bureau or the Office of the Insurance Fraud Prosecutor as a result of the authority conferred upon it by law.

c. The commissioner may, by regulation, require insurance companies licensed to do business in this State to keep such records and other information as he deems necessary for the effective enforcement of this act.

5. Section 10 of P.L.1983, c.320 (C.17:33A-10) is amended to read as follows.

C.17:33A-10 Subpena powers; violations by persons licensed by State.

10. a. If the bureau has reason to believe that a person has engaged in, or is engaging in, an act or practice which violates this act, or any other relevant statute or regulation, the commissioner or his designee, after consulting with the Insurance Fraud Prosecutor or his designee, may administer oaths and affirmations, request or compel the attendance of witnesses or the production of documents. The commissioner, after consulting with the Insurance Fraud Prosecutor or his designee, may issue, or designate another to issue, subpoenas to compel the attendance of witnesses and the production of books, records, accounts, papers and documents. Witnesses who are not licensees of the Department of Banking and Insurance shall be entitled to receive the same fees and mileage as persons summoned to testify in the courts of the State.

If a person subpoenaed pursuant to this section shall neglect or refuse to obey the command of the subpoena, a judge of the Superior Court may, on proof by affidavit of service of the subpoena, of payment or tender of the fees required and of refusal or neglect by the person to obey the command of the subpoena, issue a warrant for the arrest of said person to bring him before the judge, who is authorized to proceed against the person as for a contempt of court.

b. If matter that the bureau or Office of the Insurance Fraud Prosecutor seeks to obtain by request is located outside the State, the person so required may make it available to the bureau or office, as the case may be, or its representative to examine the matter at the place where it is located. The

bureau or office may designate representatives, including officials of the state in which the matter is located, to inspect the matter on its behalf, and it may respond to similar requests from officials of other states.

c. If (1) a practitioner, (2) an owner, administrator or employee of any hospital, (3) an insurance company, agent, broker, solicitor or adjuster, or (4) any other person licensed by a licensing authority of this State, or an agent, representative or employee of any of them is found to have violated any provision of this act, the commissioner or the Attorney General shall notify the appropriate licensing authority of the violation so that the licensing authority may take appropriate administrative action. The licensing authority shall report quarterly to the commissioner through the Bureau of Fraud Deterrence about the status of all pending referrals.

6. Section 46 of P.L.1998, c.21 (C.17:33A-30) is amended to read as follows:

C.17:33A-30 Certification of amount allocable to office expenses.

46. The Attorney General shall annually, on or before October 1, certify to the Commissioner of Banking and Insurance an amount allocable to the expenses of the Office of the Insurance Fraud Prosecutor for the preceding fiscal year, which amount shall be transferred to the Department of Law and Public Safety by the Commissioner of Banking and Insurance from the amounts assessed and collected pursuant to section 8 of P.L.1983, c.320 (C.17:33A-8).

7. Section 1 of P.L.2005, c.82 (C.45:11-24.10) is amended to read as follows:

C.45:11-24.10 Alternative to Discipline Program for nurses; definitions.

1. a. The New Jersey Board of Nursing shall establish an Alternative to Discipline Program for board licensees who are suffering from a chemical dependency or other impairment.

The program shall permit these licensees to disclose their dependency or impairment status to an intervention program designated by the board, which shall provide confidential oversight of the licensee during the period that the licensee seeks treatment for, and follows a plan for recovery from, the dependency or impairment.

b. The board shall designate at least one intervention program to provide services under this act and shall delineate, in a formal agreement, the responsibilities of the intervention program and its relationship to the board.

c. The board shall establish a five-member Alternative to Discipline Committee to review matters involving licensees suffering from chemical dependencies or other impairments.

(1) The committee shall be comprised of two members of the board who are appointed by the president of the board, at least one of whom is a registered professional nurse; two registered professional nurses with expertise in addiction recommended by the New Jersey State Nurses Association who represent a designated intervention program; and one individual designated by the Commissioner of Health and Senior Services.

(2) The committee shall meet on a regular basis. The executive director of the board and the director of the designated intervention program shall serve as staff to the committee and shall be available to assist the committee at its meetings.

(3) The committee shall perform the following duties, as well as such others as the board may require:

(a) accept from licensees, and from other members of the public, reports, which include the individual's identity, concerning licensees who may be suffering from chemical dependencies or other impairments;

(b) accept referrals, which include the individual's identity, from the board;

(c) accept coded summary reports from the designated intervention program, without any information from which the licensee's identity can be discerned;

(d) promptly review each referral to determine if participation in the program is appropriate, giving due consideration to factors for participation, as specified by regulation of the board;

(e) accept confidential reports from the intervention program regarding participating licensees and ensure that the identity of the licensee is maintained in a limited-access file of the committee with disclosure provided only to those persons whom the committee determines have a need to know the licensee's identity;

(f) require the program to conduct such supplemental inquiry concerning a licensee as may be directed by the committee, and authorize the program to request, through the committee, that further investigation be conducted by committee staff, investigative personnel or the Attorney General, as appropriate;

(g) require the program to immediately disclose to the committee the identity of a participating licensee in the event of noncompliance by the licensee with the conditions for participation or any other change in cir-

cumstances that may render the licensee inappropriate for participation in the program, as specified by regulation of the board; and

(h) transmit such reports as required by the board.

d. The executive director of the board shall advise the committee of any information concerning a concurrent investigation or consumer complaints, as may be necessary to enable the committee to assess whether participation of a licensee in the program is appropriate.

e. Upon receipt of disclosure of the identity of a participating licensee pursuant to subparagraph (g) of paragraph (3) of subsection c. of this section, the committee shall notify the board of the identity of the licensee.

f. Any information concerning the conduct of a licensee provided to the board pursuant to this act, is confidential and shall not be considered a public or government record under P.L.1963, c.73 (C.47:1A-1 et seq.) and P.L.2001, c.404 (C.47:1A-5 et al.), pending final disposition of the inquiry or investigation by the board, except for information required to be shared with the Bureau of Fraud Deterrence in the Department of Banking and Insurance and the Office of the Insurance Fraud Prosecutor in the Department of Law and Public Safety to comply with the provisions of section 9 of P.L.1983, c.320 (C.17:33A-9) or with any other law enforcement agency.

If the result of the inquiry or investigation is a finding of no basis for disciplinary action by the board, the information shall remain confidential and shall not be considered a public or government record under P.L.1963, c.73 (C.47:1A-1 et seq.) and P.L.2001, c.404 (C.47:1A-5 et al.), except that the board may release the information to a government agency, for good cause shown, upon an order of the Superior Court after notice to the licensee who is the subject of the information and an opportunity to be heard. The application for the court order shall be placed under seal.

g. A licensee who files a report with the committee pursuant to subparagraph (a) of paragraph (3) of subsection c. of this section, shall be deemed to have discharged his duty to report an impairment to the board or division pursuant to regulation or law.

h. As used in this section:

"Chemical dependency" means a condition involving the continued misuse of chemical substances.

"Chemical substances" is to be construed to include alcohol, drugs or medications, including those taken pursuant to a valid prescription for legitimate medical purposes and in accordance with the prescriber's direction, as well as those used illegally.

"Impairment" means an inability to function at an acceptable level of competency, or an incapacity to continue to practice with the requisite skill,

safety and judgment, as a result of alcohol or chemical dependency, a psychiatric or emotional disorder, senility or a disabling physical disorder.

"Licensee" means a registered professional nurse, licensed practical nurse or other professional subject to regulation by the board.

8. This act shall take effect immediately. General implementation shall be completed no later than 45 days following enactment.

Approved June 29, 2010.

CHAPTER 33

AN ACT concerning the consolidation of the functions of the Office of the Inspector General and the Office of the Medicaid Inspector General under the Office of the State Comptroller, supplementing Title 52 of the New Jersey Statutes and repealing sections 2 through 4 of P.L.2005, c.119 and section 4 of P.L.2007, c.58.

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

C.52:15C-20 Findings, declarations relative to consolidation of offices of Inspector General and Medicaid Inspector General.

1. The Legislature finds and declares:

a. Currently, there are numerous agencies within State government that are responsible for monitoring and auditing government programs and agencies, reviewing the performance of government functions and programs, and investigating misconduct by public employees, all aimed at providing accountability and transparency, promoting the efficiency and integrity of government operations, and identifying cost savings.

b. While the ongoing review of government operations helps guard against the waste, fraud, and abuse of public resources, the overlapping of the missions of the Office of the Inspector General, Office of the Medicaid Inspector General, and the Office of the State Comptroller has the potential to lead to inefficiencies in the performance of these critical functions.

c. The consolidation of the powers and duties of these existing State offices within the Office of the State Comptroller will allow for the systematic, efficient, and coordinated review and oversight of the State and its subdivisions.

C.52:15C-21 Office of Inspector General abolished, functions, powers, duties transferred.

2. a. The Office of the Inspector General established pursuant to P.L.2005, c.119 (C.52:15B-1 et seq.) and allocated, in but not of, the Department of the Treasury is abolished and all of its functions, powers, and duties, except as otherwise provided by this act, P.L.2010, c.33 (C.52:15C-20 et seq.), are continued and transferred to the Office of the State Comptroller.

b. Except as otherwise provided in this act, P.L.2010, c.33 (C.52:15C-20 et seq.), whenever, in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Office of the Inspector General the same shall mean and refer to the Office of the State Comptroller.

c. The functions, powers, and duties conferred upon, or required to be exercised by, the Inspector General are continued but such functions, powers, and duties are hereby transferred to and shall be exercised and performed by the State Comptroller.

C.52:15C-22 Transfer of employees from Office of Inspector General.

3. a. Notwithstanding the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.), the office and the term of the Inspector General established pursuant to section 3 of P.L.2005, c.119 (C.52:15B-3) shall terminate on the effective date of this act, P.L.2010, c.33 (C.52:15C-20 et seq.).

b. Employees of the Office of the Inspector General who are employed by the office on the effective date of this act, P.L.2010, c.33 (C.52:15C-20 et seq.), and determined by the State Comptroller to be necessary to carry out the duties of the Office of the State Comptroller pursuant to this act are continued and transferred to the Office of the State Comptroller. Such transfers shall be consistent with the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.). Employees transferred pursuant to this act, P.L.2010, c.33 (C.52:15C-20 et seq.), shall be deemed confidential employees for the purposes of the "New Jersey Employer-Employee Relations Act," P.L.1941, c. 100 (C.34:13A-1 et seq.).

c. Except as otherwise provided by this section and section 2 of this act, P.L.2010, c.33 (C.52:15C-21), the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.), shall apply to the transfer of the Office of the Inspector General.

C.52:15C-23 Office of Medicaid Inspector General abolished, functions, powers, duties transferred.

4. a. The Office of the Medicaid Inspector General established pursuant to P.L.2007, c.58 (C.30:4D-53 et seq.) in the Office of the Inspector Gen-

eral is abolished and all of its functions, powers and duties, except as otherwise provided by this act, P.L.2010, c.33 (C.52:15C-20 et seq.), are continued and transferred to the Office of the State Comptroller.

b. Except as otherwise provided in this act, P.L.2010, c.33 (C.52:15C-20 et seq.), whenever, in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Office of the Medicaid Inspector General the same shall mean and refer to the Office of the State Comptroller.

c. The functions, powers, and duties conferred upon, or required to be exercised by, the Medicaid Inspector General are continued but such functions, powers, and duties are hereby transferred to and shall be exercised and performed by the State Comptroller.

C.52:15C-24 Transfer of employees from Office of Medicaid Inspector General.

5. a. Notwithstanding the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.), the office and the term of the Medicaid Inspector General established pursuant to section 4 of P.L.2007, c.58 (C.30:4D-56) shall terminate on the effective date of this act, P.L.2010, c.33 (C.52:15C-20 et seq.).

b. Employees of the Office of the Medicaid Inspector General, including the Medicaid Inspector General, who are employed by the office on the effective date of this act, P.L.2010, c.33 (C.52:15C-20 et seq.), and determined by the State Comptroller to be necessary to carry out the duties of the Office of State Comptroller pursuant to this act are continued and transferred to the Office of the State Comptroller. Such transfers shall be consistent with the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.). Employees transferred pursuant to this act, P.L.2010, c.33 (C.52:15C-20 et seq.), shall be deemed confidential employees for the purposes of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.).

c. Except as otherwise provided by this section and section 4 of this act, P.L.2010, c.33 (C.52:15C-23), the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.) shall apply to the transfer of the Office of the Medicaid Inspector General.

d. An employee in the classified service transferred to the Office of the State Comptroller pursuant to this section, may remain in the classified service, provided, however, that when the transferred employee no longer serves in that classified position, the classified position shall be abolished. Nothing in this section shall be construed as limiting the authority of the State Comptroller to reclassify positions within the office as provided by law.

Repealer.

6. The following are hereby repealed:
Sections 2 through 4 of P.L.2005, c.119 (C.52:15B-2 through 52:15B-4); and
Section 4 of P.L.2007, c.58 (C.30:4D-56).

7. This act shall take effect immediately and any action necessary to implement this act may be taken at any time thereafter, with general implementation to be completed no later than the 30 day following enactment.

Approved June 29, 2010.

CHAPTER 34

AN ACT abolishing the Department of the Public Advocate, transferring certain of its functions and revising and supplementing various parts of the statutory law.

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

C.52:27EE-86 Department of the Public Advocate abolished.

1. a. The Department of the Public Advocate created by P.L.2005, c.155 (C.52:27EE-1 et al.) is abolished as a principal department in the Executive Branch of State Government and all of its functions, powers and duties, except as otherwise provided in this act, are hereby terminated.

b. The offices and terms of the Public Advocate, and of the assistants, deputies, and directors of the various divisions and offices of the Department of the Public Advocate, except as otherwise provided in this act, are hereby terminated.

c. Regulations of the Department of the Public Advocate concerning its organization, function, practice, and procedure are void. Except as otherwise provided in this act, whenever in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Department of the Public Advocate, the same shall mean and refer to the Office of the Public Defender in, but not of, the Department of the Treasury.

d. All communications between an individual client and an attorney in or engaged by the Department of the Public Advocate shall remain fully

protected by the attorney-client privilege subsequent to the effective date of this act. The confidentiality of medical records and other documents maintained as confidential by the Department of the Public Advocate shall likewise be protected subsequent to the effective date of this act. Any record held by the department that includes information about the identity, care, or treatment of any person seeking or receiving services from the department, or the identity of any person seeking services from the department on behalf of another person, shall not be a government record as defined in section 1 of P.L.1995, c.23 (C.47:1A-1.1) and shall not be available for public inspection, copying, or the purchase of copies. Any person acting reasonably and in good faith who sought assistance from the department on behalf of another person shall be immune from civil or criminal liability that might otherwise be incurred or imposed and shall have the same immunity with respect to testimony given in any judicial proceeding resulting from that request for assistance.

e. This act shall not affect the tenure, compensation, and pension rights, if any, of the holder of a position not specifically abolished herein in office upon the effective date of this act, nor alter the term of a member of a board, commission, or public body, not specifically abolished herein, in office on the effective date of this act, or require the reappointment thereof.

f. The provisions of this act in and of themselves shall not be construed to create any new cause of action, or to authorize any suit against any public entity or employee.

g. Acts and parts of acts inconsistent with any of the provisions of this act are, to the extent of such inconsistency, superseded and repealed.

h. This act shall be subject to the provisions of the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

i. The Governor may take such action by Executive Order, or other formal redesignation document, for the purpose of designating a private entity as the State's protection and advocacy agency for persons with mental illness or developmental disabilities.

j. The responsibility for all cases pending on the effective date of this act in which the Department of the Public Advocate is a party handled by divisions or offices being abolished shall be assumed by the Office of the Public Defender, unless the Public Defender, exercising discretion, determines that there are not sufficient resources to continue any particular litigation. In assuming responsibility for such cases, the Public Defender shall be bound by the terms of any orders, judgments, determinations, or settlements in the same manner as its predecessor the Department of the Public Advocate.

k. The Office of the Public Defender may take such actions as the Governor may by Executive Order, or other formal redesignation document, authorize for the purpose of coordinating and cooperating with any private entity designated by the Governor as the State's mental health protection and advocacy agency and protection and advocacy agency for persons with developmental disabilities.

2. Section 3 of P.L.1967, c.43 (C.2A:158A-3) is amended to read as follows:

C.2A:158A-3 Establishment of the Office of the Public Defender.

3. There is hereby established in the Executive Branch of the State Government the Office of the Public Defender. For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the Office of the Public Defender is hereby allocated within the Department of the Treasury, but, notwithstanding said allocation, the office shall be independent of any supervision or control by the department or by any board or officer thereof.

3. N.J.S.3B:15-1 is amended to read as follows:

Bonds of fiduciaries; exceptions.

3B:15-1. The court or surrogate appointing a fiduciary in any of the instances enumerated below shall secure faithful performance of the duties of his office by requiring the fiduciary thereby authorized to act to furnish bond to the Superior Court in a sum and with proper conditions and sureties, having due regard to the value of the estate in his charge and the extent of his authority, as the court shall approve:

- a. When an appointment is made upon failure of the will, or other instrument creating or continuing a fiduciary relationship, to name a fiduciary;
- b. When a person is appointed in the place of the person named as fiduciary in the will, or other instrument creating or continuing the fiduciary relationship;
- c. When the office to which the person is appointed is any form of administration, except (1) administration ad litem which may be granted with or without bond; or (2) administration granted to a surviving spouse where the decedent's entire estate is payable to the surviving spouse;
- d. When the office to which the person is appointed is any form of guardianship of a minor or incapacitated person, except as otherwise provided in N.J.S.3B:12-16 or N.J.S.3B:12-33 with respect to a guardian appointed by will;

e. When letters are granted to a nonresident executor, except in cases where the will provides that no security shall be required of the person named as executor therein;

f. When an additional or substituted fiduciary is appointed;

g. When an appointment is made under chapter 26 of this title, of a fiduciary for the estate or property, or any part thereof, of an absentee;

h. When a fiduciary moves from the State, the court may require him to give such security as it may determine; or

i. (1) When an appointment is made, regardless of any direction in a last will and testament relieving a personal representative, testamentary guardian or testamentary trustee or their successors from giving bond, that person shall, before receiving letters or exercising any authority or control over the property, provide bond to secure performance of his duties with respect to property to which a developmentally disabled person as defined in section 3 of P.L.1985, c.145 (C.30:6D-25) is, or shall be entitled, if:

(a) the testator has identified that a devisee or beneficiary of property of the decedent's estate is such a developmentally disabled person; or

(b) the person seeking appointment has actual knowledge that a devisee or beneficiary of property of the decedent's estate is such a developmentally disabled person.

(2) No bond shall be required pursuant to paragraph (1) of this subsection if:

(a) the court has appointed another person as guardian of the person or guardian of the estate for the developmentally disabled person;

(b) the person seeking the appointment is a family member within the third degree of consanguinity of the developmentally disabled person; or

(c) the total value of the real and personal assets of the estate or trust does not exceed \$25,000.

(3) A personal representative, testamentary guardian or testamentary trustee who is required to provide bond pursuant to paragraph (1) of this subsection shall file with the Superior Court an initial inventory and a final accounting of the estate in his charge containing a true account of all assets of the estate. Such person shall file an interim accounting every five years, or a lesser period of time if so ordered by the Superior Court, in the case of an extended estate or trust administration.

(4) A personal representative, testamentary guardian or testamentary trustee who is required to provide bond pursuant to paragraph (1) of this subsection may make application to the court to waive the bond or reduce the amount of bond for good cause shown, including the need to preserve assets of the estate.

This subsection shall not apply to qualified financial institutions pursuant to section 30 of P.L.1948, c.67 (C.17:9A-30) or to non-profit community trusts organized pursuant to P.L.1985, c.424 (C.3B:11-19 et seq.).

Nothing contained in this section shall be construed to require a bond in any case where it is specifically provided by law that a bond need not be required.

4. Section 14 of P.L.1944, c.27 (C.17:29A-14) is amended to read as follows:

C.17:29A-14 Filing of rate changes; hearing.

14. a. With regard to all property and casualty lines, a filer may, from time to time, alter, supplement, or amend its rates, rating systems, or any part thereof, by filing with the commissioner copies of such alterations, supplements, or amendments, together with a statement of the reason or reasons for such alteration, supplement, or amendment, in a manner and with such information as may be required by the commissioner. If such alteration, supplement, or amendment shall have the effect of increasing or decreasing rates, the commissioner shall determine whether the rates as altered thereby are reasonable, adequate, and not unfairly discriminatory. If the commissioner shall determine that the rates as so altered are not unreasonable, high, or inadequate, or unfairly discriminatory, he shall make an order approving them. If he shall find that the rates as altered are unreasonable, inadequate, or unfairly discriminatory, he shall issue an order disapproving such alteration, supplement or amendment.

b. (Deleted by amendment, P.L.1984, c.1.)

c. If an insurer or rating organization files a proposed alteration, supplement or amendment to its private passenger automobile insurance rating system, or any part thereof, the commissioner shall transmit the filing to the appropriate office in the Division of Insurance, which office shall issue a preliminary determination within 90 days of receipt of a rate filing, except that the commissioner may, for good cause, extend the time for a preliminary determination by not more than 30 days. The preliminary determination shall set forth the basis for accepting, rejecting or modifying the rates as filed. A copy of the preliminary determination shall be provided to the filer and other interested parties. Unless the filer or other interested party, including the Director of the Division of Rate Counsel in, but not of, the Department of the Treasury, requests a hearing, the commissioner may adopt the preliminary determination as final within 30 days of the preliminary determination. If a hearing is requested, it shall proceed on an expe-

dited basis in accordance with the provisions of this section. If a preliminary determination is not made within the time provided, a filing shall be transmitted to the Office of Administrative Law for a hearing and the commissioner shall adopt the determination of the administrative law judge as a final decision on the filing.

For filings other than private passenger automobile, if an insurer or rating organization files a proposed alteration, supplement or amendment to its rating system, or any part thereof, which would result in a change in rates, the commissioner may, or upon the request of the filer or the appropriate office in the Division of Insurance shall, certify the matter for a hearing. The hearing shall, at the commissioner's discretion, be conducted by himself, by a person appointed by the commissioner pursuant to section 26 of P.L.1944, c.27 (C.17:29A-26), or by the Office of Administrative Law, created by P.L.1978, c.67 (C.52:14F-1 et seq.), as a contested case. The following requirements shall apply to the hearing:

(1) The hearing shall commence within 30 days of the date of the request or decision that a hearing is to be held. The hearing shall be held on consecutive working days, except that the commissioner may, for good cause, waive the consecutive working day requirement. If the hearing is conducted by an administrative law judge, the administrative law judge shall submit his findings and recommendations to the commissioner within 30 days of the close of the hearing. The commissioner may, for good cause, extend the time within which the administrative law judge shall submit his findings and recommendations by not more than 30 days. A decision shall be rendered by the commissioner not later than 60 days, or, if he has granted a 30-day extension, not later than 90 days, from the close of the hearing. A filing shall be deemed to be approved unless rejected or modified by the commissioner within the time period provided herein.

(2) The commissioner, or the Director of the Office of Administrative Law, as appropriate, shall notify all interested parties, including the Director of the Division of Rate Counsel on behalf of insurance consumers, of the date set for commencement of the hearing, on the date of the filing of the request for a hearing, or within 10 days of the decision that a hearing is to be held.

(3) The insurer or rating organization making a filing on which a hearing is held shall bear the costs of the hearing.

(4) The commissioner may promulgate rules and regulations (a) to establish standards for the submission of proposed filings, amendments, additions, deletions and alterations to the rating system of filers, which may

include forms to be submitted by each filer; and (b) making such other provisions as he deems necessary for effective implementation of this act.

d. (Deleted by amendment, P.L.1984, c.1.)

e. (Deleted by amendment, P.L.2003, c.89.)

f. The notice provisions set forth in section 51 of P.L.2005, c.155 (C.52:27EE-51), shall apply to this section.

5. Section 1 of P.L.1986, c.205 (C.30:1A-4) is amended to read as follows:

C.30:1A-4 New Jersey Boarding Home Advisory Council.

1. a. There is established in, but not of, the Department of Human Services the New Jersey Boarding Home Advisory Council. The council shall consist of 14 members, to be appointed by the Commissioner of Human Services in consultation with the Commissioners of Community Affairs and Health and Senior Services, the Public Defender, the Public Guardian for Elderly Adults and the Ombudsperson for the Institutionalized Elderly, as follows: two persons who own or operate a boarding house as defined in P.L.1979, c.496 (C.55:13B-1 et al.); two persons who own or operate a residential health care facility as defined in section 1 of P.L.1953, c.212 (C.30:11A-1) or licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.); two persons who currently reside in a boarding house or a residential health care facility; one person who is a member of the organization which represents operators of boarding houses or residential health care facilities, or both; one person who represents the health care professions; one person who represents a county office on aging; one person who represents a municipal building code department; one person who represents an organization or agency which advocates for mentally ill persons in this State; one person who represents an organization or agency which advocates for physically disabled persons in this State; and two other members who shall be chosen from among persons whose work, knowledge or interest relates to boarding houses or residential health care facilities and the residents thereof, including but not limited to municipal and county elected officials, county prosecutors, social workers, and persons knowledgeable about fire prevention standards and measures needed to assure safety from structural, mechanical, plumbing and electrical deficiencies in boarding houses and residential health care facilities. In addition, the Chairman of the General Assembly Standing Reference Committee on Health and Human Services and the Chairman of the Senate Standing Reference Committee on Health,

Human Services and Senior Citizens or their designees shall serve as ex officio members of the council.

b. The terms of office of each appointed member shall be three years, but of the members first appointed, two shall be appointed for a term of one year, five for terms of two years, and seven for terms of three years. All vacancies shall be filled for the balance of the unexpired term in the same manner as the original appointment. The members of the council shall not receive any compensation for their services, but shall be reimbursed for the actual and necessary expenses incurred in the performance of their duties as members of the council.

6. Section 4 of P.L.2009, c.329 (C.30:1B-6.3) is amended to read as follows:

C.30:1B-6.3 Coordinator for Reentry and Rehabilitation Services.

4. a. The Commissioner of Corrections shall designate a staff member as Coordinator for Reentry and Rehabilitative Services. The coordinator shall be qualified by training and experience to perform the duties of this position. The coordinator may be chosen by the commissioner from among the current employees of the department and the chosen employee may continue the duties and responsibilities of the current position in addition to the duties and responsibilities of the coordinator position as provided in this section.

b. The coordinator shall compile and disseminate to inmates information concerning organizations and programs, whether faith-based or secular programs, which provide assistance and services to inmates reentering society after a period of incarceration. In compiling this information, the coordinator shall consult with non-profit entities, including but not limited to the New Jersey Institute for Social Justice, that provide informational services concerning reentry, and the Executive Director of the Office of Faith-based Initiatives in the Department of State, and the Corrections Ombuds-person in, but not of, the Department of the Treasury.

c. The coordinator shall ensure that inmates are made aware of and referred to organizations which provide services in the county where the inmate is to reside after being released from incarceration. The coordinator shall assist inmates in gaining access to programs and procuring the appropriate services.

d. The coordinator may employ professional and clerical staff as necessary within the limits of available appropriations.

7. Section 3 of P.L.2009, c.161 (C.30:4-3.25) is amended to read as follows:

C.30:4-3.25 Notification relative to certain deaths.

3. The department shall notify the Division of Mental Health Advocacy in the Office of the Public Defender within 24 hours after an unexpected death occurs at a State psychiatric hospital and shall promptly notify the Division of Mental Health Advocacy of any death of which the department has knowledge that occurs within seven days after a patient was discharged from a State psychiatric hospital.

8. Section 7 of P.L.2009, c.328 (C.30:4-8.8) is amended to read as follows:

C.30:4-8.8 Submission of complaints concerning female inmates.

7. The commissioner shall semiannually submit all inmate complaints submitted to the department concerning female inmates to the Director of the Division on Women in the Department of Community Affairs established pursuant to the "Division on Women Act of 1974," P.L.1974, c.87 (C.52:27D-43.8 et seq.).

9. Section 4 of P.L.1992, c.111 (C.30:4C-69) is amended to read as follows:

C.30:4C-69 Development of interdepartmental plan.

4. The Commissioner of Children and Families shall develop an interdepartmental plan for the implementation of an individualized, appropriate child and family driven care system for children with special emotional needs and for the reduction of inappropriate use of out-of-home placements of these children. The plan shall first address children ready to be returned from in-State and out-of-State residential facilities, and those at imminent risk of extended out-of-home placement. The commissioner shall consult with appropriate representatives from the State departments of Education, Human Services, Corrections, Health and Senior Services and Community Affairs, the Office of the Public Defender, the Statewide Children's Coordinating Council in the Department of Children and Families, the Administrative Office of the Courts, and Statewide family advocacy groups, in the development of the plan.

10. Section 3 of P.L.1976, c.120 (C.30:13-3) is amended to read as follows:

C.30:13-3 Responsibilities of nursing homes.

3. Every nursing home shall have the responsibility for:

a. Maintaining a complete record of all funds, personal property and possessions of a nursing home resident from any source whatsoever, which have been deposited for safekeeping with the nursing home for use by the resident. This record shall contain a listing of all deposits and withdrawals transacted, and these shall be substantiated by receipts given to the resident or his guardian. A nursing home shall provide to each resident or his guardian a quarterly statement which shall account for all of such resident's property on deposit at the beginning of the accounting period, all deposits and withdrawals transacted during the period, and the property on deposit at the end of the period. The resident or his guardian shall be allowed daily access to his property on deposit during specific periods established by the nursing home for such transactions at a reasonable hour. A nursing home may, at its own discretion, place a limitation as to dollar value and size of any personal property accepted for safekeeping.

b. Providing for the spiritual needs and wants of residents by notifying, at a resident's request, a clergyman of the resident's choice and allowing unlimited visits by such clergyman. Arrangements shall be made, at the resident's expense, for attendance at religious services of his choice when requested. No religious beliefs or practices, or any attendance at religious services, shall be imposed upon any resident.

c. Admitting only that number of residents for which it reasonably believes it can safely and adequately provide nursing care. Any applicant for admission to a nursing home who is denied such admission shall be given the reason for such denial in writing.

d. Ensuring that an applicant for admission or a resident is treated without discrimination as to age, race, religion, sex or national origin. However, the participation of a resident in recreational activities, meals or other social functions may be restricted or prohibited if recommended by a resident's attending physician in writing and consented to by the resident.

e. Ensuring that no resident shall be subjected to physical restraints except upon written orders of an attending physician for a specific period of time when necessary to protect such resident from injury to himself or others. Restraints shall not be employed for purposes of punishment or the convenience of any nursing home staff personnel. The confinement of a resident in a locked room shall be prohibited.

f. Ensuring that drugs and other medications shall not be employed for purposes of punishment, for convenience of any nursing home staff personnel or in such quantities so as to interfere with a resident's rehabilitation or his normal living activities.

g. Permitting citizens, with the consent of the resident being visited, legal services programs, employees of the Office of Public Defender and employees and volunteers of the Office of the Ombudsman for the Institutionalized Elderly, whose purposes include rendering assistance without charge to nursing home residents, full and free access to the nursing home in order to visit with and make personal, social and legal services available to all residents and to assist and advise residents in the assertion of their rights with respect to the nursing home, involved governmental agencies and the judicial system.

(1) Such access shall be permitted by the nursing home at a reasonable hour.

(2) Such access shall not substantially disrupt the provision of nursing and other care to residents in the nursing home.

(3) All persons entering a nursing home pursuant to this section shall promptly notify the person in charge of their presence. They shall, upon request, produce identification to substantiate their identity. No such person shall enter the immediate living area of any resident without first identifying himself and then receiving permission from the resident to enter. The rights of other residents present in the room shall be respected. A resident shall have the right to terminate a visit by a person having access to his living area pursuant to this section at any time. Any communication whatsoever between a resident and such person shall be confidential in nature, unless the resident authorizes the release of such communication in writing.

h. Ensuring compliance with all applicable State and federal statutes and rules and regulations.

i. Ensuring that every resident, prior to or at the time of admission and during his stay, shall receive a written statement of the services provided by the nursing home, including those required to be offered by the nursing home on an as-needed basis, and of related charges, including any charges for services not covered under Title XVIII and Title XIX of the Social Security Act, as amended, or not covered by the nursing home's basic per diem rate. This statement shall further include the payment, fee, deposit and refund policy of the nursing home.

j. Ensuring that a prospective resident or the resident's family or guardian receives a copy of the contract or agreement between the nursing home and the resident prior to or upon the resident's admission.

11. Section 3 of P.L.1971, c.223 (C.46:8-21.1) is amended to read as follows:

C.46:8-21.1 Return of deposit; displaced tenant; termination of lease; civil penalties, certain.

3. Within 30 days after the termination of the tenant's lease or licensee's agreement, the owner or lessee shall return by personal delivery, registered or certified mail the sum so deposited plus the tenant's portion of the interest or earnings accumulated thereon, less any charges expended in accordance with the terms of a contract, lease, or agreement, to the tenant or licensee, or, in the case of a lease terminated pursuant to P.L.1971, c.318 (C.46:8-9.1), the executor or administrator of the estate of the tenant or licensee or the surviving spouse of the tenant or licensee so terminating the lease. The interest or earnings and any such deductions shall be itemized and the tenant, licensee, executor, administrator or surviving spouse notified thereof by personal delivery, registered or certified mail. Notwithstanding the provisions of this or any other section of law to the contrary, no deductions shall be made from a security deposit of a tenant who remains in possession of the rental premises.

Within five business days after:

- a. the tenant is caused to be displaced by fire, flood, condemnation, or evacuation, and
- b. an authorized public official posts the premises with a notice prohibiting occupancy; or
- c. any building inspector, in consultation with a relocation officer, where applicable, has certified within 48 hours that displacement is expected to continue longer than seven days and has so notified the owner or lessee in writing, the owner or lessee shall have available and return to the tenant or the tenant's designated agent upon his demand the sum so deposited plus the tenant's portion of the interest or earnings accumulated thereon, less any charges expended in accordance with the terms of the contract, lease or agreement and less any rent due and owing at the time of displacement.

Within 15 business days after a lease terminates as described in section 3 of P.L.2008, c.111 (C.46:8-9.6), the owner or lessee shall have available and return to the tenant or the tenant's designated agent upon his demand any money or advance of rent deposited as security plus the tenant's portion of the interest or earnings accumulated thereon, including the portion of any money or advance of rent due to a victim of domestic violence terminating a lease pursuant to section 3 of P.L.2008, c.111 (C.46:8-9.6), less any charges expended in accordance with the terms of the contract, lease or agreement and less any rent due and owing at the time of the lease termination.

Such net sum shall continue to be available to be returned upon demand during normal business hours for a period of 30 days at a location in the same municipality in which the subject leased property is located and shall be accompanied by an itemized statement of the interest or earnings and any deductions. The owner or lessee may, by mutual agreement with the municipal clerk, have the municipal clerk of the municipality in which the subject leased property is located return said net sum in the same manner. Within three business days after receiving notification of the displacement, the owner or lessee shall provide written notice to a displaced tenant by personal delivery or mail to the tenant's last known address. In the event that a lease terminates as described in section 3 of P.L.2008, c.111 (C.46:8-9.6), within three business days after the termination, the owner or lessee shall provide written notice to the victim of domestic violence by personal delivery or mail to the tenant's last known address. Such notice shall include, but not be limited to, the location at which and the hours and days during which said net sum shall be available to him. The owner or lessee shall provide a duplicate notice in the same manner to the relocation officer. Where a relocation officer has not been designated, the duplicate notice shall be provided to the municipal clerk. When the last known address of the tenant is that from which he was displaced and the mailbox of that address is not accessible during normal business hours, the owner or lessee shall also post such notice at each exterior public entrance of the property from which the tenant was displaced. Notwithstanding the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.), or any other law to the contrary, the municipal clerk, and any designee, agent or employee of the municipal clerk, shall not knowingly disclose or otherwise make available personal information about any victim of domestic violence that the clerk or any designee, agent or employee has obtained pursuant to the procedures described in section 3 of P.L.1971, c.223 (C.46:8-21.1).

Any such net sum not demanded by and returned to the tenant or the tenant's designated agent within the period of 30 days shall be redeposited or reinvested by the owner or lessee in an appropriate interest bearing or dividend yielding account in the same investment company, State or federally chartered bank, savings bank or savings and loan association from which it was withdrawn. In the event that said displaced tenant resumes occupancy of the premises, said tenant shall redeliver to the owner or lessee one-third of the security deposit immediately, one-third in 30 days and one-third 60 days from the date of reoccupancy. Upon the failure of said tenant to make such payments of the security deposit, the owner or lessee may

institute legal action for possession of the premises in the same manner that is authorized for nonpayment of rent.

The Commissioner of Community Affairs, the Attorney General, or any State entity which made deposits on behalf of a tenant may impose a civil penalty against an owner or lessee who has willfully and intentionally withheld deposits in violation of section 1 of P.L.1967, c.265 (C.46:8-19), when the deposits were made by or on behalf of a tenant who has received financial assistance through any State or federal program, including welfare or rental assistance. An owner or lessee of a tenant on whose behalf deposits were made by a State entity and who has willfully and intentionally withheld such deposits in violation of this section shall be liable for a civil penalty of not less than \$500 or more than \$2,000 for each offense. The penalty prescribed in this paragraph shall be collected and enforced by summary proceedings pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The State entity which made such deposits on behalf of a tenant shall be entitled to any penalty amounts recovered pursuant to such proceedings.

In any action by a tenant, licensee, executor, administrator or surviving spouse, or other person acting on behalf of a tenant, licensee, executor, administrator or surviving spouse, for the return of moneys due under this section, the court upon finding for the tenant, licensee, executor, administrator or surviving spouse shall award recovery of double the amount of said moneys, together with full costs of any action and, in the court's discretion, reasonable attorney's fees.

12. Section 7 of P.L.2003, c.64 (C.46:10B-28) is amended to read as follows:

C.46:10B-28 Enforcement by department.

7. a. The department shall conduct examinations and investigations and issue subpoenas and orders to enforce the provisions of this act with respect to a person licensed or subject to the provisions of the "New Jersey Residential Mortgage Lending Act," sections 1 through 39 of P.L.2009, c.53 (C.17:11C-51 et seq.).

b. The department shall examine any instrument, document, account, book, record, or file of a person originating or brokering a high-cost home loan under this act. The department shall recover the cost of examinations from the person. A person originating or brokering high-cost home loans shall maintain its records in a manner that will facilitate the department in determining whether the person is complying with the provisions of this act

and the regulations promulgated thereunder. The department shall require the submission of reports by persons originating or brokering high-cost home loans which shall set forth such information as the department shall require by regulation.

c. In the event that a person fails to comply with a subpoena for documents or testimony issued by the department, the department may request an order from a court of competent jurisdiction requiring the person to produce the requested information.

d. If the department determines that a person has violated the provisions of this act, the department may do any combination of the following that it deems appropriate:

(1) Impose a civil penalty of up to \$10,000 for each offense, 40% of which penalty shall be dedicated for and used by the department for consumer education through nonprofit organizations which can establish to the satisfaction of the department that they have sufficient experience in credit counseling and financial education. In determining the penalty to be assessed, the commissioner shall consider the following criteria: whether the violation was willful; whether the violation was part of a pattern and practice; the amount of the loan; the points and fees charged; the financial condition of the violator; and other relevant factors. The department may require the person to pay investigative costs, if any.

(2) Suspend, revoke, or refuse to renew any license issued by the department.

(3) Prohibit or permanently remove an individual responsible for a violation of this act from working in his present capacity or in any other capacity related to activities regulated by the department.

(4) Order a person to cease and desist any violation of this act and to make restitution for actual damages to borrowers.

(5) Pending completion of an investigation or any formal proceeding instituted pursuant to this act, if the commissioner finds that the interests of the public require immediate action to prevent undue harm to borrowers, the commissioner may enter an appropriate temporary order to be effective immediately and until entry of a final order. The temporary emergent order may include: a temporary suspension of the creditor's authority to make high-cost home loans under this act; a temporary cease and desist order; a temporary prohibition against a creditor transacting high-cost home loan business in this State, or such other order relating to high-cost home loans as the commissioner may deem necessary to prevent undue harm to borrowers pending completion of an investigation or formal proceeding. Orders issued pursuant to this section shall be subject to an application to va-

cate upon two days' notice, and a preliminary hearing on the temporary emergent order shall be held, in any event, within five days after it is issued, in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

(6) Impose such other conditions as the department deems appropriate.

e. Any person aggrieved by a decision of the department and who has a direct interest in the decision may appeal the decision of the department to the commissioner. The appeal shall be conducted in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

f. The department may maintain an action for an injunction or other process against any person to restrain and prevent the person from engaging in any activity violating this act.

g. A decision of the commissioner shall be a final order of the department and shall be enforceable in a court of competent jurisdiction. The department shall publish the final adjudication issued in accordance with this section, subject to redaction or modification to preserve confidentiality.

h. The provisions of this section shall not limit the authority of the Attorney General from instituting or maintaining any action within the scope of the Attorney General's authority with respect to the practices prohibited under this act.

13. Section 2 of P.L.1991, c.428 (C.48:2-21.17) is amended to read as follows:

C.48:2-21.17 Definitions.

2. As used in this act:

"Alternative form of regulation" means a form of regulation of telecommunications services other than traditional rate base, rate of return regulation to be determined by the board and may include, but not be limited to, the use of an index, formula, price caps, or zone of rate freedom.

"Assess" means, in relation to the Director of the Division of Rate Counsel in, but not of, the Department of the Treasury, the making of any assessment or statement of the compensation and expense of counsel, experts and assistants employed by rate counsel and billed by the Director of the Division of Rate Counsel in, but not of, the Department of the Treasury as a final agency order or determination to a local exchange telecommunications company or an interexchange telecommunications carrier filing a petition with the Board of Regulatory Commissioners pursuant to the provisions of this act.

"Board" means the Board of Regulatory Commissioners or its predecessor agency.

"Competitive service" means any telecommunications service determined by the board to be competitive prior to the effective date of this act or determined to be competitive pursuant to section 4 or 5 of this act, or any telecommunications service not regulated by the board.

"Interexchange telecommunications carrier" means a carrier, other than a local exchange telecommunications company, authorized by the board to provide long-distance telecommunications services.

"LATA" means Local Access Transport Area as defined by the board in conformance with applicable federal law.

"Local exchange telecommunications company" means a carrier authorized by the board to provide local telecommunications services.

"Protected telephone services" means any of the following telecommunications services provided by a local exchange telecommunications company, unless the board determines, after notice and hearing, that any of these services is competitive or should no longer be a protected telephone service: telecommunications services provided to business or residential customers for the purpose of completing local calls; touch-tone service or similar service; access services other than those services that the board has previously found to be competitive; toll service provided by a local exchange telecommunications company; and the ordering, installation and restoration of these services.

"Rate counsel" means the Division of Rate Counsel in, but not of, the Department of the Treasury acting pursuant to sections 46 through 54 of P.L.2005, c.155 (C.52:27EE-46 through C.52:27EE-54), as amended and supplemented by P.L.2010, c.34 (C.52:27EE-86 et al.).

"Telecommunications service" means any telecommunications service which is subject to regulation by the board pursuant to Title 48 of the Revised Statutes.

14. Section 3 of P.L.2007, c.94 (C.48:2-21.36) is amended to read as follows:

C.48:2-21.36 Definitions relative to a manufacturing facility; electricity, natural gas agreements.

3. a. As used in this section, "manufacturing facility" means a facility:

(1) with respect to which the owner of the facility shall have entered into an off-tariff rate agreement with an electric public utility, pursuant to the provisions of P.L.1995, c.180 (C.48:2-21.24 et seq.);

(2) that manufactures products made from using "postconsumer material," as that term is defined in 40 C.F.R. s.247.3, and other recovered material feedstocks that meet the requirements of the Comprehensive Procurement Guideline For Products Containing Recovered Materials as promulgated by the United States Environmental Protection Agency in 40 C.F.R. s.247.1 et seq., pursuant to the "Resource Conservation and Recovery Act," Pub.L.94-580 (42 U.S.C. s.6901 et seq.) and Executive Order No. 13101, issued by the President of the United States on September 14, 1998, provided that at least 75 percent of the manufacturing facility's total annual sales dollar volume of such products that are produced in New Jersey meet the recycled content standards within such guidelines;

(3) for which a "comprehensive energy audit," as that term is defined in section 2 of P.L.1995, c.180 (C.48:2-21.25), shall have been undertaken within 90 days after the effective date of P.L.2007, c.94 (C.48:2-21.36 et al.), which audit shall have evaluated cost-effective energy efficiency and conservation measures as part of the efforts to reduce energy costs;

(4) that has been in operation in this State for at least 25 years as of the effective date of P.L.2007, c.94 (C.48:2-21.36 et al.); and

(5) at which at least 800 employees are employed on the first business or work day after the expiration of such off-tariff rate agreement.

b. An electric public utility or a gas public utility may enter into an agreement with the owner of a manufacturing facility that establishes a price for the transmission or distribution of electricity or natural gas, as appropriate, to that manufacturing facility that is different from, but in no case higher than, that specified in the electric public utility's or gas public utility's current cost-of-service based tariff rate for transmission or distribution service otherwise applicable to the manufacturing facility.

c. The board shall approve the agreement if such agreement meets all of the following conditions:

(1) The agreement shall be filed with the board and the Division of Rate Counsel in the Department of the Treasury;

(2) The agreement shall contain a provision that the owner of the manufacturing facility would have relocated the facility outside of the State to a location where electric power or natural gas supply could be obtained at a lower cost, had it not entered into the agreement;

(3) There shall be no retroactive recovery by the electric public utility or gas public utility, as appropriate, from its general ratepayer base of any revenue erosion that occurs prior to the conclusion of the utility's next base rate case. Subsequent to the conclusion of the utility's next base rate case,

any such recovery shall be prospective only. The board may require the utility to provide proof that there shall be no such retroactive recovery;

(4) There shall be no undue transfer of cost allocation or revenue recovery responsibility by the electric public utility or gas public utility, as appropriate, from the utility to its general ratepayer base. The utility agrees to be subject to an independent audit or such accounting and reporting systems the board may deem as necessary to ensure that costs are allocated properly and that revenue recovery responsibility is not transferred; and

(5) The term of the rate agreement shall begin within one year of the effective date of P.L.2007, c.94 (C.48:2-21.36 et al.) and shall not exceed seven years in duration.

15. Section 38 of P.L.1999, c.23 (C.48:3-87) is amended to read as follows:

C.48:3-87 Environmental disclosure requirements; standards; rules; terms defined.

38. a. The board shall require an electric power supplier or basic generation service provider to disclose on a customer's bill or on customer contracts or marketing materials, a uniform, common set of information about the environmental characteristics of the energy purchased by the customer, including, but not limited to:

(1) Its fuel mix, including categories for oil, gas, nuclear, coal, solar, hydroelectric, wind and biomass, or a regional average determined by the board;

(2) Its emissions, in pounds per megawatt hour, of sulfur dioxide, carbon dioxide, oxides of nitrogen, and any other pollutant that the board may determine to pose an environmental or health hazard, or an emissions default to be determined by the board; and

(3) Any discrete emission reduction retired pursuant to rules and regulations adopted pursuant to P.L.1995, c.188.

b. Notwithstanding any provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the board shall initiate a proceeding and shall adopt, in consultation with the Department of Environmental Protection, after notice and opportunity for public comment and public hearing, interim standards to implement this disclosure requirement, including, but not limited to:

(1) A methodology for disclosure of emissions based on output pounds per megawatt hour;

(2) Benchmarks for all suppliers and basic generation service providers to use in disclosing emissions that will enable consumers to perform a

meaningful comparison with a supplier's or basic generation service provider's emission levels; and

(3) A uniform emissions disclosure format that is graphic in nature and easily understandable by consumers. The board shall periodically review the disclosure requirements to determine if revisions to the environmental disclosure system as implemented are necessary.

Such standards shall be effective as regulations immediately upon filing with the Office of Administrative Law and shall be effective for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted by the board in accordance with the provisions of the "Administrative Procedure Act."

c. (1) The board may adopt, in consultation with the Department of Environmental Protection, after notice and opportunity for public comment, an emissions portfolio standard applicable to all electric power suppliers and basic generation service providers, upon a finding that:

(a) The standard is necessary as part of a plan to enable the State to meet federal Clean Air Act or State ambient air quality standards; and

(b) Actions at the regional or federal level cannot reasonably be expected to achieve the compliance with the federal standards.

(2) By July 1, 2009, the board shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), a greenhouse gas emissions portfolio standard to mitigate leakage or another regulatory mechanism to mitigate leakage applicable to all electric power suppliers and basic generation service providers that provide electricity to customers within the State. The greenhouse gas emissions portfolio standard or any other regulatory mechanism to mitigate leakage shall:

(a) Allow a transition period, either before or after the effective date of the regulation to mitigate leakage, for a basic generation service provider or electric power supplier to either meet the emissions portfolio standard or other regulatory mechanism to mitigate leakage, or to transfer any customer to a basic generation service provider or electric power supplier that meets the emissions portfolio standard or other regulatory mechanism to mitigate leakage. If the transition period allowed pursuant to this subparagraph occurs after the implementation of an emissions portfolio standard or other regulatory mechanism to mitigate leakage, the transition period shall be no longer than three years; and

(b) Exempt the provision of basic generation service pursuant to a basic generation service purchase and sale agreement effective prior to the date of the regulation.

Unless the Attorney General or the Attorney General's designee determines that a greenhouse gas emissions portfolio standard would unconstitutionally burden interstate commerce or would be preempted by federal law, the adoption by the board of an electric energy efficiency portfolio standard pursuant to subsection g. of this section, a gas energy efficiency portfolio standard pursuant to subsection h. of this section, or any other enhanced energy efficiency policies to mitigate leakage shall not be considered sufficient to fulfill the requirement of this subsection for the adoption of a greenhouse gas emissions portfolio standard or any other regulatory mechanism to mitigate leakage.

d. Notwithstanding any provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the board shall initiate a proceeding and shall adopt, after notice, provision of the opportunity for comment, and public hearing, renewable energy portfolio standards that shall require:

(1) that two and one-half percent of the kilowatt hours sold in this State by each electric power supplier and each basic generation service provider be from Class I or Class II renewable energy sources; and

(2) beginning on January 1, 2001, that one-half of one percent of the kilowatt hours sold in this State by each electric power supplier and each basic generation service provider be from Class I renewable energy sources. The board shall increase the required percentage for Class I renewable energy sources so that by January 1, 2006, one percent of the kilowatt hours sold in this State by each electric power supplier and each basic generation service provider shall be from Class I renewable energy sources and shall additionally increase the required percentage for Class I renewable energy sources by one-half of one percent each year until January 1, 2012, when four percent of the kilowatt hours sold in this State by each electric power supplier and each basic generation service provider shall be from Class I renewable energy sources.

An electric power supplier or basic generation service provider may satisfy the requirements of this subsection by participating in a renewable energy trading program approved by the board in consultation with the Department of Environmental Protection.

(3) that the board establish a multi-year schedule, applicable to each electric power supplier or basic generation service provider in this State, beginning with the one-year period commencing on June 1, 2010, and continuing for each subsequent one-year period up to and including, the one-year period commencing on June 1, 2025, that requires suppliers or provid-

ers to purchase at least the following number of kilowatt-hours from solar electric power generators in this State:

EY 2011 306 Gigawatthours (Gwhrs)

EY 2012 442 Gwhrs

EY 2013 596 Gwhrs

EY 2014 772 Gwhrs

EY 2015 965 Gwhrs

EY 2016 1,150 Gwhrs

EY 2017 1,357 Gwhrs

EY 2018 1,591 Gwhrs

EY 2019 1,858 Gwhrs

EY 2020 2,164 Gwhrs

EY 2021 2,518 Gwhrs

EY 2022 2,928 Gwhrs

EY 2023 3,433 Gwhrs

EY 2024 3,989 Gwhrs

EY 2025 4,610 Gwhrs

EY 2026 5,316 Gwhrs

EY 2027, and for every energy year thereafter, at least 5,316 Gwhrs per energy year to reflect an increasing number of kilowatt-hours to be purchased by suppliers or providers from solar electric power generators in this State, and to establish a framework within which suppliers and providers shall purchase at least 2,518 Gwhrs in the energy year 2021 and 5,316 Gwhrs in the energy year 2026 from solar electric power generators in this State, provided, however, that the number of solar kilowatt-hours required to be purchased by each supplier or provider, when expressed as a percentage of the total number of solar kilowatt-hours purchased in this State, shall be equivalent to each supplier's or provider's proportionate share of the total number of kilowatt-hours sold in this State by all suppliers and providers.

The solar renewable portfolio standards requirements in paragraph (3) of this subsection shall automatically increase by 20% for the remainder of the schedule in the event that the following two conditions are met: (a) the number of SRECs generated meets or exceeds the requirement for three consecutive reporting years, starting with energy year 2013; and (b) the average SREC price for all SRECs purchased by entities with renewable energy portfolio standards obligations has decreased in the same three consecutive reporting years. The board shall exempt providers' existing supply contracts that are: (a) effective prior to the date of P.L.2009, c.289; or (b) effective prior to any future increase in the solar renewable portfolio standard beyond the multi-year schedule established in paragraph (3) of this

subsection. This exemption shall apply to the number of SRECs that exceeds the number mandated by the solar renewable portfolio standards requirements that were in effect on the date that the providers executed their existing supply contracts. This limited exemption for providers' existing supply contracts shall not be construed to lower the Statewide solar purchase requirements set forth in paragraph (3) of this subsection. Such incremental new requirements shall be distributed over the electric power suppliers and providers not subject to the existing supply contract exemption until such time as existing supply contracts expire and all suppliers are subject to the new requirement.

An electric power supplier or basic generation service provider may satisfy the requirements of this subsection by participating in a renewable energy trading program approved by the board in consultation with the Department of Environmental Protection, or compliance with the requirements of this subsection may be demonstrated to the board by suppliers or providers through the purchase of SRECs.

The renewable energy portfolio standards adopted by the board pursuant to paragraphs (1) and (2) of this subsection shall be effective as regulations immediately upon filing with the Office of Administrative Law and shall be effective for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted by the board in accordance with the provisions of the "Administrative Procedure Act."

The renewable energy portfolio standards adopted by the board pursuant to paragraph (3) of this subsection shall be effective as regulations immediately upon filing with the Office of Administrative Law and shall be effective for a period not to exceed 30 months after such filing, and shall, thereafter, be amended, adopted or readopted by the board in accordance with the "Administrative Procedure Act."

e. Notwithstanding any provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the board shall initiate a proceeding and shall adopt, after notice, provision of the opportunity for comment, and public hearing:

(1) net metering standards for electric power suppliers and basic generation service providers. The standards shall require electric power suppliers and basic generation service providers to offer net metering at non-discriminatory rates to industrial, large commercial, residential and small commercial customers, as those customers are classified or defined by the board, that generate electricity, on the customer's side of the meter, using a Class I renewable energy source, for the net amount of electricity supplied by the electric power supplier or basic generation service provider over an

annualized period. Systems of any sized capacity, as measured in watts, are eligible for net metering. If the amount of electricity generated by the customer-generator, plus any kilowatt hour credits held over from the previous billing periods, exceeds the electricity supplied by the electric power supplier or basic generation service provider, then the electric power supplier or basic generation service provider, as the case may be, shall credit the customer-generator for the excess kilowatt hours until the end of the annualized period at which point the customer-generator will be compensated for any remaining credits or, if the customer-generator chooses, credit the customer-generator on a real-time basis, at the electric power supplier's or basic generation service provider's avoided cost of wholesale power or the PJM electric power pool's real-time locational marginal pricing rate, adjusted for losses, for the respective zone in the PJM electric power pool. Alternatively, the customer-generator may execute a bilateral agreement with an electric power supplier or basic generation service provider for the sale and purchase of the customer-generator's excess generation. The customer-generator may be credited on a real-time basis, so long as the customer-generator follows applicable rules prescribed by the PJM electric power pool for its capacity requirements for the net amount of electricity supplied by the electric power supplier or basic generation service provider. The board may authorize an electric power supplier or basic generation service provider to cease offering net metering whenever the total rated generating capacity owned and operated by net metering customer-generators Statewide equals 2.5 percent of the State's peak electricity demand;

(2) safety and power quality interconnection standards for Class I renewable energy source systems used by a customer-generator that shall be eligible for net metering.

Such standards or rules shall take into consideration the goals of the New Jersey Energy Master Plan, applicable industry standards, and the standards of other states and the Institute of Electrical and Electronic Engineers. The board shall allow electric public utilities to recover the costs of any new net meters, upgraded net meters, system reinforcements or upgrades, and interconnection costs through either their regulated rates or from the net metering customer-generator; and

(3) credit or other incentive rules for generators using Class I renewable energy generation systems that connect to New Jersey's electric public utilities' distribution system but who do not net meter.

Such rules shall require the board or its designee to issue a credit or other incentive to those generators that do not use a net meter but otherwise generate electricity derived from a Class I renewable energy source and to

issue an enhanced credit or other incentive, including, but not limited to, a solar renewable energy credit, to those generators that generate electricity derived from solar technologies.

Such standards or rules shall be effective as regulations immediately upon filing with the Office of Administrative Law and shall be effective for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted by the board in accordance with the provisions of the "Administrative Procedure Act."

f. The board may assess, by written order and after notice and opportunity for comment, a separate fee to cover the cost of implementing and overseeing an emission disclosure system or emission portfolio standard, which fee shall be assessed based on an electric power supplier's or basic generation service provider's share of the retail electricity supply market. The board shall not impose a fee for the cost of implementing and overseeing a greenhouse gas emissions portfolio standard adopted pursuant to paragraph (2) of subsection c. of this section, the electric energy efficiency portfolio standard adopted pursuant to subsection g. of this section, or the gas energy efficiency portfolio standard adopted pursuant to subsection h. of this section.

g. The board may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), an electric energy efficiency portfolio standard that may require each electric public utility to implement energy efficiency measures that reduce electricity usage in the State by 2020 to a level that is 20 percent below the usage projected by the board in the absence of such a standard. Nothing in this section shall be construed to prevent an electric public utility from meeting the requirements of this section by contracting with another entity for the performance of the requirements.

h. The board may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), a gas energy efficiency portfolio standard that may require each gas public utility to implement energy efficiency measures that reduce natural gas usage for heating in the State by 2020 to a level that is 20 percent below the usage projected by the board in the absence of such a standard. Nothing in this section shall be construed to prevent a gas public utility from meeting the requirements of this section by contracting with another entity for the performance of the requirements.

i. After the board establishes a schedule of solar kilowatt-hour sale or purchase requirements pursuant to paragraph (3) of subsection d. of this section, the board may initiate subsequent proceedings and adopt, after appropriate notice and opportunity for public comment and public hearing, increased minimum solar kilowatt-hour sale or purchase requirements, pro-

vided that the board shall not reduce previously established minimum solar kilowatt-hour sale or purchase requirements, or otherwise impose constraints that reduce the requirements by any means.

j. The board shall determine an appropriate level of solar alternative compliance payment, and establish a 15-year solar alternative compliance payment schedule, that permits each supplier or provider to submit an SACP to comply with the solar electric generation requirements of paragraph (3) of subsection d. of this section. The board may initiate subsequent proceedings and adopt, after appropriate notice and opportunity for public comment and public hearing, an increase in solar alternative compliance payments, provided that the board shall not reduce previously established levels of solar alternative compliance payments, nor shall the board provide relief from the obligation of payment of the SACP by the electric power suppliers or basic generation service providers in any form. Any SACP payments collected shall be refunded directly to the ratepayers by the electric public utilities.

k. The board may allow electric public utilities to offer long-term contracts and other means of financing, including but not limited to loans, for the purchase of SRECs and the resale of SRECs to suppliers or providers or others, provided that after such contracts have been approved by the board, the board's approvals shall not be modified by subsequent board orders.

l. The board shall implement its responsibilities under the provisions of this section in such a manner as to:

(1) place greater reliance on competitive markets, with the explicit goal of encouraging and ensuring the emergence of new entrants that can foster innovations and price competition;

(2) maintain adequate regulatory authority over non-competitive public utility services;

(3) consider alternative forms of regulation in order to address changes in the technology and structure of electric public utilities;

(4) promote energy efficiency and Class I renewable energy market development, taking into consideration environmental benefits and market barriers;

(5) make energy services more affordable for low and moderate income customers;

(6) attempt to transform the renewable energy market into one that can move forward without subsidies from the State or public utilities;

(7) achieve the goals put forth under the renewable energy portfolio standards;

(8) promote the lowest cost to ratepayers; and

(9) allow all market segments to participate.

m. The board shall ensure the availability of financial incentives under its jurisdiction, including, but not limited to, long-term contracts, loans, SRECs, or other financial support, to ensure market diversity, competition, and appropriate coverage across all ratepayer segments, including, but not limited to, residential, commercial, industrial, non-profit, farms, schools, and public entity customers.

n. For projects which are owned, or directly invested in, by a public utility pursuant to section 13 of P.L.2007, c.340 (C.48:3-98.1), the board shall determine the number of SRECs with which such projects shall be credited; and in determining such number the board shall ensure that the market for SRECs does not detrimentally affect the development of non-utility solar projects and shall consider how its determination may impact the ratepayers.

o. The board, in consultation with the Department of Environmental Protection, electric public utilities, the Division of Rate Counsel in, but not of, the Department of the Treasury, affected members of the solar energy industry, and relevant stakeholders, shall periodically consider increasing the renewable energy portfolio standards beyond the minimum amounts set forth in subsection d. of this section, taking into account the cost impacts and public benefits of such increases including, but not limited to:

(1) reductions in air pollution, water pollution, land disturbance, and greenhouse gas emissions;

(2) reductions in peak demand for electricity and natural gas, and the overall impact on the costs to customers of electricity and natural gas;

(3) increases in renewable energy development, manufacturing, investment, and job creation opportunities in this State; and

(4) reductions in State and national dependence on the use of fossil fuels.

p. Class I RECs shall be eligible for use in renewable energy portfolio standards compliance in the energy year in which they are generated, and for the following two energy years. SRECs shall be eligible for use in renewable energy portfolio standards compliance in the energy year in which they are generated, and for the following two energy years.

16. Section 1 of P.L.1974, c.55 (C.52:14-15.107) is amended to read as follows:

C.52:14-15.107 Department officers; annual salaries.

1. Notwithstanding the provisions of the annual appropriations act and section 7 of P.L.1974, c.55 (C.52:14-15.110), the Governor shall fix and

establish the annual salary, not to exceed \$133,330 in calendar year 2000, \$137,165 in calendar year 2001 and \$141,000 in calendar year 2002 and thereafter, for each of the following officers:

Title

Agriculture Department

Secretary of Agriculture

Children and Families Department

Commissioner of Children and Families

Community Affairs Department

Commissioner of Community Affairs

Corrections Department

Commissioner of Corrections

Education Department

Commissioner of Education

Environmental Protection Department

Commissioner of Environmental Protection

Health and Senior Services Department

Commissioner of Health and Senior Services

Human Services Department

Commissioner of Human Services

Banking and Insurance Department

Commissioner of Banking and Insurance

Labor and Workforce Development Department

Commissioner of Labor and Workforce Development

Law and Public Safety Department

Attorney General

Military and Veterans' Affairs Department

Adjutant General

State Department

Secretary of State

Transportation Department

Commissioner of Transportation

Treasury Department

State Treasurer

Members, Board of Public Utilities

17. Section 26 of P.L.2008, c.46 (C.52:27D-329.15) is amended to read as follows:

C.52:27D-329.15 Interdepartmental working group.

26. a. An interdepartmental working group is established for the purpose of supporting the activities of the commission and its preparation of the draft plan.

b. The membership of the working group shall consist of the commissioners or executive directors of the following departments or agencies of State government: the Department of Community Affairs, the Council on Affordable Housing, the New Jersey Housing and Mortgage Finance Agency, the Department of Human Services, the Department of Children and Families, the Department of Health and Senior Services, the Department of Education, the Department of Environmental Protection, the Department of Transportation, the Office of Smart Growth, the Department of the Treasury, the Highlands Council, the Pinelands Commission, and the New Jersey Meadowlands Commission.

c. The Commissioner of Community Affairs may appoint the Senior Deputy Commissioner for Housing as his or her representative to serve on the working group.

d. Each other commissioner or executive director may appoint a representative to serve on the working group, who shall be a senior employee of the department or agency with substantial background, experience, or training relevant to the mission of the working group.

e. The working group shall be chaired by the Commissioner of Community Affairs or by the Senior Deputy Commissioner for Housing as the commissioner's designee, if so appointed.

f. Meetings of the working group shall be called by the chair as needed during the course of preparation of the plan or the annual performance report.

g. Each department or agency constituting the working group shall make available such personnel and information as may be necessary to enable the working group to perform its responsibilities.

18. Section 6 of P.L.1994, c.58 (C.52:27E-55) is amended to read as follows:

C.52:27E-55 Office of the Public Defender continued, transferred to the Department of the Treasury.

6. a. The Office of the Public Defender created by P.L.1967, c.43 (C.2A:158A-1 et seq.), together with all its functions, powers and duties is continued and transferred to and constituted as the Office of the Public Defender in, but not of, the Department of the Treasury. Notwithstanding this

allocation, the office shall not be subject to the supervision or control of the Department of the Treasury or any of its officers or employees.

b. Whenever, in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Office of the Public Defender, the same shall mean and refer to the Office of the Public Defender in, but not of, the Department of the Treasury.

19. Section 37 of P.L.1994, c.58 (C.52:27E-75) is amended to read as follows:

C.52:27E-75 Access to client records, files by designated agencies.

37. Any agency designated by the Governor to serve as the State's protection and advocacy agency for the mentally ill and for the developmentally disabled shall have the same access to client records and files, to agency records and to the premises of State or private institutions as the Division of Mental Health Advocacy in the Office of the Public Defender. The intent of this section is that any private protection and advocacy agency designated by the Governor have all of the powers necessary to carry out its responsibilities as required to qualify for federal funding as the protection and advocacy agency.

20. Section 12 of P.L.2005, c.155 (C.52:27EE-12) is amended to read as follows:

C.52:27EE-12 Definitions.

12. Definitions.

As used in sections 27, 32, 33, 48, 50, 51 and 64 of P.L.2005, c.155 (C.52:27EE-27, C.52:27EE-32, C.52:27EE-33, C.52:27EE-48, C.52:27EE-50, C.52:27EE-51 and C.52:27EE-64):

"consumer insurance rate increases" means prior approval rate increases for: personal lines property casualty coverages; Medicare supplemental coverages; or a rating system change pursuant to section 14 of P.L.1997, c.151 (C.17:29A-46.1 et seq.);

"correctional facility" means a jail, prison, lockup, penitentiary, reformatory, training school, or other similar facility within the State of New Jersey;

"elderly" means a person age 60 years or older;

"facility" whenever referred to in section 64 of P.L.2005, c.155 (C.52:27EE-64), means any facility or institution, whether public or pri-

vate, offering health or health related services for the institutionalized elderly, and which is subject to regulation, visitation, inspection, or supervision by any government agency. Facilities include, but are not limited to, nursing homes, skilled nursing homes, intermediate care facilities, extended care facilities, convalescent homes, rehabilitation centers, residential health care facilities, special hospitals, veterans' hospitals, chronic disease hospitals, psychiatric hospitals, mental hospitals, mental retardation centers or facilities, day care facilities for the elderly, and medical day care centers;

"indigent mental hospital admittee" means a person who has been admitted to and is a patient in a mental hospital, an institution for the care and treatment of the mentally ill, or a similar facility, whether public or private, State, county or local, or who is the subject of an action for admission as provided by P.L.1987, c.116 (C.30:4-27.1 et seq.) and who does not have the financial ability to secure competent representation and to provide all other necessary expenses of representation;

"institutionalized elderly" means any person 60 years of age or older, who is a patient, resident or client of any facility, as described herein;

"public interest" means an interest or right arising from the Constitution, decisions of court, common law or other laws of the United States or of this State inhering in the citizens of this State or in a broad class of such citizens.

21. Section 21 of P.L.2005, c.155 (C.52:27EE-21) is amended to read as follows:

C.52:27EE-21 Dispute settlement office; established.

21. Dispute Settlement Office; established.

There is hereby established in the Office of the Public Defender the Dispute Settlement Office.

22. Section 22 of P.L.2005, c.155 (C.52:27EE-22) is amended to read as follows:

C.52:27EE-22 Dispute settlement office; services.

22. Dispute Settlement Office; services.

a. The Dispute Settlement Office may provide, in the discretion of the Public Defender, mediation and other third party neutral services in the resolution of disputes which involve the public interest and may enter into agreements or contracts to carry out any of the purposes or functions of this section. The office may assist public or private parties in resolving disputes. The office is authorized to:

(1) facilitate the resolution of disputes through the provision of mediation and other neutral dispute resolution services;

(2) establish standards for the selection, assignment, and conduct of persons acting on behalf of the office in the resolution of disputes;

(3) conduct educational programs and provide other services designed to reduce the occurrence, magnitude, or cost of disputes;

(4) design, develop, or operate dispute resolution programs, or assist in improving or extending existing dispute resolution programs;

(5) work with the business ombudsman or advocate in the New Jersey Commerce and Economic Growth Commission and take such other action as will promote and facilitate dispute resolution in the State; and

(6) coordinate and cooperate with the Office of Administrative Law so as to avoid duplication of effort and to facilitate alternate resolution of disputes that would otherwise require administrative hearings.

b. The Public Defender may establish reasonable fees to be charged to public or private parties for the provision of the educational, consultation, dispute resolution, or other services authorized herein and may apply for and accept on behalf of the State any federal, local, or private grants, bequests, gifts, or contributions to aid in the financing of any of the programs or activities of the office. The Public Defender in the name of the State shall do all that is necessary and proper to receive or to collect all moneys due to the State, including such fees, grants, bequests, gifts, or contributions, by or reimbursement for services rendered pursuant to this section.

23. Section 23 of P.L.2005, c.155 (C.52:27EE-23) is amended to read as follows:

C.52:27EE-23 Dispute settlement office; transfer of functions.

23. Dispute Settlement Office; transfer of functions.

All functions, powers and duties which had been vested in the Office of Dispute Settlement in the Division of Citizen Relations in the Department of the Public Advocate are hereby transferred to and assumed by the Dispute Settlement Office of the Office of the Public Defender.

Whenever in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Dispute Settlement Office in the Department of the Public Advocate, the same shall mean and refer to the Dispute Settlement Office in the Office of the Public Defender.

24. Section 26 of P.L.2005, c.155 (C.52:27EE-26) is amended to read as follows:

C.52:27EE-26 Corrections ombudsperson; transfer of functions.**26. Corrections Ombudsperson; transfer of functions.**

a. All functions, powers, and duties now vested in the Corrections Ombudsperson in the Department of the Public Advocate are hereby transferred to and assumed by the Corrections Ombudsperson in, but not of, the Department of the Treasury. The Corrections Ombudsperson shall be appointed by the Governor. For the purposes of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the Corrections Ombudsperson is hereby allocated to the Department of the Treasury, but, notwithstanding this allocation, the ombudsperson shall be independent of any supervision or control by the department or by any board or officer thereof.

b. Whenever, in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Corrections Ombudsperson in the Department of the Public Advocate the same shall mean and refer to the Corrections Ombudsperson in, but not of, the Department of the Treasury.

25. Section 29 of P.L.2005, c.155 (C.52:27EE-29) is amended to read as follows:

C.52:27EE-29 Division of Mental Health Advocacy; established.**29. Division of Mental Health Advocacy; established.**

a. There is hereby established in the Office of the Public Defender a Division of Mental Health Advocacy to be under the supervision of the Director of the Division of Mental Health Advocacy.

b. The division is hereby designated as the State's mental health protection and advocacy agency. The division shall have all the powers necessary to carry out its responsibilities as required to qualify for federal funding as the State protection and advocacy agency.

26. Section 31 of P.L.2005, c.155 (C.52:27EE-31) is amended to read as follows:

C.52:27EE-31 Division of Mental Health Advocacy; class actions.**31. Division of Mental Health Advocacy; class actions.**

The Director of the Division of Mental Health Advocacy may represent, with the approval of the Public Defender, the interests of indigent mental hospital admittees in such disputes and litigation as will, in the discretion of the Public Defender, best advance the interests of indigent mental

hospital admittees as a class on an issue of general application to them, and may act as representative of indigent mental hospital admittees with any principal department or other instrumentality of State, county or local government.

27. Section 34 of P.L.2005, c.155 (C.52:27EE-34) is amended to read as follows:

C.52:27EE-34 Division of Mental Health Advocacy; financial status of client; investigation.

34. Division of Mental Health Advocacy; financial status of client; investigation.

The Division of Mental Health Advocacy shall make such investigation of the financial status of each mental health client as the circumstances warrant. The division, pursuant to rules and regulations promulgated by the Office of the Public Defender for this purpose, may obtain information from any public record, office of the State or of any subdivision or agency thereof on request and without payment of the fees ordinarily required by law.

28. Section 35 of P.L.2005, c.155 (C.52:27EE-35) is amended to read as follows:

C.52:27EE-35 Division of Mental Health Advocacy; staff.

35. Division of Mental Health Advocacy; staff.

a. The Director of the Division of Mental Health Advocacy may employ, with the approval of the Public Defender, such assistants on a full-time basis as are necessary to protect the rights of persons with mental illness. When exceptional circumstances arise, the director may retain, with the approval of the Public Defender, on a temporary basis such other expert assistants as are necessary pursuant to a reasonable fee schedule established in advance by the Public Defender.

b. Cases shall be assigned to staff attorneys or attorneys hired by case on a basis calculated to provide competent representation in light of the nature of the case, the services to be performed, the experience of the particular attorney and other relevant factors.

c. Employees of the Division of Mental Health Advocacy in the Department of the Public Advocate who are client services representatives or patient advocates for the mentally ill providing patient advocacy services in State or county facilities that provide inpatient care, supervision and treat-

ment for persons with mental illness, including psychiatric facilities, and the functions of such employees, are hereby transferred to the Office of the Public Defender to be employees thereof. The Public Defender through the Division of Mental Health Advocacy shall employ such persons and continue such functions in the manner the Public Defender and the director of the division shall deem appropriate and necessary. These employees shall report to the division director and the Public Defender.

29. Section 36 of P.L.2005, c.155 (C.52:27EE-36) is amended to read as follows:

C.52:27EE-36 Division of Mental Health Advocacy; status of staff.

36. Division of Mental Health Advocacy; status of staff.

Independent contractors or other individuals, agencies, or entities not established in or employed by the Office of the Public Defender retained to provide protection and advocacy services to indigent mental hospital admittees, or designated to provide mental health protection and advocacy services, are not public entities or public employees for purposes of the "New Jersey Tort Claims Act," N.J.S.59:1-1 et seq.

30. Section 37 of P.L.2005, c.155 (C.52:27EE-37) is amended to read as follows:

C.52:27EE-37 Division of Mental Health Advocacy; transfer of functions.

37. Division of Mental Health Advocacy; transfer of functions.

All functions, powers, and duties which had been vested in the Division of Mental Health Advocacy in the Department of the Public Advocate are hereby transferred to and assumed by the Division of Mental Health Advocacy in the Office of the Public Defender.

Whenever, in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Division of Mental Health Advocacy in the Department of the Public Advocate, the same shall mean and refer to the Division of Mental Health Advocacy in the Office of the Public Defender.

31. Section 46 of P.L.2005, c.155 (C.52:27EE-46) is amended to read as follows:

C.52:27EE-46 Division of Rate Counsel; established.

46. Division of Rate Counsel; established.

There is hereby established in the Department of the Treasury the Division of Rate Counsel to be under the supervision of the Director of the Division of Rate Counsel. For the purposes of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the Division of Rate Counsel is hereby allocated to the Department of the Treasury, but, notwithstanding this allocation, the division shall be independent of any supervision or control by the department or by any board or officer thereof.

32. Section 47 of P.L.2005, c.155 (C.52:27EE-47) is amended to read as follows:

C.52:27EE-47 Director of the Division of Rate Counsel; staff.

47. Director of the Division of Rate Counsel; staff.

a. The Director of the Division of Rate Counsel shall be an attorney-at-law of this State, appointed by the Governor.

b. When exceptional circumstances arise, the Director of the Division of Rate Counsel, with the approval of the State Treasurer, may on a temporary basis retain such expert assistants as are necessary to protect the public interest, pursuant to a reasonable fee schedule established in advance by the Treasurer.

c. Cases shall be assigned to staff attorneys or to attorneys hired on a case by case basis calculated to provide competent representation in the light of the nature of the case, the services to be performed, the experience of the particular attorney, and other relevant factors.

33. Section 48 of P.L.2005, c.155 (C.52:27EE-48) is amended to read as follows:

C.52:27EE-48 Division of Rate Counsel; jurisdiction.

48. Division of Rate Counsel; jurisdiction.

The Division of the Rate Counsel in, but not of, the Department of the Treasury shall have the authority to conduct investigations, initiate studies, conduct research, present comments and testimony before governmental bodies, issue reports, and produce and disseminate consumer guides on any matters that fall within the Rate Counsel's jurisdiction. The Rate Counsel shall also have the authority to represent the public interest as set forth below.

a. Utilities. The Division of Rate Counsel may represent and protect the public interest as defined in section 12 of P.L.2005, c.155 (C.52:27EE-12) in proceedings before and appeals from any State department, commission, authority, council, agency, or board charged with the regulation or control of any business, industry, or utility regarding a requirement that the

business, industry, or utility provide a service or regarding the fixing of a rate, toll, fare, or charge for a product or service. The Division of Rate Counsel may initiate any such proceedings when the director determines that a discontinuance or change in a required service or a rate, toll, fare, or charge for a product or service is in the public interest.

b. Insurance; limited jurisdiction. The Division of Rate Counsel shall represent and protect the public interest with respect to insurance matters in significant proceedings that pertain solely to prior approval rate increases for personal lines property casualty coverages or Medicare supplemental coverages. The Division of Rate Counsel shall have no jurisdiction or authority to participate or intervene in (1) expedited prior approval rate filings made by an insurer or affiliated group of insurers pursuant to section 34 of P.L.1997, c.151 (C.17:29A-46.6) or section 3 of P.L.2001, c.409 (C.17:36-5.35), or (2) prior approval rate filings of seven percent or less, or (3) rule or form filings for any other form of insurance.

In determining, in his discretion, whether a proceeding is significant, the Director of the Division of Rate Counsel shall consider the following factors:

(1) the overall dollar impact of the requested increase, considering the filer's market share and the magnitude of the requested rate change;

(2) whether the increase, if granted, will increase the filer's rates significantly above market norms;

(3) whether the filer is advancing a significantly different alternate ratemaking methodology to the standard methodology established pursuant to section 8 of P.L.1988, c.119 (C.17:29A-36.2);

(4) whether the insurer is experiencing financial difficulties at its present rate level, as evidenced by the filing of rehabilitation proceedings, recent downgrading by insurance rating services, or significant losses reported on the filer's public financial statement.

The Director of the Division of Rate Counsel shall, in addition to the powers set forth in this act, have the express authority to intervene in public hearings pursuant to section 66 of P.L.1998, c.21 (C.17:29A-46.8).

34. Section 52 of P.L.2005, c.155 (C.52:27EE-52) is amended to read as follows:

C.52:27EE-52 Division of Rate Counsel; payment of expenses of division; annual utility assessment.

52. Division of Rate Counsel; payment of expenses of division; annual utility assessment.

a. Annual utility assessment. The Division of Rate Counsel shall annually make an assessment against each public utility consistent with, but separate from, the Board of Public Utilities' assessments under the provisions of P.L.1968, c.173 (C.48:2-59 et seq.). All assessments due and owing to the Division of Rate Counsel as of the effective date of P.L.2010, c.34 (C.52:27EE-86 et al.), including any assessments due and owing as of the effective date of P.L.2005, c.155 (C.52:27EE-1 et seq.) shall be deemed due and owing to the Division of Rate Counsel in, but not of, the Department of the Treasury.

b. Calculation of annual utility assessment. The annual assessment shall be equal to a percentage of the gross operating revenue of the public utilities under the jurisdiction of the Board of Public Utilities derived from intrastate operations during the preceding calendar year at a rate determined annually by the Director of the Division of Rate Counsel in the manner set forth in section 2 of P.L.1968, c.173 (C.48:2-60), except that the total amount assessed to any public utility shall not exceed $\frac{1}{4}$ of 1 percent of the gross operating revenue subject to assessment hereunder. The minimum annual assessment under this section shall not be less than \$500.

c. Levy and payment of annual assessment. The annual assessment set forth in subsections a. and b. above shall be levied by the Division of the Rate Counsel no later than August 15, and shall be paid within 30 days of mailing notice thereof and a statement of the amount by first class mail to any public utility.

35. Section 53 of P.L.2005, c.155 (C.52:27EE-53) is amended to read as follows:

C.52:27EE-53 Division of Rate Counsel; payment of expenses of division; annual insurance assessment.

53. Division of Rate Counsel; payment of expenses of division; annual insurance assessment.

a. Annual insurance assessment. The Director of the Office of Management and Budget in the Department of the Treasury shall, on or before August 15 in each year, ascertain and certify to the Commissioner of Banking and Insurance by category the total amount of expenses incurred by the State in connection with the administration of the special functions of the Division of Rate Counsel relative to the expenses of the Division of Rate Counsel in connection with the administration of insurance rate cases during the preceding fiscal year. The Department of Banking and Insurance shall make a separate special assessment on lines of insurance subject to the jurisdiction of the

Director of the Division of Rate Counsel pursuant to subsection b. of section 48 of P.L.2005, c.155 (C.52:27EE-48), on an annual basis, in accordance with the formula set forth in P.L.1995, c.156 (C.17:1C-19 et seq.).

b. Calculation of annual insurance assessment. The annual assessment shall be no more than a specified aggregate amount adjusted annually for inflation, which shall be calculated and applied separately from the maximum total assessment set forth in section 13 of P.L.1995, c.156 (C.17:1C-31). The amount collected for expenses pursuant to subsection a. of this section, shall not exceed the amount appropriated by the Legislature for those expenses.

36. Section 54 of P.L.2005, c.155 (C.52:27EE-54) is amended to read as follows:

C.52:27EE-54 Division of Rate Counsel; transfer of powers and duties.

54. Division of Rate Counsel; transfer of powers and duties.

All functions, powers, and duties which had been vested in the Division of Rate Counsel in the Department of the Public Advocate are hereby transferred to and assumed by the Division of Rate Counsel in, but not of, the Department of the Treasury.

Whenever, in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Division of Rate Counsel in the Department of the Public Advocate, the same shall mean and refer to the Division of Rate Counsel in, but not of, the Department of the Treasury.

37. Section 61 of P.L.2005, c.155 (C.52:27EE-61) is amended to read as follows:

C.52:27EE-61 Division of Elder Advocacy; established.

61. Division of Elder Advocacy; established.

There is hereby established in the Department of the Treasury the Division of Elder Advocacy to be under the supervision of the Director of the Division of Elder Advocacy, appointed by the Governor. For the purposes of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the Division of Elder Advocacy is hereby allocated to the Department of the Treasury, but, notwithstanding this allocation, the division shall be independent of any supervision or control by the department or by any board or officer thereof.

38. Section 62 of P.L.2005, c.155 (C.52:27EE-62) is amended to read as follows:

C.52:27EE-62 Division of Elder Advocacy; jurisdiction.

62. Division of Elder Advocacy; jurisdiction.

The Division of Elder Advocacy may represent the public interest in such administrative and court proceedings as the director deems shall best serve the interests of elderly adults.

39. Section 63 of P.L.2005, c.155 (C.52:27EE-63) is amended to read as follows:

C.52:27EE-63 Division of Elder Advocacy; powers and duties.

63. Division of Elder Advocacy; powers and duties.

The Division of Elder Advocacy may protect the interests of the elderly by:

a. intervening in or instituting proceedings involving the interests of the elderly before any department, commission, agency, or board of the State leading to an administrative adjudication or administrative rule as defined in section 2 of P.L.1968, c.410 (C.52:14B-2);

b. instituting litigation on behalf of the elderly when authorized to do so; and

c. commencing negotiation, mediation, or alternative dispute resolution prior to, or in lieu of, the initiation of any litigation.

40. Section 65 of P.L.2005, c.155 (C.52:27EE-65) is amended to read as follows:

C.52:27EE-65 Ombudsperson for the Institutionalized Elderly; transfer to Department of the Treasury.

65. Ombudsperson for the Institutionalized Elderly; transfer to Department of the Treasury. For the purposes of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the Ombudsperson for the Institutionalized Elderly is hereby allocated to the Department of the Treasury, but, notwithstanding this allocation, the Ombudsperson shall be independent of any supervision or control by the department or by any board or officer thereof.

a. There is hereby established in the Division of Elder Advocacy in the Department of the Treasury an Ombudsperson for the Institutionalized Elderly.

b. The Ombudsperson for the Institutionalized Elderly shall be appointed by the Governor.

c. All functions, powers, and duties now vested in the Ombudsperson for the Institutionalized Elderly in the Department of the Public Advocate are hereby transferred to and assumed by the Ombudsperson for the Institutionalized Elderly in, but not of, the Department of the Treasury.

Whenever, in any law, rule, regulation, order, reorganization plan, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Ombudsperson for the Institutionalized Elderly in the Department of the Public Advocate, the same shall mean and refer to the Ombudsperson for the Institutionalized Elderly in, but not of, the Department of the Treasury.

41. Section 3 of P.L.1977, c.239 (C.52:27G-3) is amended to read as follows:

C.52:27G-3 Ombudsperson for the Institutionalized Elderly.

3. There is established the Ombudsperson for the Institutionalized Elderly. For the purposes of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the Office of the Ombudsperson for the Institutionalized Elderly is hereby allocated to the Department of the Treasury, but, notwithstanding this allocation, the ombudsperson shall be independent of any supervision or control by the department or by any board or officer thereof.

42. Section 4 of P.L.1977, c.239 (C.52:27G-4) is amended to read as follows:

C.52:27G-4 Ombudsperson, qualifications, appointment.

4. The administrator and chief executive officer of the office shall be the Ombudsperson for the Institutionalized Elderly, who shall be a person qualified by training and experience to perform the duties of the office. The Ombudsperson shall be appointed by the Governor and shall serve at the pleasure of the Governor.

43. Section 12 of P.L.1980, c.125 (C.56:12-12) is amended to read as follows:

C.56:12-12 Injunctions; attorney fees, court costs.

12. The Office of the Attorney General, the Division of Consumer Affairs, the Division of Rate Counsel in, but not of, the Department of the Treasury, the Commissioner of Banking and Insurance, in regard to con-

tracts of insurance provided for in subsection c. of section 1 of this act (C.56:12-1), or any interested person may seek injunctive relief. The court may authorize reasonable attorney's fees, not to exceed \$2,500.00, and court costs in such a proceeding.

44. Section 1 of P.L.1981, c.347 (C.58:11-59) is amended to read as follows:

C.58:11-59 Failure to comply by small water, sewer companies.

1. a. Whenever a small water company or a small sewer company, or both, are found to have failed to comply with any unstayed order of the Department of Environmental Protection concerning the availability of water, the potability of water, or the provision of water at adequate volume and pressure, or any unstayed order finding a small water company or a small sewer company or both a significant noncomplier or requiring the abatement of a serious violation, as those terms are defined pursuant to section 3 of P.L.1977, c.74 (C.58:10A-3), which the department is authorized to enforce pursuant to Title 58 of the Revised Statutes, the department and the Board of Public Utilities, and the Division of Rate Counsel in, but not of, the Department of the Treasury may, after 30 days' notice to capable proximate public or private water or sewer companies, municipal utilities authorities established pursuant to P.L.1957, c.183 (C.40:14B-1 et seq.), municipalities or any other suitable public or private entities wherein the small water company, small sewer company, or both, provide service, conduct a joint public hearing to announce: the actions that may be taken and the expenditures that may be required, including acquisition costs, to make all improvements necessary to assure the availability of water, the potability of water and the provision thereof at adequate volume and pressure, and the compliance with all applicable federal and State water pollution control requirements for a small sewer company, including, but not necessarily limited to, the acquisition of the small water company or small sewer company, or both, by the most suitable public or private entity.

At the hearing the department and the board shall state the costs that are expected to be borne by the current users of the small water company, small sewer company, or both. The department shall propose an administrative consent order setting forth an agreed upon time schedule by which the acquiring entity would be required to make improvements required to resolve existing violations of federal and State safe drinking water and water pollution control statutes and regulations. The administrative consent order shall stipulate that the acquiring entity shall not be liable for any fines or penalties

for continuing violations arising from the deficiencies, obsolescence or disrepair of the facilities at the time of the acquisition, provided that:

(1) the stipulation shall be conditioned upon compliance by the acquiring entity with the time frames established for improving the facilities and eliminating the existing violations; and

(2) the stipulation shall not include any violation to the extent caused by operational error, lack of preventive maintenance or careless or improper operation by the acquiring entity.

Under no circumstances shall the acquiring entity be liable for violations occurring prior to the acquisition.

At the conclusion of a hearing conducted pursuant to this section the record of the hearing shall be kept open for 30 days to allow for the submission of additional comments.

b. As used in sections 1 through 4 of P.L.1981, c.347 (C.58:11-59 through 58:11-62):

"Small water company" means any company, purveyor or entity, other than a governmental agency, that provides water for human consumption and which regularly serves less than 1,000 customer connections; and

"Small sewer company" means any company, business, or entity, other than a governmental agency, which is a public utility as defined pursuant to R.S.48:2-13, that collects, stores, conveys, or treats primarily domestic wastewater, and that regularly serves less than 1,000 customer connections.

45. Section 5 of P.L.1985, c.37 (C.58:26-5) is amended to read as follows:

C.58:26-5 Notice of intention.

5. A contracting unit which intends to enter into a contract with a private vendor for the provision of water supply services pursuant to the provisions of this act shall notify, at least 60 days prior to issuing a request for qualifications from interested vendors pursuant to section 6 of this act, the division, the department and the Board of Public Utilities and the Director of the Division of Rate Counsel in, but not of, the Department of the Treasury of its intention, and shall publish notice of its intention in at least one newspaper of general circulation in the jurisdiction which would be served under the terms of the proposed contract.

46. Section 11 of P.L.1985, c.37 (C.58:26-11) is amended to read as follows:

C.58:26-11 Proposed contract with vendors.

11. Upon designating the selected vendor or vendors pursuant to section 10 of this act, a contracting unit shall negotiate with the selected vendor or vendors a proposed contract, which shall include the accepted proposal and the provisions required pursuant to section 15 of this act. Upon negotiating a proposed contract, the contracting unit shall make the proposed contract available to the public at its main offices, and shall transmit a copy of the proposed contract to the division, the department, the Board of Public Utilities and the Division of Rate Counsel in, but not of, the Department of the Treasury.

47. Section 12 of P.L.1985, c.37 (C.58:26-12) is amended to read as follows:

C.58:26-12 Public hearing.

12. a. A contracting unit shall conduct a public hearing or hearings on the charges, rates, or fees, or the formula for determining these charges, rates, or fees, and the other provisions contained in a proposed contract negotiated pursuant to section 11 of this act. The contracting unit shall provide at least 90 days' public notice of this public hearing to the Division of Rate Counsel in, but not of, the Department of the Treasury, prospective consumers and other interested parties. This notice shall be published in at least one newspaper of general circulation in the jurisdiction to be served under the terms of the proposed contract. Within 45 days after giving notice of the public hearing, the contracting unit shall hold a meeting with prospective consumers and other interested parties to explain the terms and conditions of the proposed contract, and to receive written questions which will be part of the record of the public hearing. At the public hearing, the selected vendor or vendors shall be present, and the contracting unit shall have the burden to answer the questions received at the meeting, and to show that the proposed contract complies with the provisions of section 15 of this act, and that it constitutes the best means of securing the required water supply services among available alternatives. The contracting unit shall provide that a verbatim record be kept of the public hearing, and that a written transcript of this record be printed and made available to the public within 30 days of the close of the public hearing. After the public hearing the contracting unit and the vendor may agree to make changes to the proposed contract, and shall transmit the proposed contract, a copy of the printed transcript of the public hearing, and a statement summarizing the major issues raised at the public hearing and the response of the contracting

unit to these issues, to the division, the department, the Board of Public Utilities, and the Division of Rate Counsel, and to all persons who attended the public hearing.

b. If the Division of Rate Counsel represents the public interest at a public hearing or hearings conducted pursuant to this section, the Division of Rate Counsel shall be entitled to assess the vendor for costs incurred in this representation in the manner provided in section 20 of P.L.1974, c.27 (C.52:27E-19). The basis of the assessment shall be the prospective first year's revenue realized by the vendor from the provision of the water supply services pursuant to the terms of the proposed contract.

c. If a contract awarded pursuant to the provisions of this act is renegotiated, the contracting unit shall conduct a public hearing on the renegotiated contract pursuant to the provisions of this section.

48. Section 11 of P.L.1985, c.72 (C.58:27-11) is amended to read as follows:

C.58:27-11 Negotiation of proposed contract.

11. Upon designating the selected vendor or vendors pursuant to section 10 of this act, a contracting unit shall negotiate with the selected vendor or vendors a proposed contract, which shall include the accepted proposal and the provisions required pursuant to section 15 of this act. Upon negotiating a proposed contract, the contracting unit shall make the proposed contract available to the public at its main offices, and shall transmit a copy of the proposed contract to the division, the department and the Division of Rate Counsel in, but not of, the Department of the Treasury.

49. Section 12 of P.L.1985, c.72 (C.58:27-12) is amended to read as follows:

C.58:27-12 Public hearing.

12. a. A contracting unit shall conduct a public hearing or hearings on the charges, rates, or fees, or the formula for determining these charges, rates, or fees, and the other provisions contained in a proposed contract negotiated pursuant to section 11 of this act. The contracting unit shall provide at least 90 days' public notice of this public hearing to the Division of Rate Counsel in, but not of, the Department of the Treasury, prospective consumers and other interested parties. This notice shall be published in at least one newspaper of general circulation in the jurisdiction to be served under the terms of the proposed contract. Within 45 days after giving notice of the

public hearing, the contracting unit shall hold a meeting with prospective consumers and other interested parties to explain the terms and conditions of the proposed contract, and to receive written questions which will be part of the record of the public hearing. At the public hearing, the selected vendor or vendors shall be present, and the contracting unit shall have the burden to answer the questions received at the meeting, and to show that the proposed contract complies with the provisions of section 15 of this act, and that it constitutes the best means of securing the required wastewater treatment services among available alternatives. The contracting unit shall provide that a verbatim record be kept of the public hearing, and that a written transcript of this record be printed and made available to the public within 45 days of the close of the public hearing. Written testimony received no more than 15 days after the public hearing shall be included in the written transcript. After the public hearing the contracting unit and the vendor may agree to make changes to the proposed contract, and the contracting unit shall transmit the proposed contract, a copy of the printed transcript of the public hearing, and a statement summarizing the major issues raised at the public hearing and the response of the contracting unit to these issues, to the division, the department, and the Division of Rate Counsel, and shall make copies available to any other person upon request.

b. If the Division of Rate Counsel represents the public interest at a public hearing or hearings conducted pursuant to this section, the Division of Rate Counsel shall be entitled to assess the vendor for costs incurred in this representation in the manner provided in section 20 of P.L.1974, c.27 (C.52:27E-19). The basis of the assessment shall be the prospective first year's revenue realized by the vendor from the provision of the wastewater treatment services pursuant to the terms of the proposed contract.

c. If a contract awarded pursuant to the provisions of this act is renegotiated, the contracting unit shall conduct a public hearing on the renegotiated contract pursuant to the provisions of this section.

Repealer.

50. The following sections are repealed:

Section 1 of P.L.1994, c.58 (C.52:27E-50);

Sections 1 through 11 of P.L.2005, c.155 (C.52:27EE-1 through C.52:27EE-11);

Sections 13 through 20 of P.L.2005, c.155 (C.52:27EE-13 through C.52:27EE-20);

Sections 24 and 25 of P.L.2005, c.155 (C.52:27EE-24 and C.52:27EE-25);

Sections 38 through 45 of P.L.2005, c.155 (C.52:27EE-38 through C.52:27EE-45);

Sections 56 through 60 of P.L.2005, c.155 (C.52:27EE-56 through C.52:27EE-60); and

Sections 66 through 85 of P.L.2005, c.155 (C.52:27EE-66 through C.52:27EE-85).

51. This act shall take effect immediately.

Approved June 29, 2010.

CHAPTER 35

AN ACT making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 2011 and regulating the disbursement thereof.

**ANTICIPATED RESOURCES
FOR THE FISCAL YEAR 2010-2011**

Undesignated Fund Balance, July 1, 2010:.....	\$500,642,000
Major Taxes	
Sales.....	\$8,335,300,000
<i>Less: Sales Tax Dedication</i>	<i>(608,000,000)</i>
Corporation Business.....	2,291,000,000
Transfer Inheritance.....	587,700,000
Motor Fuels	572,600,000
Insurance Premium	478,000,000
Motor Vehicle Fees	398,500,000
Realty Transfer	228,900,000
Petroleum Products Gross Receipts.....	226,200,000
Cigarette	199,000,000
Corporation Banks and Financial Institutions.....	164,000,000
Alcoholic Beverage Excise.....	99,000,000
Tobacco Products Wholesale Sales	22,000,000
Public Utility Excise (Reform).....	<u>13,225,000</u>
Total - Major Taxes.....	<u>\$13,007,425,000</u>
Miscellaneous Taxes, Fees, and Revenues	
Executive Branch -	
Department of Agriculture:	
Fertilizer Inspection Fees	\$366,000
Miscellaneous Revenue	<u>7,000</u>
Subtotal, Department of Agriculture	<u>\$373,000</u>
Department of Banking and Insurance:	
Actuarial Services	\$55,000
Banking - Assessments.....	9,700,000
Banking - Licenses and Other Fees.....	2,300,000
FAIR Act Administration.....	21,000,000
Fraud Fines.....	1,000,000
HMO Covered Lines	1,600,000
Insurance - Examination Billings	2,500,000

Matter within summary of appropriations is not enacted as part of the law and is intended to be for the purpose of displaying summaries of the items of appropriations set forth elsewhere.

Insurance - Special Purpose Assessment	33,179,000
Insurance Fraud Prevention	22,500,000
Insurance Licenses and Other Fees	35,980,000
Real Estate Commission	<u>10,000,000</u>
Subtotal, Department of Banking and Insurance	<u>\$139,814,000</u>
Department of Children and Families:	
Child Care Licensing/Adoption Law	\$340,000
Marriage License Fees	<u>1,260,000</u>
Subtotal, Department of Children and Families	<u>\$1,600,000</u>
Department of Community Affairs:	
Affordable Housing and Neighborhood Preservation -	
Fair Housing	\$27,973,000
Construction Fees	14,078,000
Divorce Filing Fees	1,350,000
Fire Safety	16,335,000
Housing Inspection Fees	9,203,000
Planned Real Estate Development Fees	<u>828,000</u>
Subtotal, Department of Community Affairs	<u>\$69,767,000</u>
Department of Education:	
Audit Recoveries	\$500,000
Audit of Enrollments	383,000
Local School District Loan Recoveries - NJEDA	5,745,000
Nonpublic Schools Handicapped and	
Auxiliary Recoveries	8,000,000
Nonpublic Schools Textbook Recoveries	1,200,000
School Construction Inspection Fees	300,000
State Board of Examiners	<u>5,764,000</u>
Subtotal, Department of Education	<u>\$21,892,000</u>
Department of Environmental Protection:	
Air Pollution Fees - Minor Sources	\$6,300,000
Air Pollution Fees - Title V Operating Permits	8,216,000
Air Pollution Fines	2,500,000
Clean Water Enforcement Act	2,500,000
Coastal Area Facility Review Act	1,650,000
Endangered Species Tax Check-off	158,000
Environmental Infrastructure Financing Program -	
Administrative Fee	5,000,000
Excess Diversion	230,000
Freshwater Wetlands Fees	2,900,000
Freshwater Wetlands Fines	300,000
Hazardous Waste Fees	3,624,000
Hazardous Waste Fines	500,000
Highlands Permitting	426,000
Hunters' and Anglers' Licenses	<u>11,500,000</u>

Industrial Site Recovery Act	302,000
Laboratory Certification Fees	900,000
Laboratory Certification Fines	55,000
Marina Rentals	885,000
Marine Lands - Preparation and Filing Fees	159,000
Medical Waste	4,400,000
New Jersey Pollutant Discharge Elimination System/ Stormwater Permits	16,700,000
Parks Management Fees and Permits	4,300,000
Parks Management Fines	100,000
Pesticide Control Fees	4,400,000
Pesticide Control Fines	90,000
Radiation Protection Fees	5,825,000
Radiation Protection Fines	150,000
Radon Testers Certification	230,000
Shellfish and Marine Fisheries	1,000
Solid Waste - Utility Regulation Assessments	3,100,000
Solid Waste Fines	650,000
Solid Waste Management Fees	9,992,000
Stream Encroachment	3,125,000
Toxic Catastrophe Prevention Fees	1,588,000
Toxic Catastrophe Prevention Fines	150,000
Treatment Works Approval	1,890,000
Underground Storage Tanks Fees	950,000
Water Allocation	2,050,000
Water Supply Management Regulations	1,700,000
Water/Wastewater Operators Licenses	210,000
Waterfront Development Fees	3,150,000
Waterfront Development Fines	20,000
Well Permits/Well Drillers/Pump Installers Licenses	1,100,000
Wetlands	44,000
Worker Community Right to Know - Fines	50,000
Subtotal, Department of Environmental Protection	<u>\$114,070,000</u>
Department of Health and Senior Services:	
Admission Charge Hospital Assessment	\$6,000,000
Health Care Reform	1,200,000
Licenses, Fines, Permits, Penalties and Fees	790,000
Miscellaneous Revenue	400,000
Subtotal, Department of Health and Senior Services	<u>\$8,390,000</u>
Department of Human Services:	
Early Periodic Screening, Diagnosis and Treatment	\$800,000
Medicaid Uncompensated Care - Acute	284,906,000
Medicaid Uncompensated Care - Mental Health	37,075,000

Medicaid Uncompensated Care - Psychiatric	178,685,000
Miscellaneous Revenue - Human Services	1,500,000
Patients' and Residents' Cost Recovery -	
Developmental Disabilities	20,124,000
Patients' and Residents' Cost Recovery -	
Psychiatric Hospitals	88,255,000
School Based Medicaid	<u>7,143,000</u>
Subtotal, Department of Human Services	<u>\$618,488,000</u>
Department of Labor and Workforce Development:	
Miscellaneous Revenue	\$155,000
Special Compensation Fund	1,813,000
Workers' Compensation Assessment	12,879,000
Workplace Standards - Licenses, Permits and Fines	<u>4,351,000</u>
Subtotal, Department of Labor and	
Workforce Development	<u>\$19,198,000</u>
Department of Law and Public Safety:	
Beverage Licenses	\$3,960,000
Charities Registration Section	695,000
Controlled Dangerous Substances	100,000
EDA School Construction Recoveries	166,000
Forfeiture Funds	250,000
Legalized Games of Chance Control	1,200,000
Miscellaneous Revenue	55,000
New Jersey Cemetery Board	102,000
Pleasure Boat Licenses	3,000,000
Private Employment Agencies	258,000
Securities Enforcement	16,494,000
State Board of Architects	425,000
State Board of Audiology and Speech-Language	
Pathology Advisory	20,000
State Board of Certified Public Accountants	109,000
State Board of Chiropractors	128,000
State Board of Cosmetology and Hairstyling	2,695,000
State Board of Court Reporting	13,000
State Board of Dentistry	228,000
State Board of Electrical Contractors	210,000
State Board of HVAC Contractors	20,000
State Board of Marriage Counselor Examiners	415,000
State Board of Master Plumbers	565,000
State Board of Medical Examiners	6,050,000
State Board of Mortuary Science	210,000
State Board of Nursing	4,931,000
State Board of Occupational Therapists and Assistants	27,000

State Board of Ophthalmic Dispensers and Ophthalmic Technicians.....	21,000
State Board of Optometrists	303,000
State Board of Orthotics and Prosthetics.....	39,000
State Board of Pharmacy.....	1,135,000
State Board of Physical Therapy	53,000
State Board of Polysomnography.....	50,000
State Board of Professional Engineers and Land Surveyors	315,000
State Board of Professional Planners	19,000
State Board of Psychological Examiners.....	405,000
State Board of Real Estate Appraisers.....	68,000
State Board of Respiratory Care.....	14,000
State Board of Social Workers	325,000
State Board of Veterinary Medical Examiners.....	293,000
State Police - Fingerprint Fees	3,694,000
State Police - Other Licenses.....	227,000
State Police - Private Detective Licenses	220,000
Victims of Violent Crime Compensation	3,372,000
Weights and Measures - General.....	<u>2,612,000</u>
Subtotal, Department of Law and Public Safety	<u>\$55,491,000</u>
Department of Military and Veterans' Affairs:	
Soldiers' Homes	<u>\$43,439,000</u>
Subtotal, Department of Military and Veterans' Affairs.....	<u>\$43,439,000</u>
Department of the Public Advocate:	
Office of Dispute Settlement Mediation.....	\$50,000
Rate Counsel	<u>6,449,000</u>
Subtotal, Department of the Public Advocate	<u>\$6,499,000</u>
Department of State:	
Governor's Teaching Scholars Program Loan Repayment.....	\$39,000
Miscellaneous Revenue	<u>9,000</u>
Subtotal, Department of State	<u>\$48,000</u>
Department of Transportation:	
Air Safety Fund	\$965,000
Applications and Highway Permits	1,300,000
Autonomous Transportation Authorities	28,500,000
Drunk Driving Fines.....	350,000
Interest on Purchase of Right of Way.....	5,000
Logo Sign Program Fees	300,000
Maritime Program Receipts	2,200,000
Outdoor Advertising.....	<u>740,000</u>
Subtotal, Department of Transportation.....	<u>\$104,360,000</u>

Department of the Treasury:

Assessment on Real Property Greater Than \$1 Million	\$83,000,000
Assessments - Cable TV	4,770,000
Assessments - Public Utility	24,173,000
Cable Television (CATV) Universal Access	9,100,000
Coin Operated Telephones	4,000,000
Commercial Recording - Expedited	1,403,000
Commissions (Notary)	1,300,000
Domestic Security	28,000,000
Dormitory Safety Trust Fund - Debt Service Recovery	5,666,000
Equipment Leasing Fund - Debt Service Recovery	128,000
Escrow Interest - Construction Accounts	6,000
General Revenue - Fees (Commercial Recording and UCC)	55,000,000
Higher Education Capital Improvement Fund - Debt Service Recovery	15,297,000
Hotel/Motel Occupancy Tax	74,500,000
Miscellaneous Revenue	867,000
NJ Public Records Preservation	34,300,000
Nuclear Emergency Response Assessment	4,346,000
Public Defender Client Receipts	3,400,000
Public Utility Fines	1,000,000
Public Utility Gross Receipts and Franchise Taxes (Water/Sewer)	100,606,000
Railroad Tax - Class II	3,700,000
Railroad Tax - Franchise	3,300,000
Surplus Property	1,900,000
Tax Referral Cost Recovery Fee	5,400,000
Telephone Assessment	128,000,000
Tire Clean-Up Surcharge	10,000,000
Transitional Energy Facilities Assessment	<u>235,770,000</u>
Subtotal, Department of the Treasury	<u>\$838,932,000</u>

Other Sources:

Miscellaneous Revenue	<u>\$500,000</u>
Subtotal, Other Sources	<u>\$500,000</u>

Interdepartmental Accounts:

Administration and Investment of Pension and Health Benefit Funds - Recoveries	\$2,754,000
Employee Maintenance Deductions	300,000
Fringe Benefit Recoveries from Colleges and Universities	172,791,000
Fringe Benefit Recoveries from Federal and Other Funds	233,360,000
Fringe Benefit Recoveries from School Districts	30,500,000

Indirect Cost Recoveries - DEP Other Funds	8,100,000
MTF Revenue Fund	25,200,000
Rent of State Building Space.....	2,900,000
Social Security Recoveries from Federal and Other Funds.....	<u>70,050,000</u>
Subtotal, Interdepartmental Accounts	<u>\$545,955,000</u>
The Judiciary:	
Court Fees	<u>\$70,975,000</u>
Subtotal, Judicial Branch.....	<u>\$70,975,000</u>
Total - Miscellaneous Taxes, Fees, and Revenues	<u>\$2,659,791,000</u>

Interfund Transfers

Beaches and Harbor Fund.....	\$8,000
Clean Energy Fund	10,000,000
Clean Waters Fund	3,000
Correctional Facilities Construction Fund	1,000
Correctional Facilities Construction Fund of 1987	2,000
Dam, Lake, Stream and Flood Control Project Fund - 2003	50,000
Dredging and Containment Facility Fund	410,000
Emergency Flood Control Fund	1,000
Energy Conservation Fund	1,000
Enterprise Zone Assistance Fund	92,930,000
Fund for the Support of Free Public Schools.....	975,000
Garden State Farmland Preservation Trust Fund.....	1,884,000
Garden State Green Acres Preservation Trust Fund	5,416,000
Garden State Historic Preservation Trust Fund	630,000
Global Warming Solutions Fund	65,175,000
Hazardous Discharge Fund of 1981.....	1,000
Hazardous Discharge Site Cleanup Fund	23,374,000
Housing Assistance Fund	30,000
Judiciary Bail Fund.....	150,000
Judiciary Child Support and Paternity Fund.....	60,000
Judiciary Probation Fund.....	50,000
Judiciary Special Civil Fund.....	20,000
Judiciary Superior Court Miscellaneous Fund.....	20,000
Legal Services Fund	11,000,000
Mortgage Assistance Fund	653,000
Motor Vehicle Security Responsibility Fund	1,000
NJ Bridge Rehabilitation and Improvement and R.R. Right-of-Way Preservation Fund.....	35,000
Natural Resources Fund.....	4,000
New Home Warranty Security Fund	6,400,000
New Jersey Cultural Trust	4,000,000

New Jersey Spill Compensation Fund	15,866,000
New Jersey Workforce Development Partnership Fund	17,681,000
Pollution Prevention Fund	1,549,000
Public Purpose Buildings Construction Fund	1,000
Retail Margin Fund	13,900,000
Safe Drinking Water Fund	2,445,000
School Fund Investment Account	4,160,000
Shore Protection Fund	65,000
Solid Waste Service Tax Fund	1,000
State Disability Benefit Fund	54,687,000
State Land Acquisition and Development Fund	4,000
State Lottery Fund	953,000,000
State Lottery Fund - Administration	21,686,000
State Recycling Fund	7,000,000
State of New Jersey Cash Management Fund	2,300,000
Statewide Transportation and Local Bridge Fund	75,000
Supplemental Workforce Fund for Basic Skills	2,000,000
Tobacco Settlement Fund	55,445,000
Unclaimed Personal Property Trust Fund	202,580,000
Unclaimed Utility Deposits Trust Fund	21,000
Unemployment Compensation Auxiliary Fund	18,057,000
Universal Service Fund	77,552,000
Wage and Hour Trust Fund	40,000
Water Conservation Fund	4,000
Water Supply Fund	4,353,000
Worker and Community Right to Know Fund	3,798,000
Total - Interfund Transfers	<u>\$1,681,554,000</u>
Total State Revenues, General Fund	<u>\$17,348,770,000</u>
Total Resources, General Fund	<u>\$17,849,412,000</u>

Property Tax Relief Fund

Gross Income Tax	\$9,855,064,000
Sales Tax Dedication	625,913,000
Total Resources, Property Tax Relief Fund	<u>\$10,480,977,000</u>

Surplus Revenue Fund

Undesignated Fund Balance, July 1, 2010	<u>\$0</u>
Total Resources, Surplus Revenue Fund	<u>\$0</u>

Casino Control Fund

Undesignated Fund Balance, July 1, 2010	\$777,000
Investment Earnings	23,000
License Fees	65,896,000
Total Resources, Casino Control Fund	<u>\$66,696,000</u>

Casino Revenue Fund

Casino Simulcasting Fund	\$400,000
Gross Revenue Tax	256,351,000
Other Casino Taxes and Fees	<u>13,101,000</u>
Total Resources, Casino Revenue Fund	<u>269,852,000</u>

Gubernatorial Elections Fund

Taxpayers' Designations	\$700,000
Total Resources, Gubernatorial Elections Fund	<u>\$700,000</u>
Total Resources, All State Funds	<u>\$28,667,637,000</u>

Federal Revenue

Executive Branch -

Department of Agriculture:

Agricultural Mediation Grant - USDA	\$20,000
Asian Longhorned Beetle Monitoring	3,000,000
Child Care	74,370,000
Child Nutrition - School Breakfast	50,000,000
Child Nutrition - School Lunch	190,000,000
Child Nutrition - Special Milk	1,400,000
Child Nutrition - Summer Programs	9,635,000
Child Nutrition Administration	5,200,000
Cooperative Gypsy Moth Suppression	795,000
Farm Risk Management Education Program	272,000
Farmland Preservation	4,500,000
Fish Inspection Service	130,000
Food Stamp - The Emergency Food Assistance Program (TEFAP)	1,750,000
Fresh Fruit and Vegetable Program	3,090,000
Indemnities - Avian Influenza	530,000
National Animal Identification Infrastructure	46,000
National School Lunch Program - Equipment Assistance for School Food Authorities	1,000,000
Specialty Crop Block Grant Program	1,600,000
Various Federal Programs and Accruals	<u>1,310,000</u>
Subtotal, Department of Agriculture	<u>\$348,648,000</u>

Department of Children and Families:

Children's Justice Act	\$458,000
Restricted Federal Grants	10,967,000
Title IV-B Child Welfare Services	5,500,000
Title IV-E Foster Care	129,797,000
Title IV-E Foster Care - Federal Economic Stimulus	6,392,000
Various Federal Programs and Accruals	<u>675,000</u>

Subtotal, Department of Children and Families	<u>\$153,789,000</u>
Department of Community Affairs:	
Community Services Block Grant.....	\$20,000,000
Emergency Shelter Grants Program	1,671,000
Family Unification Program.....	200,000
Health Services Career Ladder.....	1,050,000
Lead Hazard Reduction Demonstration Grant.....	4,000,000
Lead-Based Paint Hazard Control Grant	3,070,000
Low Income Home Energy Assistance Program.....	200,000,000
Moderate Rehabilitation Housing Assistance.....	12,213,000
National Affordable Housing -	
HOME Investment Partnerships.....	8,489,000
National Fire Academy Training Program	28,000
Neighborhood Stabilization Program	52,000,000
Rental Assistance for Non-Elderly Persons Disabilities.....	1,900,000
Section 8 Housing Voucher Program	206,556,000
Shelter Plus Care Program.....	4,965,000
Small Cities Block Grant Program	8,360,000
Transitional Housing - Homeless	136,000
Veterans Affairs Supportive Housing Initiative	1,900,000
Violence Against Women Act Sexual	
Assault Services Grant	325,000
Weatherization Assistance Program.....	<u>14,000,000</u>
Subtotal, Department of Community Affairs	<u>\$540,863,000</u>
Department of Corrections:	
Central Communications Upgrade -	
US Department of Commerce	\$1,000,000
Central Communications Upgrade -	
US Department of Homeland Security.....	1,000,000
Community Mental Health Partnership - Second Chance	250,000
Federal Re-Entry Initiative	500,000
Inmate Vocational Certifications.....	100,000
Justice and Mental Health Collaboration Program -	
Department of Justice.....	200,000
National Institute of Justice Grant for Corrections Research -	
Escape Study	300,000
Project In-Side	386,000
Promoting Responsible Fatherhood.....	395,000
Second Chance Re-Entry Project -	
US Department of Justice.....	281,000
State Criminal Alien Assistance Program	5,097,000
Technology Enhancements.....	<u>500,000</u>
Subtotal, Department of Corrections.....	<u>\$10,009,000</u>
Department of Education:	

21st Century Schools.....	\$21,317,000
AIDS Prevention Education	700,000
Bilingual and Compensatory Education -	
Homeless Children and Youth	1,326,000
Byrd Scholarship Program	1,160,000
Enhancing Education Through Technology	1,845,000
Even Start	1,223,000
Head Start Collaboration	305,000
Improving America's Schools Act -	
Consolidated Administration.....	4,996,000
Improving Teacher Quality - Higher Education.....	1,698,000
Individuals with Disabilities Education Act	
Basic State Grant.....	360,000,000
Individuals with Disabilities Education Act	
Preschool Grants	11,198,000
Language Acquisition State Grants	19,576,000
Mathematics and Science Partnerships Grants	4,739,000
Migrant Coordination Program	77,000
Migrant Education - Administration/Discretionary	2,022,000
Public Charter Schools	4,130,000
School Improvement Grants.....	10,980,000
State Assessments	9,665,000
State Grants for Improving Teacher Quality	63,484,000
Title I - Grants to Local Educational Agencies	296,607,000
Title I - Part D, Neglected and Delinquent	2,634,000
Various Federal Programs and Accruals	1,411,000
Vocational Education - Basic Grants - Administration	24,077,000
Vocational Education Technical Preparation Title III-E	<u>2,188,000</u>
Subtotal, Department of Education	<u>\$847,358,000</u>
Department of Environmental Protection:	
Air Pollution Maintenance Program.....	\$10,500,000
Artificial Reef Program - PSE&G/NJPDES Permit Fees.....	1,125,000
Asian Longhorned Beetle Project.....	2,300,000
Assistance to Firefighters - Wildfire and Arson Prevention.....	200,000
Atlantic Coastal Fisheries.....	300,000
Avian Influenza	150,000
Beach Monitoring and Notification.....	600,000
BioWatch Monitoring	750,000
Boat Access (Fish and Wildlife).....	1,000,000
Brownfields	2,000,000
Chronic Wasting Disease	150,000
Clean Diesel Retrofit	400,000
Clean Vessels	1,000,000

Clean Water State Revolving Fund	86,000,000
Coastal Estuarine Land Program	4,000,000
Coastal Zone Management Implementation	3,400,000
Community Assistance Program	250,000
Consolidated Forest Management	1,080,000
Cooperative Technical Partnership	5,000,000
Defensible Space	400,000
Drinking Water State Revolving Fund	33,500,000
Electronic Vessel Trip Reporting	170,000
Endangered Species	85,000
Endangered and Nongame Species Program	
State Wildlife Grants	1,000,000
Firewise in the Pines	200,000
Fish and Wildlife Action Plan	75,000
Fish and Wildlife Health	200,000
Fish and Wildlife Technical Guidance	100,000
Forest Legacy	6,040,000
Forest Resource Management - Cooperative Forest	
Fire Control	1,750,000
Gypsy Moth Suppression	420,000
Hazardous Waste - Resource Conservation	
Recovery Act	4,895,000
Historic Preservation Survey and Planning	950,000
Hudson River Walkway	2,200,000
Hunters' and Anglers' License Fund	7,225,000
Land and Water Conservation Fund	8,000,000
Marine Fisheries Investigation and Management	1,400,000
Multimedia	750,000
National Coastal Wetlands Conservation	4,000,000
National Dam Safety Program (FEMA)	110,000
National Geologic Mapping Program	230,000
National Recreational Trails	1,900,000
New Jersey's Landscape Project	400,000
Nonpoint Source Implementation (319H)	4,010,000
Northeast Wildlife Teamwork Strategy	60,000
Offshore Beach Replenishment	150,000
Particulate Monitoring Grant	1,000,000
Pesticide Technology	550,000
Pinelands Grant - Acquisition	1,000,000
Preliminary Assessments/Site Inspections	1,900,000
Radon Program	500,000
Remedial Planning Support Agency Assistance	750,000
Scenic Byways	3,500,000
Southern Pine Beetle	100,000

State Recreational Trails	7,475,000
State Wetlands Conservation Plan.....	250,000
State Wildlife Grant Projects.....	1,000,000
State and EPA Data Management Grant	2,300,000
Superfund Grants.....	25,450,000
Underground Storage Tank Program Standard	
Compliance Inspections	1,632,000
Underground Storage Tanks.....	2,800,000
Urban Community Air Toxics Program	800,000
Various Federal Programs and Accruals	1,125,000
Water Monitoring and Planning	1,050,000
Water Pollution Control Program.....	4,275,000
Water Pollution S106 Enhancements	250,000
Wildland and Urban Interface II.....	100,000
Wildlife Habitat Incentives (WHIP).....	150,000
Wildlife Management Area Planning	<u>300,000</u>
Subtotal, Department of Environmental Protection	<u>\$258,682,000</u>
Department of Health and Senior Services:	
AIDS Drug Distribution Program	\$4,000,000
Adult Viral Hepatitis Prevention	200,000
Asthma Surveillance and Coalition Building	769,000
Bioterrorism Hospital Emergency Preparedness	11,576,000
Birth Defects Surveillance Program.....	508,000
Breastfeeding Peer Counseling.....	300,000
CDC Nutrition - Physical Activity and Obesity (NPAO).....	820,000
Childhood Lead Poisoning	1,400,000
Chronic Disease Prevention and Health Promotion Programs -	
Public Health.....	2,100,000
Clinical Laboratory Improvement Amendments Program	490,000
Comprehensive AIDS Resources Grant	49,550,000
Core Injury Prevention and Control Program.....	300,000
Demonstration Program to Conduct Health Assessments	627,000
Early Hearing Detection and Intervention (EHDI)	
Tracking, Research.....	210,000
Early Intervention Program (Part C) -	
Federal Economic Stimulus	5,399,000
Early Intervention for Infants and Toddlers	
with Disabilities (Part H).....	13,000,000
Elderly Nutrition (Meals on Wheels) -	
Federal Economic Stimulus	1,097,000
Eliminating Disparities in Perinatal Health	500,000
Emergency Medical Services for Children (EMSC)	
Partnership Grants.....	226,000

Emergency Preparedness for Bioterrorism	30,886,000
Enhanced HIV/AIDS Surveillance - Perinatal	213,000
Enhanced Title XIX - Federal Economic Stimulus	309,323,000
Enhancing & Making Programs & Outcomes	
Work to End Rape	100,000
Environmental Tools for Dementia Care	150,000
Family Planning Program - Title X	4,200,000
Federal Lead Abatement Program	424,000
Food Emergency Response Network -	
E. Coli in Ground Beef	165,000
Food Inspection	477,000
Fundamental and Expanded Occupational Health	985,000
H1N1 Public Health Emergency Response	18,404,000
HIV/AIDS Events without Care in New Jersey	373,000
HIV/AIDS Prevention and Education Grant	15,000,000
HIV/AIDS Surveillance Grant	3,175,000
Heart Disease and Stroke Prevention	450,000
Housing Opportunities for Persons with AIDS	2,150,000
Housing Opportunities for Incarcerated	
Persons with AIDS	2,101,000
Immunization Project	8,774,000
Immunization Project - Federal Economic Stimulus	2,871,000
Lead Training and Certification Enforcement Program	82,000
Maternal and Child Health (MCH) Early Childhood	
Comprehensive System	140,000
Maternal and Child Health Block Grant	13,000,000
Medicare/Medicaid Inspections of Nursing Facilities	16,672,000
Minority AIDS Demo	67,000
Morbidity and Risk Behavior Surveillance	725,000
National Cancer Prevention and Control - Public Health	7,271,000
National Family Caregiver Program	5,200,000
National HIV/AIDS Behavioral Surveillance	512,000
New Jersey's Reducing Health Disparities Initiative	160,000
Nurse Aide Certification Program	1,000,000
Nursing Facilities Transition Grant	600,000
Older Americans Act - Title III	34,236,000
Pandemic Influenza Healthcare Preparedness	1,935,000
Pediatric AIDS Health Care Demonstration Project	2,850,000
Pregnancy Risk Assessment Monitoring System	750,000
Preventative Health and Health Services Block Grant	4,351,000
Public Employees Occupational Safety and Health -	
State Plan	900,000
Public Health Laboratory Biomonitoring Planning	2,156,000
Rape Prevention and Education Program	1,369,000

Ryan White Supplemental - Part B	1,500,000
Senior Farmers Market Nutrition Program.....	1,000,000
Supplemental Food Program - Women, Infants, and Children (WIC) Federal Economic Stimulus	6,000,000
Supplemental Food Program - Women, Infants, and Children (WIC).....	142,000,000
Surveillance, Epidemiology and End Results (SEER)	1,319,000
Tuberculosis Control Program	6,095,000
United States Department of Agriculture (USDA) Older Americans Act - Title III.....	4,350,000
Universal Newborn Hearing Screening.....	250,000
Various Federal Programs and Accruals	7,606,000
Venereal Disease Project.....	3,882,000
Vital Statistics Component.....	1,100,000
West Nile Virus - Laboratory	200,000
West Nile Virus - Public Health.....	1,942,000
Women, Infants, and Children (WIC) Farmer's Market Nutrition Program	<u>2,600,000</u>
Subtotal, Department of Health and Senior Services.....	<u>\$767,113,000</u>
Department of Human Services:	
Block Grant Mental Health Services.....	\$11,561,000
Child Care Block Grant.....	108,268,000
Child Support Enforcement Program	175,000,000
Child Support Title IV-D - Federal Economic Stimulus	8,600,000
Developmental Disabilities Council.....	1,636,000
Enhanced Title XIX - Federal Economic Stimulus	717,417,000
Food Stamp Administration - Federal Economic Stimulus	2,235,000
Food Stamp Program.....	121,483,000
Foster Grandparents Program.....	1,231,000
Independent Living - Federal Economic Stimulus	1,079,000
Medicaid Emergency Diversion Grant	2,328,000
Projects for Assistance in Transition from Homelessness (PATH)	2,349,000
Refugee Resettlement Program	3,527,000
Social Services Block Grant.....	49,150,000
Strategic Prevention Framework	2,093,000
Substance Abuse Block Grant.....	51,882,000
Temporary Assistance to Needy Families Block Grant	406,695,000
Title XIX Child Residential	97,950,000
Title XIX Community Care Waiver	321,411,000
Title XIX ICF/MR.....	333,087,000
Title XIX Medical Assistance	4,616,405,000

Title XXI Children's Health Insurance Program	600,236,000
Various Federal Programs and Accruals	8,794,000
Vocational Rehabilitation Act - Section 120	<u>11,894,000</u>
Subtotal, Department of Human Services	<u>\$7,656,311,000</u>
Department of Labor and Workforce Development:	
Adult and Continuing Education -	
Workforce Investment Act	\$21,074,000
Comprehensive Services for Independent Living	600,000
Current Employment Statistics	2,913,000
Disability Determination Services	60,182,000
Disabled Veterans' Outreach Program	3,000,000
Employment Services	27,159,000
Employment Services Cost Reimbursable Grants -	
Migrant Housing	50,000
Employment Services Grants - Alien Labor Certification	2,221,000
Federal Public Employees Occupational Safety	
and Health Act	2,250,000
Local Veterans' Employment Representatives	1,600,000
National Council on Aging - Senior Community	
Services Employment Project	5,000,000
Occupational Safety Health Act - On-Site Consultation	2,600,000
Old Age and Survivor Insurance Disability	
Determination Services	1,000,000
One Stop Labor Market Information	1,068,000
Redesigned Occupational Safety and Health (ROSH)	269,000
Rehabilitation of Supplemental Security	
Income Beneficiaries	2,000,000
Supported Employment	975,000
Technical Assistance Training	1,700,000
Technology Related Assistance Project	550,000
Trade Adjustment Assistance Project	4,200,000
Unemployment Insurance	171,640,000
Various Federal Programs and Accruals	190,000
Vocational Rehabilitation Act of 1973	50,325,000
Work Opportunity Tax Credit	750,000
Workforce Investment Act	92,943,000
Workforce Investment Act Title IIID	
Discretionary Funding	<u>8,000,000</u>
Subtotal, Department of Labor and	
Workforce Development	<u>\$464,259,000</u>
Department of Law and Public Safety:	
Anti Trafficking Task Force	\$600,000
Buffer Zone Protection Program	1,200,000
Bulletproof Vest Partnership	500,000

Byrne Discretionary Grant - Statewide Response to Violent Crime Reduction	600,000
Child Safety/Child Booster Seats	3,900,000
Citizen Corps Program	305,000
Cold Case - National Institute of Justice	278,000
Combined DNA Index System (CODIS)	500,000
Community Oriented Policing (COPS) - Federal Economic Stimulus	45,700,000
Community Oriented Policing (COPS) State Police/NJN Grant	1,100,000
Domestic Marijuana Eradication Suppression Program	75,000
Drunk Driver Prevention	8,507,000
Emergency Management Performance Grant - Non-Terrorism	9,000,000
Emergency Operation Center	5,347,000
Enforcing Underage Drinking Laws	360,000
Enhancement of Data Analysis Center	50,000
Equal Employment Opportunity Commission	400,000
Fatality Analysis Reporting System (FARS)	240,000
Flood Mitigation Assistance	9,000,000
Forensic Casework DNA Backlog Reduction	1,400,000
Hazard Mitigation Grant Program (for disasters)	1,000,000
Hazardous Materials Emergency Preparedness	575,000
Hazardous Materials Transportation	500,000
High Intensity Drug Trafficking Area (HIDTA)	50,000
Highway Traffic Safety	9,880,000
Homeland Security Grant Program	24,156,000
Incident Command	1,500,000
Internet Crimes Against Children	465,000
Interoperable Emergency Communications Grant Program	1,422,000
Justice Assistance Grant (JAG)	10,000,000
Juvenile Accountability Incentive Block Grant (JAIBG)	1,078,000
Juvenile Justice Delinquency Prevention	1,599,000
Medicaid Fraud Unit	4,745,000
Metropolitan Medical Response System	635,000
Motorcycle Safety	145,000
Northeast Hazardous Waste Project - Resource Conservation and Recovery Act	128,000
Occupant Protection Child Passenger Safety Training and Education	100,000
Occupant Protection Grant	4,500,000
Operation Stonegarden	187,000

Paul Coverdell National Forensic Science Improvement	640,000
Port Security - Delaware Bay (South)	1,910,000
Port Security - Elizabeth Station - Federal Economic Stimulus.....	1,500,000
Port Security Grant Program - Delaware Bay (Camden/Philadelphia).....	4,200,000
Port Security Grant Program - New York/New Jersey	8,000,000
Port Security - New York/New Jersey (North).....	1,700,000
Pre-Disaster Mitigation Grant (Competitive)	2,200,000
Project Safe Neighborhoods	1,000,000
Racial Profiling Prevention	1,000,000
Recreational Boating Safety	3,800,000
Regional Catastrophic Preparedness Grant	3,570,000
Repetitive Flood Claim Program - FEMA.....	1,800,000
Residential Treatment for Substance Abuse.....	500,000
Safety Belt Performance Grants	10,492,000
Severe Repetitive Loss - FEMA	22,500,000
Smart Office - Adam Walsh Act	300,000
State Traffic Safety Information System	574,000
Title V Funding	35,000
UASI Nonprofit Security Grant Program (NSGP)	1,600,000
Urban Area Security Initiative.....	37,593,000
Various Federal Programs and Accruals	1,075,000
Victim Assistance Grants	13,000,000
Victim Compensation Award	5,404,000
Violence Against Women Act - Criminal Justice.....	<u>4,000,000</u>
Subtotal, Department of Law and Public Safety	<u>\$280,120,000</u>
Department of Military and Veterans' Affairs:	
Administrative Services Activities	\$60,000
Antiterrorism Program Manager	90,000
Armory Renovations and Improvements.....	5,000,000
Army Facilities Service Contracts.....	3,500,000
Army National Guard Electronic Security System.....	200,000
Army National Guard Statewide Security Agreement	700,000
Army National Guard Sustainable Range Program.....	150,000
Army Training and Technology Lab	950,000
Atlantic City Air Base - Service Contracts.....	3,610,000
Atlantic City Environmental.....	100,000
Atlantic City Operations and Maintenance.....	150,000
Atlantic City Sustainment, Restoration and Modernization	700,000
Brigadier General Doyle Memorial Cemetery Building Project	7,000,000
Combined Logistics Facility.....	20,000,000
Coyle Field Atlantic City.....	30,000

Dining Facility Operations	200,000
Facilities Support Contract	7,000,000
Federal Distance Learning Program	185,000
Fire Fighter/Crash Rescue Service Cooperative Funding Agreement	1,900,000
Hazardous Waste Environmental Protection Program	800,000
McGuire Air Force Base - Service Contracts	3,775,000
McGuire Air Force Base Environmental	95,000
McGuire Operations and Maintenance	140,000
Medical Clinic - Sea Girt	16,000,000
Medicare Part A Receipts for Resident Care and Operational Costs	8,000,000
National Guard Communications Agreement	900,000
Natural and Cultural Resources Management	5,000
New Jersey National Guard Challenge Youth Program	2,350,000
Training Site Facilities Maintenance Agreements	80,000
Training and Equipment - Pool Sites	500,000
Transitional Housing	360,000
Various Federal Programs and Accruals	4,000,000
Veterans' Education Monitoring	600,000
Warren Grove Sustainment Restoration and Modernization	7,000
Warren Grove/Coyle Field	70,000
Subtotal, Department of Military and Veterans' Affairs	<u>\$89,207,000</u>
Department of State:	
Americorps Grants	\$5,150,000
College Access Challenge Grant Program	2,191,000
Election Assistance for Persons with Disabilities	316,000
Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP)	3,500,000
Help America Vote Act	3,400,000
Leveraging Educational Assistance Partnership	1,874,000
National Endowment for the Arts Partnership	994,000
National Health Service Corps - Student Loan Repayment Program	300,000
Office of Faith-Based Initiatives - Compassion Capital Fund Grant	500,000
Student Loan Administrative Cost Deduction and Allowance	<u>16,890,000</u>
Subtotal, Department of State	<u>\$35,115,000</u>
Department of Transportation:	
Airport Fund	\$1,500,000

Boating Infrastructure Program (New Jersey Maritime Program).....	1,600,000
Commercial Drivers' License Information System Modernization.....	970,000
Commercial Drivers' License Program.....	1,460,000
Commercial Vehicle Information Systems and Networks.....	1,000,000
Driver's License Security Grant Program	1,170,000
Federal Rail Administration	1,000,000
Motor Carrier Safety Assistance Program.....	9,500,000
National Motor Vehicle Title Information System.....	100,000
New Jersey Maritime Program - Ferry Boat.....	<u>5,000,000</u>
Subtotal, Department of Transportation	<u>\$23,300,000</u>
Special Transportation Trust Fund:	
Department of Transportation	
Federal Highway Administration	\$1,273,856,842
Federal Transit Administration.....	<u>448,824,000</u>
Subtotal, Special Transportation Trust Fund.....	<u>\$1,722,680,842</u>
Department of the Treasury:	
Diamond Shamrock Oil Overcharge Settlement	\$717,000
Division of Gas Expansion.....	600,000
State Energy Conservation Program.....	2,675,000
Various Federal Programs and Accruals	<u>200,000</u>
Subtotal, Department of the Treasury.....	<u>\$4,192,000</u>
The Judiciary:	
National Instant Criminal Background Check System Record Improvement Act.....	\$860,000
Various Federal Programs and Accruals	<u>1,725,000</u>
Subtotal, The Judiciary.....	<u>\$2,585,000</u>
Total - Federal Revenue	<u>\$13,204,231,842</u>
Grand Total Resources, All Funds	<u>\$41,871,868,842</u>

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

1. The appropriations herein or so much thereof as may be necessary are hereby appropriated out of the General Fund, or such other sources of funds specifically indicated or as may be applicable, for the respective public officers and spending agencies and for the several purposes herein specified for the fiscal year ending on June 30, 2011. 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, 2011 with

the Director of the Division of Budget and Accounting or held by pre-encumbrances on file as of June 30, 2011 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, 2011 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, 2010 are available for payments applicable to fiscal year 2010 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, 2010 together with an explanation of their status. On or before December 1, 2010, 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, 2010, depicting the financial condition of the State and the results of operation for the fiscal year ending June 30, 2010.

01 LEGISLATURE

70 Government Direction, Management, and Control

71 Legislative Activities

0001 Senate

DIRECT STATE SERVICES

01-0001 Senate	\$11,459,000
Total Direct State Services Appropriation, Senate	\$11,459,000

Direct State Services:

Personal Services:

Senators (40)	(\$1,990,000)
Salaries and Wages.....	(4,349,000)
Members' Staff Services	(4,400,000)
Materials and Supplies.....	(135,000)
Services Other Than Personal.....	(486,000)
Maintenance and Fixed Charges	(72,000)
Additions, Improvements and Equipment	(27,000)

The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

0002 General Assembly

DIRECT STATE SERVICES

02-0002 General Assembly	<u>\$17,902,000</u>
Total Direct State Services Appropriation, General Assembly	<u>\$17,902,000</u>

Direct State Services:

Personal Services:

Assemblypersons (80)	(\$3,937,000)
Salaries and Wages	(4,387,000)
Members' Staff Services	(8,800,000)
Materials and Supplies.....	(108,000)
Services Other Than Personal.....	(576,000)
Maintenance and Fixed Charges.....	(90,000)
Additions, Improvements and Equipment	(4,000)
The unexpended balance at the end of the preceding fiscal year in this account is appropriated.	

0003 Office of Legislative Services**DIRECT STATE SERVICES**

03-0003 Legislative Support Services	<u>\$28,958,000</u>
Total Direct State Services Appropriation, Office of Legislative Services.....	<u>\$28,958,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$21,701,000)
Materials and Supplies.....	(1,065,000)
Services Other Than Personal.....	(2,527,000)
Maintenance and Fixed Charges.....	(3,181,000)

Special Purpose:

03 State House Express Civics Education Program.....	(30,000)
03 Affirmative Action and Equal Employment Opportunity	(29,000)
03 Senator Wynona Lipman Chair in Women's Political Leadership at the Eagleton Institute	(100,000)
03 Henry J. Raimondo New Jersey Legislative Fellows Program	(69,000)
Additions, Improvements and Equipment	(256,000)

Such sums 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.

Such sums as are required, as determined by the Technology Executive Group of the Legislative Information Systems Committee of the Legislative Services Commission, for the continuation and expansion of existing and emerging computer and information technologies for the Legislature including but not limited to interactive video conferencing, telecommunication capabilities, electronic copying and facsimile transmissions, training and such other technologies in order to sustain a coordinated and comprehensive legislative technology infrastructure that the Legislature deems necessary are appropriated. No amounts so determined shall be obligated, expended or otherwise made

available without the written prior authorization of the Senate President and the Speaker of the General Assembly.

Such sums 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.

Receipts derived from fees and charges for public access to legislative information systems and the unexpended balance at the end of the preceding fiscal year of such receipts are appropriated and shall be credited to a non-lapsing revolving fund established in and administered by the Office of Legislative Services for the purpose of continuing to modernize, maintain, and expand the dissemination and availability of legislative information.

The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

77 Legislative Commissions and Committees

DIRECT STATE SERVICES

09-0010 Intergovernmental Relations Commission	\$400,000
09-0014 Joint Committee on Public Schools.....	335,000
09-0018 State Commission of Investigation.....	4,539,000
09-0053 New Jersey Law Revision Commission.....	321,000
09-0058 State Capitol Joint Management Commission.....	<u>9,901,000</u>
Total Direct State Services Appropriation, Legislative Commissions and Committees	<u>\$15,496,000</u>

Direct State Services:

Intergovernmental Relations Commission:

- 09 The Council of State Governments.....(\$155,000)
- 09 National Conference of State Legislatures(184,000)
- 09 Eastern Trade Council - The Council of
State Governments(36,000)
- 09 Northeast States Association for
Agriculture Stewardship - The Council
of State Governments(25,000)

Joint Committee on Public Schools:

- 09 Expenses of Commission.....(335,000)

State Commission of Investigation:

- 09 Expenses of Commission.....(4,539,000)

New Jersey Law Revision Commission:

- 09 Expenses of Commission.....(321,000)

State Capitol Joint Management Commission:

- 09 Expenses of Commission.....(9,901,000)

The unexpended balances at the end of the preceding fiscal year in these accounts are appropriated.

Receipts from the rental of the Cafeteria and the Welcome Center and any other facility under the jurisdiction of the State Capitol Joint Management Commis-

sion are appropriated to defray custodial, security, maintenance and other related costs of these facilities.

Such sums as are required for the establishment and operation of the Apportionment Commission and the Legislative Redistricting Commission are appropriated, subject to the approval of the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer.

Legislature, Total State Appropriation \$73,815,000

**Summary of Legislature Appropriations
(For Display Purposes Only)**

Appropriations by Category:

Direct State Services..... \$73,815,000

Appropriations by Fund:

General Fund \$73,815,000

**06 OFFICE OF THE CHIEF EXECUTIVE
70 Government Direction, Management, and Control
76 Management and Administration
DIRECT STATE SERVICES**

01-0300 Executive Management \$4,562,000

Total Direct State Services Appropriation,

Management and Administration \$4,562,000

Direct State Services:

Personal Services:

Salaries and Wages.....(\$3,698,000)

Special Purpose:

01 National Governors' Association.....(158,000)

01 Coalition of Northeastern Governors.....(37,000)

01 Education Commission of the States(108,000)

01 National Conference of Commissioners
on Uniform State Laws.....(42,000)

01 Brian Stack Intern Program(10,000)

01 Allowance to the Governor of Funds
Not Otherwise Appropriated, For Official
Reception on Behalf of the State,
Operation of an Official Residence and
Other Expenses.....(95,000)

Materials and Supplies.....(89,000)

Services Other Than Personal(284,000)

Maintenance and Fixed Charges.....(41,000)

The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

Office of the Chief Executive, Total State Appropriation \$4,562,000

**Summary of The Office of the Chief Executive Appropriations
(For Display Purposes Only)**

Appropriations by Category:

Direct State Services..... \$4,562,000

Appropriations by Fund:

General Fund..... \$4,562,000

10 DEPARTMENT OF AGRICULTURE**40 Community Development and Environmental Management****49 Agricultural Resources, Planning, and Regulation****DIRECT STATE SERVICES**

01-3310 Animal Disease Control	\$1,074,000
02-3320 Plant Pest and Disease Control.....	1,585,000
03-3330 Agriculture and Natural Resources.....	480,000
05-3350 Food and Nutrition Services.....	343,000
06-3360 Marketing and Development Services.....	754,000
08-3380 Farmland Preservation.....	1,855,000
99-3370 Administration and Support Services	<u>711,000</u>
Total Direct State Services Appropriation, Agricultural Resources, Planning, and Regulation	<u>\$6,802,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages.....	(\$4,048,000)
Materials and Supplies.....	(126,000)
Services Other Than Personal.....	(125,000)
Maintenance and Fixed Charges.....	(155,000)

Special Purpose:

05 The Emergency Food Assistance Program.....	(343,000)
06 Promotion/Market Development	(150,000)
08 Agricultural Right-to-Farm Program.....	(85,000)
08 Open Space Administrative Costs	(1,770,000)

Receipts from laboratory test fees are appropriated to support the Animal Health Laboratory program. The unexpended balance at the end of the preceding fiscal year in the Animal Health Laboratory receipt account is appropriated for the same purpose.

Receipts from the seed laboratory testing and certification programs are appropriated for the cost of these programs. The unexpended balance at the end of the preceding fiscal year in the seed laboratory testing and certification receipt account is appropriated for the same purpose.

Receipts from Nursery Inspection fees are appropriated for the cost of that program. The unexpended balance at the end of the preceding fiscal year in the Nursery Inspection program is appropriated for the same purpose.

Receipts from the sale or studies of beneficial insects are appropriated to support the Beneficial Insect Laboratory. The unexpended balance at the end of the

preceding fiscal year in the Sale of Insects account is appropriated for the same purpose.

Receipts from Stormwater Discharge Permit program fees are appropriated for the cost of that program. The unexpended balance at the end of the preceding fiscal year in the Stormwater Discharge Permit program account is appropriated for the same purpose.

Receipts from dairy licenses and inspections are appropriated for the cost of that program.

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 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 derived from fruit, vegetable, fish, red meat, and poultry inspections are appropriated for the cost of conducting fruit, vegetable, fish, red meat, and poultry inspections.

An amount equal to receipts generated at the rate of \$0.47 per gallon of wine, vermouth, and sparkling wine sold by plenary winery and farm winery licensees licensed pursuant to R.S.33:1-10, and certified by the Director of the Division of Taxation, are appropriated to the Department of Agriculture from the alcoholic beverage excise tax for expenses of the Wine Promotion Program.

Receipts derived from the distribution of commodities, sale of containers, and salvage of commodities, in accordance with applicable federal regulations, are appropriated for Commodity Distribution expenses.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Open Space Administrative Costs account is transferred from the Garden State Farmland Preservation Trust Fund to the General Fund, together with an amount not to exceed \$1,029,000, and is appropriated to the Department of Agriculture for the State Agriculture Development Committee's administration of the Farmland Preservation program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived 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

05-3350 Food and Nutrition Services	<u>\$6,918,000</u>
Total Grants-in-Aid Appropriation, Agricultural Resources, Planning, and Regulation	<u>\$6,918,000</u>

Grants-in-Aid:

05 Hunger Initiative/Food Assistance Program (\$6,918,000)

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 the Conservation Cost Share program in the Department of Agriculture on or before September 1, 2010. Further additional sums 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 unexpended balances at the end of the preceding fiscal year in the Conservation Assistance Program are appropriated for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, \$250,000 shall 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.

STATE AID

05-3350 Food and Nutrition Services	\$5,613,000
08-3380 Farmland Preservation	<u>35,000</u>
Total State Aid Appropriation, Agricultural Resources, Planning, and Regulation	<u>\$5,648,000</u>

State Aid:

05 School Lunch Aid -- State Aid Grants.....(\$5,613,000)

08 Payments in Lieu of Taxes(35,000)

The unexpended balances at the end of the preceding fiscal year in the School Breakfast - State Aid Grants account are appropriated for the same purpose.

Of the amounts hereinabove appropriated for the Department of Agriculture, such sums as the Director of the Division of Budget and Accounting shall deter-

mine from the amount listed under School Nutrition in the Department of Agriculture schedule included in the Governor's Budget Message and Recommendations shall first be charged to the State Lottery Fund.

The unexpended balances at the end of the preceding fiscal year in the School Lunch and Non-Public Nutrition Aid - State Aid Grants accounts are appropriated for the same purpose.

The unexpended balance at the end of the preceding fiscal year in the Soil and Water Conservation Grants account is appropriated for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, the amount necessary to reimburse State and local government entities for participating in the School Lunch Program shall be paid from the School Lunch Aid - State Aid Grants account, subject to the approval of the Director of the Division of Budget and Accounting.

Department of Agriculture, Total State Appropriation \$19,368,000

**Summary of Department of Agriculture Appropriations
(For Display Purposes Only)**

Appropriations by Category:

Direct State Services.....	\$6,802,000
Grants-in-Aid	6,918,000
State Aid	5,648,000

Appropriations by Fund:

General Fund	\$19,368,000

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.....	\$19,373,000
02-3120 Actuarial Services.....	5,887,000
03-3130 Regulation of the Real Estate Industry	3,056,000
04-3110 Public Affairs, Legislative and Regulatory Services	2,260,000
06-3110 Insurance Fraud Prosecution and Prevention.....	21,547,000
07-3170 Supervision and Examination of Financial Institutions	4,018,000
99-3150 Administration and Support Services	<u>3,598,000</u>
Total Direct State Services Appropriation,	
Economic Regulation	<u>\$59,739,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$33,280,000)
Materials and Supplies.....	(306,000)
Services Other Than Personal.....	(5,322,000)
Maintenance and Fixed Charges.....	(211,000)

Special Purpose:

01 Rate Counsel - Insurance.....(149,000)

02 Actuarial Services.....(600,000)

06 Insurance Fraud Prosecution Services.....(19,771,000)

Additions, Improvements and Equipment(100,000)

Receipts derived from extraordinary financial condition examinations or actuarial certifications of loss reserves are appropriated for the conduct of such examinations or certifications, 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 Public Adjusters' Licensing account, together with receipts derived from the "Public Adjusters' Licensing Act," P.L.1993, c.66 (C.17:22B-1 et seq.), are appropriated for the administration of the act, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from the investigation of out-of-State land sales are appropriated for the conduct of those investigations.

There are appropriated from the Real Estate Guaranty Fund such sums as may be necessary to pay claims.

There are appropriated from the assessments imposed by the New Jersey Individual Health Coverage Program Board, created pursuant to P.L.1992, c.161 (C.17B:27A-2 et seq.), and by the New Jersey Small Employer Health Benefits Program Board, created pursuant to P.L.1992, c.162 (C.17B:27A-17 et seq.), those sums 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 examination and 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 account is appropriated to administer the operations of the bank.

In addition to the amounts hereinabove appropriated, such other sums, 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 received 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.

The amount hereinabove appropriated for FAIR Act Administration shall be funded from the additional taxes on the taxable premiums of insurers for the payment of Department of Banking and Insurance administrative costs related to its statutory duties, pursuant to P.L.1990, c.8 (C.17:33B-1 et al.).

There is appropriated such sums as are necessary to fund the administrative costs of the Hospital Care Payment Commission pursuant to 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.

Department of Banking and Insurance,
Total State Appropriation \$59,739,000

Summary of Department of Banking and Insurance Appropriations
(For Display Purposes Only)

Appropriations by Category:

Direct State Services..... \$59,739,000

Appropriations by Fund:

General Fund \$59,739,000

16 DEPARTMENT OF CHILDREN AND FAMILIES

50 Economic Planning, Development, and Security

55 Social Services Programs

DIRECT STATE SERVICES

01-1610 Child Protective and Permanency Services \$440,607,000
(From General Fund \$242,183,000)
(From Federal Funds..... 198,012,000)
(From All Other Fund..... 412,000)

02-1620 Child Behavioral Health Services..... 1,473,000
(From General Fund..... 1,265,000)
(From Federal Funds 208,000)

03-1630 Prevention and Community Partnership Services..... 1,585,000

04-1600 Education Services 41,691,000
(From General Fund..... 10,113,000)
(From Federal Funds..... 2,286,000)
(From All Other Funds 29,292,000)

05-1600 Child Welfare Training Academy Services and Operations..... 9,149,000
(From General Fund..... 7,090,000)

<i>(From Federal Funds.....</i>	<i>2,059,000)</i>
06-1600 Safety and Security Services	4,475,000
99-1600 Administration and Support Services	<u>68,021,000</u>
<i>(From General Fund.....</i>	<i>50,986,000)</i>
<i>(From Federal Funds.....</i>	<i>17,035,000)</i>
Total Appropriation, State, Federal and All Other Funds.....	<u>\$567,001,000</u>
<i>(From General Fund.....</i>	<i>\$317,697,000)</i>
<i>(From Federal Funds.....</i>	<i>219,600,000)</i>
<i>(From All Other Funds</i>	<i>29,704,000</i>
Less:	
<i>Federal Funds</i>	<i>\$219,600,000</i>
<i>All Other Funds.....</i>	<i>29,704,000</i>
<i>Total Deductions.....</i>	<i><u>\$249,304,000</u></i>
Total Direct State Services Appropriation, Social Services Programs	<u>\$317,697,000</u>
Direct State Services:	
Personal Services:	
Salaries and Wages.....	(\$478,950,000)
Materials and Supplies.....	(4,471,000)
Services Other Than Personal.....	(18,682,000)
Maintenance and Fixed Charges.....	(37,517,000)
Special Purpose:	
05 NJ Partnership for Public Child Welfare	(3,500,000)
06 Safety and Security Services	(4,475,000)
99 Information Technology	(1,524,000)
99 Safety and Permanency in the Courts.....	(11,345,000)
Additions, Improvements and Equipment	(6,537,000)
Less:	
<i>Federal Funds</i>	<i>219,600,000</i>
<i>All Other Funds.....</i>	<i>29,704,000</i>
Of the amounts hereinabove appropriated for Salaries and Wages for the Child Welfare Training Academy Services and Operations, such sums 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 competence, 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 \$10,845,000 shall be transferred to the Department of Law and Public Safety and is appropriated for legal services implementing the approved child welfare settlement with the federal court, subject to the approval of the Director of the Division of Budget and Accounting.	

GRANTS-IN-AID

01-1610 Child Protective and Permanency Services	\$500,646,000
<i>(From General Fund</i>	<i>\$422,817,000)</i>
<i>(From Federal Funds</i>	<i>73,975,000)</i>
<i>(From All Other Funds</i>	<i>3,854,000)</i>
02-1620 Child Behavioral Health Services	397,030,000
<i>(From General Fund</i>	<i>242,408,000)</i>
<i>(From Federal Funds</i>	<i>154,622,000)</i>
03-1630 Prevention and Community Partnership Services	72,306,000
<i>(From General Fund</i>	<i>58,816,000)</i>
<i>(From Federal Funds</i>	<i>13,210,000)</i>
<i>(From All Other Funds</i>	<i>280,000)</i>
04-1600 Education Services	29,854,000
<i>(From Federal Funds</i>	<i>1,282,000)</i>
<i>(From All Other Funds</i>	<i>28,572,000)</i>
99-1610 Administration and Support Services	698,000
<i>(From Federal Funds</i>	<i>698,000)</i>
Total Appropriation, State, Federal and All Other Funds	<u>\$1,000,534,000</u>
<i>(From General Fund</i>	<i>\$724,041,000)</i>
<i>(From Federal Funds</i>	<i>243,787,000)</i>
<i>(From All Other Funds</i>	<i>32,706,000)</i>
Less:	
<i>Federal Funds</i>	<i>\$243,787,000</i>
<i>All Other Funds</i>	<i>32,706,000</i>
Total Deductions	<u>\$276,493,000</u>
Total Grants-in-Aid Appropriation,	
Social Services Programs	<u>\$724,041,000</u>
Grants-in-Aid:	
01 Substance Abuse Services	(\$14,000,000)
01 Court Appointed Special Advocates	(861,000)
01 Group Homes	(6,700,000)
01 Treatment Homes	(2,528,000)
01 Public Awareness for Child Abuse	
Prevention Program	(172,000)
01 Independent Living and Shelter Care	(20,434,000)
01 Residential Placements	(20,778,000)
01 Family Support Services	(78,483,000)
01 Child Abuse Prevention	(12,324,000)
01 Foster Care	(100,826,000)
01 Subsidized Adoption	(118,720,000)
01 Foster Care and Permanency Initiative	(7,558,000)
01 County Human Services Advisory	
Board -- Formula Funding	(4,798,000)
01 New Jersey Homeless Youth Act	(1,556,000)

01 Wynona M. Lipman Child Advocacy Center, Essex County	(537,000)
01 Purchase of Social Services	(61,286,000)
01 Child Health Units	(35,516,000)
01 Restricted Federal Grants	(9,046,000)
01 State Match	(4,523,000)
02 Care Management Organizations	(43,930,000)
02 Treatment Homes and Emergency Behavioral Health Services	(237,684,000)
02 Youth Case Managers	(14,428,000)
02 Family Support Organizations	(6,956,000)
02 Mobile Response	(14,982,000)
02 Intensive In-Home Behavioral Assistance	(36,788,000)
02 Youth Incentive Program	(7,908,000)
02 Outpatient	(5,907,000)
02 Partial Care	(7,096,000)
02 Contracted Systems Administrator	(7,620,000)
02 State Children's Health Insurance Program for Care Management Organizations	(3,000,000)
02 State Children's Health Insurance Program for Residential Services	(3,300,000)
02 State Children's Health Insurance Program for Youth Case Management	(431,000)
02 State Children's Health Insurance Program for Mobile Response	(1,200,000)
02 State Children's Health Insurance Program for Behavioral Assistance	(5,800,000)
03 Early Childhood Services	(4,745,000)
03 School Linked Services Program	(32,040,000)
03 Family Support Services	(17,186,000)
03 Domestic Violence Prevention Service	(14,373,000)
03 Community Based Child Abuse Prevention	(2,574,000)
03 Children's Trust Fund	(280,000)
03 State Match Restricted Grants	(650,000)
03 Children's Justice Act	(458,000)
04 Educational Program Services	(29,854,000)
99 National Center for Child Abuse and Neglect	(698,000)
Less:	
Federal Funds	243,787,000
All Other Funds	32,706,000

- Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated in the Residential 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 Protective and Permanency Services account, subject to the approval of the Director of the Division of Budget and Accounting.
- The sums hereinabove appropriated for the Residential Placements, Group Homes, Treatment Homes, Other Residential Services, Foster Care, Subsidized Adoption, and Family Support Services accounts are available for the payment of obligations applicable to prior fiscal years.
- Any change by the Department of Children and Families in the rates paid for foster care and adoption subsidy programs from the sums hereinabove appropriated for Foster Care and Subsidized Adoption, shall be approved by 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.
- 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 Youth and Family Services are appropriated for the purpose of providing State Aid to the counties, subject to the approval of the Director of the Division of Budget and Accounting.
- Of the amount hereinabove appropriated for the Purchase of Social Services account, \$1,000,000 is appropriated for the programs administered under the "New Jersey Homeless Youth Act," P.L.1999, c.224 (C.9:12A-2 et seq.), and the Division of Youth and Family Services 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.
- Notwithstanding the provisions of any law or regulation to the contrary, no funds hereinabove appropriated for Treatment Homes and Emergency Behavioral Health Services, Youth Case Managers, Care Management Organizations, Youth Incentive Program, and Mobile Response shall be expended for any individual served by the Division of Child Behavioral Health Services, 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 Medicaid or NJ FamilyCare, as applicable. Individuals receiving services from appropriations covered by the exceptions above shall apply for Medicaid or NJ FamilyCare, as applicable, in a timely manner, as shall be defined by the Commissioner of Children and Families, after receiving services.

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.

The amounts hereinabove appropriated for Family Support Services for county-based Differential Response programs, funded by the Department of Children and Families to prevent child abuse and neglect, shall be used to provide services to families and follow intervention strategies that are defined with the participation of local community-based organizations and shall assure cultural competency to serve families within their respective counties.

Of the amount hereinabove appropriated for the Domestic Violence Prevention Services, \$1,260,000 is payable out of the Marriage and Civil Union License Fee Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced by the amount of the shortfall.

Department of Children and Families,
Total State Appropriation..... \$1,041,738,000

**Summary of Department of Children and Families Appropriations
(For Display Purposes Only)**

Appropriations by Category:

Direct State Services..... \$317,697,000
Grants-in-Aid..... 724,041,000

Appropriations by Fund:

General Fund..... \$1,041,738,000

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 Community Development and Environmental Management

41 Community Development Management

DIRECT STATE SERVICES

01-8010 Housing Code Enforcement \$7,174,000
02-8020 Housing Services..... 4,441,000
06-8015 Uniform Construction Code 10,317,000
13-8027 Codes and Standards 357,000
18-8017 Uniform Fire Code 6,664,000

Total Direct State Services Appropriation,
Community Development Management..... \$28,953,000

Direct State Services:

Personal Services:

Salaries and Wages..... (\$23,183,000)
Materials and Supplies..... (86,000)
Services Other Than Personal..... (563,000)
Maintenance and Fixed Charges..... (363,000)

Special Purpose:

02 Affordable Housing	(1,989,000)
02 Council on Affordable Housing.....	(2,394,000)
18 Local Fire Fighters' Training	(375,000)

The amount hereinabove appropriated for the Housing Code Enforcement program classification is payable out of the fees and penalties derived from bureau activities. The unexpended balance at the end of the preceding fiscal year, together with any receipts in excess of the amounts anticipated, is appropriated for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting. If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove appropriated for the Uniform Construction Code program classification is payable out of the fees and penalties derived from code enforcement activities. The unexpended balance at the end of the preceding fiscal year, together with any receipts in excess of the amounts anticipated, is appropriated for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting. If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance at the end of the preceding fiscal year in the Planned Real Estate Development Full Disclosure Act 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 provision 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 sums as may be required for the registration of builders and reviewing and paying claims under the "New Home Warranty and Builders' Registration Act," P.L.1977, c.467 (C.46:3B-1 et seq.), are appropriated from the New Home Warranty Security Fund in accordance with section 7 of P.L.1977, c.467 (C.46:3B-7), subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Uniform Fire Code program classification is payable out of the fees and penalties derived from code enforcement activities. The unexpended balance at the end of the preceding fiscal year, together with any receipts in excess of the amounts anticipated, is appropriated for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting. If the receipts are less than

anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of any law or regulation to the contrary, receipts derived 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 sums as are necessary to operate the program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the Division of Fire Safety may transfer within its own Division between a Direct State Services appropriations account and a Grants-In-Aid appropriations account, such sums as are necessary 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 Council on Affordable Housing and Affordable Housing accounts shall be payable from the receipts of the portion of the realty transfer fee directed to be credited to the New Jersey Affordable Housing Trust Fund pursuant to section 4 of P.L.1968, c.49 (C.46:15-8) and from the receipts of the portion of the realty transfer fee directed to be credited to the New Jersey Affordable Housing Trust Fund pursuant to section 4 of P.L.1975, c.176 (C.46:15-10.1). Any receipts in excess of the amount anticipated, and any unexpended balance at the end of the preceding fiscal year are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the Division of Housing and Community Resources may transfer between the Affordable Housing State Aid appropriations account, the Council on Affordable Housing Direct State Services appropriations account and the Affordable Housing Direct State Services appropriations account, such sums 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.

Pursuant to section 15 of P.L.1983, c.530 (C.55:14K-15), the Commissioner of the Department of Community Affairs shall determine, at least annually, the eligibility of each boarding house resident for rental assistance payments; and notwithstanding the provisions of P.L.1983, c.530 (C.55:14K-1 et seq.) to the contrary, moneys held in the Boarding House Rental Assistance Fund that were originally appropriated from the General Fund may be used by the Commissioner for the purpose of providing life safety improvement loans, and any moneys held in the Boarding House Rental Assistance Fund may be used for the purpose of providing rental assistance for repayment of such loans. Notwithstanding any provision of P.L.1983, c.530 (C.55:14K-1 et seq.), the Commissioner shall have authority to disburse funds from the Boarding House

Rental Assistance Fund established pursuant to section 14 of P.L.1983, c.530 (C.55:14K-14) for the purpose of repaying, through rental assistance or otherwise, loans made to the boarding house owners for the purpose of rehabilitating boarding houses.

The unexpended balance at the end of the preceding fiscal year in the Truth in Renting account, and receipts from the sale of truth in renting statements, including fees, fines, and penalties, are appropriated for the Truth in Renting program, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated from the Petroleum Overcharge Reimbursement Fund the sum of \$300,000 for the expenses of the Green Homes Office in the Division of Housing and Community Resources, subject to the approval of the Director of the Division of Budget and Accounting.

Any receipts from the Boarding Home Regulation and Assistance program, including fees, fines, and penalties, are appropriated for the Boarding Home Regulation and Assistance program.

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.

GRANTS-IN-AID

01-8010 Housing Code Enforcement.....	\$919,000
02-8020 Housing Services.....	6,660,000
18-8017 Uniform Fire Code	<u>8,571,000</u>
Total Grants-in-Aid Appropriation, Community	
Development Management.....	<u>\$16,150,000</u>

Grants-in-Aid:

01 Cooperative Housing Inspection.....	(\$919,000)
02 Shelter Assistance.....	(2,300,000)
02 Prevention of Homelessness	(4,360,000)
18 Uniform Fire Code - Local Enforcement	
Agency Rebates.....	(8,425,000)
18 Uniform Fire Code - Continuing	
Education.....	(146,000)

The amount hereinabove appropriated for the Housing Code Enforcement program classification is payable out of the fees and penalties derived from bureau activities. The unexpended balance at the end of the preceding fiscal year, together with any receipts in excess of the amounts anticipated, is appropriated for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting. If the receipts are less than

anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove appropriated for the Uniform 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.

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).

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.

The amount hereinabove appropriated for the Shelter Assistance program and the Prevention of Homelessness program shall be payable from the receipts of the portion of the realty transfer fee directed to be credited to the New Jersey Affordable Housing Trust Fund pursuant to section 4 of P.L.1968, c.49 (C.46:15-8) and from the receipts of the portion of the realty transfer fee directed to be credited to the New Jersey Affordable Housing Trust Fund pursuant to section 4 of P.L.1975, c.176 (C.46:15-10.1). If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance at the end of the preceding fiscal year in the Shelter Assistance account is appropriated for the expenses of the Shelter Assistance program.

Upon determination by the Commissioner that all eligible shelter assistance projects have received funding from the amount appropriated for Shelter Assistance from receipts of the portions of the realty transfer fee dedicated to the New Jersey Affordable Housing Trust Fund, any available balance in the Shelter Assistance account may be transferred to the Affordable Housing account, subject to the approval of the Director of the Division of Budget and Accounting.

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.

Receipts from repayment of loans from the Downtown Business Improvement Loan Fund, together with the unexpended balance at the end of the preceding fiscal year of such loan fund and any interest thereon, are appropriated for the purposes of P.L.1998, c.115 (C.40:56-71.1 et seq.).

Notwithstanding the provisions of section 35 of P.L.1975, c.326 (C.13:17-10.1), sections 10 and 11 of P.L.1981, c.306 (C.13:1E-109 and C.13:1E-110), section 8 of P.L.1985, c.368 (C.13:1E-176), or any rules and regulations adopted pursuant thereto, or any order issued by the Board of Public Utilities to the

contrary, an amount equal to \$125,000 shall be withdrawn from the escrow accounts by the New Jersey Meadowlands Commission and paid to the State Treasurer for deposit in the General Fund and the amount so deposited shall be appropriated to the New Jersey Meadowlands Commission to cover operational costs of the Hackensack Meadowlands Municipal Committee.

Notwithstanding the provisions of any law or regulation to the contrary, Revolving Housing Development and Demonstration Grant funds are appropriated to support loans and grants to non-profit entities for the purpose of economic development and historic preservation.

Notwithstanding the provisions of any law or regulation to the contrary, such sums as are necessary shall be available from the Homelessness Prevention Program grants-in-aid appropriation for program administrative expenses, subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

In addition to the sum hereinabove appropriated for Relocation Assistance, such amounts as may be required to fund relocation costs of boarding home residents are appropriated from the Boarding Home Rental Assistance Fund.

The unexpended balance at the end of the preceding fiscal year in the Relocation Assistance account, not to exceed \$250,000, is appropriated for the expenses of the Relocation Assistance program, subject to the approval of the Director of the Division of Budget and Accounting.

Of the sum hereinabove appropriated for the Affordable Housing program, a sum not to exceed \$400,000 may be used for matching on a 50/50 basis for the federal share of the administrative costs of the federal Community Development Block Grant.

Any receipts in excess of the amount anticipated in the Affordable Housing program are appropriated for affordable housing expenses.

The amount hereinabove appropriated for the Affordable Housing program is payable from the receipts of the portion of the realty transfer fee directed to be credited to the New Jersey Affordable Housing Trust Fund pursuant to section 4 of P.L.1968, c.49 (C.46:15-8), and from the receipts of the portion of the realty transfer fee directed to be credited to the New Jersey Affordable Housing Trust Fund pursuant to section 4 of P.L.1975, c.176 (C.46:15-10.1). If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for the Affordable Housing program, an amount not to exceed \$7,000,000 may be used to provide technical assistance grants to non-profit housing organizations and authorities for creating and supporting affordable housing and community development opportunities.

The unexpended balance at the end of the preceding fiscal year in the Affordable Housing program is appropriated for affordable housing expenses.

Notwithstanding the provisions of any law or regulation to the contrary, funds appropriated for the Affordable Housing program may be provided directly to the housing project being assisted; provided however, that any such project has the support by resolution of the governing body of the municipality in which it is located.

The Commissioner of Community Affairs shall provide, at least two months prior to the close of the Fiscal Year, a report to the Joint Budget Oversight Committee that details all of the project subsidies provided to low income housing tax credit projects funded by the State's allocation of federal American Recovery and Reinvestment Act of 2009 funds as well as funds provided to these projects derived from the realty transfer fee receipts.

50 Economic Planning, Development, and Security

51 Economic Planning and Development

DIRECT STATE SERVICES

49-8049 Office of Smart Growth.....	<u>\$1,790,000</u>
Total Direct State Services Appropriation, Economic Planning and Development	<u>\$1,790,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$1,032,000)
Materials and Supplies.....	(41,000)
Services Other Than Personal.....	(119,000)
Maintenance and Fixed Charges.....	(6,000)

Special Purpose:

49 Historic Trust/Open Space Administrative Costs(592,000)

The Office of Smart Growth is authorized to collect reasonable fees for the distribution of its publications, and receipts derived from such fees are appropriated for the Office of Smart Growth.

The amount hereinabove appropriated for the Historic Trust/Open Space Administrative Costs program is appropriated for all administrative costs and expenses pursuant to the "New Jersey Cultural Trust Act," P.L.2000, c.76 (C.52:16A-72 et seq.); the "Garden State Preservation Trust Act," P.L.1999, c.152 (C.13:8C-1 et seq.); the "Historic Preservation Revolving Loan Fund," P.L.1991, c.41 (C.13:1B-15.115a et seq.); the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88; the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204; and the "Green Acres, Farmland, Blue Acres, and Historic Preservation Bond Act of 2007," P.L.2007, c.119, 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 for the Historic Trust/Open Space Administrative Costs account is transferred from the Garden State Historic Preservation Trust Fund

to the General Fund, together with an amount not to exceed \$23,000, and is appropriated to the Department of Community Affairs for Historic Trust/Open Space Administrative Costs, subject to the approval of the Director of the Division of Budget and Accounting.

55 Social Services Programs

DIRECT STATE SERVICES

05-8050 Community Resources.....	\$180,000
15-8051 Women's Programs.....	<u>923,000</u>
Total Direct State Services Appropriation,	
Social Services Programs	<u>\$1,103,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$550,000)
Materials and Supplies.....	(30,000)
Services Other Than Personal.....	(72,000)
Maintenance and Fixed Charges.....	(1,000)

Special Purpose:

05 Center for Hispanic Policy, Research and Development.....	(42,000)
15 Address Confidentiality Program	(93,000)
15 Expenses of the New Jersey Commission on Women	(7,000)

15 Office on the Prevention of Violence Against Women.....	(308,000)

Notwithstanding the provisions of any law or regulation to the contrary, receipts derived from the increases in divorce filing fees enacted in the amendment to N.J.S.22A:2-12 by section 41 of P.L.2003, c.117, are appropriated for transfer to the General Fund as general State revenue, subject to the approval of the Director of the Division of Budget and Accounting.

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.....	\$4,390,000
15-8051 Women's Programs	<u>2,080,000</u>
Total Grants-in-Aid Appropriation, Social	
Services Programs	<u>\$6,470,000</u>

Grants-in-Aid:

05 Recreation for the Handicapped	(\$585,000)
05 Special Olympics.....	(405,000)

05 Lead Hazard Control Assistance Fund	(2,000,000)
05 Center for Hispanic Policy, Research And Development	(1,400,000)
15 Women's Referral Central	(25,000)
15 Rape Prevention	(900,000)
15 Grants to Women's Shelters	(25,000)
15 Grants to Displaced Homemaker Centers....	(1,130,000)

Notwithstanding the provisions of P.L.2003, c.311 (C.52:27D-437.1 et seq.), or any law or regulation to the contrary, the amount hereinabove appropriated for the Lead Hazard Control Assistance Fund is payable from receipts of the portion of the sales tax directed to be credited to the Lead Hazard Control Assistance Fund pursuant to section 11 of P.L.2003, c.311 (C.52:27D-437.11), and there is further appropriated from such receipts an amount not to exceed \$8,000,000, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 4 of the "Lead Hazard Control Assistance Act," P.L.2003, c.311 (C.52:27D-437.4), such sums 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.

Notwithstanding the provisions of section 4 of the "Lead Hazard Control Assistance Act," P.L.2003, c. 311 (C.52:27D-437.4), from the Lead Hazard Control Assistance Fund a sum not to exceed \$1,000,000 is appropriated for the purchase of updated lead analysis and information technology equipment for distribution to local health departments and other health agencies, and \$500,000 is appropriated for use by the Bureau of Housing Inspection to locate and register one- and two-family rental properties requiring lead inspection in accordance with section 1 of P.L.2007, c. 251 (C.55:13A-12.2).

70 Government Direction, Management, and Control

75 State Subsidies and Financial Aid

DIRECT STATE SERVICES

04-8030 Local Government Services	<u>\$2,699,000</u>
Total Direct State Services Appropriation, State Subsidies and Financial Aid	<u>\$2,699,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$2,388,000)
Local Finance Board Members.....	(84,000)
Materials and Supplies.....	(40,000)
Services Other Than Personal.....	(162,000)
Maintenance and Fixed Charges.....	(25,000)

Receipts from the Division of Local Government Services 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 Local Unit Alignment, Reorganization, and Consolidation Commission account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated from the Enterprise Zone Assistance Fund such sums as are necessary for administrative services provided by the New Jersey Urban Enterprise Zone Authority in accordance with the provisions of section 11 of P.L.1993, c.367 (C.52:27H-65.1), subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

04-8030 Local Government Services.....	<u>\$676,461,000</u>
<i>(From General Fund.....</i>	<i>\$164,600,000)</i>
<i>(From Property Tax Relief Fund.....</i>	<i>511,861,000</i>
Total State Aid Appropriation, State Subsidies	
and Financial Aid	<u>\$676,461,000</u>
<i>(From General Fund.....</i>	<i>\$164,600,000)</i>
<i>(From Property Tax Relief Fund.....</i>	<i>511,861,000)</i>

State Aid:

04 Consolidated Municipal Property Tax Relief Aid (PTRF)	(\$505,387,000)
04 County Prosecutors and Officials Salary Increase (P.L.2007, c.350).....	(1,600,000)
04 County Prosecutor Funding Initiative Pilot Program.....	(4,000,000)
04 Transitional Aid to Localities	(159,000,000)
04 Open Space Payments in Lieu of Taxes (PTRF)	(6,474,000)

Notwithstanding the provisions of any law or regulation to the contrary, no appropriation shall be made for municipal aid from the amounts credited to the Extraordinary Aid account from receipts of the supplemental fee established pursuant to section 2 of P.L.2003, c.113 (C.46:15-7.1).

In addition to the amount hereinabove appropriated for County Prosecutors and Officials Salary Increase (P.L.2007, c.350), there is appropriated such additional sums as may be required to fulfill the provisions of P.L.2007, c.350, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Transitional Aid to Localities shall be allocated to provide short-term financial assistance where needed to help a municipality which is in serious fiscal distress to meet immediate budgetary

needs and regain financial stability. A municipality shall be deemed to be eligible for transitional aid if the municipality is identified by the Director of the Division of Local Government Services (Director) as experiencing serious fiscal distress where the Director determines that, despite local officials having implemented substantive cost reduction strategies, there continues to exist conditions of serious fiscal distress, which may include but 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 which 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 such conditions, requirements, orders, and oversight as the Director deems necessary including the implementation of government, administrative and operational efficiency and oversight measures necessary for the fiscal recovery of the municipality.

Of the amount appropriated hereinabove for the Transitional Aid to Localities program, an amount not to exceed 1% is allocated for the administrative costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, municipal appropriations for "Reserve for Tax Appeals" may be made in exception to spending limitations pursuant to section 3 of P.L.1976, c.68 (C.40A:4-45.3) and to tax levy limitations pursuant to section 10 of P.L.2007, c.62 (C.40A:4-45.45).

Notwithstanding the provisions of any law or regulation to the contrary, any qualified 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 qualified municipality thereunder during the current fiscal year.

The amount hereinabove appropriated for the County Prosecutor Funding Initiative Pilot Program shall be distributed as follows: Camden County, \$895,000; Essex County, \$1,811,000; Hudson County, \$802,500; and Mercer County, \$491,500.

The amount hereinabove appropriated for Consolidated Municipal Property Tax Relief Aid shall be distributed on the following schedule: on or before August 1, 45% of the total amount due; September 1, 30% of the total amount due;

October 1, 15% of the total amount due; November 1, 5% of the total amount due; December 1 for municipalities operating under a calendar fiscal year, 5% of the total amount due; and June 1 for municipalities operating under the State fiscal year, 5% of the total amount due.

Notwithstanding the provisions of any law or regulation to the contrary, from the amounts received from the appropriation to the Consolidated Municipal Property Tax Relief Aid program and received from amounts transferred from Consolidated Municipal Property Tax Relief Aid to the Energy Tax Receipts Property Tax Relief Fund account, each municipality shall be required to distribute to each fire district within its boundaries the amount received by the fire district from the Supplementary Aid for Fire Services program pursuant to the provisions of the fiscal year 1995 annual appropriations act, P.L.1994, c.67, less an amount proportional to reductions in the combined total amount received by the municipality from Consolidated Municipal Property Tax Relief Aid and from the Energy Tax Receipts Property Tax Relief Fund since fiscal year 2008.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Consolidated Municipal Property Tax Relief Aid shall be distributed in the same amounts, and to the same municipalities which received funding pursuant to the previous fiscal year's annual appropriations act, provided further, however, that from the amount hereinabove appropriated there is transferred to the Energy Tax Receipts Property Tax Relief Fund account such sums as were determined for fiscal year 2003, fiscal year 2006, fiscal year 2007, fiscal year 2008, fiscal year 2009, and fiscal year 2010 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.

Notwithstanding the provisions of any law or regulation to the contrary, the release of the final 5% payment from Consolidated Municipal Property Tax Relief Aid to municipalities is subject to the following condition: the municipality shall submit to the Director of the Division of Local Government Services a report describing the municipality's compliance with the "Best Practices Inventory" established by the Director of the Division of Local Government Services and shall receive at least a minimum score on such inventory as determined by the Director of the Division of Local Government Services; provided, however, that the Director may take into account the particular circumstances of a municipality in computing such score. Provided further, however, that in the event that the "Best Practices Inventory" is not issued by the Division of Local Government Services by September 1, 2010, no amounts shall be withheld from final payments to municipalities pursuant to this paragraph. In preparing the Best Practices Inventory, the Director shall identify best municipal practices in the areas of general administration, fiscal management, and operational activities, as well as the particular circumstances of a municipality, in determining the minimum score acceptable for the release of the final payment, but in no event shall amounts be withheld with respect to mu-

municipal practices occurring prior to the issuance of the best practices inventory. Notwithstanding the provisions of any law or regulation to the contrary, the Director of the Division of Local Government Services shall take such actions as may be necessary to ensure that proportional amounts of the Consolidated Municipal Property Tax Relief Aid and the amounts transferred from Consolidated Municipal Property Tax Relief Aid to the Energy Tax Receipts Property Tax Relief Fund account appropriated to offset losses from business personal property tax that would have otherwise been used for the support of public schools will be used to reduce the school property tax levy for those affected school districts with the remaining State Aid used as municipal property tax relief. The chief financial officer of the municipality shall pay to the school districts such amounts as may be due by December 31, 2010.

Notwithstanding the provisions of any law or regulation to the contrary, payments to municipalities in lieu of taxes for lands acquired by the State and non-profit organizations for recreation and conservation purposes shall be provided only to municipalities whose payments received in fiscal year 2010 exceeded \$5,000 and shall be provided at two-thirds of the payment amount provided in fiscal year 2010.

Notwithstanding the provisions of 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.

In addition to the amounts hereinabove appropriated for the Department of Community Affairs, in the case of municipalities that consolidate pursuant to P.L.2007, c.63, (C.40A:65-25 et seq.) or a municipality that is wholly annexed by another municipality pursuant to P.L.1979, c.181 (C.40A:7-1 et seq.), there is appropriated such additional sums for non-recurring costs that the Director of the Division of Local Government Services determines necessary to implement such consolidation or annexation, 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, 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 the Department 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 30 days to a municipality faced with a fiscal crisis, including but not limited to a potential default on tax anticipation notes. Extension of the term of the loan shall be conditioned on the municipality being an "eligible municipality" pursuant to P.L.1987, c.75 (C.52:27D-118.24 et seq.).

76 Management and Administration

DIRECT STATE SERVICES

99-8070 Administration and Support Services	<u>\$2,661,000</u>
Total Direct State Services Appropriation, Management and Administration	<u>\$2,661,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$1,932,000)
Materials and Supplies	(8,000)
Services Other Than Personal	(74,000)
Maintenance and Fixed Charges	(21,000)

Special Purpose:

99 Government Records Council	(619,000)
99 Affirmative Action and Equal Employment Opportunity	(7,000)

Notwithstanding the provisions of any law or regulation to the contrary, from the amount hereinabove appropriated for the Government Records Council, the Council may expend such amount as is necessary to employ staff legal counsel other than counsel provided by the Office of the Attorney General.

Department of Community Affairs,

Total State Appropriation	<u>\$736,287,000</u>

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.

**Summary of Department of Community Affairs Appropriations
(For Display Purposes Only)**

Appropriations by Category:

Direct State Services.....	\$37,206,000
Grants-in-Aid.....	22,620,000
State Aid	676,461,000

Appropriations by Fund:

General Fund	\$224,426,000
Property Tax Relief Fund	511,861,000

26 DEPARTMENT OF CORRECTIONS

10 Public Safety and Criminal Justice

16 Detention and Rehabilitation

DIRECT STATE SERVICES

07-7025 Institutional Control and Supervision.....	\$501,059,000
08-7025 Institutional Care and Treatment	242,679,000
99-7025 Administration and Support Services	<u>77,091,000</u>
Total Direct State Services Appropriation, Detention and Rehabilitation.....	<u>\$820,829,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$556,732,000)
Food in Lieu of Cash	(2,535,000)
Materials and Supplies.....	(69,311,000)
Services Other Than Personal.....	(155,364,000)
Maintenance and Fixed Charges.....	(10,794,000)

Special Purpose:

07 Civilly Committed Sexual Offender Program.....	(24,078,000)
08 State Match - Residential Substance Abuse Treatment Grant	(26,000)
08 State Match - Social Services Block Grant.....	(33,000)
08 State Match - Violence Against Women Grant	(26,000)

Additions, Improvements and Equipment (1,930,000)

The unexpended balances at the end of the preceding fiscal year in the Civilly Committed Sexual Offender Facility and the Civilly Committed Sexual Offender Program accounts are appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the Upholstery Program at the Albert C. Wagner Youth Correctional Facility, and any unexpended balance at the end of the preceding fiscal year are appropriated for the operation of the program with surplus funds being credited to the institution's Inmate Welfare Fund, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the institutional object accounts designated for the payment of the costs associated with inmate health care is appropriated for the payment of prior year obligations, subject to the approval of the Director of the Division of Budget and Accounting.

A portion of the total amount appropriated in the Detention and Rehabilitation various institutional accounts is available for transfer 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.

7025 System-Wide Program Support

DIRECT STATE SERVICES

07-7025 Institutional Control and Supervision.....	\$25,590,000
13-7025 Institutional Program Support	<u>33,118,000</u>
Total Direct State Services Appropriation, System-Wide	
Program Support.....	<u>\$58,708,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$37,617,000)
Materials and Supplies.....	(949,000)
Services Other Than Personal.....	(8,750,000)

Special Purpose:

13 Integrated Information Systems.....	(7,876,000)
13 State Match - Prison Rape	
Elimination Grant	(200,000)
13 Offender Reentry Program	(1,000,000)
13 Mutual Agreement Program	(1,162,000)
13 DOC/DOT Work Details	(537,000)
13 Video Conferencing.....	(300,000)
Additions, Improvements and Equipment	(317,000)

Of the sums hereinabove appropriated for Video Teleconferencing, an amount shall be transferred to the Judiciary and the Office of the Public Defender for telephone line charges, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

13-7025 Institutional Program Support	<u>\$71,158,000</u>
Total Grants-in-Aid Appropriation, System-Wide	
Program Support.....	<u>\$71,158,000</u>

Grants-in-Aid:

13 Purchase of Service for Inmates	
Incarcerated in County Penal Facilities	(\$6,524,000)
13 Purchase of Service for Inmates	
Incarcerated in Out-of-State Facilities.....	(80,000)

13 Purchase of Community Services.....(64,554,000)

A portion of the total amount appropriated in the Purchase of Service for Inmates Incarcerated in County Penal Facilities account is available for operational costs of additional 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.

Any change by the Department of Corrections in the per diem rates paid for Inmates Incarcerated in County Penal Facilities and for Community Services shall first be approved by the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Purchase of Community Services account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

13-7025 Institutional Program Support	<u>\$15,000,000</u>
Total State Aid Appropriation, System-Wide	
Program Support	<u>\$15,000,000</u>

State Aid:

13 Essex County - County Jail	
Substance Abuse Programs	(\$15,000,000)

10 Public Safety and Criminal Justice**17 Parole****DIRECT STATE SERVICES**

03-7010 Parole	\$45,309,000
05-7280 State Parole Board	14,335,000
99-7280 Administration and Support Services	<u>3,939,000</u>
Total Direct State Services Appropriation, Parole.....	<u>\$63,583,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages.....	(\$38,681,000)
Materials and Supplies.....	(505,000)
Services Other Than Personal.....	(2,100,000)
Maintenance and Fixed Charges.....	(1,056,000)

Special Purpose:

03 Parolee Electronic Monitoring Program	(4,428,000)
03 Supervision, Surveillance, and Gang	
Suppression Program.....	(1,480,000)
03 Sex Offender Management Unit.....	(9,282,000)

03 Satellite-based Monitoring of
Sex Offenders(2,619,000)
03 Parole Violator Assessment and
Treatment Program.....(3,382,000)
Additions, Improvements and Equipment(50,000)
From the appropriations hereinabove, the Executive Director shall make payment
to the Interstate Commission for Adult Offender Supervision in the amount
required for the New Jersey State assessment in the current fiscal year.

GRANTS-IN-AID

03-7010 Parole \$36,082,000
Total Grants-in-Aid Appropriation, Parole..... \$36,082,000

Grants-in-Aid:

03 Re-Entry Substance Abuse Program.....(\$3,889,000)
03 Mutual Agreement Program (MAP)(2,618,000)
03 Community Resource Center
Program (CRC).....(11,581,000)
03 Stages to Enhance Parolee
Success Program (STEPS)(17,994,000)
Any change by the Division of Parole in the per diem rates affecting Special
Caseload accounts shall first be approved by the Director of the Division of
Budget and Accounting.
Notwithstanding the provisions of any law or regulation to the contrary, the New
Jersey State Parole Board is authorized to expend the amounts appropriated
for Re-Entry Substance Abuse Program, Stages to Enhance Parolee Success
Program, Mutual Agreement Program and Community Resource Center Pro-
gram to provide services to ex-offenders who are age 18 or older and under
juvenile or adult parole supervision, subject to the approval of the Director of
the Division of Budget and Accounting.
Of the amounts hereinabove appropriated for the Mutual Agreement Program
(MAP), the amount of \$175,000 shall be transferred to the Department of
Human Services, Division of Addiction Services for the reimbursement of
salaries and to fund other related administrative costs for the Mutual Agree-
ment Program, subject to the approval of the Director of the Division of
Budget and Accounting.
To permit flexibility and ensure the appropriate levels of services provided, appro-
priated amounts may be transferred between the following accounts: Parole
Violator Assessment and Treatment Program, Re-Entry Substance Abuse Pro-
gram, Mutual Agreement Program, Community Resource Center Program,
and Stages to Enhance Parolee Success Program, subject to the approval of
the Director of the Division of Budget and Accounting.

10 Public Safety and Criminal Justice
19 Central Planning, Direction and Management
DIRECT STATE SERVICES

99-7000 Administration and Support Services \$15,350,000
 Total Direct State Services Appropriation, Central
 Planning, Direction and Management \$15,350,000

Direct State Services:

Personal Services:

Salaries and Wages.....(\$13,320,000)
 Materials and Supplies.....(583,000)
 Services Other Than Personal.....(644,000)
 Maintenance and Fixed Charges.....(676,000)

Special Purpose:

99 DOC State Match Account.....(50,000)
 Additions, Improvements and Equipment(77,000)
 Receipts derived 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 \$1,080,710,000

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 P.L.1969, c.22 (C.30:4-91.4 et seq.).

Summary of Department of Corrections Appropriations
(For Display Purposes Only)

Appropriations by Category:

Direct State Services.....\$958,470,000
 Grants-in-Aid.....107,240,000
 State Aid 15,000,000

Appropriations by Fund:

General Fund.....\$1,080,710,000

34 DEPARTMENT OF EDUCATION
30 Educational, Cultural, and Intellectual Development
31 Direct Educational Services and Assistance
GRANTS-IN-AID

03-5120 Miscellaneous Grants-In-Aid \$30,000

New Jersey State Library

Total Grants-in-Aid Appropriation, Direct Educational
Services and Assistance..... \$30,000
Grants-in-Aid:
03 Community Relations Committee of the
United Jewish Federation of Metrowest.....(\$30,000)

STATE AID

01-5120 General Formula Aid..... \$6,866,560,000
(From General Fund..... **\$403,199,000**)
(From Property Tax Relief Fund..... **6,463,361,000**)
02-5120 Nonpublic School Aid..... 79,503,000
03-5120 Miscellaneous Grants-In-Aid 45,365,000
(From General Fund..... **36,865,000**)
(From Property Tax Relief Fund..... **8,500,000**)
07-5120 Special Education..... 775,865,000
(From General Fund..... **154,982,000**)
(From Property Tax Relief Fund..... **620,883,000**)
Total State Aid Appropriation, Direct Educational
Services and Assistance \$7,767,293,000
(From General Fund..... **\$674,549,000**)
(From Property Tax Relief Fund..... **7,092,744,000**)

Less:

Assessment of EDA Debt Service..... \$21,803,000
Total Deductions \$21,803,000

Total State Aid Appropriation, Direct Educational
Services and Assistance..... \$7,745,490,000
(From General Fund..... **\$674,549,000**)
(From Property Tax Relief Fund..... **7,070,941,000**)

State Aid:

01 Equalization Aid.....(\$403,199,000)
01 Equalization Aid (PTRF).....(5,152,816,000)
01 Educational Adequacy Aid (PTRF).....(24,674,000)
01 Security Aid (PTRF).....(97,664,000)
01 Adjustment Aid (PTRF)(456,030,000)
01 Preschool Education Aid (PTRF)(613,330,000)
01 School Choice (PTRF).....(9,847,000)
01 Growth Impact - Payment Changes
(PTRF)(109,000,000)
02 Nonpublic Textbook Aid.....(8,927,000)
02 Nonpublic Handicapped Aid(26,603,000)
02 Nonpublic Auxiliary Services Aid.....(30,216,000)
02 Nonpublic Auxiliary/Handicapped
Transportation Aid(3,171,000)
02 Nonpublic Nursing Services Aid(10,586,000)

03 Charter School Aid (PTRF).....	(8,500,000)
03 Bridge Loan Interest and Approved Borrowing Cost	(640,000)
03 Payments for Institutionalized Children - Unknown District of Residence.....	(36,225,000)
07 Special Education Categorical Aid (PTRF).....	(620,883,000)
07 Extraordinary Special Education Costs Aid	(154,982,000)

Less:

Deductions 21,803,000

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 shall first be charged to such fund.

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).

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 2010-2011 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 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 2010-2011 school year for the purposes of computing Nonpublic Auxiliary Services Aid shall equal \$995.33 and the per pupil amount for providing the equivalent service to children of limited English-speaking ability shall be \$1,015, provided however, that the commissioner may adjust the per pupil amounts based upon the nonpublic pupil population and the need for services.

Notwithstanding the provisions of section 9 of P.L.1991, c.226 (C.18A:40-31), the amount hereinabove appropriated for Nonpublic Nursing Services Aid shall be made available to local school districts based upon the number of pupils enrolled in each nonpublic school on the last day prior to October 16, 2009 and the rate per pupil shall be \$77.20.

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, there are appropriated to the Emergency Fund account such additional sums as may be required, not to exceed \$650,000, to fund approved applications for emergency aid in accordance with the provisions of N.J.S.18A:58-11, subject to the approval of the Director of the Division of Budget and Accounting.

Such sums received in the "School District Deficit Relief Account," established pursuant to section 5 of P.L.2006, c.15 (C.18A:7A-58), including loan repayments, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1999, c.12 (C.54A:9-25.12 et seq.), there is appropriated from the Drug Abuse Education Fund, the sum of \$50,000, to be used for the NJSIAA Steroid Testing program.

The amount hereinabove appropriated for Extraordinary Special Education Costs Aid shall be charged first to receipts of the supplemental fee established pursuant to section 2 of P.L.2003, c.113 (C.46:15-7.1) credited to the Extraordinary Aid Account. Notwithstanding the provisions of that law to the contrary, the amount appropriated for Extraordinary Special Education Costs Aid from receipts deposited in the Extraordinary Aid Account shall not exceed the amount hereinabove appropriated.

Notwithstanding the provisions of any law or regulation to the contrary, a district's allocation of the amount hereinabove appropriated for Extraordinary Special Education Costs Aid shall be 85% of the amount calculated in accordance with section 13 of P.L.2007, c.260 (C.18A:7F-55).

Notwithstanding the provisions of any law or regulation to the contrary, the allocation of the amount hereinabove appropriated for Equalization Aid to an "SDA district" shall be reduced by the amount of proceeds received by the district from the sale of district surplus property, which shall be appropriated by the district for regular education operations. Surplus property means that property which is not being replaced by other property under a grant agreement with the New Jersey Schools Development Authority.

Notwithstanding the provisions of subsection d. of section 5 of P.L.2007, c.260 (C.18A:7F-47) or any other law or regulation to the contrary, the calculation of a district's allocation of the amounts hereinabove appropriated for Equalization Aid, Special Education Categorical Aid, and Security Aid shall use a State aid growth limit of 0% in the case of a district spending above adequacy and a district spending below adequacy.

Notwithstanding the provisions of section 5 of P.L.2007, c.260 (C.18A:7F-47) to the contrary, the prebudget year spending categories used for the purposes of determining: whether a school district or county vocational school district is spending above or below adequacy; its applicable State aid growth limit in the determination of district spending; and prebudget year total stabilized aid used in the calculation of 2010-2011 district allocations of the amounts hereinabove appropriated for Equalization Aid, Special Education Categorical Aid, and Security Aid, shall also include Adjustment Aid.

Notwithstanding the provisions of subsection b. of section 16 of P.L.2007, c.260 (C.18A:7F-58) or any other law or regulation to the contrary, an eligible district's allocation of the amount hereinabove appropriated for Educational Adequacy Aid shall equal the district's 2009-2010 allocation of Educational Adequacy Aid.

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 pursuant to P.L.2007, c.260.

Notwithstanding the provisions of any law or regulation to the contrary, amounts hereinabove appropriated for Preschool Education Aid shall be used for such sums as are necessary: 1) in the case of a district that received Early Launch to Learning Initiative aid in the 2007-2008 school year, an amount equal to the district's 2007-2008 allocation of Early Launch to Learning Initiative aid; 2) in the case of a school district that received a 2008-2009 allocation of Preschool Education Aid based on its 2007-2008 Early Childhood Program Aid allocation, to provide the greater of the district's prebudget year award or the district's per pupil allocation of Preschool Education Aid, inflated by the CPI, and multiplied by the district's projected preschool enrollment; 3) in the case of a district with an allocation of Preschool Education Aid in the 2008-2009 school year calculated using the provisions of subsection a. of section 12 of P.L.2007, c.260 (C.18A:7F-54), an amount calculated in accordance with those provisions based upon 2010-2011 projected enrollments, subject to the final determination of the Commissioner of Education based on plan review; and 4) in the case of a district that received Preschool Expansion Aid or Education Opportunity Aid in the 2007-2008 school year, an amount calculated in accordance with the provisions of section 12 of P.L.2007, c.260 (C.18A:7F-54) based on projected 2010-2011 enrollments, subject to the final determination of the commissioner based on plan review.

Notwithstanding the provisions of section 20 of P.L.2007, c.260 (C.18A:7F-62) to the contrary, a district allocation of the amount hereinabove appropriated for School Choice Aid shall be determined based on stabilized Equalization Aid.

Notwithstanding the provisions of any law or regulation to the contrary, amounts hereinabove appropriated for Charter School Aid shall be used for such sums as are necessary: 1) to provide that in the 2010-2011 school year, a 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 2) to provide amounts pursuant to section 12 of P.L.1995, c.426 (C.18A:36A-12).

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.

32 Operation and Support of Educational Institutions

DIRECT STATE SERVICES

12-5011 Marie H. Katzenbach School for the Deaf.....	\$14,861,000
<i>(From General Fund.....</i>	<i>\$3,590,000)</i>
<i>(From All Other Funds</i>	<i>11,271,000)</i>
13-5011 Positive Learning Understanding Support Program	1,116,000
<i>(From All Other Funds</i>	<i>1,116,000)</i>
Total Appropriation, State and All Other Funds.....	<u>\$15,977,000</u>
<i>(From General Fund.....</i>	<i>\$3,590,000)</i>
<i>(From All Other Funds</i>	<i>12,387,000)</i>
Less:	
<i>All Other Funds.....</i>	<i><u>\$12,387,000</u></i>
<i>Total Deductions.....</i>	<i><u>\$12,387,000</u></i>
Total Direct State Services Appropriation, Operation and	
Support of Educational Institutions	<u>\$3,590,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$12,586,000)
Materials and Supplies.....	(1,573,000)
Services Other Than Personal.....	(441,000)
Maintenance and Fixed Charges.....	(1,206,000)

Special Purpose:

12 Transportation Expenses for Students	(40,000)
Additions, Improvements and Equipment	(131,000)

Less:

<i>All Other Funds.....</i>	<i>12,387,000</i>

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 2010-2011 academic year, payments from local boards of education to the school at an annual rate and payment schedule adopted by the Commissioner of Education and the Director of the Division of Budget and Accounting are appropriated.

Any income from the rental of vacant space at the Marie H. Katzenbach School for the Deaf is appropriated for the operation and maintenance cost of the facility and for capital costs at the school, subject to the approval of the Director of

the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the receipt account of the Marie H. Katzenbach School for the Deaf is appropriated for expenses of operating the school.

The unexpended balance at the end of the preceding fiscal year in the receipt account of the Positive Learning Understanding Support (PLUS) program is appropriated for the expenses of operating the Marie H. Katzenbach School for the Deaf.

CAPITAL CONSTRUCTION

Notwithstanding the provisions of any law or regulation to the contrary, accumulated and current year interest earnings in the State Facilities for Handicapped Fund established pursuant to section 12 of P.L.1973, c.149 are appropriated for capital improvements and maintenance of facilities for the eleven regional day schools throughout the State and the Marie H. Katzenbach School for the Deaf as authorized in the State Facilities for Handicapped Bond Act, P.L.1973, c.149, subject to the approval of the Director of the Division of Budget and Accounting.

33 Supplemental Education and Training Programs

DIRECT STATE SERVICES

20-5062 General Vocational Education..... \$426,000

Total Direct State Services Appropriation,

Supplemental Education and Training Programs \$426,000

Direct State Services:

Personal Services:

Salaries and Wages.....(\$376,000)

Materials and Supplies(26,000)

Services Other Than Personal.....(24,000)

STATE AID

20-5062 General Vocational 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 Educational Programs and Assessment \$22,886,000

31-5060 Grants Management.....	512,000
32-5061 Professional Development and Licensure.....	3,160,000
33-5067 Service to Local Districts	7,004,000
35-5069 Early Childhood Education	1,690,000
36-5120 Student Transportation	501,000
37-5069 District and School Improvement.....	4,387,000
38-5120 Facilities Planning and School Building Aid.....	1,727,000
40-5064 Student Services	<u>928,000</u>
Total Direct State Services Appropriation, Educational	
Support Services.....	<u>\$42,795,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$21,150,000)
Materials and Supplies.....	(264,000)
Services Other Than Personal.....	(2,112,000)
Maintenance and Fixed Charges.....	(65,000)

Special Purpose:

30 Statewide Assessment Program.....	(18,694,000)
30 General Education Development.....	(351,000)
40 New Jersey Commission on	
Holocaust Education.....	(159,000)

Receipts from the State Board of Examiners' fees in excess of those anticipated and the unexpended program balances at the end of the preceding fiscal year, are appropriated for the operation of the Professional Development and Licensure programs.

GRANTS-IN-AID

30-5063 Educational Programs and Assessment	\$1,635,000
40-5064 Student Services	<u>3,000,000</u>
Total Grants-in-Aid Appropriation, Educational	
Support Services.....	<u>\$4,635,000</u>

Grants-in-Aid:

30 Liberty Science Center -	
Educational Services	(\$1,350,000)
30 Governor's Literacy Initiative	(270,000)
30 Teacher Preparation.....	(15,000)
40 New Jersey After 3	(3,000,000)

The amount hereinabove appropriated for the Liberty Science Center - Educational Services shall be used to provide educational services to districts with high concentrations of at-risk students in the science education component of the core curriculum content standards as established by law.

The amount hereinabove appropriated for the Governor's Literacy Initiative shall be used for a grant for the Learning Through Listening program at the New Jersey Unit of the Recording for the Blind and Dyslexic.

In addition to the amounts hereinabove appropriated for the Liberty Science Center - Educational Services, there are appropriated such additional sums as may be necessary for support of such educational services and the operations of the center, subject to the approval of the Director of the Division of Budget and Accounting.

The sums provided hereinabove for New Jersey After 3 shall be conditioned upon the State Treasurer and the grant recipient entering into a grant agreement; shall be available for grants awarded by New Jersey After 3, Inc.; and shall be available for funding programs, activities, functions, and facilities consistent with recommendations and proposals of the New Jersey After 3 Advisory Committee.

STATE AID

36-5120 Student Transportation	\$93,115,000
<i>(From Property Tax Relief Fund.....</i>	<i>\$93,115,000)</i>
38-5120 Facilities Planning and School Building Aid.....	684,621,000
<i>(From General Fund.....</i>	<i>112,000,000)</i>
<i>(From Property Tax Relief Fund.....</i>	<i>572,621,000)</i>
39-5095 Teachers' Pension and Annuity Assistance	<u>1,780,010,000</u>
<i>(From General Fund.....</i>	<i>132,123,000)</i>
<i>(From Property Tax Relief Fund.....</i>	<i>1,647,887,000)</i>
Total State Aid Appropriation,	
Educational Support Services.....	<u>\$2,557,746,000</u>
<i>(From General Fund.....</i>	<i>\$244,123,000)</i>
<i>(From Property Tax Relief Fund.....</i>	<i>2,313,623,000)</i>

State Aid:

36 Transportation Aid (PTRF)	(\$93,115,000)
38 School Building Aid (PTRF)	(81,259,000)
38 School Construction Debt Service	
Aid (PTRF).....	(56,129,000)
38 School Construction and	
Renovation Fund	(112,000,000)
38 School Construction and Renovation	
Fund (PTRF)	(435,233,000)
39 Teachers' Pension and Annuity Fund -	
Post Retirement Medical (PTRF)	(695,751,000)
39 Social Security Tax (PTRF)	(788,700,000)
39 Teachers' Pension and Annuity Fund -	
Non-contributory Insurance (PTRF)	(36,097,000)
39 Post Retirement Medical Other	
Than TPAF (PTRF).....	(127,339,000)
39 Debt Service on Pension	
Obligation Bonds.....	(132,123,000)

In addition to the sum 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 hereby 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 subsection d. of section 5 of P.L.2007, c.260 (C.18A:7F-47) or any other law or regulation to the contrary, the calculation of a district's allocation of the amount hereinabove appropriated for Transportation Aid shall use a State aid growth limit of 0% in the case of a district spending above adequacy and a district spending below adequacy.

Notwithstanding the provisions of section 5 of P.L.2007, c.260 (C.18A:7F-47) to the contrary, the prebudget year spending categories used for the purposes of determining: whether a school district or county vocational school district is spending above or below adequacy; its applicable State aid growth limit in the determination of district spending; and prebudget year total stabilized aid used in the calculation of 2010-2011 district allocations of the amount hereinabove appropriated for Transportation Aid, shall also include Adjustment Aid.

Notwithstanding the provisions of section 1 of P.L.1997, c.53 (C.18A:39-11.1) districts shall not be reimbursed for administrative fees paid to Cooperative Transportation Service Agencies.

For any school district receiving amounts from the amount hereinabove appropriated for Transportation Aid, and notwithstanding the provisions of any law or regulation to the contrary, if the school district is located in a county of the third class or a county of the second class with a population of less than 235,000, according to the 1990 federal decennial census, transportation shall be provided to school pupils residing in this school district in going to and from any remote school other than a public school, not operated for profit in whole or in part, located within the State not more than 30 miles from the residence of the pupil.

Notwithstanding the provisions of section 2 of P.L.1981, c.57 (C.18A:39-1a) or any other law or regulation to the contrary, the maximum amount of nonpublic school transportation costs per pupil provided for in N.J.S.18A:39-1 shall equal \$884.00.

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 2010-2011 school year pursuant to sections 9 and 10 of P.L.2000, c.72 (C.18A:7G-9 and 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, of the amounts hereinabove appropriated for School Building Aid, a district's district aid percentage calculated for purposes of the provisions of section 10 of P.L.2000, c.72 (C.18A:7G-10) shall equal the percentage calculated for the 2001-2002 school year.

Notwithstanding the provisions of any law or regulation to the contrary, when calculating a district's allocation of the amount hereinabove appropriated for School Construction Debt Service Aid, the provisions of subsection d. of section 9 of P.L.2000, c.72 (C.18A:7G-9) shall also be applicable for a school facilities project approved by the commissioner 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 any law or regulation to the contrary, an eligible district's allocation of the amounts appropriated hereinabove for School Construction Debt Service Aid and School Building Aid shall be 85% of the district's approved October 26, 2009 application amount.

In addition to the sum 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 hereby 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 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.

Such additional sums 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.

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for Social Security Tax there is appropriated to each school district, subject to the approval of the Director of the Division of Budget and Accounting, a grant in a sum equivalent to the amount of the reduction in Social Security Tax as a result of the school district achieving a voluntary wage freeze that results in savings in Social Security Tax contribu-

tions during the current fiscal year for the school district, such grant subject to approval by the Commissioner of Education of an application by the school district to the commissioner containing documentation of the savings achieved by the school district. Provided however, that if the school district requesting a grant is a school district which does not receive sufficient State formula aid payments during the current fiscal year, the amount of money the school district shall be eligible for from savings as a result of a voluntary wage freeze may be reduced by the amount of payments made by the State on behalf of the school district which have not been reimbursed by the school district, 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 grant funds shall be appropriated into the district's general fund budget for use in the 2010-2011 school year.

In addition to the amounts hereinabove appropriated for Social Security Tax, there are appropriated such sums as are required for payment of Social Security Tax on behalf of members of the Teachers' Pension and Annuity Fund.

Such additional sums as may be required for the Teachers' Pension and Annuity Fund - Non-contributory Insurance and Post Retirement Medical Other Than TPAF are appropriated, as the Director of the Division of Budget and Accounting shall determine.

35 Education Administration and Management

DIRECT STATE SERVICES

42-5120 School Finance	\$4,248,000
43-5092 Compliance and Auditing	3,056,000
99-5095 Administration and Support Services	<u>10,808,000</u>
Total Direct State Services Appropriation, Education	
Administration and Management	<u>\$18,112,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$16,379,000)
Materials and Supplies	(184,000)
Services Other Than Personal	(963,000)
Maintenance and Fixed Charges	(36,000)

Special Purpose:

43 Internal Auditing	(500,000)
99 State Board of Education Expenses	(50,000)

Receipts derived from fees for school district personnel background checks and unexpended balances at the end of the preceding fiscal year of such receipts are appropriated for the operation of the criminal history review program.

The unexpended balance at the end of the preceding fiscal year in the Student Registration and Record System account is appropriated for the same purpose.

Costs attributable to EdSmart and EasyIEP, as well as required enhancements to the statewide longitudinal data system, shall be paid from revenue received

from the Special Education Medicaid Initiative (SEMI) program and are appropriated for these purposes to the Student Registration and Record System account upon recommendation from the Commissioner of Education, subject to the approval of the Director of the Division of Budget and Accounting.

In the event that revenues received from the Special Education Medicaid Initiative (SEMI) program are insufficient to satisfy costs attributable to EdSmart and EasyIEP, as well as required enhancements to the statewide longitudinal data system, there are appropriated to the Student Registration and Record System account such sums as may be required as the Director of the Division of Budget and Accounting shall determine.

Department of Education, Total State Appropriation..... \$10,377,684,000

Of the amount hereinabove appropriated from the General Fund for the Department of Education, or otherwise available from federal sources, there are appropriated funds to establish a School Security Planning and Assurance Unit within the Department of Education, staffed to plan, coordinate, and conduct an on-going comprehensive security assessment and vulnerability reduction program for school sites Statewide, in collaboration with schools and law enforcement, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the Department of Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget Message and Recommendations first shall be charged to the State Lottery Fund.

Notwithstanding the provisions of any law or regulation to the contrary, monies directed to be paid to the Department of Education as a result of settlement of litigation by the Board of Public Utilities or to be paid to the Department of Education in connection with a stipulation of settlement in a merger approved by the Board of Public Utilities are appropriated for the purposes specified in the settlement agreement or stipulation, subject to the approval of the Director of the Division of Budget and Accounting.

From federal funds that are available via the enhancing Education Through Technology (EETT) program, the New Jersey Department of Education shall dedicate such funds to the continuation of Teaching and Learning with Essential New Technologies in the 21st Century (TALENT21), by which competitive grants are awarded to school districts for the purchase or lease of wireless computer hardware, software and training. Twenty-five percent of any grant award shall be innovative new teaching methods. The New Jersey Department of Education shall award grants pursuant to a competitive process and in a manner that complies with applicable federal law. Funding shall enable the purchase of the following components: hardware and software; including wireless laptop computers; broadband internet access; access to digital content

that is aligned to State standards; professional development for teachers; and technical support.

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 sums as are required to satisfy delayed June 2010 school aid payments are appropriated and the State Treasurer is hereby authorized to make such payment in July 2010, as adjusted for any amounts due and owing to the State as of June 30, 2010.

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 subsection a. of section 5 of P.L.1996, c.138 (C.18A:7F-5) or any other law or regulation to the contrary, no adjustments shall be made to State Aid amounts payable during the 2010-2011 school year based on adjustments to the 2009-2010 allocations using actual pupil counts.

Notwithstanding the provisions of section 3 of P.L.2007, c.260 (C.18A:7F-45) or any other law or regulation to the contrary, "CPI" means the rate of annual percentage increase calculated in accordance with section 2 of P.L.1999, c.168 (C.52:27D-442).

Notwithstanding the provisions of any law or regulation to the contrary, a district's 2010-2011 allocation of the sum of the following aid categories: Equalization Aid, Educational Adequacy Aid, Security Aid, Adjustment Aid, School Choice, Special Education Categorical Aid, and Transportation Aid shall be reduced by an amount equal to the lesser of 4.994% of the district's total gen-

eral fund appropriations in the district's adopted 2009-2010 budget or the sum of its 2010-2011 initial allocation of the aforementioned categories of aid. The commissioner shall determine the hierarchy of aid categories for reduction.

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 will be assessed an amount that represents 15% of their proportionate share of the required interest and principal payments in fiscal 2011 on the bonds issued by the New Jersey Economic Development Authority for the program. The district's assessment will be determined by the commissioner based on the district's proportionate share of the amounts expended by the New Jersey Schools Development Authority from the inception of the program through December 31, 2009, less reimbursements for those costs funded by school districts. District allocations will be withheld from 2010-2011 formula aid payments and the assessment cannot exceed the total of those payments.

Notwithstanding the provisions of any law or regulation to the contrary, any school district receiving a final judgment or order against the State to assume the fiscal responsibility for the residential placement of a special education student shall have the amount of the judgment or order deducted from the State aid to be allocated to that district.

Notwithstanding the provisions of any law or regulation to the contrary, the Commissioner of Education may reduce the total State Aid amount payable for the 2010-2011 school year for a district in which an independent audit of the 2009-2010 school year conducted pursuant to N.J.S.18A:23-1 identifies any deviation from the Uniform Minimum Chart of Accounts after the recalculation of the district's actual "Total Administrative Costs" pursuant to N.J.A.C.6A:23A-8.3.

Notwithstanding the provisions of any law or regulation to the contrary, the Commissioner of Education may withhold State Aid payments to a school district that has not submitted in final form the data elements requested for inclusion in a Statewide data warehouse within 60 days of the department's initial request or its request for additional information, whichever is later.

In the event 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 sums 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 De-

partment 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 any law or regulation to the contrary, as a condition of payment of amounts hereinabove appropriated for State Aid, districts that meet the eligibility criteria for Educational Adequacy Aid pursuant to the provisions of subsection b. of section 16 of P.L.2007, c. 260 (C.18A:7F-58), shall be required to raise a local levy in the budget year in an amount that equals the lesser of the applicable required percentage increase and the amount necessary to meet adequacy.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated as General Formula Aid - Federal Economic Stimulus funded from the State Fiscal Stabilization Fund under the American Recovery and Reinvestment Act of 2009, are subject to the following condition: expenditures for teacher salaries made by school districts from such appropriations are deemed to be considered State supported for the purposes of reimbursement of fringe costs required under N.J.S.18A:66-90.

Notwithstanding the provisions of any law or regulation to the contrary, all funds allocated to charter schools by the districts of residence shall be deemed to be paid from appropriations for State Aid and not from appropriations from the State Fiscal Stabilization Fund under the American Recovery and Reinvestment Act of 2009.

Notwithstanding the provisions of "The State Facilities Education Act of 1979," P.L.1979, c.207 (C.18A:7B-1 et al.) or any other 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 any student enrolled in a vocational education program or a General Educational Development Program.

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.....	\$64,923,000
Grants-in-Aid.....	4,665,000
State Aid	10,308,096,000

Appropriations by Fund:

General Fund	\$993,120,000
Property Tax Relief Fund	9,384,564,000

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

42 Natural Resource Management

DIRECT STATE SERVICES

11-4870 Forest Resource Management	\$6,094,000
12-4875 Parks Management	19,806,000
13-4880 Hunters' and Anglers' License Fund.....	13,169,000
14-4885 Shellfish and Marine Fisheries Management	686,000
20-4880 Wildlife Management	158,000
21-4895 Natural Resources Engineering	1,167,000
24-4876 Palisades Interstate Park Commission	<u>2,394,000</u>
Total Direct State Services Appropriation, Natural Resource Management	<u>\$43,474,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$21,057,000)
Employee Benefits	(3,315,000)
Materials and Supplies.....	(4,943,000)
Services Other Than Personal.....	(2,859,000)
Maintenance and Fixed Charges.....	(2,624,000)

Special Purpose:

11 Fire Fighting Costs	(2,259,000)
12 Green Acres/Open Space Administration....	(5,092,000)
20 Endangered Species Tax Check- Off Donations	(158,000)
21 Dam Safety	(1,167,000)

In addition to the amount hereinabove appropriated for Forest Resource Management, an amount not to exceed \$500,000 shall be made available from the Water Resources Monitoring and Planning-Constitutional Dedication special purpose account to support nonpoint source pollution and watershed management programs in the Bureau of Forestry.

In addition to the amount hereinabove appropriated for Forest Resource Management, an amount not to exceed \$590,000 is appropriated from the Shade Tree

and Community Forest Preservation License Plate Fund, established pursuant to section 12 of P.L.1996, c.135 (C.39:3-27.81), for the operation and maintenance of the Forest Resource Education Center and State Nursery.

In addition to the amount hereinabove appropriated for Forest Resource Management, an amount not to exceed \$325,000 is appropriated from the Global Warming Solutions Fund, established pursuant to section 6 of P.L.2007, c.340 (C.26:2C-50), for the Community Forestry 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 for the Green Acres/Open Space Administration account is transferred from the Garden State Preservation Trust to the General Fund, together with an amount not to exceed \$485,000, and is appropriated to the Department of Environmental Protection for Green Acres/Open Space Administration, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from fees and permit receipts from the use of State park and marina facilities, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated for Parks Management, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Parks Management, an amount not to exceed \$10,000,000 is appropriated from the Shade Tree and Community Forest Preservation License Plate Fund, established pursuant to section 12 of P.L.1996, c.135 (C.39:3-27.81), for the operation and maintenance of State parks and forests.

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.

Of the amount hereinabove for the Hunters' and Anglers' License Fund, the first \$11,500,000 is appropriated out of 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. 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 sums 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 State 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 for the Endangered Species Tax Check-Off Donations account is payable out of receipts, and the unexpended balances in the Endangered Species Tax Check-Off Donations account at the end of the preceding fiscal year, together with receipts in excess of the amount anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

In addition to the amount hereinabove appropriated for Shellfish and Marine Fisheries Management, an amount not to exceed \$1,100,000 is appropriated from balances in the Nuclear Emergency Response account for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed \$4,442,000 is allocated 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 \$1,158,000 is allocated 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.

An amount not to exceed \$440,000 is allocated from the capital construction appropriation for Shore Protection Fund Projects for the operation and maintenance of the Bayshore Flood Control facility.

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.

Of the amount hereinabove appropriated for the Recreational Land Development and Conservation - Constitutional Dedication account, an amount not to exceed five percent of the appropriation shall be allocated for costs associated with the administration of the program pursuant to the amendments effective December 7, 2006 to Article VIII, Section II, paragraph 6 of the State Constitution.

The unexpended balance at the end of the preceding fiscal year in the Recreational Land Development and Conservation - Constitutional Dedication administrative account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated to the Delaware and Raritan Canal Commission such sums as may be collected from permit review fees pursuant to P.L.2007, c.142, subject to the approval of the Director of the Division of Budget and Accounting.

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 sums as may be necessary to remove dams that may be abandoned, have disputed ownership, or are not in compliance with current inspection requirements or repair. The unexpended balance at the end of the preceding fiscal year of such receipts are appropriated to the Department of Environmental Protection for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Forest Resource Management, there is appropriated \$800,000 from the Motor Vehicle Commission.

GRANTS-IN-AID

Loan repayments received from dam rehabilitation projects pursuant to P.L.1999, c.347, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

CAPITAL CONSTRUCTION

21-4895 Natural Resources Engineering	\$31,500,000
29-4875 Environmental Management - CBT Dedication	<u>15,500,000</u>
Total Capital Construction Appropriation, Natural	
Resource Management	<u>\$47,000,000</u>

Capital Construction:

Bureau of Parks:

- 29 Recreational Land Development and
Conservation - Constitutional Dedication(\$15,500,000)

Natural Resources Engineering:

- 21 Shore Protection Fund Projects.....(25,000,000)
- 21 HR-6 Flood Control.....(6,500,000)

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 \$1,400,000 is allocated from the capital construction appropriation for Shore Protection Fund Projects for repairs to the Bayshore Flood Control facility.

The amounts hereinabove appropriated for Recreational Land Development and Conservation - Constitutional Dedication shall be provided from revenue received from the Corporation Business Tax, pursuant to the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution.

Of the amount hereinabove appropriated for the Recreational Land Development and Conservation - Constitutional Dedication account, an amount not to exceed \$310,000 is appropriated to the Palisades Interstate Park Commission for costs associated with the capital improvement of recreational land, subject to the approval of the Director of the Division of Budget and Accounting.

43 Science and Technical Programs

DIRECT STATE SERVICES

05-4840 Water Supply	\$8,443,000
15-4890 Land Use Regulation	12,638,000
18-4810 Office of Science Support	1,409,000
29-4850 Environmental Management - CBT Dedication	15,500,000
90-4801 Environmental Policy and Planning	<u>399,000</u>
Total Direct State Services Appropriation, Science and Technical Programs	<u>\$38,389,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$8,580,000)
Materials and Supplies	(36,000)
Services Other Than Personal	(1,730,000)
Maintenance and Fixed Charges	(75,000)

Special Purpose:

05 Administrative Costs Water Supply Bond Act of 1981 - Management	(2,300,000)
05 Administrative Costs Water Supply Bond Act of 1981 - Watershed and Aquifer	(1,729,000)
05 Administrative Costs Water Supply Bond Act of 1981 - Planning and Standards	(324,000)
05 Water/Wastewater Operators Licenses	(43,000)
05 Safe Drinking Water Fund	(2,445,000)
15 Tidelands Peak Demands	(3,132,000)
15 Highlands Permitting	(2,245,000)
18 Hazardous Waste Research	(250,000)
29 Water Resources Monitoring and Planning - Constitutional Dedication	(15,500,000)

The amounts hereinabove appropriated for the Administrative Costs Water Supply Bond Act of 1981 - Management, Watershed and Aquifer, and Planning and Standards accounts are appropriated from the "Water Supply Bond Act of 1981," P.L.1981, c.261, together with an amount not to exceed \$228,000, for costs attributable to administration of water supply programs, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the 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 \$1,313,000, 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.

The amount hereinabove for the Hazardous Waste Research account is appropriated from interest earned by 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.

The amount hereinabove appropriated for the Environmental Management - CBT Dedication program classification 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 non-point source pollution and watershed management programs, consistent with the constitutional dedication, within the Department of Environmental Protection in the amounts of \$1,536,000 for Water Monitoring and Standards, \$1,392,000 for New Jersey Geological Survey, \$157,000 for Watershed Management, \$500,000 for Forest Resource Management, and \$790,000 transferred to the Department of Agriculture to support the Conservation Cost Share program, at a level of \$540,000, and the Conservation Assistance Program, at a level of \$250,000, on or before September 1, 2010.

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 the Department of Environmental Protection may utilize from the funds appropriated from those sources hereinabove such sums 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 sums that may be received from the federal government for the Drinking Water State Revolving Fund program are appropriated.

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 individual amounts anticipated for Coastal Area Facility Review Act, Freshwater Wetlands, Stream Encroachment, Waterfront Development, and Wetlands fees, and the unexpended balance at the end of the preceding year of such receipts, are appropriated for administrative costs associated with Land Use Regulation, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year, of the amounts appropriated pursuant to P.L.2004, c.71 from the Water Supply Fund established in section 14 of the "Water Supply Bond Act of 1981," P.L.1981, c.261, is appropriated to the Department of Environmental Protection to be used for water supply demonstration projects consistent with the "Water Supply Bond Act of 1981," P.L.1981, c.261, 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.

All receipts from any voluntary greenhouse gas offsets program implemented by the Department of Environmental Protection are appropriated to the Department of Environmental Protection for the costs of administering the program.

GRANTS-IN-AID

The unexpended balance at the end of the preceding fiscal year in the Stormwater Management Grants account is appropriated.

The unexpended balance at the end of the preceding fiscal year in the Watershed Restoration Projects account is appropriated.

There is appropriated to the Lake Hopatcong Commission such sums 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.

Of the amount hereinabove for the Stormwater Management Grants program, such sums 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.

44 Site Remediation and Waste Management

DIRECT STATE SERVICES

23-4910 Solid and Hazardous Waste Management	\$5,963,000
27-4815 Remediation Management and Response	31,342,000
29-4815 Environmental Management - CBT Dedication	<u>9,300,000</u>
Total Direct State Services Appropriation, Site Remediation and Waste Management	<u>\$46,605,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$14,804,000)
Materials and Supplies	(170,000)
Services Other Than Personal	(2,853,000)
Maintenance and Fixed Charges	(436,000)

Special Purpose:

23 Office of Dredging and Sediment Technology	(410,000)
27 Hazardous Discharge Site Cleanup Fund - Responsible Party	(17,465,000)
27 Underground Storage Tanks	(909,000)
29 Cleanup Projects Administrative Costs - Constitutional Dedication	(9,300,000)

Additions, Improvements and Equipment (258,000)

The amount hereinabove appropriated for the Office of Dredging and Sediment Technology is appropriated from the 1996 Dredging and Containment Facility Fund, created pursuant to section 18 of P.L.1996, c.70, the "Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration, and Delaware Bay Area Economic Development Bond Act of 1996," together with an amount not to exceed \$284,000 for the administration of the Dredging and Sediment Technology program, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated from the Sanitary Landfill Facility Contingency Fund such sums as may be required to carry out the provisions of the "Sanitary Landfill Facility Closure and Contingency Fund Act," P.L.1981, c.306 (C.13:1E-100 et seq.).

In addition to site specific charges, the amounts hereinabove for the Remediation Management and Response program classification, excluding the Hazardous Discharge Site Cleanup Fund - Responsible Party and the Underground Storage Tanks accounts, are appropriated from the New Jersey Spill Compensation Fund, in accordance with the provisions of P.L.1976, c.141 (C.58:10-23.11 et seq.), together with an amount not to exceed \$8,239,000 for adminis-

trative costs associated with the cleanup of hazardous waste sites, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Hazardous Discharge Site Cleanup Fund - Responsible Party account is appropriated from responsible party cost recoveries deposited in the Hazardous Discharge Site Cleanup Fund, together with an amount not to exceed \$10,584,000 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 sums, as necessary, received from cost recoveries and from the Licensed Site Remediation Professionals fees and deposited in the Hazardous Discharge Site Cleanup Fund, for the cleanup of hazardous waste sites and the costs associated with the "Site Remediation Reform Act," subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Underground Storage Tanks account shall be credited against responsible party cost recoveries deposited in the Hazardous Discharge Site Cleanup Fund for administration of the Underground Storage Tanks program, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the federal funds amount for the Publicly-Funded Site Remediation program classification and the Remediation Management and Response program classification, such additional sums that may be received from the federal government for the Superfund Grants program are hereby appropriated.

The amount hereinabove appropriated for the Environmental Management - CBT Dedication program classification 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 Cleanup Projects Administrative Costs - Constitutional Dedication account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from Solid Waste Utility Regulation, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated to the Solid and Hazardous Waste Management program classification and County Environmental Health Act agencies for costs incurred to oversee the State's recycling efforts and other solid waste program activities.

Receipts derived from the sale of salvaged materials are appropriated to offset costs incurred in the cleanup and removal of hazardous substances.

There are appropriated from the New Jersey Spill Compensation Fund such sums as may be required for cleanup operations, adjusters, and paying approved claims for damages in accordance with the provisions of P.L.1976, c.141

(C.58:10-23.11 et seq.), 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 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 Clean Communities Council pursuant to a contract between the Department and the 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).

There is hereby appropriated from the Petroleum Underground Storage Tank Remediation, Upgrade, and Closure Fund an amount not to exceed \$1,000,000 for costs associated with the Department's administration of the loan and grant program for the upgrade, replacement, or closure of underground storage tanks that store or were used to store hazardous substances pursuant to the amendments effective December 8, 2005 to Article VIII, Section II, paragraph 6 of the State Constitution. The unexpended balance at the end of the preceding fiscal year in the Private Underground Tank Administrative Costs - Constitutional Dedication account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated to the Department of Environmental Protection from those facilities submitting environmental assessments required for licensing pursuant to subsection f. of section 7 of P.L.2006, c.47 (C.9:3A-7) and section 5 of P.L.1983, c.492 (C.30:5B-5) such sums as may be collected to offset the Department's cost related to the environmental inspection of day care facilities.

Notwithstanding the provisions of any other law or regulation to the contrary, future cost recoveries from litigation related to the Passaic River cleanup, not to exceed \$12,000,000, shall be reimbursed to the New Jersey Spill Compensation Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any other law or regulation to the contrary, there is appropriated from the Hazardous Discharge Site Cleanup Fund an amount of \$6,000,000 for the direct and indirect costs of legal and consulting services associated with litigation related to the Passaic River Cleanup, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any other law or regulation to the contrary, there is appropriated from the Sanitary Landfill Facility Contingency Fund \$700,000 to the Department of Human Services for the closure of a sewage plant and wells at the North Jersey Developmental Center.

CAPITAL CONSTRUCTION

29-4815 Environmental Management - CBT Dedication	<u>\$45,466,000</u>
Total Capital Construction Appropriation, Site	
Remediation and Waste Management	<u>\$45,466,000</u>

Capital Construction:

29 Hazardous Substance Discharge Remediation - Constitutional Dedication	(\$19,633,000)
29 Hazardous Substance Discharge Remediation Loans and Grants - Constitutional Dedication.....	(25,833,000)

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 sums as necessary, as determined by the Director of the Division of Budget and Accounting, shall be made available for site remediation costs associated with State-owned properties and State-owned underground storage tanks.

All natural resource and other associated damages recovered by the State shall be deposited in the Hazardous Discharge Site Cleanup Fund established pursuant to section 1 of P.L.1985, c.247 (C.58:10-23.34), and are appropriated for: direct and indirect costs of remediation, restoration, and clean up; costs for consulting, expert, and legal services incurred in pursuing claims for damages; and grants to local governments and nonprofit organizations to further implement restoration activities of the Office of Natural Resource Restoration.

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 allocated to the 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.

45 Environmental Regulation**DIRECT STATE SERVICES**

01-4820 Radiation Protection.....	\$6,034,000
02-4892 Air Pollution Control.....	16,385,000
08-4891 Water Pollution Control	7,835,000
09-4860 Public Wastewater Facilities	<u>2,762,000</u>
Total Direct State Services Appropriation, Environmental Regulation.....	<u>\$33,016,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$18,443,000)
Materials and Supplies.....	(183,000)
Services Other Than Personal.....	(3,654,000)
Maintenance and Fixed Charges.....	(193,000)

Special Purpose:

01 Nuclear Emergency Response	(2,490,000)
01 Quality Assurance - Lab Certification Programs.....	(1,721,000)
02 Pollution Prevention	(1,549,000)
02 Toxic Catastrophe Prevention.....	(1,038,000)
02 Worker and Community Right to Know Act	(1,097,000)
02 Oil Spill Prevention	(2,648,000)

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.), and the unexpended balances at the end of the preceding fiscal year in the Nuclear Emergency Response account, together with receipts in excess of the amount anticipated, not to exceed \$685,000, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated from the Commercial Vehicle Enforcement Fund, established pursuant to section 17 of P.L.1995, c.157 (C.39:8-75), such sums 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.

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 \$618,000, 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 \$619,000, 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 \$1,208,000, 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 P.L.1990, c.80 (C.58:10-23.11f1), subject to the approval of the Director of the Division of Budget and Accounting.

Any funds received by the New Jersey Environmental Infrastructure Trust from any State agency to offset the Trust's annual operating expenses are appropriated.

In addition to the federal funds amount for the Public Wastewater Facilities program classification, such additional sums that may be received from the federal government for the Clean Water State Revolving Fund program are appropriated.

Receipts in excess of those anticipated from Air Permitting Minor Source Fees, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated to the Department of Environmental Protection for expansion of the Air Pollution Control program, and for County Environmental Health Act agencies to inspect non-major source facilities, 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 other law or regulation to the contrary, in addition to the amount anticipated to the General Fund from the Environmental Infrastructure Financing Program Administrative Fee, there is appropriated \$2,024,000 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.

Of the amount hereinabove appropriated for the Diesel Risk Mitigation Fund - Constitutional Dedication, an amount not to exceed \$1,150,000 shall be appropriated for costs associated with the administration of the program pursuant to the amendments effective December 8, 2005, to Article VIII, Section II, paragraph 6 of the State Constitution. The unexpended balance at the end of the preceding fiscal year in the Diesel Risk Mitigation Fund Administrative Costs - Constitutional Dedication account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

29-4892 Environmental Management - CBT Dedication	<u>\$17,567,000</u>
Total Grants-in-Aid Appropriation,	
Environmental Regulation	<u>\$17,567,000</u>

Grants-in-Aid:

29 Diesel Risk Mitigation Fund -	
Constitutional Dedication.....	(\$17,567,000)

The amount hereinabove appropriated for the Diesel Risk Mitigation Fund - Constitutional Dedication shall be provided from revenue received from the Cor-

poration 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 Diesel Risk Mitigation Fund - Constitutional Dedication account is 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, funds hereinabove appropriated from the Diesel Risk Mitigation Fund - Constitutional Dedication account may be used to reimburse the owner of a regulated vehicle or regulated equipment as defined by section 2 of P.L.2005, c.219 (C.26:2C-8.27) for the cost of repowering or rebuilding a diesel engine if repowering or rebuilding results in a reduction of fine particle diesel emissions from that engine as approved by the Department of Environmental Protection and in accordance with rules adopted pursuant thereto. Any reimbursement shall be subject to conditions and limitations provided in P.L.2005, c.219 (C.26:2C-8.26 et seq.) and rules adopted pursuant thereto and shall not exceed the amount of the lowest priced retrofit device on the State Contract at the prescribed best available retrofit technology level for the subject vehicle or equipment type.

46 Environmental Planning and Administration

DIRECT STATE SERVICES

26-4805 Regulatory and Governmental Affairs.....	\$1,524,000
99-4800 Administration and Support Services	<u>16,357,000</u>
Total Direct State Services Appropriation,	
Environmental Planning and Administration	<u>\$17,881,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$15,218,000)
Materials and Supplies.....	(244,000)
Services Other Than Personal.....	(854,000)
Maintenance and Fixed Charges.....	(165,000)

Special Purpose:

99 New Jersey Environmental Management System(1,400,000)

The unexpended balance at the end of the preceding fiscal year in the Office of the Records Custodian Open Public Records Act account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

99-4800 Administration and Support Services	<u>\$5,367,000</u>
Total State Aid Appropriation, Environmental Planning	
and Administration	<u>\$5,367,000</u>

State Aid:

- 99 Mosquito Control, Research,
Administration and Operations.....(\$1,346,000)
- 99 Administration and Operations of the
Highlands Council.....(1,852,000)
- 99 Administration, Planning and Development
Activities of the Pinelands Commission.....(2,169,000)

Receipts derived from permit fees issued 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, 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.....	\$4,353,000
04-4835	Pesticide Control	2,534,000
08-4855	Water Pollution Control	6,210,000
15-4855	Land Use Regulation	1,965,000
23-4855	Solid and Hazardous Waste Management	<u>6,132,000</u>
Total Direct State Services Appropriation, Compliance and Enforcement		<u>\$21,194,000</u>

Direct State Services:**Personal Services:**

- Salaries and Wages.....(\$16,648,000)
- Materials and Supplies.....(110,000)
- Services Other Than Personal.....(2,779,000)
- Maintenance and Fixed Charges.....(629,000)

Special Purpose:

- 15 Tidelands Peak Demands.....(1,028,000)

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 Coop-

erative Coastal Monitoring Program, and the amount of \$10,000 for the implementation of the "New Jersey Adopt a Beach Act," P.L.1992, c.213 (C.13:19-22 et seq.). Receipts deposited into the Coastal Protection Trust Fund in excess of \$650,000, but not to exceed \$1,000,000, will be distributed proportionately among the programs listed above in accordance with P.L.1993, c.168 (C.39:3-27.47 et seq.). Receipts deposited into the Coastal Protection Trust Fund in excess of \$1,000,000 are appropriated to finance emergency shore protection projects and the cleanup of discharges into the ocean, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated for Pesticide Fees, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated to the Department of Environmental Protection, subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

08-4855 Water Pollution Control.....	<u>\$2,700,000</u>
Total State Aid Appropriation, Compliance and Enforcement.....	<u>\$2,700,000</u>

State Aid:

08 County Environmental Health Act (\$2,700,000)

Department of Environmental Protection,

Total State Appropriation.....	<u>\$318,659,000</u>

The amounts hereinabove appropriated for the Tidelands Peak Demands accounts are payable from receipts derived 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 \$3,622,000 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 the Department 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 State 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 Envi-

ronmental 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 \$7,210,000 anticipated for Air Pollution, Clean Water Enforcement, Land Use, Solid Waste, and Hazardous Waste fines, not to exceed \$1,500,000, and the unexpended balance at the end of the preceding fiscal year are appropriated for the expansion of compliance, enforcement, and permitting efforts in the Department, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from New Jersey Pollutant Discharge Elimination System/Stormwater Permits, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated to the Department of Environmental Protection to offset the costs of the Water Pollution Control Program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.) or any law or regulation to the contrary, of the amounts hereinabove appropriated for water resource evaluation studies and monitoring, the Department of Environmental Protection may enter into contracts with the United States Geological Survey to provide the State's match to joint funding agreements for water resource evaluation studies and monitoring analyses.

Of the amount hereinabove appropriated for the Hazardous Substance Discharge Remediation Loans and Grants-Constitutional Dedication account, an amount not to exceed \$2,000,000 shall be allocated for costs associated with the State Underground Storage Tank Inspection Program, pursuant to the amendments effective December 4, 2003, 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, 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 other law 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 project.

Of the amounts hereinabove appropriated for the Quality Assurance - Lab Certification Programs account, Administration and Support Services, Environmental Policy and Planning, and Office of Science Support, the first \$5,000,000 is payable out of the Hazardous Discharge Site Cleanup Fund, subject to the approval of the Director of the Division of Budget and Accounting.

In the event that revenues are received in excess of the amount of revenues anticipated from Solid Waste Utility Regulation, Water Allocation, New Jersey Pollutant Discharge Elimination System/Stormwater Permits, Coastal Area Facility Review Act, Freshwater Wetlands, Stream Encroachment, Waterfront Development, Wetlands, Well Permits/Well Drillers/Pump Installers Licenses, Water and Wastewater Operators Licensing Program, Air Permitting Minor Source, and Pesticide fees, if the amounts of such unanticipated revenues exceed \$7,600,000, the amounts of such unanticipated revenues in excess of \$7,600,000 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.

**Summary of Department of Environmental Protection Appropriations
(For Display Purposes Only)**

Appropriations by Category:

Direct State Services.....	\$200,559,000
Grants-in-Aid.....	17,567,000
State Aid	8,067,000
Capital Construction.....	92,466,000

Appropriations by Fund:

General Fund	\$318,659,000

46 DEPARTMENT OF HEALTH AND SENIOR SERVICES

20 Physical and Mental Health

21 Health Services

DIRECT STATE SERVICES

01-4215 Vital Statistics.....	\$1,323,000
02-4220 Family Health Services	1,668,000
03-4230 Public Health Protection Services	11,058,000
08-4280 Laboratory Services.....	15,397,000
12-4245 AIDS Services	<u>1,401,000</u>
Total Direct State Services Appropriation, Health Services.....	<u>\$30,847,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$14,433,000)
Materials and Supplies.....	(2,229,000)
Services Other Than Personal.....	(3,543,000)
Maintenance and Fixed Charges.....	(1,606,000)

Special Purpose:

02 WIC Farmers Market Program	(87,000)
02 Breast Cancer Public Awareness Campaign.....	(90,000)
02 Identification System for Children's Health and Disabilities	(300,000)
02 Public Awareness Campaign for Black Infant Mortality	(500,000)
03 New Jersey Domestic Security Preparedness.....	(260,000)
03 Cancer Registry	(400,000)
03 Cancer Investigation and Education	(500,000)
03 Emergency Medical Services for Children	(50,000)
03 School Based Programs and Youth Anti-Smoking	(439,000)
03 Anti-Smoking Programs	(43,000)
03 New Jersey State Commission on Cancer Research.....	(94,000)
03 Animal Welfare	(150,000)
03 Worker and Community Right to Know	(2,382,000)
03 New Jersey Coalition to Promote Cancer Prevention, Early Detection and Treatment	(85,000)
08 New Jersey Domestic Security Preparedness.....	(364,000)
08 West Nile Virus - Laboratory	(640,000)
08 Additions, Improvements and Equipment ...	(2,652,000)

The unexpended balance at the end of the preceding fiscal year in the New Jersey Emergency Medical Service Helicopter Response Program account is appropriated.

In addition to the amounts hereinabove appropriated, notwithstanding the provisions of any law or regulation to the contrary, there is appropriated \$150,000 from the "Emergency Medical Technician Training Fund" to fund the Emergency Medical Services for Children Program.

Notwithstanding the provisions of any law 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 from the "Emergency Medical Technician Training Fund" \$79,000 for Emergency Medical Services and \$125,000 for the First Response EMT Cardiac Training Program.

Notwithstanding the provisions of any law 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 in 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.

The unexpended balance at the end of the preceding fiscal year in the New Jersey State Commission on Cancer Research account is appropriated.

Amounts deposited in the "New Jersey Breast Cancer Research Fund" from the gross income tax check-offs pursuant to the provisions of P.L.1995, c.26 (C.54A:9-25.7 et al.) are appropriated to the New Jersey State Commission on Cancer Research for breast cancer research projects, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "Worker and Community Right to Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove appropriated for the Worker and Community Right to Know account is payable from the "Worker and Community Right to Know Fund," and the receipts in excess of the amount anticipated, not to exceed \$614,000, are appropriated. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

Receipts derived 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.

The Director of the Division of Budget and Accounting is empowered to transfer or credit appropriations to the Department of Health and Senior Services 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 and Senior Services 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 and Senior Services in Health Services, in excess of those anticipated, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, \$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 unexpended balance at the end of the preceding fiscal year in the Services Other Than Personal account in the Division of Public Health and Environmental Laboratories is appropriated for the costs of relocating the Public Health, Environmental and Agricultural Laboratory.

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. 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 Cancer Research, New Jersey State Commission on Brain Injury Research, New Jersey Commission on Spinal Cord Research, and the Governor's Council for Medical Research and Treatment of Autism are subject to the following condition: an amount from each appropriation, subject to the approval of the Director of the Division of Budget and Accounting, may be used to pay the salary and other benefits of one person who shall serve as Executive Director for all four entities, with the services of such person allocated to the four entities as shall be determined by the four entities.

GRANTS-IN-AID

02-4220 Family Health Services	\$117,862,000
<i>(From General Fund.....</i>	<i>\$117,333,000)</i>
<i>(From Casino Revenue Fund.....</i>	<i>529,000)</i>
03-4230 Public Health Protection Services	43,099,000
12-4245 AIDS Services.....	<u>38,871,000</u>
Subtotal Grants-in-Aid, Health Services	<u>\$199,832,000</u>
<i>(From General Fund.....</i>	<i>\$199,303,000)</i>
<i>(From Casino Revenue Fund.....</i>	<i>529,000)</i>
Less:	
<i>Enhanced Federal Medicaid</i>	
<i>Matching Percentage</i>	<i><u>\$3,768,000</u></i>
<i>Total Deductions.....</i>	<i><u>\$3,768,000</u></i>
Total Grants-in-Aid Appropriation, Senior Services.....	<u>\$196,064,000</u>
<i>(From General Fund.....</i>	<i>\$195,535,000)</i>
<i>(From Casino Revenue Fund.....</i>	<i>529,000)</i>

Grants-in-Aid:

Special Purpose:

02 Maternal, Child and Chronic Health Services.....	(\$26,756,000)
02 Statewide Birth Defects Registry (CRF)	(529,000)
02 Poison Control Center	(587,000)
02 Early Childhood Intervention Program	(86,648,000)
02 Early Intervention Contracts.....	(892,000)
02 Surveillance, Epidemiology, and End Results Expansion Program - CINJ.....	(2,000,000)
02 Postpartum Education Campaign	(450,000)
03 Implementation of Comprehensive Cancer Control Program.....	(1,200,000)

03 Hospital Asset Transformation Program	
- Debt Service	(18,218,000)
03 Cancer Institute of New Jersey	(18,000,000)
03 Cancer Institute of New Jersey, South Jersey Program	(5,400,000)
03 Worker and Community Right to Know	(281,000)
12 AIDS Grants	(21,651,000)
12 AIDS Drug Distribution Program	(17,220,000)

Less:**Enhanced Federal Medicaid**

Matching Percentage..... 3,768,000

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 Cancer Screening - Early Detection and Education Program, an amount may be transferred to Direct State Services in the Department of Health and Senior Services to cover administrative costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated \$570,000 from the Alcohol Education, Rehabilitation and Enforcement Fund to fund the Fetal Alcohol Syndrome Program.

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 and Senior Services to cover administrative costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

From the amount hereinabove appropriated for the Cancer Institute of New Jersey, \$250,000 is appropriated to the Ovarian Cancer Research Fund.

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 sums 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.

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 AIDS Drug Distribution Program 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 and Senior Services 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 and Senior Services, 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.

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 and Senior 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 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 August 2007 or the next most recent published edition of the New Jersey Early Intervention System Family Cost Participation Handbook.

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.26:21-7.1) in connection with the Hospital Asset Transformation Program.

The unexpended balance at the end of the preceding fiscal year in the AIDS Drug Distribution Program account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

No funds hereinabove appropriated to the Department of Health and Senior Services shall be used for the Medical Waste Management Program. The Department of Health and Senior Services 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.

The unexpended balance at the end of the preceding fiscal year in the Cancer Research account is appropriated.

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 Cancer Institute of New Jersey, South Jersey Program account are appropriated to the program for cancer-related capital equipment, design, engineering and construction expenses.

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 and Senior Services to cover administrative costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for the Early Childhood Intervention Program, such additional sums 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 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.

Upon a determination by the Commissioner of Health and Senior Services, 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 any law or regulation to the contrary, no amounts hereinabove appropriated for the AIDS Drug Distribution Program shall be expended 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 and weight loss.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the AIDS Drug Distribution Program shall be conditioned upon the following provision: the annual income eligibility for participation in this program shall not exceed 300% of federal poverty level. No funds shall be expended for recipients earning greater than 300% of the federal poverty level.

STATE AID

Notwithstanding the provisions of any law or regulation to the contrary, none of the monies appropriated to the Department of Health and Senior Services are appropriated to public health priority programs under P.L.1996, c.36 (C.26:2F-1 et seq.).

22 Health Planning and Evaluation

DIRECT STATE SERVICES

06-4260 Long Term Care Systems	\$4,598,000
07-4270 Health Care Systems Analysis	<u>1,651,000</u>
Total Direct State Services Appropriation, Health Planning and Evaluation.....	<u>\$6,249,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$4,143,000)
Materials and Supplies.....	(73,000)
Services Other Than Personal.....	(441,000)
Maintenance and Fixed Charges	(176,000)

Special Purpose:

06 Nursing Home Background Checks/ Nursing Aide Certification Program	(979,000)
06 Implement Patient Safety Act.....	(400,000)
Additions, Improvements and Equipment	(37,000)

There are appropriated such sums as are required to the "Health Care Facilities Improvement Fund" to provide available resources in an emergency situation at a health care facility, as defined by the Commissioner of Health and Senior

Services, or for closure of a health care facility, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from fees charged for processing Certificate of Need applications and the unexpended balances at the end of the preceding fiscal year of such receipts are appropriated for the cost of this program, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

07-4270 Health Care Systems Analysis.....	<u>\$57,298,000</u>
Total Grants-in-Aid Appropriation, Health	
Planning and Evaluation.....	<u>\$57,298,000</u>

Grants-in-Aid:

07 Health Care Subsidy Fund Payments.....(\$57,298,000)

There are appropriated such sums as are necessary to pay prior-year obligations of programs within the Health Care Subsidy 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, \$6,000,000 of the amount hereinabove for the Health Care Subsidy Fund Payments account is appropriated from the Admission Charge Hospital Assessment revenue item.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Health Care Subsidy Fund Payments shall be charged to the revenues derived from the \$0.35 increase in the cigarette tax rate imposed pursuant to P.L.2004, c.67.

Notwithstanding the provisions of any law or regulation to the contrary, all revenues collected from the tax on cosmetic medical procedures pursuant to P.L.2004, c.53 (C.54:32E-1) shall be deposited in the Health Care Subsidy Fund established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58).

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/Medicaid 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 the Department of Health and Senior Services 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 purpose, the cost of such review to be borne by the acute care hospital, and shall comply with any financial and operational performance requirements imposed by the commissioner as deemed necessary as a result of the review.

Notwithstanding the provisions of any law or regulation to the contrary, the appropriation for Health Care Subsidy Fund Payments in State Fiscal Year (SFY) 2011 shall be calculated pursuant to section 3 of P.L.2004, c.113 (C.26:2H-18.59i), except that: (a) in paragraph (1) of subsection b. of section

3 of P.L.2004, c.113, source data used shall be from calendar year 2009 for documented charity care claims data and hospital-specific gross revenue for charity care patients, and shall include all adjustments and void claims related to calendar year 2009 and any prior year submitted claim, as submitted by each acute care hospital or determined by the Department of Health and Senior Services (DHSS); (b) in paragraph (1) of subsection b. of section 3 of P.L.2004, c.113, source data used for each hospital's total gross revenue for all patients shall be from the Acute Care Hospital Cost Report as defined by Form E4, Line 1, Column E data and shall be according to the DHSS advance submission request dated February 11, 2010, as submitted by each acute care hospital by March 11, 2010, and source data used for Medicare Cost Report data shall be from calendar year 2008; (c) for an eligible hospital that failed to submit its total gross revenue for all patients from the Acute Care Hospital Cost Report as defined by Form E4, Line 1, Column E data according to the DHSS advance submission request dated February 11, 2010, in paragraph (1) of subsection b. of section 3 of P.L.2004, c.113, source data from calendar year 2008 shall be used for hospital-specific gross revenue for charity care patients and for hospital total gross revenue for all patients as defined by Form E4, Line 1, Column E; (d) each eligible hospital shall be assigned to one of two tiers based on its initial Relative Charity Care Percentage (RCCP) as calculated in paragraph (1) of subsection b. of section 3 of P.L.2004, c.113, with Tier 1 hospitals having an initial RCCP greater than 5%, and Tier 2 hospitals having an initial RCCP less than Tier 1; (e) the hospital-specific subsidy initially calculated in accordance with subsections a. and b. of section 3 of P.L.2004, c.113 for each eligible hospital shall not be reduced for Tier 1 hospitals, and shall be reduced by 50% for Tier 2 hospitals; (f) for each eligible hospital the difference shall be calculated between its initial calculated SFY 2011 charity care subsidy and its total SFY 2010 charity care allocation including any reallocations; (g) if an eligible hospital's initial calculated SFY 2011 charity care subsidy is more than its total SFY 2010 subsidy allocation including any reallocations, the hospital-specific subsidy calculation for each eligible hospital shall be its total SFY 2010 subsidy allocation including any reallocations plus 55% of the difference calculated above; (h) if an eligible hospital's initial calculated SFY 2011 charity care subsidy is less than its total SFY 2010 subsidy allocation including any reallocations, the hospital-specific subsidy calculation for each eligible hospital shall be its total SFY 2010 subsidy allocation including any reallocations minus 55% of the difference calculated above; (i) if the hospital-specific subsidy calculated thus far for an eligible hospital is calculated to be more than 98% of its documented charity care for calendar year 2009, the hospital-specific subsidy for each hospital shall be reduced to 98% of its documented charity care; and (j) the hospital-specific subsidy for an eligible hospital assigned to Tier 2 shall not be less than 15% of its documented charity care for calendar year 2009. The resulting

number will constitute each eligible hospital's SFY 2011 charity care subsidy allocation. A proportionate increase will be applied to all hospitals if necessary such that the calculated SFY 2011 charity care subsidy allocation for all hospitals totaled shall not exceed \$665,000,000.

Of the amount hereinabove appropriated for Health Care Subsidy Fund Payments, any amounts not allocated to a hospital-specific State fiscal year 2010 charity care subsidy is appropriated, subject to the approval of the Director of the Division of Budget and Accounting, to the Health Care Stabilization Fund established pursuant to P.L.2008, c.33 and applied as set forth in such act. Combined funding for charity care and the Health Care Stabilization Fund shall not exceed \$695,000,000.

Notwithstanding the provisions of any law or regulation to the contrary, any funds remaining as the result of closure of a hospital eligible to receive Disproportionate Share Hospital (DSH) funds shall be redistributed at the discretion of the Commissioner of the Department of Health and Senior Services. Factors the commissioner will consider shall include, but not be limited to, maintenance of continued timely access to essential health services for persons eligible to participate in charity care, and continued operation in the same or adjoining municipality as the closed hospital of an acute care hospital, eligible to receive DSH funds, and serving substantially the same eligible population. Notice of such redistribution shall be provided to the Joint Budget Oversight Committee within five business days of each redistribution.

The amounts hereinabove appropriated for Health Care Subsidy Fund Payments are conditioned upon the following provision: the Department of Health and Senior Services shall review, examine and/or audit any and all financial information maintained by an acute care hospital to ensure appropriate use of public funds.

The amounts hereinabove appropriated for charity care or other funding to a health care facility is conditioned upon the following requirement: such health care facility shall participate in planning meetings supervised by the Department of Health and Senior Services for the planning of the provision of hospital, medical or health programs and services, and shall, to the extent permitted by State and federal law, share patient level data as needed to facilitate such purposes.

Notwithstanding the provisions of any law or regulation to the contrary, any additional federal disproportionate share hospital matching funds received as a result of the conversion to a municipal hospital known as Hoboken University Medical Center are appropriated for the Hoboken University Medical Center in an amount to be determined by the Division of Medical Assistance and Health Services, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated from the Health Care Subsidy Fund for charity care payments are subject to the following condition: any hospital which received its entire fiscal year 2010 charity care allocation shall have its

fiscal year 2011 charity care allocation reduced by 1/2 of 1 month of its fiscal year 2010 charity care allocation, subject to the Director of the Division of Budget and Accounting.

25 Health Administration

DIRECT STATE SERVICES

99-4210 Administration and Support Services	<u>\$3,102,000</u>
Total Direct State Services Appropriation, Health Administration	<u>\$3,102,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$1,264,000)
Materials and Supplies.....	(49,000)
Services Other Than Personal.....	(238,000)

Special Purpose:

99 Office of Minority and Multicultural Health.....	(1,500,000)
99 Affirmative Action and Equal Employment Opportunity.....	(51,000)

26 Senior Services

DIRECT STATE SERVICES

22-4275 Medical Services for the Aged	\$3,951,000
24-4275 Pharmaceutical Assistance to the Aged and Disabled	6,078,000
55-4275 Programs for the Aged	1,234,000
(From General Fund.....)	\$363,000
(From Casino Revenue Fund.....)	871,000
57-4275 Office of the Public Guardian.....	634,000
Total Direct State Services Appropriation, Senior Services	<u>\$11,897,000</u>
(From General Fund.....)	\$11,026,000
(From Casino Revenue Fund.....)	871,000

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$7,715,000)
Salaries and Wages (CRF).....	(658,000)
Employee Benefits (CRF)	(138,000)
(From General Fund.....)	\$7,715,000
(From Casino Revenue Fund.....)	796,000
Materials and Supplies.....	(163,000)
Materials and Supplies (CRF)	(14,000)
Services Other Than Personal.....	(2,540,000)
Services Other Than Personal (CRF).....	(47,000)
Maintenance and Fixed Charges.....	(437,000)
Maintenance and Fixed Charges (CRF).....	(2,000)

Special Purpose:

55 Federal Programs for the Aged

(State Share)(143,000)

Additions, Improvements and Equipment(28,000)

Additions, Improvements and Equipment (CRF)(12,000)

When any action by a county welfare agency, whether alone or in combination with the Division of Medical Assistance and Health Services in the Department of Human Services or the Department of Health and Senior Services, results in a recovery of improperly granted medical assistance, the Division of Medical Assistance and Health Services or the Department of Health and Senior Services may reimburse the county welfare agency in the amount of 25% of the gross recovery.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program is subject to the following condition: any third party, as defined in subsection m. of section 3 of P.L.1968, c.413 (C.30:4D-3.m), 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 Health and Senior Services to permit and assist the matching of the Department of Health and Senior 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.

Such sums as may be necessary, not to exceed \$1,860,000, may be credited from the Energy Assistance program account in the Board of Public Utilities to the Lifeline program account and shall be applied in accordance with a Memorandum of Understanding between the President of the Board of Public Utilities and the Commissioner of Health and Senior Services, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from the Office of the Public Guardian for Elderly Adults are appropriated.

GRANTS-IN-AID

22-4275 Medical Services for the Aged \$948,560,000

*(From General Fund..... \$948,440,000)**(From Casino Revenue Fund..... 120,000)*

24-4275 Pharmaceutical Assistance to the Aged and Disabled 177,037,000

*(From General Fund..... 85,297,000)**(From Casino Revenue Fund 91,740,000)*

55-4275 Programs for the Aged 45,148,000

*(From General Fund 30,400,000)**(From Casino Revenue Fund..... 14,748,000)*Subtotal Grants-in-Aid, Senior Services..... \$1,170,745,000*(From General Fund..... \$1,064,137,000)*

<i>(From Casino Revenue Fund..... 106,608,000)</i>	
Less:	
<i>Enhanced Federal Medicaid</i>	
<i>Matching Percentage</i>	<i>\$309,323,000</i>
<i>Total Deductions</i>	<i>\$309,323,000</i>
Total Grants-in-Aid Appropriation, Senior Services.....	<u>\$861,422,000</u>
<i>(From General Fund..... \$754,814,000)</i>	
<i>(From Casino Revenue Fund..... 106,608,000)</i>	
<i>Grants-in-Aid:</i>	
22 Global Budget for Long Term Care.....	(\$94,501,000)
22 Payments for Medical Assistance	
Recipients - Nursing Homes.....	(755,215,000)
22 Medical Day Care Services	(98,724,000)
22 Hearing Aid Assistance for the Aged	
and Disabled (CRF).....	(120,000)
24 Pharmaceutical Assistance to the	
Aged - Claims.....	(3,750,000)
24 Pharmaceutical Assistance to the Aged	
and Disabled - Claims	(76,381,000)
24 Pharmaceutical Assistance to the Aged	
and Disabled - Claims (CRF)	(91,740,000)
24 Senior Gold Prescription	
Discount Program.....	(5,166,000)
55 Community Based Senior Programs.....	(30,400,000)
55 Community Based Senior	
Programs (CRF)	(14,748,000)

Less:

Enhanced Federal Medicaid

Matching Percentage 309,323,000

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from the various items of appropriation within the General Medical Services program classification in the Division of Medical Assistance and Health Services in the Department of Human Services and the Medical Services for the Aged program classification in Senior Services in the Department of Health and Senior Services, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred between the various items of appropriation within the Medical Services for the Aged and Programs for the Aged program classifications to

ensure the continuity of long-term care support services for beneficiaries receiving services within the Medical Services for the Aged program classification in the Division of Senior Services in the Department of Health and Senior Services, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

All funds recovered pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.) during the preceding fiscal year are appropriated for payments to providers in the same program class from which the recovery originated.

Notwithstanding the provisions of any law or regulation to the contrary, a sufficient portion of receipts generated or savings realized in the Medical Services for the Aged or Pharmaceutical Assistance to the Aged and Disabled Grants-In-Aid accounts from initiatives included in the current fiscal year appropriations act may be transferred to administration accounts to fund costs incurred in realizing these additional receipts or savings, subject to the approval of the Director of the Division of Budget and Accounting.

Subject to federal approval, the appropriations for those programs within the Medical Services for the Aged program classification are conditioned upon the Division of Medical Assistance and Health Services in the Department of Human Services and the Department of Health and Senior Services implementing policies that would limit the ability of persons who have the financial ability to provide for their own long-term care needs to manipulate current Medicaid rules to avoid payment for that care. The Division of Medical Assistance and Health Services and the Department of Health and Senior Services shall require, in the case of a married individual requiring long-term care services, that the portion of the couple's resources which are not protected for the needs of the community spouse be used solely for the purchase of long-term care services.

Such sums as may be necessary are appropriated from enhanced audit recoveries obtained by the Department of Health and Senior Services to fund the costs of enhanced audit recovery efforts of the Department within the Medical Services for the Aged program classification, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, resources in the Global Budget for Long Term Care line item may be supplemented with transfers from the Medical Services for the Aged Program accounts, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for Payments for Medical Assistance Recipients - Nursing Homes are available for the payment of obligations applicable to prior fiscal years.

Notwithstanding the provisions of any law or regulation to the contrary, payments from the Payments for Medical Assistance Recipients - Nursing Homes account shall be made at 50% only for bedhold days at facilities with total occu-

pancy rates at 90% or higher based on the occupancy percentage reported on each facility's latest cost report; however, nursing homes shall hold a bed for a Medicaid beneficiary who is hospitalized for up to ten days.

Such sums as may be necessary are appropriated from the General Fund for the payment of increased nursing home rates to reflect the costs incurred due to the payment of a nursing home provider assessment, pursuant to the "Nursing Home Quality of Care Improvement Fund Act," P.L.2003, c.105 (C.26:2H-92 et seq.), and P.L.2004, c.41, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of N.J.A.C.8:85 or any other law to the contrary, the amounts hereinabove appropriated for Payments for Medical Assistance Recipients - Nursing Homes and Global Budget for Long Term Care shall be conditioned upon the following: (1) each Special Care Nursing Facility shall receive the same per diem reimbursement rate as that nursing facility was entitled to receive in fiscal year 2010; (2) the per diem reimbursement rates effective July 1, 2010, for all other nursing facilities shall be developed according to the new rate setting methodology that shall be codified under N.J.A.C.8:85 during fiscal year 2011; (3) regardless of the actual calculated reimbursement per diem rate arising from implementation of this methodology, a nursing facility's per diem reimbursement rate shall not vary more than \$5.00 from the per diem reimbursement rate received by that facility during fiscal year 2010; and (4) monies designated pursuant to subsection c. of section 6 of P.L.2003, c.105 (C.26:2H-97) for distribution to nursing homes less the portion of those funds to be paid as pass-through payments in accordance with paragraph 1 of subsection d. of section 6 of P.L.2003, c.105 (C.26:2H-97) shall be combined with amounts hereinabove appropriated for Payments for Medical Assistance Recipients - Nursing Homes and Global Budget for Long Term Care for the purpose of Medicaid reimbursement to nursing facilities according to the new rate setting methodology. For the purposes of this paragraph, a nursing facility's per diem reimbursement 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.

Notwithstanding the provisions of any law or regulation to the contrary, no payment for Medicaid Adult or Pediatric Medical Day Care services, as hereinabove appropriated in the Medical Day Care Services account, shall be provided unless the services are prior authorized by professional staff designated by the Department of Health and Senior Services.

Notwithstanding the provisions of any law or regulation to the contrary, amounts hereinabove appropriated for Medical Day Care Services shall be conditioned upon the following provision: the per diem reimbursement rate for all adult Medical Day Care providers, regardless of provider type, shall be set at \$78.50.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Medical Day Care Services shall be conditioned on the following provision: physical therapy, occupational therapy and speech therapy shall no longer serve as permissible criteria for eligibility in the adult Medical Day Care Program.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for Medical Day Care Services shall be conditioned on the following provision: effective August 15, 2010, no payments for Medicaid 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 any law or regulation to the contrary, the amounts hereinabove appropriated for Medical Day Care Services shall be conditioned on the following provision: no licensed facility in the adult Medical Day Care Program may serve or receive reimbursement for more than 200 Medicaid beneficiaries per day. Furthermore, no reimbursement will be provided for any claim in excess of a given facility's licensed capacity as established by the Department of Health and Senior Services.

The amounts hereinabove appropriated for payments for the Pharmaceutical Assistance to the Aged and Disabled Program, P.L.1975, c.194 (C.30:4D-20 et seq.), and the Senior Gold Prescription Discount Program, P.L.2001, c.96 (C.30:4D-43 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.), and the Senior Gold Prescription Discount Program, P.L.2001, c.96 (C.30:4D-43 et seq.), shall be the last resource benefits, notwithstanding any provisions contained in contracts, wills, agreements, or other instruments. Any provision in a contract of insurance, will, trust agreement, or other instrument which reduces or excludes coverage or payment to an individual because of that individual's eligibility for, or receipt of, PAAD or Senior Gold Prescription Discount Program benefits shall be void, and no PAAD and Senior Gold Prescription Discount Program payments shall be made as a result of any such provision.

Of the amount hereinabove appropriated in the Pharmaceutical Assistance to the Aged and Disabled - Claims program, notwithstanding the provisions of section 3 of P.L.1975, c.194 (C.30:4D-22) to the contrary, the copayment in the Pharmaceutical Assistance to the Aged and Disabled program shall be \$5.00 for generic drugs and \$7.00 for brand name drugs.

At any point during the year, and notwithstanding the provisions of any law or regulation to the contrary, subject to the approval of a plan by the Commissioner of Health and Senior Services, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.), or the Senior Gold Prescription Discount Program, pursuant to P.L.2001, c.96 (C.30:4D-43 et seq.), shall be ex-

pended, when PAAD or Senior Gold is the primary payer, unless participating pharmaceutical manufacturing companies execute contracts with the Department of Health and Senior Services, through 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 section 1927 (a) through (c) of the federal Social Security Act, 42 U.S.C. s.1396r-8(a)-(c).

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 Health and Senior Services, through 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 Program. All revenues from such rebates during the current fiscal year are appropriated for the PAAD program and the Senior Gold Prescription Discount Program.

Notwithstanding the provisions of any other 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 prescription claims with no Medicare Part D coverage except under the following conditions: (1) reimbursement for the cost of all legend and non-legend drugs shall be calculated based on the lesser of the Average Wholesale Price less a volume discount not to exceed 17.5% as shall be determined by the Commissioner and the Director of the Division of Budget and Accounting; the federal Maximum Allowable Cost; the State Maximum Allowable Cost; or a pharmacy's usual and customary charge; (2) the current prescription drug dispensing fee structure set as a variable rate of \$3.73 to \$3.99 shall remain in effect through the current fiscal year, including the current increments for impact allowances, as determined by revised qualifying requirements, and allowances for 24-hour emergency services; and (3) multisource generic and single source brand name drugs shall be dispensed without prior authorization but multisource brand name drugs shall require prior authorization issued by the Department of Health and Senior Services or its authorizing agent, however, a 10-day supply of the multisource brand name drug shall be dispensed pending receipt of prior authorization. Certain multisource brand name drugs with a narrow therapeutic index, other drugs recommended by the New Jersey Drug Utilization Review Board, or brand name

drugs with a lower cost per unit than the generic may be excluded from prior authorization by the Department of Health and Senior Services.

In addition to the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled and the Senior Gold Prescription Discount programs, there are appropriated from the General Fund and available federal matching funds such additional sums 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, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program and the Senior Gold Prescription Discount Program are available to a pharmacy that has not submitted an application to enroll as an approved medical supplier in the Medicare program, unless it already is an approved Medicare medical supplier. Pharmacies shall not be required to bill Medicare directly for Medicare Part B drugs and supplies, but must agree to allow PAAD to bill Medicare on their behalf by completing and submitting an electronic data interchange form to PAAD. Beneficiaries are responsible for the applicable PAAD or Senior Gold Prescription Discount Program copayment.

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 Health and Senior 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 Health and Senior Services and the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program and the Senior Gold Prescription Discount Program are conditioned upon the Department of Health and Senior Services coordinating the benefits of the PAAD programs with the prescription drug benefits of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" as the primary payer due to the current federal prohibition against State automatic enrollment of PAAD recipients in the new 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 Health and Senior 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, effective January 1, 2006, no funds appropriated in the Pharmaceutical Assistance to the Aged or Pharmaceutical Assistance to the Aged and Disabled (PAAD) program and Senior Gold Prescription Discount Program accounts shall be available as payment as a PAAD program or Senior Gold Prescription Discount Program benefit to any pharmacy that is not enrolled as a participating pharmacy in a pharmacy network under Medicare Part D.

Consistent with the requirements of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" and the current federal prohibition against State automatic enrollment of Pharmaceutical Assistance to the Aged and Pharmaceutical Assistance to the Aged and Disabled (PAAD) program and Senior Gold Prescription Discount Program recipients, no funds hereinabove appropriated to the PAAD program or Senior Gold Prescription Discount Program accounts shall be expended for any individual unless the individual enrolled in the PAAD program or Senior Gold Prescription Discount Program provides all data necessary to enroll the individual in Medicare Part D, including data required for the subsidy assistance, as outlined by the Centers for Medicare and Medicaid Services.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Pharmaceutical Assistance to the Aged and Disabled 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 until such time as the original prescription is 85% finished.

Notwithstanding the provisions of any law or regulation to the contrary, in order to maximize prescription drug coverage under Medicare Part D, the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program shall be designated the authorized representative for the purposes of coordinating benefits with Medicare Part D, including enrollment and appeals of coverage determinations. PAAD is authorized to represent program beneficiaries in the pursuit of such coverage. PAAD 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; facilitated enrollment in a prescription drug plan or Medicare Advantage Prescription Drug plan. If the beneficiary declines enrollment in any Medicare Part D plan, the beneficiary shall be barred from all benefits of the PAAD program.

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 to be limited to, the following actions: pursuit of appeals, grievances, and coverage determinations.

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, Improvement, and Modernization Act of 2003" (MMA). In addition, this exclusion shall not impact the beneficiary's rights, guaranteed by the MMA, to appeal the medical necessity of coverage for drugs not on the formulary of a Medicare Part D plan.

Notwithstanding the provisions of any law or regulation to the contrary, no amounts hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program or the Senior Gold Prescription Discount Program shall be expended for diabetic testing materials and supplies which are covered under the federal Medicare Part B program, or for vitamins, cough/cold medications, drugs used for the treatment of erectile dysfunction, or cosmetic drugs, including but not limited to: drugs used for baldness, weight loss, and skin conditions.

From the amount hereinabove appropriated for the Senior Gold Prescription Discount Program, an amount not to exceed \$3,850,000 may be transferred to various accounts as required, including Direct State Services accounts, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, all financial recoveries obtained through the efforts of any entity authorized to undertake the prevention and detection of Medicaid fraud, waste, and abuse, are appropriated to Medical Services for the Aged in the Division of Senior Services.

Such sums as may be necessary, not to exceed \$70,840,000, for payments for the Lifeline Credit and Tenants' Lifeline Assistance programs, may be credited from the Energy Assistance Program account in the Board of Public Utilities to the Lifeline program account and shall be applied in accordance with a Memorandum of Understanding between the President of the Board of Public Utilities and the Commissioner of Health and Senior Services, subject to the approval of the Director of the Division of Budgeting and Accounting.

In order to permit flexibility in implementing ElderCare Initiatives and the Global Budget for Long-Term Care within the Medical Services for the Aged program classification, amounts may be transferred between Direct State Services and Grants-In-Aid accounts, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

In order to permit flexibility in implementing the ElderCare Advisory Commission Initiatives within the Programs for the Aged program classification, amounts may be transferred between Direct State Services and Grants-In-Aid accounts, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of P.L.2004, c.41 (C.26:2H-94 et seq.), the State Treasurer shall transfer to the General Fund an amount not to exceed \$17,775,000 per quarter, or \$71,100,000 for the full fiscal year, from revenues collected from the annual assessment on nursing homes, 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, payments from the Payments for Medical Assistance Recipients-Nursing Homes account shall be conditioned upon the following provisions: no funding shall be provided for therapeutic days at facilities with total occupancy rates of less than 90% as reported on each facility's latest cost report. Payment for therapeutic days at facilities with occupancy rates of 90% or greater shall be made at 50%.

The unexpended balance at the end of the preceding fiscal year in the Pharmaceutical Assistance to the Aged and Disabled - Claims account are appropriated.

Notwithstanding the provisions of N.J.A.C. 8:87 or any other law or regulation to the contrary, the amounts hereinabove appropriated for Medical Day Care Services shall be conditioned upon the following provision: the daily reimbursement for pediatric medical day care shall remain at the rate established in fiscal year 2010.

Notwithstanding the provisions of section 2 of P.L.1988, c.114 (C.26:2M-10) to the contrary, the amount appropriated for Community Based Senior Programs is subject to the following provision: private for-profit agencies shall be eligible grantees for funding from the Community Based Senior Programs account for Alzheimer's Disease activities, provided however, that the sum of grants awarded to private for-profit agencies shall not exceed 105% of the sum of grants received by such agencies in the prior fiscal year.

In addition to the amounts hereinabove appropriated, there are appropriated from the Casino Revenue Fund and available federal matching funds such additional sums as may be required for the payment of claims, credits, and rebates, subject to the approval of the Director of the Division of Budget and Accounting.

- All funds recovered under P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.), during the current fiscal year are appropriated for payments to providers in the same program class from which the recovery originated.
- 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 Medical Services for the Aged 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.
- For the purposes of account balance maintenance, all object accounts in the Medical Services for the Aged program classification shall be considered as one object. This will allow timely payment of claims to providers of medical services, but ensure that no overspending will occur in the program classification.
- Notwithstanding the provisions of P.L.1988, c.92 (C.30:4E-5 et seq.) to the contrary, funds appropriated for the Home Care Expansion Program (HCEP) shall be paid only for individuals enrolled in the program as of June 30, 1996 who are not eligible for the Global Budget for Long Term Care or alternative programs, and only for so long as those individuals require services covered by the HCEP.
- Notwithstanding the provisions of any law or regulation to the contrary, a sufficient portion of receipts generated or savings realized in Casino Revenue Fund, Medical Services for the Aged, or Pharmaceutical Assistance to the Aged and Disabled Grants-In-Aid accounts from initiatives included in the current fiscal year's annual appropriations act may be transferred to administration accounts to fund costs incurred in realizing these additional receipts or savings, subject to the approval of the Director of the Division of Budget and Accounting.
- The amounts hereinabove appropriated for payments for the Pharmaceutical Assistance to the Aged and Disabled program, P.L.1975, c.194 (C.30:4D-20 et seq.), 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) to the contrary, the copayment in the Pharmaceutical Assistance to the Aged and Disabled program shall be \$5.00 for generic drugs and \$7.00 for brand name drugs.

Notwithstanding the provisions of any law or regulation to the contrary, effective July 1, 2003, no State funds are appropriated for the Drug Utilization Review Council in the Department of Health and Senior Services, and therefore, the functions of the Council shall cease.

At any point during the year, and notwithstanding the provisions of any law or regulation to the contrary, subject to the approval of a plan by the Commissioner of Health and Senior 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 Health and Senior Services, through 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 section 1927 (a) through (c) of the federal Social Security Act, 42 U.S.C. s.1396r-8(a)-(c).

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 Health and Senior Services, through 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, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program are available to a pharmacy that has not submitted an application to enroll as an approved medical supplier in the Medicare program, unless it already is an approved Medicare medical supplier. Pharmacies shall not be required to bill Medicare directly for Medicare Part B drugs and supplies, but must agree to allow PAAD to bill Medicare on their behalf by completing and submitting an electronic data interchange (EDI) form to PAAD. Beneficiaries are responsible for the applicable PAAD copayment.

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled pro-

gram classification shall be expended for prescription claims with no Medicare Part D coverage except under the following conditions: (1) reimbursement for the cost of all legend and non-legend drugs shall be calculated based on the lesser of the Average Wholesale Price less a volume discount not to exceed 17.5% as shall be determined by the Commissioner and the Director of the Division of Budget and Accounting; the federal Maximum Allowable Cost; the State Maximum Allowable Cost; or a pharmacy's usual and customary charge; (2) the current prescription drug dispensing fee structure set as a variable rate of \$3.73 to \$3.99 shall remain in effect through the current fiscal year, including the current increments for impact allowances, as determined by revised qualifying requirements, and allowances for 24-hour emergency services; and (3) multisource generic and single source brand name drugs shall be dispensed without prior authorization but multisource brand name drugs shall require prior authorization issued by the Department of Health and Senior Services or its authorizing agent, however, a 10-day supply of the multisource brand name drug shall be dispensed pending receipt of prior authorization. Certain multisource brand name drugs with a narrow therapeutic index, other drugs recommended by the New Jersey Drug Utilization Review Board, or brand name drugs with a lower cost per unit than the generic may be excluded from prior authorization by the Department of Health and Senior Services.

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 Health and Senior 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 Health and Senior 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 Health and Senior Services coordinating the benefits of the PAAD program with the prescription drug benefits of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" as the primary payer due to the current federal prohibition against State automatic enrollment of PAAD program recipients in the federal program. The PAAD program benefit and reimbursement shall only be available to cover the beneficiary cost share to in-network pharmacies and for deductible and coverage gap costs (as determined by the Commissioner of Health and Senior 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, effective January 1, 2006, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program and the Senior Gold Prescription Discount Program accounts shall be available as payment as a PAAD program or Senior Gold Prescription Discount Program benefit to any pharmacy that is not enrolled as a participating pharmacy in a pharmacy network under Medicare Part D.

Consistent with the requirements of the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" and the current federal prohibition against State automatic enrollment of Pharmaceutical Assistance to the Aged and Disabled (PAAD) program recipients, no funds hereinabove appropriated from the PAAD account shall be expended for any individual enrolled in the PAAD program unless the individual provides all data that may be necessary to enroll the individual in Medicare Part D, including data required for the subsidy assistance, as outlined by the Centers for Medicare and Medicaid Services.

Notwithstanding the provisions of any law or regulation to the contrary, in order to maximize prescription drug coverage under Medicare Part D, the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program shall be designated the authorized representative for the purposes of coordinating benefits with Medicare Part D, including enrollment and appeals of coverage determinations. PAAD is authorized to represent program beneficiaries in the pursuit of such coverage. PAAD 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; facilitated enrollment in a prescription drug plan or Medicare Advantage Prescription Drug plan. If any beneficiary declines enrollment in a Medicare Part D plan, that beneficiary shall be barred from all benefits of the PAAD program.

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 until such time as the original prescription is 85% finished.

Notwithstanding the provisions of any law or regulation to the contrary, no amounts hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program shall be expended to cover medications not on the formulary of a PAAD program beneficiary's Medicare Part D plan. This exclusion shall not apply to those drugs covered by PAAD which are

specifically excluded by the federal "Medicare Prescription Drug, Improvement, and Modernization Act of 2003" (MMA). In addition, this exclusion shall not impact the beneficiary's rights, guaranteed by the MMA, to appeal the medical necessity of coverage for drugs not on the formulary of a Medicare Part D plan.

Notwithstanding the provisions of any law or regulation to the contrary, no amounts hereinabove appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program shall be expended for diabetic testing materials and supplies which are covered under the federal Medicare Part B program, or for vitamins, cough/cold medications, drugs used for the treatment of erectile dysfunction, or cosmetic drugs including but not limited to: drugs used for baldness, weight loss, and skin conditions.

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for the Community Based Senior Programs (CRF) account, \$400,000 shall be charged to the Casino Simulcasting Fund.

The unexpended balance at the end of the preceding fiscal year in the Pharmaceutical Assistance to the Aged and Disabled - Claims account are appropriated.

Notwithstanding the provisions of section 2 of P.L.1988, c.114 (C.26:2M-10) to the contrary, the amount appropriated for Community Based Senior Programs is subject to the following provision: private for-profit agencies shall be eligible grantees for funding from the Community Based Senior Programs account for Alzheimer's Disease activities, provided however, that the sum of grants awarded to private for-profit agencies shall not exceed 105% of the sum of grants received by such agencies in the prior fiscal year.

STATE AID

55-4275 Programs for the Aged.....	<u>\$7,152,000</u>
Total State Aid Appropriation, Senior Services	<u>\$7,152,000</u>

State Aid:

55 County Offices on Aging.....	(\$2,498,000)
55 Older Americans Act - State Share.....	(4,654,000)

Department of Health and Senior Services,

Total State Appropriation	<u>\$1,174,031,000</u>

Consistent with the provisions of P.L.2005, c.237, \$40,000,000 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 and Senior Services, 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 \$10.00 per adjusted admission charge assessments made by the Department of Health and Senior Services, shall be anticipated as revenue in the General Fund available for health--related purposes. Furthermore, it is recommended that 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 Senior Services, 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 Medicaid, 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.

Notwithstanding the provisions of any law or regulation to the contrary, the Commissioner of Health and Senior Services shall devise, at the commissioner's discretion, rules or guidelines that allocate reductions in health service grants to the extent possible toward administration, and not client services.

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 and Senior Services, not mandated by federal law, shall first 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 and Senior Services 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 and Senior Services are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

On or before January 1, 2011, the Department of Health and Senior Services shall provide a report to the Governor, State Treasurer, President of the Senate and Speaker of the General Assembly on the Department's plan for the conversion of the Medicaid fee-for-service long-term care benefit to managed care. The report shall provide an update to the Department's April 2009 report, and shall include but not be limited to details on plan design, included and excluded populations, a rollout schedule for managed care implementation in all 21 counties, and projected savings in Medicaid expenditures relative to fee-for-service projections for fiscal year 2011 through 2015.

**Summary of Department of Health and Senior Services Appropriations
(For Display Purposes Only)**

Appropriations by Category:

Direct State Services.....	\$52,095,000
Grants-in-Aid	1,114,784,000
State Aid	7,152,000

Appropriations by Fund:

General Fund	\$1,066,023,000
Casino Revenue Fund	108,008,000

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

23 Mental Health Services

DIRECT STATE SERVICES

10-7710 Patient Care and Health Services.....	\$244,684,000
99-7710 Administration and Support Services	<u>39,976,000</u>
Total Direct State Services Appropriation, Mental Health Services	<u>\$284,660,000</u>

Less:

Enhanced Federal Medicaid

Matching Percentage **\$3,478,000**

Total Deductions **\$3,478,000**

Total State Appropriation, Mental Health Services

\$281,182,000

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$262,237,000)
Materials and Supplies.....	(10,869,000)
Services Other Than Personal.....	(6,970,000)
Maintenance and Fixed Charges.....	(2,588,000)

Special Purpose:

10 Interim Assistance	(326,000)
Additions, Improvements and Equipment	(1,670,000)

Less:

Enhanced Federal Medicaid Matching

Percentage..... **3,478,000**

Receipts recovered from advances made under the Interim Assistance program in the mental health institutions are appropriated for the same purpose.

The unexpended balances at the end of the preceding fiscal year in the Interim Assistance program accounts in the mental health institutions are appropriated for the same purpose.

The amount hereinabove appropriated for the Division of Mental 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 uncom-

pensated 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.

An amount not to exceed \$1,408,000 may be transferred from the Payments for Medical Assistance Recipients - Nursing Homes account in the Department of Health and Senior Services to the Division of Mental Health and Addiction Services for the continuation of services at the Senator Garrett W. Hagedorn Gero-Psychiatric Hospital, subject to the approval of the Director of the Division of Budget and Accounting.

7700 Division of Mental Health and Addiction Services

DIRECT STATE SERVICES

09-7700	Addiction Services	\$854,000
99-7700	Administration and Support Services	<u>11,662,000</u>
	Total Direct State Services Appropriation, Division of Mental Health and Addiction Services.....	<u>\$12,516,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$11,597,000)
Materials and Supplies.....	(79,000)
Services Other Than Personal.....	(455,000)
Maintenance and Fixed Charges.....	(135,000)

Special Purpose:

99 Governor's Council on Mental

Health Stigma.....	(50,000)

Additions, Improvements and Equipment	(200,000)

The Division of Addiction Services is authorized to bill a patient, a patient's insurance carrier, a patient's estate, the person chargeable for a patient's support or the county of residence for institutional, residential and outpatient support of patients treated for alcoholism or drug abuse, or both. Receipts derived from billings or fees and unexpended balances at the end of the preceding fiscal year from these billings or fees are appropriated to the Department of Human Services for the support of the alcohol and drug abuse programs, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated from the Alcohol Education, Rehabilitation and Enforcement Fund such sums as may be necessary to carry out the provisions of P.L.1983, c.531 (C.26:2B-32 et seq.).

There is transferred 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.

The amounts available in the Drug Court Substance Abuse Treatment Programs account are available to pay liabilities applicable to prior fiscal years, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

08-7700 Community Services	\$336,418,000
09-7700 Addiction Services.....	<u>40,458,000</u>
Total Grants-in-Aid Appropriation, Division of Mental Health Services.....	<u>\$376,876,000</u>

Grants-in-Aid:

08 Olmstead Support Services.....	(\$55,775,000)
08 Community Care.....	(262,638,000)
08 University Behavioral Healthcare Centers - University of Medicine and Dentistry - Newark	(6,185,000)
08 University Behavioral Healthcare Centers - University of Medicine and Dentistry - Piscataway.....	(11,820,000)
09 Substance Abuse Treatment for DYFS/WorkFirst Mothers	(1,421,000)
09 Community Based Substance Abuse Treatment and Prevention - State Share.....	(26,198,000)
09 Needle Exchange Treatment Initiative	(11,296,000)
09 Compulsive Gambling.....	(650,000)
09 Mutual Agreement Parolee Rehabilitation Project for Substance Abusers	(893,000)

The amount hereinabove appropriated for the University Behavioral Healthcare Centers (UBHC) - University of Medicine and Dentistry - 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, the University of Medicine and Dentistry of New Jersey shall be required to provide fiscal reports to the Division of Mental Health Services and the Office of 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 Services. In addition, the annual audit report and Consolidated Financial Statements for the University of Medicine and Dentistry of New Jersey 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.

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 shall be available to the University of Medicine and Dentistry of New Jersey for the operation of the centers.

An amount not to exceed \$2,057,000 may be transferred from the Olmstead Support Services account in the Division of Mental Health Services, to the Health Care Subsidy Fund Payments account in the Department of Health and Senior Services, to increase the Mental Health Subsidy Fund portion of this account in order to maintain the fiscal 2008 per bed allocation for Short-Term Care Facility (STCF) beds, for new STCF beds which opened between January 1, 2008 and June 30, 2011 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 appropriations made to the Department of Human Services by section 20 of P.L.1989, c.51 for State-licensed or approved drug abuse 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 transferred \$1,000,000 to the Department of Human Services from the "Drug Enforcement and Demand Reduction Fund" for drug abuse services.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amount hereinabove appropriated for Community Based Substance Abuse Treatment and Prevention - State Share, an amount not to exceed \$575,000 is appropriated from the unexpended balances of fees paid into the Alcohol Education, Rehabilitation and Enforcement Fund to support the Intoxicated Driving Program Unit, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Community Based Substance Abuse Treatment and Prevention - State Share, there is appropriated \$1,500,000 from the "Drug Enforcement and Demand Reduction Fund" for the same purpose.

Notwithstanding the provisions of any law or regulation to the contrary, there is transferred \$500,000 to the Department of Human Services from the "Drug Enforcement and Demand Reduction Fund" for the Sub-Acute Residential Detoxification Program.

An amount, not to exceed \$600,000, collected by the Casino Control Commission is payable to the General Fund pursuant to section 145 of P.L.1977, c.110 (C.5:12-145).

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.

There is appropriated \$420,000 from the Alcohol Education, Rehabilitation and Enforcement Fund to fund the Local Alcoholism Authorities - Expansion account.

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, and the amounts hereinabove appropriated for Community Based Substance Abuse Treatment and Prevention - State Share, not to exceed \$2,200,000, are hereby appropriated, as determined by the Director of the Division of Addiction Services (DAS), 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 Director of DAS 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 Director of DAS 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 Director of DAS 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 DAS 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. Prior to the end of calendar year 2010 and again prior to the end of the fiscal year, the Commissioner of Human Services shall notify the Joint Budget Oversight Committee of each grant awarded, the amount of each grant, and the recipients of the grants.

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 abusers and for education purposes.

Notwithstanding 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 Commu-

nity Based Substance Abuse 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 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 Director of the Division of Addiction Services as may be required.

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.

The amounts hereinabove appropriated for Community Based Substance Abuse Treatment and Prevention and Mutual Agreement Parolee Rehabilitation Project for Substance Abusers (MAP) accounts are available to pay liabilities applicable to prior fiscal years, 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 Casino Control Commission, 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.

The unexpended balance in the Community Care Account at the end of the preceding fiscal year in an amount not to exceed \$3,000,000 is appropriated for a capital project to St. Clare's Health System, subject to the approval of the Director of the Division of Budget and Accounting for a project consisting of capital improvements to remediate life safety problems at Saint Clare's Hospital-Boonton, subject to the entering of a capital agreement between the Department of Human Services and St. Clare's Health System which shall provide, among other things, that the provision of the State monies is contingent upon St. Clare's Health System providing an amount of its own funds sufficient to complete the project subject to approval by the Department of Human Services.

STATE AID

08-7700 Community Services	<u>\$144,808,000</u>
Total State Aid Appropriation,	
Division of Mental Health Services	<u>\$144,808,000</u>

State Aid:

08 Support of Patients in County

Psychiatric Hospitals(\$144,808,000)

The amount hereinabove appropriated for the Support of Patients in County Psychiatric Hospitals account is available to pay liabilities applicable to prior fiscal years, 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 Support of Patients in County Psychiatric Hospitals account is appropriated.

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 45% of the established State House Commission rate during the period January 1 through June 30 of each year and 125% during the period July 1 to December 31 of each year, such that the total amount to be paid by the State on behalf of county indigent patients shall not exceed 85% of the total reasonable per capita cost. Provided, however, beginning January 1, 2011, the rate at which the State will reimburse the county psychiatric hospitals shall not exceed 100% of the per capita rate at which each county pays to the State for the reasonable cost of maintenance and clothing of each patient residing in a State psychiatric facility, excluding the depreciation, interest and carry-forward adjustment components of this rate, and including the depreciation, interest, and carry-forward adjustment components of each individual county psychiatric hospital's established State House Commission rate.

Notwithstanding the provisions of 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 provision: payments to county psychiatric hospitals will only be made after receipt of their claims by the Division of Mental Health 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 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 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 sums as may be required, as determined by the Assistant Commissioner of the Division of Mental Health Services, 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 Medicaid program, (2) complete or pursue in good faith the completion of eligibility applications for patients who could be Medicaid eligible, (3) bill the Medicaid program for all applicable services, and (4) neither admit nor discharge patients based upon Medicaid eligibility.

Notwithstanding the provisions of any other 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 to prepare a complete, accurate and timely claim to federal authorities for Medicaid Disproportionate Share (DSH) claim revenues.

24 Special Health Services**7540 Division of Medical Assistance and Health Services****DIRECT STATE SERVICES**

21-7540 Health Services Administration and Management	<u>\$27,647,000</u>
Total Direct State Services Appropriation, Division of Medical Assistance and Health Services	<u>\$27,647,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$13,865,000)
Materials and Supplies	(98,000)
Services Other Than Personal	(2,276,000)
Maintenance and Fixed Charges	(60,000)

Special Purpose:

21 Payments to Fiscal Agents	(11,046,000)
21 Professional Standards Review Organization - Utilization Review	(287,000)
21 Drug Utilization Review Board - Administrative Costs	(15,000)

The unexpended balances at the end of the preceding fiscal year, in the Payments to Fiscal Agent account are appropriated.

Sufficient funds 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.

Additional federal Title XIX revenue generated from the claiming of uncompensated care payments made to disproportionate share hospitals shall be deposited in the General Fund as anticipated revenue.

Notwithstanding the provisions of any law or regulation to the contrary, any third party as defined in subsection m. of section 3 of P.L.1968, c.413 (C.30:4D-3), or in 42 U.S.C. s.1396a(a)(25)(A), including, but not limited to, a pharmacy benefit manager writing health, casualty, workers' compensation or malpractice insurance policies in the State or covering residents of this State, shall enter into an agreement with the Division of Medical Assistance and Health Services to permit and assist the matching no less frequently than on a monthly basis of the Medicaid, NJ FamilyCare, Charity Care, and Work First New Jersey General Assistance eligibility files and/or adjudicated claims files against that third party's eligibility file, including indication of coverage derived from the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, and/or adjudicated claims file for the purpose of coordination of benefits, utilizing, if necessary, social security numbers as common identifiers.

Notwithstanding the provisions of 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 in the General Fund and may be expended only upon appropriation by law.

Notwithstanding the provisions of any law or regulation to the contrary, all revenues received from health maintenance organizations shall be deposited in the General Fund.

GRANTS-IN-AID

22-7540 General Medical Services.....	<u>\$2,780,575,000</u>
Total Grants-in-Aid Appropriation, Division of Medical Assistance and Health Services	
	<u>\$2,780,575,000</u>

Less:

Enhanced Federal Medicaid Matching

Percentage	<u>\$496,564,000</u>

Total Deductions.....	<u>\$496,564,000</u>

Total Grants-in-Aid Appropriation, Division of Medical Assistance and Health Services

	<u>\$2,284,011,000</u>

Grants-in-Aid:

22 Payments for Medical Assistance	
Recipients - Adult Mental Health Residential.....	(\$27,631,000)
22 Managed Care Initiative	(1,070,047,000)
22 Hospital Relief Offset Payments	(62,645,000)
22 Payments for Medical Assistance	
Recipients - ICF/MR	(6,100,000)
22 Payments for Medical Assistance	
Recipients - Inpatient Hospital	(303,277,000)
22 Payments for Medical Assistance	
Recipients - Prescription Drugs.....	(474,181,000)
22 Payments for Medical Assistance	
Recipients - Outpatient Hospital	(148,558,000)
22 Payments for Medical Assistance	
Recipients - Physician Services.....	(33,969,000)
22 Payments for Medical Assistance	
Recipients - Home Health Care.....	(14,550,000)
22 Payments for Medical Assistance	
Recipients - Medicare Premiums.....	(54,153,000)
22 Payments for Medical Assistance	
Recipients - Dental Services.....	(10,030,000)
22 Payments for Medical Assistance	
Recipients - Psychiatric Hospital.....	(7,258,000)

22 Payments for Medical Assistance	
Recipients - Medical Supplies	(21,295,000)
22 Payments for Medical Assistance	
Recipients - Clinic Services.....	(114,149,000)
22 Payments for Medical Assistance	
Recipients - Transportation Services	(64,579,000)
22 Payments for Medical Assistance	
Recipients - Other Services	(16,007,000)
22 Eligibility Determination Services.....	(5,716,000)
22 Health Benefit Coordination Services	(9,340,000)
22 General Assistance Medical Services	(74,840,000)
22 NJ FamilyCare - Affordable and	
Accessible Health Coverage Benefits.....	(223,763,000)
22 Programs for Assertive Community	
Treatment	(8,487,000)
22 Graduate Medical Education	(30,000,000)

Less:***Enhanced Federal Medicaid Matching***

Percentage..... 496,564,000

The amounts hereinabove appropriated for Payments for Medical Assistance Recipients are available for the payment of obligations applicable to prior fiscal years.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from Payments for Medical Assistance Recipients - Adult Mental Health Residential and Payments for Medical Assistance Recipients - Other Services accounts within the General Medical Services program classification in the Division of Medical Assistance and Health Services and the Payments for Medical Assistance Recipients - Personal Care and the Payments for Medical Assistance Recipients - Other Services accounts in the Division of Disability Services in the Department of Human Services. Amounts may also be transferred to and from various items of appropriation within the General Medical Services program classification of the Division of Medical Assistance and Health Services in the Department of Human Services and the Medical Services for the Aged program classification in the Division of Aging and Community Services in the Department of Health and Senior 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.

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.

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.

In addition to the amounts hereinabove appropriated for payments to providers on behalf of medical assistance recipients, such additional sums as may be required are appropriated from the General Fund to cover costs consequent to the establishment of presumptive eligibility for children and pregnant women in the Medicaid (Title XIX) program and the NJ FamilyCare program as defined in P.L.2005, c.156 (C.30:4J-8 et al.).

Notwithstanding the provisions of P.L.1962, c.222 (C.44:7-76 et seq.), the Medical Assistance for the Aged program is eliminated.

Notwithstanding the provisions of any law or regulation to the contrary, all object accounts appropriated in the General Medical Services program classification shall be conditioned upon the following provision: when any action by a county welfare agency, whether alone or in combination with the Division of Medical Assistance and Health Services, results in a recovery of improperly granted medical assistance, the Division of Medical Assistance and Health Services may reimburse the county welfare agency in the amount of 25% of the gross recovery.

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 class from which the recovery originated.

Notwithstanding the provisions of any law or regulation to the contrary, and subject to federal approval, the Commissioner of Human Services is authorized to develop and introduce Optional Service Plan Innovations to enhance client choice for users of Medicaid optional services, while containing expenditures.

The amount hereinabove appropriated for the Division of Medical Assistance and Health Services first is to be charged to the federal disproportionate share hospital reimbursements anticipated as Medicaid uncompensated care.

Notwithstanding the provisions of any law or regulation to the contrary, those hospitals that are eligible to receive a Hospital Relief Subsidy Fund (HRSF) payment as hereinabove appropriated in the Payments for Medical Assistance Recipients - Inpatient Hospital program may receive enhanced payments from the Medicaid program for providing services to Medicaid and NJ FamilyCare beneficiaries. The total payments shall not exceed the amount appropriated and shall be allocated among hospitals proportionately based on the amount of HRSF payments (excluding any adjustments to the HRSF for other Medicaid payment increases). Interim payments shall be made from the Hospital Relief Offset Payment account, based on an estimate of the total enhanced amount

payable to a qualifying hospital, and subject to cost settlement. The enhanced payment, determined at cost settlement, shall be an amount approved by the Director of the Division of Budget and Accounting per Medicaid patient day, adjusted by a volume variance factor (the ratio of expected Medicaid inpatient days to actual Medicaid inpatient days for the rate year) and an HRSF factor (the ratio of the hospital's HRSF payments to total HRSF payments) and subject to a pro rata adjustment so that the total enhanced per diem amounts are equivalent to the total State and federal funds appropriated not to exceed an amount to be approved by the Director of the Division of Budget and Accounting. The total of these payments shall be reduced by an amount equal to any increase in Medicaid and NJ FamilyCare fee-for-service payments to New Jersey hospitals enacted herein or subsequent to this legislation.

Notwithstanding the provisions of any law or regulation to the contrary, for those hospitals that qualify for a Hospital Relief Subsidy Fund payment the State Medicaid program may reimburse those hospitals Graduate Medical Education outpatient payments up to the amount the hospital would have received under Medicare principles of reimbursement for Medicaid and NJ FamilyCare fee-for-service beneficiaries. Payments shall be made from and are hereinabove appropriated in the Payments for Medical Assistance Recipients - Inpatient Hospital account, and shall be based on the qualifying hospitals' first finalized 1996 cost reports. The amount that the qualifying hospital would otherwise be eligible to receive from the Hospital Relief Subsidy Fund shall be reduced by the amount of this Graduate Medical Education outpatient payment. The total amount of these payments shall not exceed an amount approved by the Director of the Division of Budget and Accounting in combined State and federal funds. In no case shall these payments and all other enhanced payments related to those services primarily used by Medicaid and NJ FamilyCare beneficiaries that the hospital receives exceed the amount the hospital would otherwise have been eligible to receive from the Hospital Relief Subsidy Fund in the State fiscal year.

Of the amounts hereinabove appropriated in State and federal funds in the Hospital Relief Offset Payment accounts in the Department of Human Services, Division of Medical Assistance and Health Services, such sums as may be necessary shall be transferred to the Hospital Relief Subsidy Fund within the Health Care Subsidy Fund established pursuant to P.L.1992, c.160 (C26:2H-18.51 et seq.) to maximize federal revenues related to these accounts and maintain an appropriate level of hospital payments, subject to the approval of the Director of the Division of Budget and Accounting.

The Division of Medical Assistance and Health Services (DMAHS), in coordination with the county welfare agencies, shall continue a program to outstation eligibility workers in disproportionate share hospitals and federally qualified health centers.

Notwithstanding the provisions of any law or regulation to the contrary, commencing at the beginning of the current fiscal year, of the amounts hereinabove ap-

appropriated to Payments for Medical Assistance Recipients - Inpatient Hospital, distribution of the Graduate Medical Education (GME) Medicaid payment to eligible acute care teaching hospitals shall not include federal funds without federal approval. GME shall be distributed using the same methodology as was used in State fiscal year 2008.

Non-contracted hospitals providing emergency services to Medicaid or NJ FamilyCare members enrolled in the managed care program shall accept, as payment in full, the amounts that the non-contracted hospital would receive from Medicaid for the emergency services and/or any related hospitalization if the beneficiary were enrolled in Medicaid fee-for-service.

Notwithstanding the provisions of any law or regulation to the contrary, effective January 1, 2009, payments for the Payments for Medical Assistance Recipients - Outpatient Hospital account for outpatient hospital reimbursement for all psychiatric services provided as an outpatient hospital service to all eligible individuals regardless of age, shall be paid at the lower of charges or the prospective hourly rates as defined in N.J.A.C.10:52. Cost related to such services shall be excluded from outpatient hospital cost settlements. Hospitals may provide continued services to all eligible individuals in partial hospitalization programs in need of additional care beyond the 24 month limit and shall bill for these extended services at the community partial care rate of \$77 per day.

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, effective commencing at the beginning of the current fiscal year and subject to federal approval, of the amounts hereinabove appropriated to Payments for Medical Assistance Recipients - Inpatient Hospital, inpatient medical services provided through the Division of Medical Assistance and Health Services shall be conditioned upon the following provision: No funds shall be expended for hospital services during which a preventable hospital error occurred or for hospital services provided for the necessary inpatient treatment arising from a preventable hospital error, as shall be defined by the Commissioner of Human Services.

The Division of Medical Assistance and Health Services is empowered to competitively bid and contract for performance of federally mandated inpatient hospital utilization reviews, and the funds necessary for the contracted utilization review of these hospital services are made available from the Payments for Medical Assistance Recipients - Inpatient Hospital account, subject to the approval of the Director of the Division of Budget and Accounting.

- Notwithstanding the provisions of any law or regulation to the contrary, and subject to the notice provisions of 42 CFR 447.205, of the amount hereinabove appropriated for Payments for Medical Assistance Recipients - Adult Mental Health Residential, personal care assistant services shall be limited to no more than 25 hours per week, per recipient.
- 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 Medicaid 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.
- The Commissioners of Human Services and Health and Senior Services shall establish a system to utilize unopened prescription drugs at nursing facilities issued to patients at such facilities and which have not exceeded their expiration date.
- The unexpended balance at the end of the preceding fiscal year in the NJ FamilyCare - Affordable and Accessible Health Coverage Benefits account is appropriated for the same purpose and may also be transferred to any appropriation in the General Medical Services program classification for payment for services to NJ FamilyCare clients. 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 NJ FamilyCare program benefit service packages, premium contributions, co-payment levels, enrollment levels, and any other program features or operations may be modified as the Commissioner of Human Services deems necessary based upon a plan approved by the Director of the Division of Budget and Accounting to ensure that monies expended for the NJ FamilyCare program do not exceed the amount hereinabove appropriated.
- Of the amount hereinabove appropriated for the NJ FamilyCare program, there shall be transferred to various accounts, including Direct State Services and State Aid accounts, such amounts, not to exceed \$9,000,000, as are necessary to pay for the administrative costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.
- Notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to the contrary, the Commissioner of Human Services shall adopt immediately upon filing with the Office of Administrative Law such regulations as the Commissioner deems necessary to ensure that monies expended for the NJ FamilyCare program do not exceed the amount hereinabove appropriated. Such regulation may change or adjust the financial and non-financial eligibility requirements for some or all of the applicants or

beneficiaries in the program, the benefits provided, cost-sharing amounts, or may suspend in whole or in part the processing of applications for any or all categories of individuals covered by the program.

Premiums received from families enrolled in the NJ FamilyCare program established pursuant to P.L.2005, c.156 (C.30:4J-8 et al.) are appropriated for NJ FamilyCare payments.

Notwithstanding the provisions of any law or regulation to the contrary, commencing at the beginning of the fiscal year, of the amounts hereinabove appropriated to NJ FamilyCare Affordable and Accessible Health Coverage Benefits, premiums will no longer be required for children from families with incomes at or below 200% of the federal poverty level.

Of the revenues received as a result of sanctions to health maintenance organizations participating in Medicaid Managed Care, an amount not to exceed \$500,000 is appropriated to the Managed Care Initiative or NJ KidCare A - Administration account to improve access to medical services and quality care through such activities as outreach, education, and awareness, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, State funding for the New Jersey Health ACCESS program shall cease, and all enrollment shall be terminated as of July 1, 2001, or at such later date as shall be established by the Commissioner of Human Services.

Rebates from pharmaceutical manufacturing companies during the current fiscal year for prescription expenditures made to providers on behalf of Medicaid clients are appropriated for the Payments for Medical Assistance Recipients - Prescription Drugs account.

Notwithstanding the provisions of any law or regulation to the contrary, and subject to the notice provisions of 42 CFR 447.205 where applicable, no funds appropriated for prescription drugs in the Payments for Medical Assistance Recipients - Prescription Drugs or General Assistance Medical Services account shall be expended except under the following conditions: (a) reimbursement for the cost of all legend and non-legend drugs shall be calculated based on lesser of the Average Wholesale Price less a volume discount not to exceed 17.5% as shall be determined by the Commissioner and the Director of the Division of Budget and Accounting; the federal Maximum Allowable Cost; the State Maximum Allowable Cost; or a pharmacy's usual and customary charge; (b) the current prescription drug dispensing fee structure set as a variable rate of \$3.73 to \$3.99 shall remain in effect through the current fiscal year, including the current increments for impact allowances as determined by revised qualifying requirements and allowances for 24-hour emergency services; and (c) in the absence of a drug cost comparison program, multisource generic and single source brand name drugs shall be dispensed without prior authorization but multisource brand name drugs shall require prior authorization issued by the Division of Medical Assistance and Health Services or its

authorizing agent; however, a 10-day supply of the multisource brand name drug shall be dispensed pending receipt of prior authorization. Certain multisource brand name drugs with a narrow therapeutic index, other drugs recommended by the Drug Utilization Review Board or brand name drugs with lower cost per unit than the generic, may be excluded from prior authorization by the Division of Medical Assistance and Health Services.

Notwithstanding the provisions of any law or regulation to the contrary, and subject to the notice provisions of 42 CFR 447.205 where applicable, the amounts hereinabove appropriated to Payments for Medical Assistance Recipients - Prescription Drugs or General Assistance Medical Services are subject to the following conditions: reimbursement for the cost of certain prescription drugs shall be based on the maximum price which the State shall pay (the "State Maximum Allowable Cost"), which shall be established by the Commissioner of the Department of Human Services. The Commissioner shall establish the State Maximum Allowable Costs for prescription drugs based on cost information and drug acquisition information obtained from suppliers of multisource prescription drugs.

No funding shall be provided from the General Assistance Medical Services or NJ FamilyCare programs for anti-retroviral drugs for the treatment of HIV/AIDS, as specified in the Department of Health and Senior Services' formulary for the AIDS Drugs Distribution Program (ADDP).

Notwithstanding the provisions of any law or regulation to the contrary, the appropriation in the General Assistance Medical Services account hereinabove shall be conditioned upon the following provisions which shall apply to the dispensing of prescription drugs through that account: (a) all Maximum Allowable Cost (MAC) drugs dispensed shall state "Brand Medically Necessary" in the prescriber's own handwriting if the prescriber determines that it is necessary to override generic substitution of drugs; and (b) each prescription order shall follow the requirements of P.L.1977, c.240 (C.24:6E-1 et seq.). The list of drugs substituted shall conform to all requirements pertaining to drug substitution and federal upper limits for MAC drugs as administered by the State Medicaid Program.

Notwithstanding the provisions of any law or regulation to the contrary, the hereinabove appropriation for Payments for Medical Assistance Recipients - Prescription Drugs shall be conditioned upon the following provision: no funds shall be appropriated for the refilling of a prescription drug until such time as the original prescription is 85% finished.

Of the amount hereinabove appropriated for Payments for Medical Assistance Recipients - Prescription Drugs, such sums as are necessary are available for payment of Medicare Part D copayments and for certain pharmaceuticals not included in Medicare Part D prescription plan formularies for those individuals who are dually eligible for Medicaid and Medicare. These funds shall only be available to cover copayments and non-formulary drugs to pharmacies participating in the federal Medicare Part D program. Payments for pharmaceuti-

cals not included in the Part D formularies may be subject to prior authorization. The Department of Human Services may require proof of appeal or may appeal the Medicare Part D formulary decision on behalf of a dual-eligible client.

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated in the Payments for Medical Assistance Recipients - Prescription Drugs line item shall be expended for the payment of claims for pharmaceuticals not included in the Part D provider formularies of Medicare Part D eligibles unless participating pharmaceutical manufacturing companies execute contracts with the Department of Human Services providing for the payment of rebates to the State on the same basis as provided for in section 1927 (a) through (c) of the federal Social Security Act, 42 U.S.C. s.1396r-8(a) - (c). All rebates received are appropriated for the Medical Assistance Recipients - Prescription Drugs account.

Notwithstanding the provisions of any law or regulation to the contrary, and subject to the notice provisions of 42 CFR 447.205 where applicable, the appropriation in the Payments for Medical Assistance Recipients - Physician Services account shall be conditioned upon the following provisions: (a) reimbursement for the cost of physician-administered drugs shall be consistent with reimbursement for legend and non-legend drugs; and (b) reimbursement for physician-administered drugs shall be limited to those drugs supplied by manufacturers who have entered into the federal Medicaid Drug Rebate Agreement and are subject to drug rebate rules and regulations consistent with this agreement. The Division of Medical Assistance and Health Services shall collect and submit utilization and coding information to the Secretary of the United States Department of Health and Human Services for all single source drugs administered by physicians.

Notwithstanding the provisions of any law or regulation to the contrary, and subject to the notice provisions of 42 CFR 447.205, approved nutritional supplements which are funded hereinabove in the Payments for Medical Assistance Recipients - Prescription Drug program shall be consistent with reimbursement for legend and non - legend drugs.

Notwithstanding the provisions of any law or regulation to the contrary, the appropriations in the Payments for Medical Assistance Recipients - Prescription Drugs, General Assistance Medical Services, and NJ FamilyCare accounts shall be conditioned upon the following provision: each prescription order for protein nutritional supplements and specialized infant formulas dispensed shall be filled with the generic equivalent unless the prescription order states "Brand Medically Necessary" in the prescriber's own handwriting.

Notwithstanding the provisions of any law or regulation to the contrary, of the amounts hereinabove appropriated to the Payments for Medical Assistance Recipients - Prescription Drugs account, the capitated dispensing fee payments to providers of pharmaceutical services for residents of nursing facili-

ties shall be adjusted to reflect the reduced prescription volume disbursed by Medicaid as a primary payer since the implementation of the Medicare Part D program; provided that subject to the execution of a signed agreement by all affected long-term care pharmacies and the Division of Medical Assistance and Health Services and the payment by all affected long-term care pharmacies pursuant to such agreement, the capitated dispensing fee payments to providers of pharmaceutical services for residents of nursing facilities shall be modified and paid at the per diem equivalent of the retail pharmacy rate for the average number of prescriptions filled when Medicaid is the primary payer.

Notwithstanding the provisions of any law or regulation to the contrary, of the amounts hereinabove appropriated to Payments for Medical Assistance Recipients - Prescription Drugs and General Assistance Medical Services, 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.

Of the amount hereinabove appropriated for Payments for Medical Assistance Recipients - Outpatient Hospital, an amount not to exceed \$1,900,000 is allocated for limited prenatal medical care for New Jersey pregnant women who, except for financial requirements, are not eligible for any other State or federal health insurance program.

Of the amount hereinabove appropriated for Payments for Medical Assistance Recipients - Clinic Services, an amount not to exceed \$1,900,000 is allocated for limited prenatal medical care provided by clinics, or in the case of radiology and clinical laboratory services ordered by a clinic, for New Jersey pregnant women who, except for financial requirements, are not eligible for any other State or federal health insurance program.

In accordance with the "Family Health Care Coverage Act," P.L.2005, c.156 (C.30:4J-8 et al.), rebates collected during the current fiscal year from the pharmaceutical manufacturing companies for prescription expenditures made to providers on behalf of General Assistance Medical Services clients are appropriated to NJ FamilyCare - Affordable and Accessible Health Coverage Benefits.

Notwithstanding the provisions of subsection (b) of N.J.A.C.10:60-5.3 and subsection (a) of N.J.A.C.10:60-5.4 to the contrary, a person receiving the maximum number of Early and Periodic Screening, Diagnosis and Treatment/Private Duty Nursing (EPSDT/PDN) services, that is, 16 hours in any 24-hour period, may be authorized to receive additional PDN hours if private health insurance is available to cover the cost of the additional hours and appropriate medical documentation is provided that indicates that additional PDN hours are required and that the primary caregiver is not qualified to provide the additional PDN hours.

Notwithstanding the provisions of subsection (a) of N.J.A.C.10:60-5.7 and subsection (e) of N.J.A.C.10:60-11.2 to the contrary, the amount hereinabove appropriated for Payments for Medical Assistance Recipients - Clinic Services is conditioned upon the Commissioner of Human Services increasing the hourly nursing rates for Early and Periodic Screening, Diagnosis and Treatment/Private Duty Nursing (EPSDT/PDN) services by \$10 per hour above the fiscal year 2008 rate.

The amount hereinabove appropriated for Payments for Medical Assistance Recipients - Other Services, NJ FamilyCare, and NJ KidCare 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 DMAHS (including, but not limited to, the New Jersey Medicaid and NJ FamilyCare programs), or the Pharmaceutical Assistance to the Aged and Disabled (PAAD) or Work First New Jersey General Public Assistance programs. Rewards may be paid only when the reports result in a recovery by DMAHS, and only if other conditions established by DMAHS are met, and shall be limited to 10% of the recovery or \$1,000, whichever is less. Notwithstanding the provisions of any law or regulation to the contrary, but subject to any necessary federal approval and/or change in federal law, receipt of such rewards shall not affect an applicant's individual financial eligibility for the programs administered by DMAHS, or for PAAD or Work First New Jersey General Public Assistance programs.

The amount hereinabove appropriated for Payments for Medical Assistance Recipients - Clinic Services, may be used to reimburse Federally Qualified Health Centers (FQHCs) the higher of their Medicaid PPS encounter rate or the fee-for-service rate for specified deliveries and ob/gyn surgeries for clients not enrolled in managed care. Reimbursement for surgical assistants shall be at the fee-for-service rate for clients not enrolled in managed care. Managed care organizations shall reimburse FQHCs for these services and the FQHCs shall be carved out of wraparound reimbursement for these services.

Notwithstanding the provisions of any law or regulation to the contrary, from the amount hereinabove appropriated for the Payments for Medical Assistance Recipients - Inpatient Hospital program, the Commissioner of Human Services shall establish a disease management program to improve the quality of care for beneficiaries of the Division of Medical Assistance and Health Services and reduce costs in the General Medical Services program.

Notwithstanding the provisions of any law or regulation to the contrary, no funds appropriated for the Medicaid program as hereinabove appropriated in the Payments for Medical Assistance Recipients - Prescription Drugs account are available to any pharmacy that does not agree to allow Medicaid 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, effective January 1, 2005, inpatient hospital reimbursements for Medical Assistance services for dually eligible individuals shall exclude Medicare Part A cross-over payments according to a plan designed by the Commissioner of Human Services and approved by the Director of the Division of Budget and Accounting.
- Notwithstanding the provisions of any other law or regulation to the contrary, the amounts expended from Payments for Medical Assistance Recipients - Medical Supplies shall be conditioned upon the following: reimbursement for adult incontinence briefs and oxygen concentrators shall be set at 70% of reasonable and customary charges.
- Notwithstanding the provisions of any law or regulation to the contrary, the appropriation in the Payments for Medical Assistance Recipients - Clinic Services, Payments for Medical Assistance Recipients - Physician Services, Payments for Medical Assistance Recipients - Medical Supplies and Payments for Medical Assistance Recipients - Other Services shall be conditioned upon the following provision: no funds shall be expended for partial care services, chiropractic services, medical supplies except those sold in a pharmacy, or podiatry services to any provider who was not a Medicaid/NJ FamilyCare approved provider of partial care services, chiropractic services, medical supplies except those sold in a pharmacy, or podiatry services, respectively, prior to July 1, 2006 with the exception of new providers whose services are deemed necessary to meet special needs by the Division of Medical Assistance and Health Services.
- Notwithstanding the provisions of any state law or regulation to the contrary, effective July 1, 2009, no payments for partial care services in mental health clinics, as hereinabove appropriated in Payments for Medical Assistance Recipients - Clinic Services shall be provided unless the services are prior authorized by professional staff designated by the Department of Human Services.
- Notwithstanding the provisions of any law or regulation to the contrary, the appropriation hereinabove for Payments for Medical Assistance Recipients-Outpatient Hospital shall be conditioned upon the following provision: certifications shall not be granted for new or relocating offsite hospital-based entities in accordance with N.J.A.C.10:52-1.3 with the exception of providers whose services are deemed necessary to meet special needs by the Division of Medical Assistance and Health Services.
- The amounts hereinabove appropriated for General Medical Services program class 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.
- 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 ap-

appropriated to General Medical Services in the Division of Medical Assistance and Health Services.

Such sums 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 subsection d. of section 5 of P.L.2005, c.156 (C.30:4J-12) or any other law or regulation to the contrary, the appropriations hereinabove for Medicaid and NJ FamilyCare are subject to the following condition: the Department of Human Services may determine eligibility for the Medicaid and NJ FamilyCare programs 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, of the amounts hereinabove appropriated in Managed Care Initiative, Payments for Medical Assistance Recipients - Dental Services, and NJ FamilyCare - Affordable and Accessible Health Coverage Benefits, no payment shall be expended on orthodontic services for children except in cases where medical necessity can be proven, such as cases involving birth defects, facial deformities causing functional difficulties in speech and mastication, and trauma.

27 Disability Services

7545 Division of Disability Services

DIRECT STATE SERVICES

27-7545 Disability Services.....	<u>\$1,293,000</u>
Total Direct State Services Appropriation, Division of	
Disability Services.....	<u>\$1,293,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$1,123,000)
Materials and Supplies.....	(4,000)
Services Other Than Personal.....	(157,000)
Maintenance and Fixed Charges.....	(9,000)

GRANTS-IN-AID

27-7545 Disability Services.....	<u>\$184,090,000</u>
(From General Fund.....	<u>\$86,149,000)</u>
(From Casino Revenue Fund.....	<u>97,941,000)</u>
Total Grants-in-Aid Appropriation,	
Division of Disability Services.....	<u>\$184,090,000</u>

(From General Fund..... \$86,149,000)

(From Casino Revenue Fund..... 97,941,000)

Less:

Enhanced Federal Medicaid

Matching Percentage..... \$35,362,000

Total Deductions..... \$35,362,000

Total State Appropriation, Division of Disability Services \$148,728,000

(From General Fund..... \$50,787,000)

(From Casino Revenue Fund..... 97,941,000)

Grants-in-Aid:

27 Personal Assistance Services Program(\$7,383,000)

27 Personal Assistance Services Program (CRF)(3,734,000)

27 Community Supports to Allow
Discharge from Nursing Homes(2,000,000)

27 Payments for Medical Assistance
Recipients - Personal Care.....(69,961,000)

27 Payments for Medical Assistance
Recipients - Personal Care (CRF)(77,705,000)

27 Payments for Medical Assistance
Recipients - Waiver Initiatives(5,571,000)

27 Payments for Medical Assistance
Recipients - Waiver Initiatives (CRF)(16,502,000)

27 Payments for Medical Assistance
Recipients - Other Services(1,234,000)

Less:

Enhanced Federal Medicaid Matching

Percentage..... 35,362,000

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from Payments for Medical Assistance Recipients - Adult Mental Health Residential and Payments for Medical Assistance Recipients - Other Services accounts within the General Medical Services program classification in the Division of Medical Assistance and Health Services and the Payments for Medical Assistance Recipients - Personal Care and the Payments for Medical Assistance Recipients - Other Services accounts in the Division of Disability Services in the Department of Human Services. Amounts may also be transferred to and from various items of appropriations within the General Medical Services program classification of the Division of Medical Assistance and Health Services in the Department of Human Services and the Medical Services for the Aged program classification in the Division of Aging and Community Services in the Department of Health and Senior Services. All such transfers are subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Notwithstanding the provisions of any law or regulation to the contrary, and subject to the notice provisions of 42 CFR 447.205, of the amount hereinabove appropriated for Payments for Medical Assistance Recipients - Personal Care, personal care assistant services shall be authorized prior to the beginning of services by the Director of the Division of Disability Services. The hourly rate for personal care services shall not exceed \$15.50.

30 Educational, Cultural, and Intellectual Development

32 Operation and Support of Educational Institutions

DIRECT STATE SERVICES

05-7610 Residential Care and Habilitation Services	\$421,960,000
<i>(From General Fund.....</i>	<i>\$31,768,000)</i>
<i>(From Federal Funds.....</i>	<i>390,192,000)</i>
99-7610 Administration and Support Services	<u>62,510,000</u>
<i>(From General Fund.....</i>	<i>30,305,000)</i>
<i>(From Federal Funds.....</i>	<i>32,205,000)</i>
Total Appropriation, State and Federal Funds.....	<u>\$484,470,000</u>
<i>(From General Fund.....</i>	<i>\$62,073,000)</i>
<i>(From Federal Funds.....</i>	<i>422,397,000)</i>

Less:

<i>Federal Funds</i>	<i><u>\$422,397,000</u></i>
<i>Total Deductions.....</i>	<i><u>\$422,397,000</u></i>
Total Direct State Services Appropriation, Operation	
and Support of Educational Institutions	<u>\$62,073,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$429,892,000)
Materials and Supplies.....	(25,692,000)
Services Other Than Personal.....	(20,549,000)
Maintenance and Fixed Charges.....	(5,406,000)

Special Purpose:

05 Family Care	(6,000)
Additions, Improvements and Equipment	(2,925,000)

Less:

<i>Federal Funds</i>	<i><u>422,397,000</u></i>

The State appropriation for the State's developmental centers is based on ICF/MR revenues of \$322,552,000 provided that if the ICF/MR revenues exceed \$322,552,000, an amount equal to the excess ICF/MR revenues may be deducted from the State appropriation for the developmental centers, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Operation and Support of Educational Institutions of the Division of Developmental Disabilities, such other sums provided in Interdepartmental 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.

7600 Division of Developmental Disabilities

DIRECT STATE SERVICES

99-7600 Administration and Support Services \$12,397,000
 (From General Fund..... \$4,083,000)
 (From Federal Funds..... 8,314,000)
 Total Appropriation, State and Federal Funds..... \$12,397,000
 (From General Fund..... \$4,083,000)
 (From Federal Funds..... 8,314,000)

Less:

Federal Funds..... \$8,314,000
 Total Deductions..... \$8,314,000
 Total Direct State Services Appropriation,
 Division of Developmental Disabilities..... \$4,083,000

Direct State Services:

Personal Services:

 Salaries and Wages (\$11,666,000)
 Materials and Supplies..... (64,000)
 Services Other Than Personal..... (237,000)
 Maintenance and Fixed Charges..... (99,000)

Special Purpose:

 99 Developmental Disabilities Council (306,000)
 Additions, Improvements and Equipment (25,000)

Less:

Federal Funds..... 8,314,000

An amount not to exceed \$223,000 from receipts from individuals for whom the Division of Developmental Disabilities in the Department of Human Services collects contribution to care reimbursements is appropriated for participation in the Foster Grandparents and Senior Companions programs.

GRANTS-IN-AID

99-7600 Administration and Support Services \$573,000
 Total Grants-in-Aid Appropriation,
 Division of Developmental Disabilities..... \$573,000

Grants-in-Aid:

 99 Office for Prevention of Mental Retardation
 and Developmental Disabilities..... (\$573,000)

7601 Community Programs

DIRECT STATE SERVICES

01-7601 Purchased Residential Care \$4,921,000

	(From General Fund.....	\$1,603,000)	
	(From Federal Funds.....	3,318,000)	
02-7601	Social Supervision and Consultation.....		36,775,000
	(From General Fund.....	3,649,000)	
	(From Federal Funds.....	33,126,000)	
03-7601	Adult Activities		<u>2,597,000</u>
	(From General Fund.....	1,403,000)	
	(From Federal Funds.....	1,194,000)	
	Total Appropriation, State and Federal Funds.....		<u>\$44,293,000</u>
	(From General Fund.....	\$6,655,000)	
	(From Federal Funds.....	37,638,000)	
Less:			
	Federal Funds	<u>\$37,638,000</u>	
	Total Deductions.....		<u>\$37,638,000</u>
	Total Direct State Services Appropriation,		
	Community Programs		<u>\$6,655,000</u>
Direct State Services:			
Personal Services:			
	Salaries and Wages.....	(\$41,793,000)	
	Materials and Supplies.....	(76,000)	
	Services Other Than Personal.....	(681,000)	
	Maintenance and Fixed Charges.....	(475,000)	
	Additions, Improvements and Equipment	(1,268,000)	
Less:			
	Federal Funds	<u>\$37,638,000</u>	

GRANTS-IN-AID

01-7601	Purchased Residential Care		\$693,884,000
	(From General Fund.....	\$268,283,000)	
	(From Casino Revenue Fund	22,934,000)	
	(From Federal Funds.....	351,213,000)	
	(From All Other Funds	51,454,000)	
02-7601	Social Supervision and Consultation.....		76,062,000
	(From General Fund.....	50,485,000)	
	(From Casino Revenue Fund.....	2,208,000)	
	(From Federal Funds.....	23,369,000)	
03-7601	Adult Activities		<u>169,152,000</u>
	(From General Fund.....	110,844,000)	
	(From Casino Revenue Fund.....	7,374,000)	
	(From Federal Funds.....	50,934,000)	
	Total Appropriation, State, Federal and All Other Funds.....		<u>\$939,098,000</u>
	(From General Fund.....	\$429,612,000)	
	(From Casino Revenue Fund.....	32,516,000)	

(From Federal Funds..... 425,516,000)

(From All Other Funds 51,454,000)

Less:

Federal Funds..... \$425,516,000

All Other Funds..... 51,454,000

Total Deductions..... \$476,970,000

Total Grants-in-Aid Appropriation, Community Programs \$462,128,000

(From General Fund..... \$429,612,000)

(From Casino Revenue Fund..... 32,516,000)

Grants-in-Aid:

01 Supervised Apartments.....(\$87,235,000)

01 Supported Living(24,816,000)

01 Community Services Waiting
List Placements.....(14,369,000)

01 Dental Program for Non-Institutionalized
Children.....(564,000)

01 Private Residential Facilities(10,163,000)

01 Private Institutional Care.....(58,863,000)

01 Private Institutional Care (CRF).....(1,311,000)

01 Skill Development Homes.....(23,908,000)

01 Skill Development Homes (CRF).....(1,269,000)

01 Group Homes(382,081,000)

01 Group Homes (CRF)(20,354,000)

01 Olmstead Residential Services.....(60,978,000)

01 Emergency Placements.....(7,973,000)

02 Addressing the Needs of the Autism
Community.....(4,500,000)

02 Essex ARC - Expanded Respite Care
Services for Families with Autistic
Children.....(75,000)

02 Autism Respite Care.....(1,000,000)

02 Developmental Disabilities Council(1,183,000)

02 Home Assistance(37,406,000)

02 Home Assistance (CRF)(1,657,000)

02 Purchase of After School and
Camp Services.....(1,339,000)

02 Purchase of After School and Camp
Services (CRF)(551,000)

02 Real Life Choices(24,280,000)

02 Social Services.....(3,600,000)

02 Case Management.....(471,000)

03 Purchase of Adult Activity Services.....(159,526,000)

03 Purchase of Adult Activity
Services (CRF)(7,374,000)

03 Day Program Age Outs(2,252,000)

Less:

Federal Funds 425,516,000

All Other Funds..... 51,454,000

The amounts hereinabove appropriated for Community Programs 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.

The Division of Developmental Disabilities is authorized to transfer funds from the Dental Program for Non-Institutionalized Children account to the Division of Medical Assistance and Health Services, in proportion to the number of program participants who are Medicaid eligible.

Excess State funds realized by federal involvement through Medicaid in the Dental Program for Non-Institutionalized Children are committed for the program's support during the subsequent fiscal year, rather than for expansion.

Amounts that become available as a result of the return of persons from private institutional care placements, including in-State and out-of-State placements, shall be available for transfer to other Grants-in-Aid accounts within the Division of Developmental Disabilities, subject to the approval of the Director of the Division of Budget and Accounting.

Cost recoveries from skill development homes during the current fiscal year, not to exceed \$12,500,000, are appropriated for the continued operation of the Skill Development Homes program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of Title 30 of the Revised Statutes or any other law or regulation to the contrary, the Assistant Commissioner of the Division of Developmental Disabilities is authorized to waive statutory, regulatory, or licensing requirements in the use of funds appropriated hereinabove for the operation of the self-determination program including participants from the Community Services Waiting List Reduction Initiatives - FY1997 through FY2002, subject to the approval of a plan by the Assistant Commissioner of the Division of Developmental Disabilities, which allowed an individual to be removed from the waiting list. This waiver also applies to those persons identified as part of the Community Transition Initiative - FY2001 and FY2002, and the Community Nursing Care Initiative - FY2002, who chose self-determination.

Cost recoveries from developmentally disabled consumers collected during the current fiscal year, not to exceed \$38,954,000, are appropriated for the continued operation of the Group Homes program, subject to the approval of the Director of the Division of Budget and Accounting.

Such sums as may be necessary are appropriated from the General Fund for the payment of any provider assessments to State Intermediate Care Facilities/Mental Retardation facilities, subject to the approval of the Director of the Division of Budget and Accounting of a plan to be submitted by the Commis-

sioner 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, \$321,411,000 of federal Community Care Waiver funds is appropriated for community-based programs in the Division of Developmental Disabilities. The appropriation of federal Community Care Waiver funds above this amount is conditional upon the approval of a plan submitted by the Department of Human Services that must be approved by the Director of the Division of Budget and Accounting.

In order to permit flexibility in the handling of appropriations and assure timely payment to service providers, funds may be transferred within the Grants-in-Aid accounts within the Division of Developmental Disabilities, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for Addressing the Needs of the Autism Community, \$500,000 is appropriated to the Autism Center at the University of Medicine and Dentistry of New Jersey - New Jersey Medical School.

Expenditure of funds appropriated for Private Institutional Care shall be condition on the following: on or before January 1, 2011, the Commissioner of the Department of Human Services shall prepare and submit a report to the Governor and Legislature addressing out-of-State placements of persons with disabilities. The report shall address the Department's efforts to repatriate these persons into New Jersey private community settings. The report shall set forth a plan to increase repatriation of out-of-State placements into private community based settings. The plan will set forth a course of action to repatriate no less than 50% of the current population of out-of-State placements into New Jersey community based programs, but only where such placements would be in the best interests of the persons with disabilities. The report shall include, but not be limited to, the following information: (1) the number of persons with developmental disabilities currently living in out-of-State facilities; (2) the annual cost of each person by placement in each out-of-State facility; (3) the number of persons who were relocated from an out-of-State facility to an in-State placement during fiscal year 2010 and the average cost of such placement; (4) the strategy for redirecting additional persons who are awaiting relocation to out-of-State facilities by developing alternative in-State community placements; (5) the number of new persons who were placed in out-of-State facilities during fiscal year 2010 and the reason for such placement; and (6) the number of persons who are not willing to relocate from out-of-State facilities and the reasons such persons do not wish to relocate. The report shall be general in nature and shall not disclose the names or any other private information about particular clients.

Amounts required to return persons with developmental disabilities presently residing in out-of-State institutions to community residences within the State

may be transferred from the Private Institutional Care account to other Casino Revenue Fund Grants-in-Aid accounts within the Division of Developmental Disabilities, subject to the approval of the Director of the Division of Budget and Accounting.

33 Supplemental Education and Training Programs
7560 Commission for the Blind and Visually Impaired

DIRECT STATE SERVICES

11-7560 Services for the Blind and Visually Impaired.....	\$9,626,000
99-7560 Administration and Support Services.....	<u>2,297,000</u>
Total Direct State Services Appropriation, Commission for the Blind and Visually Impaired.....	<u>\$11,923,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$9,991,000)
Materials and Supplies.....	(68,000)
Services Other Than Personal.....	(693,000)
Maintenance and Fixed Charges.....	(311,000)

Special Purpose:

11 Technology for the Visually Impaired.....	(765,000)
Additions, Improvements and Equipment	(95,000)

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.

Notwithstanding the provisions of N.J.S.18A:61-1 and N.J.S.18A:46-13, or any law or regulation to the contrary, local boards of education shall reimburse the Commission for the Blind and Visually Impaired for the documented costs of providing services to children who are classified as "educationally handicapped," provided however, each local board of education shall pay that portion of cost which the number of children classified "educationally handicapped" bears to the total number of such children served, provided further, however, that payments shall be made by each local board in accordance with a schedule adopted by the Commissioners of Education and Human Services, and further, the Director of the Division of Budget and Accounting is authorized to deduct such reimbursements from the State Aid payments to the local boards of education.

The unexpended balances at the end of the preceding fiscal year in the Technology for the Visually Impaired account are appropriated for the Commission for the

Blind and Visually Impaired, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

11-7560 Services for the Blind and Visually Impaired.....	<u>\$3,305,000</u>
Total Grants-in-Aid Appropriation, Commission for the Blind and Visually Impaired.....	<u>\$3,305,000</u>

Grants-in-Aid:

11 State Match for Federal Grants.....	(\$617,000)
11 Educational Services for Children	(1,670,000)
11 Services to Rehabilitation Clients.....	(1,018,000)

50 Economic Planning, Development, and Security

53 Economic Assistance and Security

7550 Division of Family Development

DIRECT STATE SERVICES

15-7550 Income Maintenance Management.....	<u>\$156,100,000</u>
(From General Fund.....	<u>\$39,627,000</u>)
(From Federal Funds.....	<u>110,727,000</u>)
(From All Other Funds	<u>5,746,000</u>)
Total Appropriation, State, Federal and All Other Funds.....	<u>\$156,100,000</u>
(From General Fund.....	<u>\$39,627,000</u>)
(From Federal Funds.....	<u>110,727,000</u>)
(From All Other Funds	<u>5,746,000</u>)

Less:

Federal Funds.....	<u>\$110,727,000</u>
All Other Funds.....	<u>5,746,000</u>
Total Deductions.....	<u>\$116,473,000</u>
Total Direct State Services Appropriation, Division of Family Development	<u>\$39,627,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$32,066,000)
Materials and Supplies.....	(729,000)
Services Other Than Personal.....	(32,170,000)
Maintenance and Fixed Charges.....	(1,484,000)

Special Purpose:

15 Electronic Benefit Transfer/Distribution System(3,556,000)	
15 Work First New Jersey - Technology Investment	(85,779,000)
15 Child Support Medical Support Orders	(72,000)
Additions, Improvements and Equipment	(244,000)

Less:

Federal Funds.....	<u>110,727,000</u>

All Other Funds..... 5,746,000

Receipts derived from counties and local governments for data processing services and the unexpended balance at the end of the preceding fiscal year of such receipts are appropriated.

In order to permit flexibility, amounts may be transferred between various items of appropriation within the Income Maintenance Management program classification, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

The unexpended balances at the end of the preceding fiscal year in accounts where expenditures are required to comply with Maintenance of Effort requirements as specified in the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L.104-193, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

15-7550 Income Maintenance Management.....	<u>\$509,774,000</u>
(From General Fund.....	<u>\$200,902,000</u>)
(From Federal Funds.....	<u>263,872,000</u>)
(From All Other Funds.....	<u>45,000,000</u>)
Total Appropriation, State, Federal and All Other Funds.....	<u>\$509,774,000</u>
(From General Fund.....	<u>\$200,902,000</u>)
(From Federal Funds.....	<u>263,872,000</u>)
(From All Other Funds.....	<u>45,000,000</u>)

Less:

Federal Funds	<u>\$263,872,000</u>
All Other Funds.....	<u>45,000,000</u>
Total Deductions.....	<u>\$308,872,000</u>
Total Grants-in-Aid Appropriation, Division of Family Development.....	<u>\$200,902,000</u>

Grants-in-Aid:

15 DFD Homeless Prevention Initiative	(\$3,974,000)
15 Work First New Jersey - Training Related Expenses.....	(16,440,000)
15 Work First New Jersey Support Services	(76,889,000)
15 Work First New Jersey - Breaking the Cycle	(1,000,000)
15 Work First New Jersey - Child Care.....	(353,904,000)
15 Kinship Care Initiatives	(5,555,000)
15 Wage Supplement Program	(1,200,000)
15 Kinship Care Guardianship and Subsidy	(2,618,000)
15 Social Services for the Homeless	(12,194,000)

15 SSI Attorney Fees.....	(2,868,000)
15 Substance Abuse Initiatives	(33,132,000)

Less:

Federal Funds..... 263,872,000

All Other Funds..... 45,000,000

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.

The amounts hereinabove appropriated for the Income Maintenance Management program classification are subject to the following condition: the Commissioner of Human Services 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 quarterly reports, due within 60 days after the end of each quarter, containing written statistical and financial information on the Work First New Jersey program and any subsequent welfare reform program the State may undertake.

Notwithstanding any law or regulation to the contrary, in addition to the amounts hereinabove for the Work First New Jersey Child Care, an amount not to exceed \$45,000,000 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, in addition to the amounts hereinabove appropriated for Work First New Jersey Support Services, an amount not to exceed \$20,000,000 may be appropriated from the Workforce Development Partnership Fund established pursuant to section 9 of P.L.1992, c.43 (C.34:15D-9) to the Division of Family Development for Work First New Jersey Support Services in the event federal funding is reduced pursuant to work participation requirements as specified in section 7102 of the

federal Deficit Reduction Act of 2005 (Pub.L.109-171), subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, no funds hereinabove appropriated for before-school, after-school and summer "wrap around" child care shall be expended except in accordance with the following condition: Effective September 1, 2010, families with incomes between 101% and 250% of the federal poverty level who reside in districts who received Preschool Expansion Aid or Education Opportunity Aid in the 2007-2008 school year shall be subject to a co-payment for "wrap around" child care, based upon a schedule approved by the Department of Human Services and published in the New Jersey Register, and effective September 1, 2010, families who reside in districts who received Preschool Expansion Aid or Education Opportunity Aid in the 2007-2008 school year must meet the eligibility requirements under the New Jersey Cares For Kids child care program (N.J.A.C. 10:15-5.1 et. seq.) in order to receive free or subsidized "wrap around" child care, except that families enrolled for their first year of "wrap around" child care during the 2009-2010 school year will be exempt from the work requirement and the revised income eligibility criteria.

STATE AID

15-7550 Income Maintenance Management.....	<u>\$886,188,000</u>
<i>(From General Fund.....</i>	<i>\$459,691,000)</i>
<i>(From Federal Funds.....</i>	<i>421,397,000)</i>
<i>(From All Other Funds</i>	<i>5,100,000)</i>
Total Appropriation, State, Federal and All Other Funds.....	<u>\$886,188,000</u>
<i>(From General Fund.....</i>	<i>\$459,691,000)</i>
<i>(From Federal Funds.....</i>	<i>421,397,000)</i>
<i>(From All Other Funds</i>	<i>5,100,000)</i>
Less:	
<i>Federal Funds</i>	<i>\$421,397,000</i>
<i>All Other Funds.....</i>	<i>5,100,000</i>
<i>Total Deductions.....</i>	<i><u>\$426,497,000</u></i>
Total State Aid Appropriation,	
Division of Family Development	<u>\$459,691,000</u>

State Aid:

15 County Administration Funding.....	(\$282,274,000)
15 Work First New Jersey -	
Client Benefits.....	(130,600,000)
15 Earned Income Tax Credit Program.....	(18,393,000)
15 General Assistance Emergency	
Assistance Program.....	(97,200,000)
15 Payments for Cost of General	
Assistance.....	(106,042,000)

15 Work First New Jersey - Emergency Assistance.....	(94,755,000)
15 Payments for Supplemental Security Income.....	(87,875,000)
15 State Supplemental Security Income Administrative Fee to SSA.....	(21,146,000)
15 General Assistance County Administration.....	(29,678,000)
15 Food Stamp Administration - State	(17,225,000)
15 Fair Labor Standards Act - Minimum Wage Requirements (TANF).....	(1,000,000)

Less:

Federal Funds..... 421,397,000

All Other Funds..... 5,100,000

The net State share of reimbursements and the net balances remaining after full payment of sums due the federal government of all funds recovered under P.L.1997, c.38 (C.44:10-55 et seq.), P.L.1950, c.166 (C.30:4B-1 et seq.), during the fiscal year ending June 30, 2011 are appropriated for the Work First New Jersey Program.

Receipts from State administered municipalities during the preceding fiscal year are appropriated.

The sum hereinabove appropriated is available for payment of obligations applicable to prior fiscal years.

Any change by the Department of Human Services in the standards upon which or from which grants of categorical public assistance are determined, shall first 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.

Receipts from counties for persons receiving Old Age Assistance, Disability Assistance, and Assistance for the Blind under the Supplemental Security Income (SSI) program are appropriated for the purpose of providing State Aid to the counties, subject to the approval of the Director of the Division of Budget and Accounting.

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.

In addition to the amounts hereinabove appropriated, to the extent that federal child support incentive earnings are available, such additional sums are appropriated from federal child support incentive earnings to pay on behalf of individuals on whom is imposed a \$25 annual child support user fee, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amounts hereinabove appropriated for Work First New Jersey - Client Benefits and General Assistance Emergency Assistance Payments, an amount not to exceed \$5,100,000 is appropriated from the Universal Services Fund for utility payments for Work First New Jersey recipients, subject to the approval of the Director of the Division of Budget and Accounting.

50 Economic Planning, Development, and Security

55 Social Services Programs

7580 Division of the Deaf and Hard of Hearing

DIRECT STATE SERVICES

23-7580 Services for the Deaf	<u>\$991,000</u>
Total Direct State Services Appropriation, Division of the Deaf and Hard of Hearing	<u>\$991,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$611,000)
Services Other Than Personal.....	(35,000)
Maintenance and Fixed Charges.....	(1,000)

Special Purpose:

23 Services to Deaf Clients	(289,000)
23 Communication Access Services.....	(55,000)

70 Government Direction, Management, and Control**76 Management and Administration****7500 Division of Management and Budget****DIRECT STATE SERVICES**

96-7500 Institutional Security Services	\$7,003,000
99-7500 Administration and Support Services	<u>14,861,000</u>
Total Direct State Services Appropriation, Division of Management and Budget.....	<u>\$21,864,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$13,462,000)
Materials and Supplies.....	(337,000)
Services Other Than Personal.....	(4,770,000)
Maintenance and Fixed Charges.....	(161,000)

Special Purpose:

99 Health Care Billing System	(95,000)
99 Transfer to State Police for Fingerprinting/ Background Checks for Job Applicants	(1,633,000)

Additions, Improvements and Equipment(1,406,000)

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.

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 \$1,375,000 and any increase in the maximum monthly allowance shall be approved by the Director of the Division of Budget and Accounting.

Revenues received from fees derived from the licensing of all community mental health programs as specified in N.J.A.C.10:190-1.1 et seq. are appropriated to the Division of Management and Budget to offset the costs of performing the required reviews.

GRANTS-IN-AID

99-7500 Administration and Support Services	<u>\$8,831,000</u>
Total Grants-in-Aid Appropriation, Division of Management and Budget.....	<u>\$8,831,000</u>

Grants-in-Aid:

99 United Way 2-1-1 System	(\$348,000)

99 Unit Dose Contracting Services	(4,263,000)
99 Consulting Pharmacy Services	(4,220,000)

Department of Human Services,

Total State Appropriation..... \$4,559,707,000

Of the amount hereinabove appropriated for the Department of Human Services, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget Message and Recommendations first shall be charged to the State Lottery Fund.

Balances on hand at the end of the preceding fiscal year of funds held for the benefit of patients in the several institutions, and such funds as may be received, are appropriated for the use of the patients.

Funds received from the sale of articles made in occupational therapy departments of the several institutions are appropriated for the purchase of additional material and other expenses incidental to such sale or manufacture.

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, shall first be approved by the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, receipts from payments collected from clients receiving services from the Department of Human Services and collected from their chargeable relatives, are appropriated to offset administrative and contract expenses related to the charging, collecting, and accounting of payments from clients receiving services from the Department and from their chargeable relatives pursuant to R.S.30:1-12, subject to the approval of the Director of the Division of Budget and Accounting.

Payment to vendors for their efforts in maximizing federal revenues is appropriated and shall be paid from the federal revenues received, subject to the approval of the Director of the Division of Budget and Accounting. The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

Unexpended State balances may be transferred among Department of Human Services accounts in order to comply with the State Maintenance of Effort requirements as specified in the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L.104-193, and as legislatively required by the Work First New Jersey program established pursuant to section 4 of P.L.1997, c.38 (C.44:10-58), subject to the approval of the Director of the Division of Budget and Accounting. Notice of such transfers that would result in appropriations or expenditures exceeding the State's Maintenance of Effort requirement obligation shall be subject to the approval of the Joint Budget

Oversight Committee. In addition, unobligated balances remaining from funds allocated to the Department of Labor and Workforce Development for Work First New Jersey as of June 1 of each year are to be reverted to the Work First New Jersey - Client Benefits account in order to comply with the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996" and as legislatively required by the Work First New Jersey program.

Notwithstanding the provisions of R.S.30:4-78, or any law or regulation to the contrary, with respect to the amount hereinabove appropriated for Support of Patients in County Psychiatric Hospitals, commencing January 1, 2010, the State shall pay to each county an amount equal to 35% of the total per capita costs for the reasonable cost of maintenance and clothing of county patients in State psychiatric facilities.

In order to effectuate the orderly consolidation of the West Campus of the Vineland Developmental Center, amounts hereinabove appropriated for the Vineland Developmental Center 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 the West Campus of the Vineland Developmental Center and 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 Developmental Disabilities for operating costs in the developmental centers and to the Group Homes account, subject to the approval of the Director of the Division of Budget and Accounting.

The Department of Human Services shall assure that grant-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.

***Summary of Department of Human Services Appropriations
(For Display Purposes Only)***

Appropriations by Category:

Direct State Services.....	\$469,854,000
Grants-in-Aid.....	3,485,354,000
State Aid	604,499,000

Appropriations by Fund:

General Fund	\$4,429,250,000
Casino Revenue Fund.....	130,457,000

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	<u>\$744,000</u>
Total Direct State Services Appropriation, Economic Planning and Development	<u>\$744,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$507,000)
Materials and Supplies	(11,000)
Services Other Than Personal	(172,000)
Maintenance and Fixed Charges	(25,000)

Special Purpose:

99 Affirmative Action and Equal

Employment Opportunity	(29,000)

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 amounts 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 out of the State Disability Benefits Fund such additional sums 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 sums as are necessary to pay for employer rebate awards as approved by the Commissioner of the Department of Community Affairs.

53 Economic Assistance and Security**DIRECT STATE SERVICES**

03-4520 State Disability Insurance Plan.....	\$23,373,000
04-4520 Private Disability Insurance Plan.....	4,684,000
05-4525 Workers' Compensation	12,879,000
06-4530 Special Compensation	<u>1,813,000</u>
Total Direct State Services Appropriation, Economic Assistance and Security	<u>\$42,749,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$27,892,000)
Materials and Supplies	(257,000)
Services Other Than Personal	(5,340,000)
Maintenance and Fixed Charges	(3,007,000)

Special Purpose:

03 State Disability Insurance Plan	(300,000)
03 Reimbursement to Unemployment Insurance for Joint Tax Functions	(5,500,000)
04 Private Disability Insurance Plan	(50,000)
05 Workers' Compensation	(363,000)
06 Special Compensation	(40,000)

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 out of the State Disability Benefits Fund such additional sums as may be required to pay disability benefits, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for administrative costs associated with the State Disability Insurance Plan, there is appropriated from the State Disability Benefits Fund an amount not to exceed \$10,000,000, such amount to include \$1,000,000 for a reengineering study of the business process, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated for the State Disability Insurance Plan and the Private Disability Insurance Plan, there are appropriated out of the State Disability Benefits Fund such additional sums as may be required to administer the Private Disability Insurance Plan.

In addition to the amounts hereinabove appropriated for the State Disability Insurance Plan, there are appropriated out of the Family Temporary Disability Leave Account within the State Disability Benefits Fund such sums 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, 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 out of 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 out of the Second Injury Fund such additional sums as may be required for costs of administration and beneficiary payments.

In addition to the amounts hereinabove appropriated for the Special Compensation program, there are appropriated receipts in excess of the amount anticipated, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated out of 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.

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.

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 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.

In addition to the amounts hereinabove appropriated, there is appropriated out of the Unemployment Compensation Auxiliary Fund, an amount not to exceed \$2,500,000 to support collection activities in the program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of R.S.34:15-49 to the contrary, including the reference therein to salaries of judges of the Division of Workers' Compensation determined as a percentage of the annual salary of judges of Superior Court, there shall be no increase paid from appropriations made herein for an annual salary increase for judges of the Division of Workers' Compensation.

54 Manpower and Employment Services**DIRECT STATE SERVICES**

07-4535 Vocational Rehabilitation Services.....	\$2,446,000
09-4545 Employment Services.....	9,641,000
12-4550 Workplace Standards.....	4,277,000
16-4555 Public Sector Labor Relations.....	3,375,000
17-4560 Private Sector Labor Relations.....	<u>484,000</u>
Total Direct State Services Appropriation, Manpower and Employment Services.....	<u>\$20,223,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages.....	(\$15,053,000)
Materials and Supplies.....	(38,000)
Services Other Than Personal.....	(240,000)
Maintenance and Fixed Charges.....	(28,000)

Special Purpose:

09 Workforce Development Partnership Program.....	(1,909,000)
09 Workforce Development Partnership - Counselors.....	(81,000)
09 Workforce Literacy and Basic Skills Program.....	(2,000,000)
12 Worker and Community Right- to-Know Act.....	(38,000)
12 Public Employees Occupational Safety.....	(378,000)
12 Public Works Contractor Registration.....	(450,000)
12 Safety Commission.....	(3,000)

Additions, Improvements and Equipment(5,000)

Notwithstanding the provisions of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), the cost of fact-finding shall be borne equally by the public employer and the exclusive employee representative.

The amount hereinabove appropriated for the Vocational Rehabilitation Services program classification is available for the payment of obligations applicable to prior fiscal years.

The amount hereinabove appropriated for the Vocational Rehabilitation Services program classification is appropriated from the Unemployment Compensation Auxiliary Fund.

The amounts hereinabove appropriated for the Workforce Development Partnership Program and Workforce Development Partnership - Counselors shall be appropriated from receipts received pursuant to P.L.1992, c.44 (C.34:15D-12 et seq.), together with such additional sums 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.

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 sums as may be required to administer the Workforce Literacy Program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "Supplemental Workforce Fund for Basic Skills," P.L.2001, c.152 (C.34:15D-21 et seq.), or any law or regulation to the contrary, the unexpended balance at the end of the preceding fiscal year in the Supplemental Workforce Fund for Basic Skills is appropriated, 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 to the contrary, the unexpended balance at the end of the preceding fiscal year in the Workforce Development Partnership Fund is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated for the Workplace Standards Program are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

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 "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. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately. In addition to the amounts hereinabove appropriated, there are appropriated out of the Worker and Community Right To Know Fund such additional sums, not to exceed \$8,400, to administer the Right To Know Program, 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.

There are appropriated out of the Wage and Hour Trust Fund and the Prevailing Wage Act Trust Fund such sums as may be necessary for payments.

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.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amount hereinabove appropriated for the Council on Gender Parity, an amount not to exceed \$72,000 is appropriated from the Unemployment Compensation Auxiliary Fund, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

07-4535 Vocational Rehabilitation Services.....	\$30,876,000
<i>(From General Fund.....</i>	<i>\$28,680,000)</i>
<i>(From Casino Revenue Fund.....</i>	<i>2,196,000)</i>
10-4545 Employment and Training Services.....	<u>30,076,000</u>
Total Grants-in-Aid Appropriation, Manpower and	
Employment Services.....	<u>\$60,952,000</u>
<i>(From General Fund.....</i>	<i>\$58,756,000)</i>
<i>(From Casino Revenue Fund.....</i>	<i>2,196,000)</i>

Grants-in-Aid:

07 Vocational Rehabilitation Services.....	(\$24,394,000)
07 Vocational Rehabilitation Services (CRF)...	(2,196,000)
07 Services to Clients (State Share).....	(4,286,000)
10 New Jersey Youth Corps	(2,325,000)
10 Work First New Jersey Work Activities....	(27,751,000)

The amount hereinabove appropriated for the Vocational Rehabilitation Services program classification is available for the payment of obligations applicable to prior fiscal years.

Of the amount hereinabove appropriated for the Vocational Rehabilitation Services program classification, an amount not to exceed \$14,114,000 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 the Work First New Jersey-Work Activities and Work First New Jersey-Training Related Expenses accounts, an amount not to exceed \$25,500,000 is appropriated from the New Jersey 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, 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 New Jersey Workforce Development Partnership Fund, section 9 of P.L.1992, c.43 (C.34:15D-9), subject to the approval of the Director of the Division of Budget and Accounting.

Of the amounts hereinabove appropriated for Work First New Jersey-Work Activities, an amount not to exceed 3% shall be made available for administrative costs incurred by the Department of Labor and Workforce Development.

Notwithstanding the provisions of any law or regulation to the contrary, of the amount hereinabove appropriated for New Jersey Youth Corps, \$1,850,000 is appropriated from the New Jersey Workforce Development Partnership Fund, section 9 of P.L.1992, c.43 (C.34:15D-9) and an amount not to exceed 10% from all funds available to the program shall be made available for administrative costs incurred by the Department of Labor and Workforce Development.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amounts hereinabove appropriated for New Jersey Youth Corps, there is appropriated an amount not to exceed \$2,200,000 from the Supplemental Workforce Fund for Basic Skills, P.L.2001 c.152 (C.34:15D-21 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for the New Jersey Youth Corps program, \$475,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

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 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.

70 Government Direction, Management, and Control

74 General Government Services

DIRECT STATE SERVICES

22-4575 General Administration and State and Local Government Operations.....	\$14,666,000
24-4580 Commission Services	<u>2,046,000</u>

Total Direct State Services Appropriation, General

Government Services..... \$16,712,000**Direct State Services:**

Personal Services:

Civil Service Commission.....(\$21,000)

Salaries and Wages.....(14,212,000)

Materials and Supplies.....(247,000)

Services Other Than Personal.....(1,621,000)

Maintenance and Fixed Charges.....(88,000)

Special Purpose:

22 Microfilm Service Charges.....(29,000)

22 Test Validation/Police Testing.....(434,000)

22 Americans with Disabilities Act.....(60,000)

Receipts derived 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 derived from fees charged for appeals to the Merit Systems Board are appropriated for the costs of administering the appeals process, subject to the approval of the Director of the Division of Budget and Accounting.

Department of Labor and Workforce Development,

Total State Appropriation..... \$141,380,000

**Summary of Department of Labor and Workforce
Development Appropriations
(For Display Purposes Only)**

Appropriations by Category:

Direct State Services..... \$80,428,000

Grants-in-Aid..... 60,952,000

Appropriations by Fund:

General Fund \$139,184,000

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..... \$246,252,000

09-1020 Criminal Justice..... 29,977,000

11-1050 State Medical Examiner..... 482,000

30-1460 Gaming Enforcement..... 42,249,000

(From Casino Control Fund..... \$42,249,000)

99-1200 Administration and Support Services	<u>33,993,000</u>
Total Direct State Services Appropriation,	
Law Enforcement	<u>\$352,953,000</u>
<i>(From General Fund..... \$310,704,000)</i>	
<i>(From Casino Control Fund..... 42,249,000)</i>	
Direct State Services:	
Personal Services:	
Salaries and Wages	(\$190,528,000)
Salaries and Wages (CCF).....	(35,868,000)
Cash in Lieu of Maintenance.....	(29,845,000)
Cash in Lieu of Maintenance (CCF).....	(857,000)
<i>(From General Fund</i>	<i>\$220,373,000)</i>
<i>(From Casino Control Fund.....</i>	<i>36,725,000)</i>
Materials and Supplies.....	(5,713,000)
Materials and Supplies (CCF)	(776,000)
Services Other Than Personal.....	(3,394,000)
Services Other Than Personal (CCF).....	(1,231,000)
Maintenance and Fixed Charges.....	(5,025,000)
Maintenance and Fixed Charges (CCF).....	(2,110,000)
Special Purpose:	
06 Nuclear Emergency Response Program	(1,591,000)
06 Drunk Driver Fund Program.....	(350,000)
06 Camden Initiative	(1,500,000)
06 Enhanced DNA Testing.....	(450,000)
06 State Police DNA Laboratory	
Enhancement	(1,150,000)
06 Urban Search and Rescue	(1,000,000)
06 Computer Aided Dispatch Maintenance.....	(600,000)
06 Rural Section Policing	(53,398,000)
09 Division of Criminal Justice -	
State Match.....	(750,000)
09 Expenses of State Grand Jury.....	(356,000)
09 Medicaid Fraud Investigation -	
State Match.....	(500,000)
30 Gaming Enforcement (CCF)	(1,028,000)
99 Consent Decree Vehicles.....	(260,000)
99 Hamilton TechPlex Maintenance	(1,616,000)
99 Central Monitoring Station.....	(654,000)
99 Affirmative Action and Equal	
Employment Opportunity.....	(126,000)
99 N.C.I.C. 2000 Project	(2,000,000)
99 State Police Information	
Technology Maintenance	(2,000,000)

99 State Police Enhanced Systems

and Procedures	(1,900,000)
Additions, Improvements and Equipment	(5,998,000)
Additions, Improvements and Equipment (CCF)	(379,000)

Notwithstanding the provisions of any law or regulation to the contrary, funds in excess of \$250,000 obtained through seizure, forfeiture, or abandonment pursuant to any federal or State statutory or common law and proceeds of the sale of any such confiscated property or goods, except for such funds as are dedicated pursuant to N.J.S.2C:64-6, are appropriated for law enforcement purposes designated by the Attorney General.

Notwithstanding the provisions of any law or regulation to the contrary, receipts derived 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 Witness Advocacy Fund account, together with receipts derived pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) is appropriated.

The unexpended balance at the end of the preceding fiscal year in the revolving fund established under the "New Jersey Antitrust Act," P.L.1970, c.73 (C.56:9-1 et seq.) is appropriated for the administration of the act and any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

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 derived pursuant to the requirements to act as Joint Negotiation Representatives under P.L.2001, c.371 (C.52:17B-196 et seq.) are appropriated to the Division of Criminal Justice to offset operating 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 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.

All registration fees, tuition fees, training fees, and all other fees received for reimbursement for attendance at courses conducted by Division of State Police and Division of Criminal Justice personnel are appropriated, 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 Permit Program," and the unexpended balance at the end of the preceding fiscal year, are appropriated to offset the costs of administering the application process, subject to the approval of the Director of the Division of Budget and Accounting.
- The amount hereinabove appropriated for the Nuclear Emergency Response Program account is payable from receipts received 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.
- 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, is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.
- The amount hereinabove appropriated for the Drunk Driver Fund program is payable out of the Drunk Driver Enforcement Fund established pursuant to section 1 of P.L.1984, c.4 (C.39:4-50.8) designated for this purpose and any amount remaining therein. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.
- Notwithstanding the provisions of section 3 of P.L.1985, c.69 (C.53:1-20.7), the unexpended balance at the end of the preceding fiscal year, in the Noncriminal Record Checks account, together with any receipts in excess of the amount anticipated are appropriated, 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 derived pursuant to the New Jersey Medical Service Helicopter 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 and Senior Services to defray the operating costs of the 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 derived pursuant to the New Jersey Medical Service Helicopter Response Act under section c. of section 1 of P.L.1992, c.87 (C.39:3-8.2) are ap-

propriated 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 Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, receipts and available balances from the surcharge on motor vehicle registrations pursuant to subsection a. of section 1 of P.L.1992, c.87 (C.39:3-8.2), not to exceed \$4,900,000 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 \$7,200,000 are appropriated for State Police vehicles, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in the "Commercial Vehicle Enforcement Fund" established pursuant to section 17 of P.L.1995, c.157 (C.39:8-75) are appropriated to offset all reasonable and necessary expenses of the Division of State Police and 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.

Receipts and available balances derived 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 \$8,205,000 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.

All fees 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.

In addition to the amounts hereinabove appropriated to the Divisions of State Police and Criminal Justice and the Office of the State Medical Examiner, there are appropriated to the respective State departments and agencies such sums as may be received or receivable from any instrumentality, municipality, or public authority for direct and indirect costs of all services furnished thereto, except as to such costs for which funds have been included in appropriations otherwise made to the respective State departments and agencies as the Director of the Division of Budget and Accounting shall determine; provided however, that payments from such instrumentalities, municipalities, or authorities for employer contributions to the State Police and Public Employees' Retirement Systems shall not be appropriated and shall be paid into the General Fund.

- There is appropriated, an amount up to \$25,000, from the General Fund, to pay for each award or each tip for information that prevents, frustrates, or favorably resolves acts of international or domestic terrorism against New Jersey persons or property, as well as tips related to the identification of illegal guns, drugs and gangs. Rewards may also be paid for information leading to the arrest or conviction of terrorists and/or gang members attempting, committing, conspiring to commit or aiding and abetting in the commission of such acts or to the identification or location of an individual who holds a key leadership position in a terrorist and/or gang organization, subject to the approval of the Attorney General and the Director of the Division of Budget and Accounting.
- Of the amounts hereinabove appropriated to the Division of State Police, there shall be credited against such amounts such monies as are received by the Division of State Police pursuant to a Memorandum of Understanding between the Division of State Police and the New Jersey Schools Development Authority for services rendered by the Division of State Police in connection with the school construction program.
- In addition to the amount hereinabove appropriated for the Drunk Driver Fund Program, there is appropriated \$612,000 from the Motor Vehicle Commission for the Drunk Driver Fund 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.
- Notwithstanding the provisions of any law or regulation to the contrary, receipts derived from the sale of a State Police helicopter are appropriated to the Division of State Police for the purposes of offsetting salary costs, subject to the approval of 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 sums as may be required for gaming enforcement, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

06-1200 State Police Operations	<u>\$265,000</u>
Total Grants-in-Aid Appropriation, Law Enforcement	<u>\$265,000</u>
Grants-in-Aid:	
06 Nuclear Emergency Response Program	(\$265,000)

13 Special Law Enforcement Activities**DIRECT STATE SERVICES**

03-1160 Office of Highway Traffic Safety	\$600,000
17-1420 Election Law Enforcement	4,191,000
20-1450 Review and Enforcement of Ethical Standards	<u>994,000</u>
Total Direct State Services Appropriation, Special Law Enforcement Activities	<u>\$5,785,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$4,680,000)
Materials and Supplies	(66,000)
Services Other Than Personal	(414,000)
Maintenance and Fixed Charges	(10,000)

Special Purpose:

03 Federal Highway Safety Program - State Match	(600,000)
17 Per Diem Payment to Members of Election Law Enforcement Commission	(15,000)

Notwithstanding the provisions of section 14 of P.L.1992, c.188 (C.33:1-4.1), in addition to the amounts hereinabove, all fees and penalties collected by the Director of Alcoholic Beverage Control in excess of \$3,960,000 are appropriated for the purpose of offsetting operational costs of the Alcoholic Beverage Control Investigative Bureau and the Division of Alcoholic Beverage Control, subject to the approval of the Director of the Division of Budget and Accounting.

Registration fees, tuition fees, training fees, and other fees received for reimbursement for attendance at courses administered or conducted by the Division of Alcoholic Beverage Control are appropriated for program costs.

From the receipts derived from uncashed pari-mutuel winning tickets and the regulation, supervision, licensing, and enforcement of all New Jersey Racing Commission activities and functions, such sums 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 derived 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 Election Law En-

forcement Commission, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, amounts received pursuant to P.L.1971, c.183 (C.52:13C-18 et seq.) are appropriated for the purpose of offsetting additional operational costs of the Election Law Enforcement Commission, subject to the approval of the Director of the Division of Budget and Accounting.

Of the receipts derived 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	\$27,080,000
35-1505 Institutional Control and Supervision.....	34,264,000
36-1505 Institutional Care and Treatment	16,146,000
40-1500 Juvenile Parole and Transitional Services	6,601,000
99-1500 Administration and Support Services	<u>15,890,000</u>
Total Direct State Services Appropriation, Juvenile Services	<u>\$99,981,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$78,883,000)
Food In Lieu of Cash	(203,000)
Materials and Supplies.....	(7,334,000)
Services Other Than Personal.....	(8,705,000)
Maintenance and Fixed Charges.....	(1,773,000)

Special Purpose:

34 Juvenile Justice Initiatives	(745,000)
34 Social Services Block Grant - State Match.....	(42,000)
34 Female Substance Abuse Program	(305,000)
36 Secure Care Mental Health Program	(503,000)
99 Johnstone Facility Maintenance	(687,000)
99 Juvenile Justice - State Matching Funds.....	(472,000)
99 Custody and Civilian Staff Training.....	(185,000)

Additions, Improvements and Equipment

Receipts derived from the Eyeglass Program at the New Jersey Training School for Boys and any unexpended balance at the end of the preceding fiscal year are appropriated for the operation of the program.

GRANTS-IN-AID

34-1500 Juvenile Community Programs	<u>\$16,983,000</u>
Total Grants-in-Aid Appropriation, Juvenile Services	<u>\$16,983,000</u>

Grants-in-Aid:

34 Juvenile Detention Alternative Initiative	(\$1,900,000)
34 Alternatives to Juvenile Incarceration Programs	(2,008,000)
34 Crisis Intervention Program	(4,292,000)
34 State/Community Partnership Grants	(8,470,000)
34 Purchase of Services for Juvenile Offenders	(313,000)

Of the amounts hereinabove appropriated for the Juvenile Detention Alternatives Initiative, such sums as may be required may be transferred to various Direct State Service operating accounts, subject to the approval of the Director of the Division of Budget and Accounting.

The Juvenile Justice Commission shall assure that grant-in-aid recipients demonstrate cultural competency to serve clients within their respective communities and offer training opportunities in cultural competence to staff of community-based organizations the recipients may serve.

19 Central Planning, Direction and Management**DIRECT STATE SERVICES**

13-1005 Homeland Security and Preparedness	\$3,303,000
99-1000 Administration and Support Services	<u>10,959,000</u>
Total Direct State Services Appropriation, Central Planning, Direction and Management	<u>\$14,262,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$8,491,000)
Materials and Supplies	(74,000)
Services Other Than Personal	(60,000)
Maintenance and Fixed Charges	(27,000)

Special Purpose:

13 Office of Homeland Security and Preparedness	(3,303,000)
99 Emergency Operations Center - Operating	(2,157,000)
99 Affirmative Action and Equal Employment Opportunity	(129,000)

Additions, Improvements and Equipment

(21,000)

Notwithstanding the provisions of any law or regulation to the contrary, funds obtained through seizure, forfeiture, or abandonment pursuant to any federal or State statutory or common law and the proceeds of the sale of any such con-

fiscated 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; provided however, that receipts in excess of \$2,255,000 may only be used for non-recurring expenditures.

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, 2010 and February 1, 2011, 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 in the State Forensic Laboratory Fund, together with the unexpended balance at the end of the preceding fiscal year, are appropriated to defray additional laboratory related administration and operational expenses of the "Comprehensive Drug Reform Act of 1987," N.J.S.2C:35-1 et al., subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Office of Homeland Security and Preparedness is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the agency surcharge on vehicle rentals pursuant to section 54 of P.L.2002, c.34 (C.App.A:9-78), not to exceed \$7,200,000, are appropriated for the Office of Homeland Security and Preparedness and shall be deposited into a dedicated account, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

The unexpended balance at the end of the preceding fiscal year in the Capital for Homeland Security Critical Infrastructure account is appropriated and such amounts may be transferred to other departments and State agencies for any State and/or local homeland security purpose, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law, regulation or Executive Order to the contrary, any purchase by the State or by a State agency or local government unit of equipment, goods or services related to homeland security and domestic preparedness, that is paid for or reimbursed by State funds appropriated in this fiscal year, to the Department of Law and Public Safety, for Homeland Security and Preparedness under program classification, may be made through the receipt of public bids or as an alternative to public bidding and subject to the provisions of this paragraph, through direct purchase without advertising for bids or rejecting bids already received but not awarded. Purchases made without public bidding shall be from vendors that shall 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 Director of the Office of Homeland Security and Preparedness. The equipment, goods or services purchased by a local government unit receiving such State funds by subgrant shall be referred to in the grant agreement issued by the Office of Homeland Security and Preparedness and shall be authorized by resolution of the governing body of the local government unit entering into the grant agreement. Such resolution may, without subsequent action of the local governing body, simultaneously accept the grant from the State administrative agency, authorize the insertion of the revenue and offsetting appropriation in the budget of the local government unit, and authorize the contracting agent of the local government unit to procure the equipment, goods or services. A copy of such resolution shall be filed with the chief financial officer of the local government unit and the Division of Local Government Services in the Department of Community Affairs.

70 Government Direction, Management, and Control

74 General Government Services

DIRECT STATE SERVICES

12-1010 Legal Services	<u>\$71,446,000</u>
Subtotal Direct State Services,	
General Government Services	<u>\$71,446,000</u>
Less:	
Legal Services	<u>\$56,179,000</u>
Total Income Deductions	<u>\$56,179,000</u>
Total Direct State Services Appropriation, General	
Government Services.....	<u>\$15,267,000</u>
Direct State Services:	
Personal Services:	
Salaries and Wages.....	(\$12,938,000)
Materials and Supplies.....	(89,000)
Services Other Than Personal	(557,000)
Maintenance and Fixed Charges.....	(241,000)

Special Purpose:

12 Legal Services	(56,179,000)
12 Child Welfare Unit	(1,442,000)

Less:

Income Deductions..... 56,179,000

In addition to the \$56,178,516 attributable to Reimbursements from Other Sources and the corresponding additional amount associated with employee fringe benefit costs, there are appropriated such sums 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. Such sums shall first be charged to any revenues derived from recoveries collected by the State but may also be provided from the General Fund, subject to the approval of the Director of the Division of Budget and Accounting.

80 Special Government Services**82 Protection of Citizens' Rights****DIRECT STATE SERVICES**

14-1310 Consumer Affairs	\$7,375,000
15-1319 Operation of State Professional Boards.....	17,633,000
<i>(From General Fund.....</i>	<i>\$17,541,000)</i>
<i>(From Casino Revenue Fund.....</i>	<i>92,000)</i>
16-1350 Protection of Civil Rights.....	4,436,000
19-1440 Victims of Crime Compensation Office.....	<u>4,053,000</u>
Total Direct State Services Appropriation, Protection	
of Citizens' Rights	<u>\$33,497,000</u>
<i>(From General Fund.....</i>	<i>\$33,405,000)</i>
<i>(From Casino Revenue Fund.....</i>	<i>92,000)</i>

Direct State Services:

New Jersey State Library

Personal Services:

Salaries and Wages.....	(\$7,079,000)
Salaries and Wages (CRF).....	(57,000)
Employee Benefits (CRF)	(29,000)
<i>(From General Fund.....</i>	<i>\$7,079,000)</i>
<i>(From Casino Revenue Fund.....</i>	<i>86,000)</i>
Materials and Supplies.....	(98,000)
Services Other Than Personal.....	(15,027,000)
Services Other Than Personal (CRF).....	(6,000)
Maintenance and Fixed Charges.....	(1,878,000)

Special Purpose:

14 Consumer Affairs Legalized	
Games of Chance.....	(1,390,000)
14 Securities Enforcement Fund.....	(893,000)
14 Consumer Affairs Weights and	
Measures Program.....	(2,612,000)
14 Consumer Affairs Charitable	
Registrations Program	(556,000)
15 Personal Care Attendants -	
Background Checks.....	(500,000)
19 Claims - Victims of Crime.....	(3,372,000)

In addition to the amount hereinabove appropriated for Consumer Affairs, receipts in excess of the amount anticipated, attributable to changes in fee structure or fee increases, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

All fees, penalties, and costs collected pursuant to P.L.1988, c.123 (C.56:12-29 et seq.) are appropriated for the purpose of offsetting costs associated with the handling and resolution of consumer automotive complaints.

Fees and cost recoveries collected pursuant to P.L.1989, c.331 (C.34:8-43 et al.) are appropriated in an amount not to exceed additional expenses associated with mandated duties of the Division of Consumer Affairs, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived 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, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated derived 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). If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of any other 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. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of section 15 of P.L.1985, c.405 (C.49:3-66.1) 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 Securities Enforcement Fund program account to offset the cost of operating this program and for use by the Department of Law and Public Safety, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived 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 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 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 derived 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 are appropriated, and the unexpended balances at the end of the preceding fiscal year are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the training provided by Division on Civil Rights personnel along with the sale of films, pamphlets, and other educational materials devel-

oped or produced by the Division on Civil Rights are appropriated.

Notwithstanding the provisions of section 2 of P.L.1983, c.412 (C.10:5-14.1a) any receipts derived 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 derived from the provision of copies of transcripts and other materials related to officially docketed cases are appropriated.

The unexpended balances at the end of the preceding fiscal year in the Victim-Witness Assistance Bureau and in the Victim and Witness Advocacy Fund pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) are appropriated for the same purpose.

The amount hereinabove appropriated for "Claims - Victims of Crime" is available for payment of awards applicable to claims filed in prior fiscal years.

Receipts derived 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 program and payment of claims of victims of crime, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from assessments under section 2 of P.L.1979, c.396 (C.2C:43-3.1) in excess of the amount anticipated and the unexpended balance at the end of the preceding fiscal year are appropriated for payment of claims of victims of crime pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and additional Victims of Crime Compensation Office operational costs up to \$1,425,000, and \$98,000 for the Office's Strategic IT Automation Initiative, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove is appropriated from the Casino Revenue Fund for the costs associated with the operation of the Board of Nursing.

Department of Law and Public Safety,

Total State Appropriation \$538,993,000

Receipts derived 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.

**Summary of Department of Law and Public Safety Appropriations
(For Display Purposes Only)**

Appropriations by Category:

Direct State Services..... \$521,745,000
Grants-in-Aid..... 17,248,000

Appropriations by Fund:

General Fund \$496,652,000
 Casino Control Fund..... 42,249,000
 Casino Revenue Fund..... 92,000

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS***10 Public Safety and Criminal Justice******14 Military Services*****DIRECT STATE SERVICES**

40-3620 New Jersey National Guard Support Services..... \$3,822,000
 60-3600 Joint Training Center Management and Operations..... 228,000
 99-3600 Administration and Support Services 3,138,000
 Total Direct State Services Appropriation, Military Services \$7,188,000

Direct State Services:**Personal Services:**

Salaries and Wages..... (\$2,985,000)
 Materials and Supplies..... (569,000)
 Services Other Than Personal..... (682,000)
 Maintenance and Fixed Charges..... (1,046,000)

Special Purpose:

40 Weapons of Mass Destruction Program (378,000)
 40 National Guard - State Active Duty..... (50,000)
 40 New Jersey National Guard
 Challenge Youth Program (265,000)
 40 Joint Federal-State Operations and
 Maintenance Contracts (State Share) (1,152,000)
 99 Nursing Initiative..... (52,000)
 Additions, Improvements and Equipment (9,000)

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 derived from the rental and use of armories and the unexpended balance at the end of the preceding fiscal year in the receipt account are appropriated for the operation and maintenance thereof, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for New Jersey National Guard Support Services, funds received for Distance Learning Program usage are appropriated for the same purposes, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the sale of energy credits 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.

The unexpended balance at the end of the preceding fiscal year in the Vietnam Veterans Memorial account is appropriated.

80 Special Government Services

83 Services to Veterans

3610 Veterans' Program Support

DIRECT STATE SERVICES

50-3610 Veterans' Outreach and Assistance	\$3,406,000
51-3610 Veterans Haven	968,000
70-3610 Burial Services.....	<u>2,304,000</u>
Total Direct State Services Appropriation, Veterans' Program Support	<u>\$6,678,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$4,741,000)
Materials and Supplies.....	(500,000)
Services Other Than Personal	(287,000)
Maintenance and Fixed Charges.....	(93,000)

Special Purpose:

50 Veterans' State Benefits Bureau.....	(150,000)
50 Maintenance for Memorials.....	(390,000)
51 Veterans Haven.....	(94,000)
70 Honor Guard Support Services	(423,000)

Funds collected by and on behalf of the Korean Veterans' Memorial Fund are hereby appropriated for the purposes of the fund.

Funds received for Veterans' Transitional Housing from the U.S. Department of Veterans Affairs and the individual residents, and the unexpended balance at the end of the preceding fiscal year, in the receipt account are appropriated for the same purpose.

Funds received for plot interment allowances from the U.S. Department of Veterans Affairs, burial fees collected, and the unexpended program balances at the end of the preceding fiscal year are appropriated for perpetual care and maintenance of burial plots and grounds at the Brigadier General William C. Doyle Veterans Memorial Cemetery in North Hanover Township, Burlington County, New Jersey.

Notwithstanding the provisions of any law or regulation to the contrary, no State funds are appropriated to the Department of Military and Veterans' Affairs for the purpose of reforestation or "in lieu of" payments under 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	<u>\$2,909,000</u>
Total Grants-in-Aid Appropriation,	
Veterans' Program Support	<u>\$2,909,000</u>

Grants-in-Aid:

50 Support Services for Returning	
Veterans	(\$1,000,000)
50 Veterans' Tuition Credit Program	(8,000)
50 POW/MIA Tuition Assistance.....	(1,000)
50 Vietnam Veterans' Tuition Aid	(2,000)
50 Veterans' Transportation	(335,000)
50 Veterans' Orphan Fund - Education Grants	(3,000)
50 Blind Veterans' Allowances	(40,000)
50 Paraplegic and Hemiplegic Veterans'	
Allowance	(220,000)
50 Post Traumatic Stress Disorder	(1,300,000)

The sums provided hereinabove and the unexpended balances at the end of the preceding fiscal year in the Veterans' Tuition Credit Program, POW/MIA Tuition Assistance, and the Vietnam Veterans' Tuition Aid accounts are appropriated and available for payment of liabilities applicable to prior fiscal years.

From the amount hereinabove appropriated for the Support Services for Returning Veterans, such sums as may be required may be transferred to Veterans Outreach and Assistance - Direct State Services and Veterans' Transportation - Grants-In-Aid, 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 Support Services for Returning Veterans account, is appropriated for the same purpose.

3630 Menlo Park Veterans' Memorial Home**DIRECT STATE SERVICES**

20-3630 Domiciliary and Treatment Services	\$17,804,000
99-3630 Administration and Support Services	<u>5,432,000</u>
Total Direct State Services Appropriation, Menlo Park	
Veterans' Memorial Home	<u>\$23,236,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages.....	(\$19,119,000)
Materials and Supplies.....	(2,207,000)
Services Other Than Personal.....	(1,536,000)
Maintenance and Fixed Charges.....	(260,000)
Additions, Improvements and Equipment	(114,000)

In addition to the amount hereinabove appropriated for the Menlo Park Veterans' Memorial Home, such sums received from the U.S. Department of Veterans Affairs, New Jersey Department of Health and Senior Services, and New Jersey Assistance for Community Care Giving are appropriated for the Menlo Park Adult Day Care program, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

20-3630 Domiciliary and Treatment Services \$55,000
 Total Grants-in-Aid Appropriation,
 Menlo Park Veterans' Memorial Home \$55,000

Grants-in-Aid:

20 Prescription Drug Program (\$55,000)

3640 Paramus Veterans' Memorial Home

DIRECT STATE SERVICES

20-3640 Domiciliary and Treatment Services \$18,181,000
 99-3640 Administration and Support Services 4,570,000
 Total Direct State Services Appropriation, Paramus
 Veterans' Memorial Home \$22,751,000

Direct State Services:

Personal Services:

Salaries and Wages (\$19,603,000)
 Materials and Supplies (1,588,000)
 Services Other Than Personal (1,335,000)
 Maintenance and Fixed Charges (184,000)
 Additions, Improvements and Equipment (41,000)

GRANTS-IN-AID

20-3640 Domiciliary and Treatment Services \$55,000
 Total Grants-in-Aid Appropriation, Paramus
 Veterans' Memorial Home \$55,000

Grants-in-Aid:

20 Prescription Drug Program (\$55,000)

3650 Vineland Veterans' Memorial Home

DIRECT STATE SERVICES

20-3650 Domiciliary and Treatment Services \$20,270,000
 99-3650 Administration and Support Services 5,533,000
 Total Direct State Services Appropriation,
 Vineland Veterans' Memorial Home \$25,803,000

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$21,098,000)
Materials and Supplies.....	(1,800,000)
Services Other Than Personal.....	(2,467,000)
Maintenance and Fixed Charges.....	(314,000)
Additions, Improvements and Equipment	(124,000)

GRANTS-IN-AID

20-3650 Domiciliary and Treatment Services	<u>\$55,000</u>
Total Grants-in-Aid Appropriation, Vineland Veterans' Memorial Home	<u>\$55,000</u>

Grants-in-Aid:

20 Prescription Drug Program	(\$55,000)

Department of Military and Veterans' Affairs,

Total State Appropriation..... \$88,730,000

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.

Funds received from the sale of articles made in occupational therapy departments of the several veterans' homes are appropriated for the purchase of additional material and other expenses incidental to such sale or manufacture.

Forty percent of the receipts in excess of the amount anticipated derived from resident contributions and federal reimbursements at the end of the preceding fiscal year are appropriated for veterans' program initiatives, subject to the approval of the Director of the Division of Budget and Accounting of an itemized plan for the expenditure of these amounts, as shall be submitted by the Adjutant General.

Fees charged to residents for personal laundry services provided by the veterans' homes are appropriated to supplement the operational and maintenance costs of these laundry services.

Of the amount hereinabove appropriated for the Department of Military and Veterans' Affairs, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget Message and Recommendations shall first be charged to the State Lottery Fund.

**Summary of Department of Military and Veterans' Affairs Appropriations
(For Display Purposes Only)**

Appropriations by Category:

Direct State Services..... \$85,656,000
Grants-in-Aid..... 3,074,000

Appropriations by Fund:

General Fund \$88,730,000

70 DEPARTMENT OF THE PUBLIC ADVOCATE

80 Special Government Services

82 Protection of Citizens' Rights

DIRECT STATE SERVICES

01-8400 Citizen Relations \$1,400,000
03-8411 Mental Health Advocacy 4,103,000
04-8440 Elder Advocacy 1,151,000
05-8413 Public Interest Advocacy..... 1,066,000
07-8412 Advocacy for the Developmentally Disabled..... 67,000
08-8450 Rate Counsel 5,771,000
09-8460 Child Advocate 1,351,000
99-8480 Management and Administrative Services 1,249,000
Subtotal Direct State Services Appropriation, Protection
of Citizens' Rights..... \$16,158,000

Less:

Department Consolidation Savings..... \$3,967,000

Total Deductions..... \$3,967,000

Total Direct State Services Appropriation, Protection
of Citizens' Rights..... \$12,191,000

Direct State Services:

Personal Services:

Salaries and Wages..... (\$9,628,000)
Materials and Supplies..... (200,000)
Services Other Than Personal..... (3,148,000)
Maintenance and Fixed Charges..... (726,000)

Special Purpose:

03 Representation of Civilly Committed
Sexual Offenders (956,000)
09 Child Advocate (1,351,000)
Additions, Improvements and Equipment (149,000)

Less:

Department Consolidation Savings..... 3,967,000

Sums provided for legal and investigative services are available for payment of obligations applicable to prior fiscal years.

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 this activity under sections 47 and 55 of P.L.2005, c.155 (C.52:27EE-47 and 52:27EE-55).

The unexpended balances at the end of the preceding fiscal year in the Rate Counsel accounts are appropriated.

Receipts in excess of the amount anticipated for the New Jersey Office of Dispute Settlement are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Department of The Public Advocate,

Total State Appropriation..... \$12,191,000

Summary of Department of the Public Advocate Appropriations

(For Display Purposes Only)

Appropriations by Category:

Direct State Services..... \$12,191,000

Appropriations by Fund:

General Fund \$12,191,000

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 \$813,000

81-2400 Educational Opportunity Fund Programs 370,000

Total Direct State Services Appropriation, Higher

Educational Services \$1,183,000

Direct State Services:

Personal Services:

Salaries and Wages..... (\$1,099,000)

Materials and Supplies..... (9,000)

Services Other Than Personal..... (63,000)

Maintenance and Fixed Charges..... (12,000)

GRANTS-IN-AID

80-2400 Statewide Planning and Coordination

for Higher Education \$1,900,000

81-2401 Educational Opportunity Fund Programs 38,909,000

Total Grants-in-Aid Appropriation,

Higher Educational Services \$40,809,000

Grants-in-Aid:

80 College Bound..... (\$1,700,000)

80 Governor's School..... (100,000)

80	Minority Faculty Advancement Program	(100,000)
81	Opportunity Program Grants	(25,519,000)
81	Supplementary Education Program Grants.....	(12,803,000)
81	Martin Luther King Physician-Dentist Scholarship Act of 1986	(452,000)
81	Ferguson Law Scholarships	(135,000)

An amount not to exceed \$60,000 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.

The unexpended balances at the end of the preceding fiscal year for the Minority Faculty Advancement Program are appropriated.

Refunds from prior years to the Educational Opportunity Fund Programs accounts are appropriated to those accounts.

2405 Higher Education Student Assistance Authority

DIRECT STATE SERVICES

45-2405	Student Assistance Programs.....	<u>\$656,000</u>
	Total Direct State Services Appropriation, Higher Education Student Assistance Authority	<u>\$656,000</u>

Direct State Services:

Personal Services:

	Salaries and Wages.....	(\$656,000)

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 sums as the State Treasurer deems necessary. Any sums 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," P.L.1999, c.46 (C.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 sums as are necessary to repay the issuer of such surety bond or such other cash equivalent instrument for such draw or to satisfy such insufficiency, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

45-2405	Student Assistance Programs.....	<u>\$333,638,000</u>

Total Grants-in-Aid Appropriation, Higher Education
 Student Assistance Authority \$333,638,000

Grants-in-Aid:

45 Veterinary Medicine Education Program (\$170,000)
 45 Tuition Aid Grants..... (294,298,000)
 45 Part-Time Tuition Aid Grants
 for County Colleges (9,611,000)
 45 Survivor Tuition Benefits (38,000)
 45 Coordinated Garden State
 Scholarship Programs..... (5,352,000)
 45 Part-Time Tuition Aid Grants -
 EOF Students (558,000)
 45 Teaching Fellows Program..... (70,000)
 45 New Jersey World Trade
 Center Scholarship Program..... (202,000)
 45 New Jersey Student Tuition Assistance
 Reward Scholarship (NJSTARS I & II) ... (21,139,000)
 45 Social Services Student Loan
 Redemption Program..... (700,000)
 45 Primary Care Practitioner Loan
 Redemption Program..... (1,500,000)

The sums provided hereinabove and the unexpended balances at the end of the preceding fiscal year in Student Assistance Programs shall be appropriated and available for payment of liabilities applicable to prior fiscal years.

Notwithstanding the provisions of any law or regulation to the contrary, funds hereinabove appropriated for Survivor Tuition Benefits, Coordinated Garden State Scholarship Program, Teaching Fellows Program, New Jersey World Trade Center Scholarship Program, Social Services Student Loan Redemption Program, and Primary Care Practitioner Loan Redemption Program shall only be used to fund awards in fiscal year 2011 to students who have previously received awards in the same program.

Notwithstanding the provisions of N.J.S.18A:71B-47 through N.J.S.18A:71B-49, or any other law or regulation to the contrary, the amounts hereinabove appropriated to the Higher Education Student Assistance Authority are subject to the following condition: commencing on or after July 1, 2007, any newly-admitted student attending a school of veterinary medicine in a reserved space for New Jersey residents through contractual agreements between the Higher Education Student Assistance Authority and participating out-of-State schools of veterinary medicine shall be required, through a contract with the Higher Education Student Assistance Authority, upon graduation to practice veterinary medicine in New Jersey for a period of one year for each year of contract funding provided on their behalf. Such service requirement must commence within one year of completion of the recipient's veteri-

nary education, including American Veterinary Medical Association-approved internships or residencies. If such service requirement is not met, in part or in full, after documented best efforts to find a position, said recipient must refund to the Higher Education Student Assistance Authority that portion of the amounts expended for the recipient's contract seat that is not offset by practicing in New Jersey.

The amount hereinabove appropriated for the Veterinary Medicine Education Program shall not be expended for any student not attending a school of veterinary medicine prior to July 1, 2010 in a reserved space for New Jersey residents through contractual agreements between the Higher Education Student Assistance Authority and participating out-of-state schools of veterinary medicine.

Amounts from the unexpended balance at the end of the preceding fiscal year, including refunds recognized after July 31, 2010, in the Tuition Aid Grants account are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the Higher Education Student Assistance Authority shall provide to students enrolled in public institutions of higher education who are eligible for maximum awards under the Tuition Aid Grant program an award amount which shall not exceed the in-State undergraduate 2009-2010 tuition rate for the institution with comparable awards provided to students eligible for maximum awards enrolled at independent institutions. All other award amounts provided under the Tuition Aid Grant program shall not exceed the in-State undergraduate tuitions in effect at institutions in academic year 2007-2008. Reappropriated balances in the Tuition Aid Grants account shall be held as a contingency for unanticipated increases in the number of applicants qualifying for full-time Tuition Aid Grant awards, to fund shifts in the distribution of awards that result in an increase in total program costs, or to offset any shortfalls in the federal Leveraging Educational Assistance Partnership (LEAP) program.

Notwithstanding the provisions of any law or regulation to the contrary, effective with the 2009-2010 academic year, students attending a post-secondary, for profit, proprietary institution in New Jersey approved for participation in the Tuition Aid Grant program prior to July 1, 2009, who are eligible for awards under the Tuition Aid Grant program hereinabove appropriated, shall receive an award not to exceed the corresponding average award amount for the State colleges or universities established pursuant to chapter 64 of Title 18A of the New Jersey Statutes including any State college designated as a teaching university.

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 participated in State grant and scholarship programs prior to the 2010-2011 academic year.

In addition to the amount hereinabove appropriated for Tuition Aid Grants, there are appropriated such sums as are required to cover the costs of increases in the number of applicants qualifying for full-time Tuition Aid Grant awards, to fund shifts in the distribution of awards that result in an increase in total program costs, or to offset any shortfalls in the federal Leveraging Educational Assistance Partnership (LEAP) program, subject to the approval of the Director of the Division of Budget and Accounting.

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 prorated 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 community 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.

Amounts from the unexpended balance at the end of the preceding fiscal year, including refunds recognized after July 31, 2010, in the Part-Time Tuition Aid Grants for County Colleges account are appropriated, subject to the approval of the Director of the Division of Budget and Accounting. Reappropriated balances shall be held and are appropriated as a contingency for unanticipated increases in the number of applicants qualifying for Part-Time Tuition Aid Grants for County Colleges awards or to fund shifts in the distribution of awards that result in an increase in total program costs.

Receipts derived from voluntary contributions by taxpayers on New Jersey State 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 N.J.S.18A:71B-23, except that funds shall only be used to fund awards to students who have previously received awards, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of subsection b. of section 5 of P.L.2004, c.59 (C.18A:71B-85), none of the funds hereinabove appropriated for the New Jersey Student Tuition Assistance Reward Scholarships shall be used to fund summer semester NJ STARS scholarship awards.

**2410 Rutgers, The State University
GRANTS-IN-AID**

82-2410 Institutional Support	<u>\$1,860,374,000</u>
Subtotal General Operations.....	<u>\$1,860,374,000</u>

Less:

<i>Receipts from Tuition Increase</i>	<i>\$490,000</i>
<i>General Services Income.....</i>	<i>628,030,000</i>
<i>Auxiliary Funds Income.....</i>	<i>273,097,000</i>
<i>Special Funds Income.....</i>	<i>522,355,000</i>
<i>Employee Fringe Benefits.....</i>	<i><u>195,384,000</u></i>
<i>Total Income Deductions</i>	<i><u>\$1,619,356,000</u></i>

Total Grants-in-Aid Appropriation, Rutgers, The State University.....	<u>\$241,018,000</u>

Grants-in-Aid:

Special Purpose:

82 General Institutional Operations	(\$1,859,974,000)
82 Clinical Legal Programs for the Poor - Camden Law School	(200,000)
82 Clinical Legal Programs for the Poor - Newark Law School	(200,000)

Less:

<i>Income Deductions</i>	<i>1,619,356,000</i>

For the purpose of implementing the appropriations act for the current fiscal year,
the number of State-funded positions at Rutgers, The State University shall be
6,678.

**2415 Agricultural Experiment Station
GRANTS-IN-AID**

82-2415 Institutional Support	<u>\$82,933,000</u>
Subtotal General Operations.....	<u>\$82,933,000</u>

Less:

<i>Special Funds Income</i>	<i>\$40,954,000</i>
<i>Federal Research and Extension Funds</i>	
<i>Income</i>	<i>7,100,000</i>
<i>Employee Fringe Benefits.....</i>	<i><u>13,137,000</u></i>
<i>Total Income Deductions</i>	<i><u>\$61,191,000</u></i>

Total Grants-in-Aid Appropriation, Agricultural Experiment Station.....	<u>\$21,742,000</u>

Grants-in-Aid:

Special Purpose:

82 General Institutional Operations	(\$82,933,000)

Less:

<i>Income Deductions</i>	<i>61,191,000</i>

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 424.

For the purpose of implementing the appropriations act for the current fiscal year, the fringe benefits for 126 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.

2420 University of Medicine and Dentistry of New Jersey

GRANTS-IN-AID

82-2420 Institutional Support	<u>\$1,465,291,000</u>
Subtotal General Operations.....	<u>\$1,465,291,000</u>

Less:

<i>Hospital Services Income</i>	<i>\$486,078,000</i>
<i>Core Affiliates Income</i>	<i>6,918,000</i>
<i>General Services Income</i>	<i>218,333,000</i>
<i>Auxiliary Funds Income</i>	<i>22,212,000</i>
<i>Special Funds Income</i>	<i>325,585,000</i>
<i>Employee Fringe Benefits</i>	<i><u>236,172,000</u></i>
<i>Total Income Deductions</i>	<i><u>\$1,295,298,000</u></i>
Total Grants-in-Aid Appropriation, University of Medicine and Dentistry of New Jersey.....	<u>\$169,993,000</u>

Grants-in-Aid:

Special Purpose:

82 General Institutional Operations.....	(\$1,458,591,000)
82 Cancer Institute of New Jersey and Ancillary Facilities	(5,000,000)
82 Child Health Institute	(1,700,000)

Less:

<i>Income Deductions</i>	<i><u>1,295,298,000</u></i>

In addition to the sums hereinabove appropriated to the University of Medicine and Dentistry of New Jersey, all revenues from lease agreements between the university and contracted organizations are appropriated.

From the amount hereinabove appropriated for the University of Medicine and Dentistry of New Jersey, the Director of the Division of Budget and Accounting may transfer such amounts as deemed necessary to the Division of Medical Assistance and Health Services to maximize federal Medicaid funds.

The University of Medicine and Dentistry of New Jersey is authorized to operate its continuing medical-dental education program as a revolving fund and the revenue collected therefrom, and any unexpended balance therein, is retained for such fund.

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at the University of Medicine and Dentistry of New Jersey shall be 6,972.

For the purpose of implementing the appropriations act for the current fiscal year, the fringe benefits for not more than 1,238 positions, funded by medical services contracts with the Department of Health and Senior Services or the Department of Human Services, are funded by the State.

The unexpended balances at the end of the preceding fiscal year in the accounts hereinabove are appropriated for the purposes of the University of Medicine and Dentistry of New Jersey.

The unexpended balances of appropriations at the end of the preceding fiscal year to Robert Wood Johnson Medical School, Camden, for the purpose of faculty support of affiliate hospital (Cooper University Hospital) are appropriated for those purposes.

Of the amounts hereinabove appropriated for the University of Medicine and Dentistry of New Jersey, \$5,690,000 is appropriated for Robert Wood Johnson Medical School - Camden for the purpose of faculty support of affiliate hospital (Cooper University Hospital).

2430 New Jersey Institute of Technology
GRANTS-IN-AID

82-2430 Institutional Support	\$281,970,000
Subtotal General Operations	\$281,970,000

Less:

General Services Income	\$118,150,000
Auxiliary Funds Income	12,744,000
Special Funds Income	83,456,000
Employee Fringe Benefits	<u>29,924,000</u>
Total Income Deductions	<u>\$244,274,000</u>
Total Grants-in-Aid Appropriation,	
New Jersey Institute of Technology	<u>\$37,696,000</u>

Grants-in-Aid:

Special Purpose:

82 General Institutional Operations	(\$281,970,000)

Less:

Income Deductions	244,274,000

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 1,246.

2440 Thomas Edison State College
GRANTS-IN-AID

82-2440 Institutional Support	\$51,864,000

Subtotal General Operations.....	<u>\$51,864,000</u>
Less:	
<i>Fee Increase</i>	<i>\$0</i>
<i>Self Sustaining Income</i>	<i>\$25,654,000</i>
<i>General Services Income.....</i>	<i>13,973,000</i>
<i>Employee Fringe Benefits.....</i>	<i>7,016,000</i>
<i>State-Supported Facilities Cost.....</i>	<i><u>3,400,000</u></i>
<i>Total Income Deductions</i>	<i><u>\$50,043,000</u></i>
Total Grants-in-Aid Appropriation, Thomas Edison State College	<u>\$1,821,000</u>
Grants-in-Aid:	
Special Purpose:	
82 General Institutional Operations.....	(\$51,864,000)
Less:	
<i>Income Deductions.....</i>	<i>50,043,000</i>
For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Thomas A. Edison State College shall be 239.	

**2445 Rowan University
GRANTS-IN-AID**

82-2445 Institutional Support	<u>\$244,625,000</u>
Subtotal General Operations.....	<u>\$244,625,000</u>
Less:	
<i>General Services Income.....</i>	<i>\$105,127,000</i>
<i>Auxiliary Funds Income</i>	<i>31,935,000</i>
<i>Special Funds Income.....</i>	<i>31,170,000</i>
<i>Employee Fringe Benefits.....</i>	<i><u>30,042,000</u></i>
<i>Total Income Deductions</i>	<i><u>\$198,274,000</u></i>
Total Grants-in-Aid Appropriation, Rowan University.....	<u>\$46,351,000</u>
Grants-in-Aid:	
Special Purpose:	
82 General Institutional Operations.....	(\$226,218,000)
82 Rowan Medical School - Camden	(18,407,000)
Less:	
<i>Income Deductions.....</i>	<i>198,274,000</i>
Of the sums hereinabove appropriated for Rowan Medical School - Camden, \$7,800,000 is appropriated for implementation of the new four year allopathic medical school, Camden, and \$10,607,000 is appropriated for affiliate hospital (Cooper University Hospital) support, including program and capital support that will benefit patients from Camden and the region, which funds shall be administered by the Department of Health and Senior Services, through a grant agreement, on behalf of Rowan University.	

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Rowan University shall be 1,141.

2450 New Jersey City University

GRANTS-IN-AID

82-2450 Institutional Support	<u>\$130,122,000</u>
Subtotal General Operations.....	<u>\$130,122,000</u>

Less:

<i>General Services Income</i>	<i>\$41,288,000</i>
<i>A.H. Moore Program Receipts</i>	<i>6,351,000</i>
<i>Auxiliary Funds Income</i>	<i>6,796,000</i>
<i>Special Funds Income</i>	<i>25,843,000</i>
<i>Employee Fringe Benefits</i>	<i><u>23,788,000</u></i>
<i>Total Income Deductions</i>	<i><u>\$104,066,000</u></i>
Total Grants-in-Aid Appropriation, New Jersey City University.....	<u>\$26,056,000</u>

Grants-in-Aid:

Special Purpose:

82 General Institutional Operations..... (\$130,122,000)

Less:

Income Deductions

104,066,000

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 1,185.

2455 Kean University

GRANTS-IN-AID

82-2455 Institutional Support	<u>\$205,686,000</u>
Subtotal General Operations.....	<u>\$205,686,000</u>

Less:

<i>General Services Income</i>	<i>\$87,729,000</i>
<i>Auxiliary Funds Income</i>	<i>20,594,000</i>
<i>Special Funds Income</i>	<i>36,101,000</i>
<i>Employee Fringe Benefits</i>	<i><u>28,425,000</u></i>
<i>Total Income Deductions</i>	<i><u>\$172,849,000</u></i>
Total Grants-in-Aid Appropriation, Kean University.....	<u>\$32,837,000</u>

Grants-in-Aid:

Special Purpose:

82 General Institutional Operations..... (\$205,686,000)

Less:

Income Deductions

172,849,000

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Kean University shall be 1,128.

2460 William Paterson University of New Jersey
GRANTS-IN-AID

82-2460 Institutional Support..... \$176,626,000
 Subtotal General Operations..... \$176,626,000

Less:

General Services Income..... \$68,696,000
Auxiliary Funds Income 24,022,000
Special Funds Income..... 23,500,000
Employee Fringe Benefits..... 27,660,000
Total Income Deductions..... \$143,878,000

Total Grants-in-Aid Appropriation,
 William Paterson University of New Jersey \$32,748,000

Grants-in-Aid:

Special Purpose:

82 General Institutional Operations..... (\$176,626,000)

Less:

Income Deductions 143,878,000

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 1,166.

2465 Montclair State University
GRANTS-IN-AID

82-2465 Institutional Support..... \$319,905,000
 Subtotal General Operations..... \$319,905,000

Less:

General Services Income..... \$133,483,000
Conservation School Receipts..... 834,000
Auxiliary Funds Income 60,956,000
Special Funds Income..... 47,043,000
Employee Fringe Benefits..... 38,976,000
Total Income Deductions..... \$281,292,000

Total Grants-in-Aid Appropriation,
 Montclair State University \$38,613,000

Grants-in-Aid:

Special Purpose:

82 General Institutional Operations..... (\$319,905,000)

Less:

Income Deductions..... 281,292,000

In addition to the sums hereinabove appropriated for Montclair State University,
 all revenues from lease agreements between Montclair State University and
 corporations operating satellite relay stations are appropriated for use by the
 university.

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 1,382.

2470 The College of New Jersey

GRANTS-IN-AID

82-2470 Institutional Support	<u>\$200,546,000</u>
Subtotal General Operations	<u>\$200,546,000</u>

Less:

<i>General Services Income</i>	<i>\$69,247,000</i>
<i>Auxiliary Funds Income</i>	<i>43,339,000</i>
<i>Special Funds Income</i>	<i>32,254,000</i>
<i>Employee Fringe Benefits</i>	<u><i>26,389,000</i></u>
<i>Total Income Deductions</i>	<u><i>\$171,229,000</i></u>
Total Grants-in-Aid Appropriation, The College of New Jersey	<u>\$29,317,000</u>

Grants-in-Aid:

Special Purpose:

82 General Institutional Operations

Less:

Income Deductions

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 902.

2475 Ramapo College of New Jersey

GRANTS-IN-AID

82-2475 Institutional Support	<u>\$140,092,000</u>
Subtotal General Operations	<u>\$140,092,000</u>

Less:

<i>General Services Income</i>	<i>\$58,155,000</i>
<i>Auxiliary Funds Income</i>	<i>38,681,000</i>
<i>Special Funds Income</i>	<i>10,815,000</i>
<i>Employee Fringe Benefits</i>	<u><i>16,311,000</i></u>
<i>Total Income Deductions</i>	<u><i>\$123,962,000</i></u>
Total Grants-in-Aid Appropriation, Ramapo College of New Jersey	<u>\$16,130,000</u>

Grants-in-Aid:

Special Purpose:

82 General Institutional Operations

Less:

Income Deductions

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 601.

2480 The Richard Stockton College of New Jersey

GRANTS-IN-AID

82-2480 Institutional Support	<u>\$159,000,000</u>
Subtotal General Operations.....	<u>\$159,000,000</u>

Less:

<i>General Services Income</i>	<i>\$66,493,000</i>
<i>Auxiliary Funds Income</i>	<i>30,677,000</i>
<i>Special Funds Income</i>	<i>21,000,000</i>
<i>Employee Fringe Benefits</i>	<i><u>20,991,000</u></i>
<i>Total Income Deductions</i>	<i><u>\$139,161,000</u></i>
Total Grants-in-Aid Appropriation, The Richard Stockton College of New Jersey	<u>\$19,839,000</u>

Grants-in-Aid:

Special Purpose:

82 General Institutional Operations.....(\$159,000,000)

Less:

Income Deductions..... *139,161,000*

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at The Richard Stockton College of New Jersey shall be 802.

Higher Educational Services

Notwithstanding the provisions of any law or regulation to the contrary, from the sums hereinabove appropriated for Higher Educational Services-Institutional Support in each of the senior public institutions of higher education, there are allocated such sums 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).

Public colleges and universities are authorized to provide a voluntary employee furlough program.

Notwithstanding the provisions of any law or regulation to the contrary, any funds appropriated as Grants-In-Aid and payable to any senior public college or university which requests approval from the Educational Facilities Authority and the Director of the Division of Budget and Accounting may be pledged as a guarantee for payment of principal and interest on any bonds issued by the Educational Facilities Authority or by the college or university. Such funds, if so pledged, shall be made available by the State Treasurer upon receipt of written notification by the Educational Facilities Authority or the Director of the Division of Budget and Accounting that the college or university does not

have sufficient funds available for prompt payment of principal and interest on such bonds, and shall be paid by the State Treasurer directly to the holders of such bonds at such time and in such amounts as specified by the bond indenture, notwithstanding that payment of such funds does not coincide with any date for payment otherwise fixed by law.

Of the amount hereinabove appropriated for Higher Educational Services, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget Recommendation Document first shall be charged to the State Lottery Fund.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated for the senior public institutions of higher education shall be paid to each institution in twelve equal installments on the last business day of each month.

Notwithstanding the provisions of any law or regulation to the contrary, no amount hereinabove appropriated for any senior public institution of higher education shall be paid until the institution remits its quarterly fringe benefit reimbursement for positions in excess of the number of State-funded positions provided in this act, by the deadline and in the manner required by the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for any senior public institution of higher education shall be reduced by an amount equal to twice the revenue derived by that institution by that portion of the institution's average in-State undergraduate 2010-2011 tuition rates and required educational and general fees that exceeds 4% growth above the institution's average in-State undergraduate 2009-2010 tuition rates and required educational and general fees, as determined by the Director of the Division of Budget and Accounting. Such determination shall be based upon a report to be provided to the Director of the Division of Budget and Accounting no later than October 1, 2010 by the New Jersey Commission on Higher Education as to undergraduate in-State tuition rates and required educational and general fees percentage changes between 2009-2010 and 2010-2011. In the event that a determination is made to reduce an appropriation (the "reduced amount") to a senior public institution due to these conditions, the State Treasurer shall determine that the reduced amount should be reallocated to all other public institutions or to only senior public institutions or county colleges, whereupon the reduced amount shall be distributed proportionately among the colleges in the category selected by the State Treasurer, subject to the approval of the Director of the Division of Budget and Accounting.

30 Educational, Cultural, and Intellectual Development

37 Cultural and Intellectual Development Services

DIRECT STATE SERVICES

05-2530 Support of the Arts \$397,000

06-2535 Museum Services	2,234,000
07-2540 Development of Historical Resources	285,000
10-2570 Public Broadcasting Services	1,898,000
52-2539 Travel and Tourism	<u>9,000,000</u>
Total Direct State Services Appropriation, Cultural and Intellectual Development Services	<u>\$13,814,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$4,127,000)
Materials and Supplies.....	(121,000)
Services Other Than Personal.....	(432,000)
Maintenance and Fixed Charges.....	(134,000)

Special Purpose:

52 Travel and Tourism Advertising and Promotion	(9,000,000)

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 covering the first six months of fiscal 2011 shall be completed not later than January 31, 2011, the second semi-annual report covering the second six months of fiscal 2011 shall be completed not later than July 31, 2011, and both reports shall be submitted to the Treasurer, the Director of the Division of Budget and Accounting, and the Joint Budget Oversight Committee.

GRANTS-IN-AID

05-2530 Support of the Arts	\$20,302,000
07-2540 Development of Historical Resources	<u>2,700,000</u>
Total Grants-in-Aid Appropriation, Cultural and Intellectual Development Services	<u>\$23,002,000</u>

Grants-in-Aid:

05 Cultural Projects	(\$20,302,000)
07 New Jersey Historical Commission - Agency Grants.....	(2,700,000)

Of the amount hereinabove appropriated for Cultural Projects, an amount not to exceed \$75,000 may be used for administrative purposes, and an amount not to exceed \$125,000 may be used for the assessment and oversight of cultural projects, including administrative costs attendant to this function, in compliance with all pertinent State and federal laws and regulations including the Single Audit Act, 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 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). In the calculation of the allocation percentage, the first \$1,000,000 of any grants that may be awarded to the New Jersey Performing Arts Center or the Rutgers Camden Performing Arts Center, and should the Newark Museum Association be awarded a grant based on a competitive process with their peers, the first \$2,187,000, shall be disregarded.

Notwithstanding the provisions of section 4 of P.L.1999, c.131 (C.18A:73-22.4), from the amount appropriated for New Jersey Historical Commission -Agency Grants, an amount not to exceed \$200,000 is appropriated for administrative costs, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for Cultural Projects, \$1,740,000 is allocated to the Battleship New Jersey, \$375,000 is allocated to the Old Barracks, and \$2,187,000 is allocated to the Newark Museum.

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated from the New Jersey Cultural Trust \$4,000,000 for transfer to the General Fund as State revenue. The amount hereinabove appropriated for Cultural Projects shall first be provided from this revenue.

**2541 Division of State Library
DIRECT STATE SERVICES**

51-2541 Library Services.....	<u>\$4,872,000</u>
Total Direct State Services Appropriation, Division	
of State Library.....	<u>\$4,872,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$3,734,000)
Materials and Supplies.....	(418,000)
Services Other Than Personal.....	(193,000)
Maintenance and Fixed Charges.....	(27,000)

Special Purpose:

01 Supplies and Extended Services	(500,000)

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 twelve equal installments, on the last business day of each month.

STATE AID

51-2541 Library Services	<u>\$7,975,000</u>
Total State Aid Appropriation, Division of State Library	<u>\$7,975,000</u>

State Aid:

51 Per Capita Library Aid	(\$3,676,000)
51 Library Network	(4,299,000)

70 Government Direction, Management, and Control**74 General Government Services****DIRECT STATE SERVICES**

01-2505 Office of the Secretary of State	\$3,372,000
08-2545 Records Management	2,417,000
25-2525 Election Management and Coordination	<u>652,000</u>
Total Direct State Services Appropriation, General Government Services	<u>\$6,441,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages	(\$4,709,000)
Materials and Supplies	(135,000)
Services Other Than Personal	(563,000)
Maintenance and Fixed Charges	(36,000)

Special Purpose:

01 Personal Responsibility Programs	(75,000)
01 Office of Volunteerism	(79,000)
01 Office of Programs	(94,000)
01 Veterans Memorial Arts Center	(750,000)

The unexpended balance at the end of the preceding fiscal year in the Amistad Commission account is appropriated for the Office of Programs, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Records Management program is payable from receipts deposited in the New Jersey Public Records Preservation account.

Notwithstanding the provisions of any law or regulation to the contrary, no monies from the receipts deposited in the New Jersey Public Records Preservation account in the Department of the Treasury are appropriated for grants to counties and municipalities.

Receipts received from New Jersey Public Records Preservation fees, not to exceed \$1,300,000, are appropriated for the operations of the microfilm unit in the Division of Archives and Records Management within the Department of State, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the examination of voting machines by Election Management and Coordination and the unexpended balance at the end of the preceding fiscal year of those receipts are appropriated for the costs of making such examinations.

The unexpended balance at the end of the preceding fiscal year in the Help America Vote Act - State Match account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

GRANTS-IN-AID

01-2505 Office of the Secretary of State \$1,850,000
 Total Grants-in-Aid Appropriation,
 General Government Services \$1,850,000

Grants-in-Aid:

01 Office of Programs (\$1,350,000)
 01 Cultural Trust..... (500,000)

Of the amount hereinabove appropriated for Office of Programs, an amount not to exceed \$50,000 may be used for administrative purposes, including the oversight of cultural projects, to ensure their compliance with all applicable State and federal laws and regulations including the Single Audit Act, subject to the approval of the Director of the Division of Budget and Accounting.

STATE AID

25-2525 Election Management and Coordination \$7,030,000
 Total State Aid Appropriation,
 General Government Services \$7,030,000

State Aid:

Special Purpose:

25 Extended Polling Place Hours (\$7,030,000)

In addition to the amount hereinabove appropriated for Extended Polling Place Hours, there are appropriated such sums as are required to provide required reimbursements to county Boards of Election, subject to the approval of the Director of the Division of Budget and Accounting.

Department of State, Total State Appropriation \$1,155,431,000

Pursuant to the provisions of P.L.2003, c.114, the amounts hereinabove appropriated for the purpose of promoting cultural and tourism activities in this State shall first be charged to revenues derived from the hotel and motel occupancy fee.

Summary of Department of State Appropriations (For Display Purposes Only)

Appropriations by Category:

Direct State Services..... \$26,966,000
 Grants-in-Aid..... 1,113,460,000

State Aid	15,005,000
Appropriations by Fund:	
General Fund	\$1,155,431,000

78 DEPARTMENT OF TRANSPORTATION

10 Public Safety and Criminal Justice

11 Vehicular Safety

Notwithstanding the provisions of the "Motor Vehicle Inspection Fund" established pursuant to subsection j. of R.S.39:8-2, balances in the fund are available for Other-Clean Air purposes, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of 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 truck safety and emission inspections and Other-Clean Air purposes, 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 and Senior Services 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 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 in 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 derived from the increase in motor vehicle fees imposed in 2009 shall be deposited in the General Fund as State revenue.

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, \$8,138,000 is appropriated for transfer to the Inter-Departmental property rental and household and security accounts, \$5,150,000 is appropriated for transfer to the Department of Transportation for the maintenance and operations program, \$4,800,000 is appropriated for transfer to the Division of

Revenue within the Department of the Treasury, \$612,000 is appropriated for transfer to the Division of State Police, and \$800,000 is appropriated for transfer to the Bureau of Forestry within the Department of Environmental Protection for its Forest Fire Fighting Program. In addition, the 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, \$30,019,000 is appropriated from the revenues appropriated to the Motor Vehicle Commission for deposit in the General Fund to reflect savings from implementation of fiscal 2011 savings initiatives, 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 Motor Vehicle Commission for transfer to the Inter-Departmental 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.

60 Transportation Programs
61 State and Local Highway Facilities
DIRECT STATE SERVICES

06-6100 Maintenance and Operations	\$37,790,000
08-6120 Physical Plant and Support Services.....	<u>5,866,000</u>
Total Direct State Services Appropriation, State and	
Local Highway Facilities.....	<u>\$43,656,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$22,236,000)
Materials and Supplies.....	(12,235,000)
Services Other Than Personal.....	(1,891,000)
Maintenance and Fixed Charges.....	(7,294,000)

The unexpended balances at the end of the preceding fiscal year in excess of \$1,000,000 in the accounts hereinabove are appropriated for Maintenance and Operations.

In addition to the amount hereinabove appropriated for Maintenance and Operations, such additional sums as may be required are appropriated for winter operations, including snow removal costs, not to exceed \$10,000,000, 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, \$16,500,000 thereof shall be paid from funds received or receivable from the various transportation-oriented authorities pursuant to

contracts between the authorities and the State 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, which include the Trailblazer Sign Program, the Variable Message Advertising Program, the Excess Parcel Advertising Program, and the Land Service Road Advertising Program, are appropriated for the purpose of administering the program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated derived 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.

The department is permitted to transfer an amount approved by the Director of the Division of Budget and Accounting from funds previously appropriated for State highway projects from the "Transportation Rehabilitation and Improvement Fund of 1979," established pursuant to section 15 of P.L.1979, c.165, for planning, engineering, design, right-of-way acquisition, or other costs related to the construction of projects financed from that fund.

Of the amount hereinabove appropriated for Maintenance and Operations, \$10,000,000 for winter operations, including snow removal costs, is payable 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 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), of the amount hereinabove appropriated for Maintenance and Operations, \$2,200,000 is payable from the revenue derived from the fee increase pursuant to the amendatory provisions of section 12 of P.L.2002, c.34 deposited into the "Maritime Industry Fund."

CAPITAL CONSTRUCTION

60-6200 Trust Fund Authority -- Revenues and other	
funds available for new projects.....	<u>\$895,000,000</u>
Total Capital Construction Appropriation, State and	
Local Highway Facilities.....	<u>\$895,000,000</u>

Capital Projects:

 60 Transportation Trust Fund Account.....(\$895,000,000)

The amount hereinabove appropriated for the Transportation Trust Fund account shall first be provided from revenues received from motor fuel taxes, the pe-

troleum products gross receipts tax, and the sales and use tax pursuant to Article VIII, Section II, paragraph 4 of the State Constitution, and from funds received or receivable from the various transportation-oriented authorities pursuant to contracts between the authorities and the State, together with such additional sums pursuant to P.L.1984, c.73 (C.27:1B-1 et al.) and R.S.54:39-27, as may be necessary to satisfy all fiscal year 2011 debt service, bond reserve requirements, and other fiscal obligations of the New Jersey Transportation Trust Fund Authority.

Notwithstanding the provisions of any law or regulation to the contrary, the department may expend necessary sums 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 any other provision of law or regulation to the contrary, the Department of Transportation may transfer Transportation Trust Fund monies to federal projects contracted in federal fiscal years beginning in 2004 and including all subsequent federal fiscal years, culminating with the federal projects appropriated in this act, until such time as federal funds become available for the projects. These transfers shall be 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 shall be reimbursed for all the monies that were transferred to advance federally funded projects.

Notwithstanding the provisions of P.L.1984, c.73 (C.27:1B-1 et al.), there is appropriated the sum of \$1,000,000,000 from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for capital purposes as follows:

Description	County	Amount
69th Street Bridge	Hudson	(10,000,000)
Acquisition of Right of Way	Various	(1,000,000)
Airport Improvement Program	Various	(7,000,000)
Asbestos Surveys and Abatements	Various	(1,100,000)
Bedminster Maintenance Yard	Somerset	(3,000,000)
Betterments, Bridge Preservation	Various	(21,663,000)
Betterments, Dams	Various	(350,000)
Betterments, Roadway Preservation	Various	(10,173,000)
Betterments, Safety	Various	(7,000,000)
Bicycle & Pedestrian Facilities/ Accommodations	Various	(2,000,000)
Bridge Deck Patching Program	Various	(1,000,000)

Bridge, Emergency Repair	Various	(30,000,000)
Capital Contract Payment Audits	Various	(1,500,000)
Congestion Relief, Intelligent Transportation System		
Improvements (Smart Move Program)	Various	(2,000,000)
Congestion Relief, Operational Improvements (Fast Move Program)	Various	(4,000,000)
Construction Inspection	Various	(8,000,000)
Construction Program IT System (TRNS.PORT)	Various	(1,750,000)
Culvert Inspection Program, Locally-owned Structures	Various	(4,500,000)
Culvert Inspection Program, State-owned Structures	Various	(800,000)
Culvert Replacement Program	Various	(2,000,000)
Design, Emerging Projects	Various	(6,600,000)
Design, Geotechnical Engineering Tasks	Various	(600,000)
Drainage Rehabilitation and Maintenance, State	Various	(6,076,000)
Duck Island Landfill, Site Remediation	Mercer	(150,000)
Electrical Facilities	Various	(4,589,000)
Electrical Load Center Replacement, Statewide	Various	(2,000,000)
Environmental Investigations	Various	(4,000,000)
Environmental Project Support	Various	(600,000)
Equipment Purchase (Vehicles, Construction, Safety)	Various	(10,000,000)
Freight Program	Various	(10,000,000)
Intelligent Transportation Systems	Various	(500,000)
Intersection Improvement Program	Various	(1,000,000)
Interstate Service Facilities	Various	(100,000)
Legal Costs for Right of Way Condemnation	Various	(1,600,000)
Local Aid for Centers of Place	Various	(1,000,000)
Local Aid Grant Management System	Various	(100,000)
Local Aid, Infrastructure Fund	Various	(17,500,000)
Local Bridges, Future Needs	Various	(25,000,000)
Local County Aid, DVRPC	Various	(15,464,000)
Local County Aid, NJTPA	Various	(53,763,000)
Local County Aid, SJTPO	Various	(9,523,000)
Local Municipal Aid, DVRPC	Various	(13,705,000)
Local Municipal Aid, NJTPA	Various	(53,847,000)
Local Municipal Aid, SJTPO	Various	(6,199,000)
Local Municipal Aid, Urban Aid	Various	(5,000,000)
Main Street Bypass, Sayreville	Middlesex	(2,000,000)
Maintenance & Fleet Management System	Various	(1,000,000)

Maritime Transportation System	Various	(2,000,000)
Minority and Women Workforce		
Training Set Aside	Various	(1,300,000)
Orphan Bridge Reconstruction	Various	(3,000,000)
Park and Ride/Transportation Demand		
Management Program	Various	(1,000,000)
Pedestrian Safety Improvement Design		
and Construction	Various	(2,000,000)
Physical Plant	Various	(6,500,000)
Planning and Research, State	Various	(1,000,000)
Program implementation costs, NJDOT	Various	(106,429,000)
Project Development: Concept Development		
and Preliminary Engineering	Various	(9,000,000)
Project Enhancements	Various	(400,000)
Rail-Highway Grade Crossing Program, State	Various	(2,200,000)
Regional Action Program	Various	(1,000,000)
Resurfacing Program	Various	(70,000,000)
Right of Way Database/Document		
Management System	Various	(100,000)
Right of Way Full-Service Consultant		
Term Agreements	Various	(50,000)
Safe Streets to Transit Program	Various	(1,000,000)
Sign Structure Inspection Program	Various	(1,600,000)
Signs Program, Statewide	Various	(2,000,000)
Smart Growth Initiatives	Various	(500,000)
South Inlet Transportation Improvement Project	Atlantic	(3,005,000)
State Police Enforcement and Safety Services	Various	(5,000,000)
Traffic Monitoring Systems	Various	(1,500,000)
Traffic Signal Replacement	Various	(7,975,000)
Transit Village Program	Various	(1,000,000)
Unanticipated Design, Right of Way and		
Construction Expenses, State	Various	(26,477,000)
Underground Exploration for Utility Facilities	Various	(200,000)
University Transportation Research Technology	Various	(500,000)
Utility Reconnaissance and Relocation	Various	(3,000,000)
Route 9, Beasley's Point Bridge	Cape May,	
	Atlantic	(1,768,000)
Route 9, Northfield Sidewalk Replacement	Atlantic	(200,000)
Route 17, Essex Street to South of Route 4	Bergen	(1,500,000)
Route 22, Sidewalk Improvements,		
Somerset County	Somerset	(500,000)
Route 27, Burnett St. to North of Knapp Ave.,		
Resurfacing	Middlesex	(1,860,000)

Route 30, Absecon Boulevard over Beach Thorofare	Atlantic	(9,088,000)
Route 30, Blue Anchor Dam	Camden	(500,000)
Route 30, Evesham Road Intersection Improvements	Camden	(2,015,000)
Route 37, Mathis Bridge Eastbound over Barnegat Bay	Ocean	(500,000)
Route 45, Gloucester County Drainage	Gloucester	(1,000,000)
Route 46, Little Ferry Circle, Operational and Safety Improvements	Bergen	(13,951,000)
Route 46, Main street to Vicinity of Frederick Place, Safety Improvements	Bergen	(1,500,000)
Route 50, Tuckahoe River Bridge (2E 3B)	Cape May, Atlantic	(1,486,000)
Route 52, Causeway Replacement and Somers Point Circle Elimination, Contract B	Cape May, Atlantic	(143,057,000)
Route 54, Route 322 to Cape May Point Branch Bridge	Atlantic	(500,000)
Route 72, Manahawkin Bay Bridges	Ocean	(1,700,000)
Route 72, Westbound, CR 539 to Nautilus Drive, Evacuation Route	Ocean	(3,063,000)
Route 73, Fox Meadow Road/Fellowship Road	Burlington	(5,238,000)
Route 73, S. of Baker Blvd. to Howard Blvd., Resurfacing	Burlington	(4,050,000)
Route 77, Swedesboro-Hardingville Road, Intersection Improvements (CR 538)	Gloucester	(100,000)
Route 130, Adams Lane (16)	Middlesex	(12,580,000)
Route 130, Craft's Creek Bridge	Burlington	(11,111,000)
Route 130, Crystal Lake Dam	Burlington	(300,000)
Route 130, Raccoon Creek Bridge Replacement and Pavement Rehabilitation	Gloucester	(1,800,000)
Route 184, Pavement Rehabilitation	Middlesex	(2,712,000)
Route 206 Bypass, Contract A, Hillsborough Road to Amwell Road (CR 514)	Somerset	(60,000,000)
Route 206, Waterloo/Brookwood Roads (CR 604)	Sussex	(9,586,000)
Route 287, Glaser's Pond, Long-term Drainage Improvements	Bergen	(1,000,000)
Route 295, Paulsboro Brownfields Access	Gloucester	(6,000,000)

Route 295, Rancocas-Mount Holly Road to Route 130, Pavement Repair & Resurfacing	Burlington	(58,500,000)
Route 322, Big Ditch Bridge Replacement	Atlantic	(6,007,000)
Route 322, Corridor Congestion Relief Project	Gloucester	(4,000,000)
Route 322, Raccoon Creek Bridge/Mullica Hill Pond Dam	Gloucester	(240,000)
Route 440, High Street Connector	Middlesex	(1,000,000)
Route 495, Route 1&9/Paterson Plank Road Bridge	Hudson	(1,100,000)
Notwithstanding the provisions of P.L.1984, c.73 (C.27:1B-1 et al.), there is appropriated the sum of \$600,000,000 from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for the specific projects identified as follows:		

New Jersey Transit Corporation

Description	County	Amount
Access to Region's Core (ARC)	Various	(83,240,000)
Bridge and Tunnel Rehabilitation	Various	(17,799,000)
Building Capital Leases	Various	(5,700,000)
Bus Acquisition Program	Various	(85,415,000)
Bus Passenger Facilities/Park and Ride	Various	(800,000)
Bus Support Facilities and Equipment	Various	(2,429,000)
Bus Vehicle and Facility Maintenance/Capital Maintenance	Various	(34,900,000)
Capital Program Implementation	Various	(21,469,000)
Claims support	Various	(2,000,000)
Environmental Compliance	Various	(3,000,000)
Hudson-Bergen LRT System	Hudson	(2,390,000)
Immediate Action Program	Various	(8,414,000)
Light Rail Infrastructure Improvements	Essex	(2,050,000)
Light Rail Vehicle Rolling Stock	Hudson, Essex	(15,412,000)
Locomotive Overhaul	Various	(5,058,000)
Miscellaneous	Various	(500,000)
NEC Improvements	Various	(27,500,000)
Other Rail Station/Terminal Improvements	Various	(5,748,000)
Physical Plant	Various	(1,669,000)
Portal Bridge	Hudson	(63,518,000)
Private Carrier Equipment Program	Various	(3,000,000)
Rail Capital Maintenance	Various	(63,899,000)
Rail Fleet Overhaul	Various	(999,000)
Rail Park and Ride	Various	(3,000,000)
Rail Rolling Stock Procurement	Various	(60,302,000)

River LINE LRT	Camden, Burlington, Mercer	(54,546,000)
Security Improvements	Various	(2,609,000)
Signals and Communications/ Electric Traction Systems	Various	(6,627,000)
Small/Special Services Program	Various	(1,102,000)
Study and Development	Various	(4,808,000)
Technology Improvements	Various	(6,349,000)
Track Program	Various	(3,499,000)
Transit Rail Initiatives	Various	(249,000)

Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated from the revenues and other monies of the New Jersey Transportation Trust Fund Authority for the Department of Transportation and the New Jersey Transit Corporation, respectively, for salary and overhead costs of employees of the Department of Transportation and the New Jersey Transit Corporation, respectively, associated with the construction of capital projects by the Department of Transportation and the New Jersey Transit Corporation, respectively, shall not be subject to any percentage limitation.

The unexpended balances at the end of the preceding fiscal year of appropriations from the New Jersey Transportation Trust Fund Authority are appropriated.

Notwithstanding the provisions of subsection d. of section 21 of P.L.1984, c.73 (C.27:1B-21), approval by the Joint Budget Oversight Committee of transfers among appropriations by project shall not be required. Notice of a transfer approved by the Director of the Division of Budget and Accounting pursuant to that section shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

Federal funds received in conjunction with the Route 52 Causeway Replacement Contract A Construction Fund are hereby appropriated to the Transportation Trust Fund Authority to pay debt service and other costs related to the Grant Anticipation Revenue Vehicles (GARVEE).

Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated to the Department of Transportation, such sums 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 above. 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, funds derived 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 (FHWA) where required by federal law. Funds derived 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.

62 Public Transportation

GRANTS-IN-AID

04-6050 Railroad and Bus Operations	<u>\$1,789,100,000</u>
Total Appropriation, State, Federal and	
All Other Funds	<u>\$1,789,100,000</u>
Less:	
Farebox Revenue	\$839,300,000
Other Resources	<u>673,600,000</u>
Total Income Deductions	<u>\$1,512,900,000</u>
Total Grants-in-Aid Appropriation,	
Public Transportation	<u>\$276,200,000</u>

Grants-in-Aid:

Personal Services:

Salaries and Wages	(\$1,035,100,000)
Materials and Supplies	(326,900,000)
Services Other Than Personal	(109,100,000)

Special Purpose:

04 Purchased Transportation	(206,000,000)
04 Insurance and Claims	(27,400,000)
04 Tolls, Taxes, and Other Operating	
Expenses	(84,600,000)

Less:

Income Deductions	1,512,900,000

STATE AID

04-6050 Railroad and Bus Operations	<u>\$29,099,000</u>
(From Casino Revenue Fund	<u>\$29,099,000</u>)
Total State Aid Appropriation, Public Transportation	<u>\$29,099,000</u>
(From Casino Revenue Fund	<u>\$29,099,000</u>)

State Aid:

04 Transportation Assistance for Senior	
Citizens and Disabled	
Residents (CRF)	(\$29,099,000)

The unexpended balance at the end of the preceding fiscal year in the Transportation Assistance for Senior Citizens and Disabled Residents account is appropriated.

Counties which provide para-transit 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 Transportation Trust Fund 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 NJ Transit'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 NJ Transit's PCCIP, as well as: facility improvements, vehicle procurement, and capital maintenance that comports with subsection r. of section 3 of P.L.1984, c.73 (C.27:1B-3). Such maintenance and equipment procurements shall apply to vehicles owned by the private motorbus carriers and used in public transportation service, as well as to NJ Transit owned vehicles. Private motorbus carriers receiving an allocation of such funds shall be required to submit to NJ Transit a full accounting for all expenditures, demonstrating that the funds were used to increase or maintain the current level of public transportation service provided by the carrier or to improve revenue vehicle maintenance. Under no circumstances shall these funds be used to provide compensation of any officer or owner of a private motorbus carrier.

64 Regulation and General Management

DIRECT STATE SERVICES

05-6070 Multimodal Services.....	\$902,000
99-6000 Administration and Support Services	<u>1,024,000</u>

Total Direct State Services Appropriation, Regulation
and General Management \$1,926,000

Direct State Services:

Materials and Supplies.....(\$147,000)

Services Other Than Personal.....(616,000)

Maintenance and Fixed Charges.....(70,000)

Special Purpose:

05 Office of Maritime Resources(248,000)

05 Airport Safety Fund Administration.....(565,000)

99 Affirmative Action and Equal
Employment Opportunity.....(280,000)

The unexpended balance at the end of the preceding fiscal year and the reimbursements in the Department's Stock Purchase Revolving Fund for the purchase of materials and supplies required for the operation of the Department are appropriated for the same purpose.

Receipts in excess of the amount anticipated derived 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.

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 the Airport Safety Fund is payable out of the "Airport Safety Fund" established pursuant to section 4 of P.L.1983, c.264 (C.6:1-92) and is available for salary and operational costs incurred by the Bureau of Aeronautics in the administration of loans or grants; the acquisition of airports lands or rights in lands; the operation or provision of any program or activity which promotes aviation safety, promotes aviation education, or provides for the promotion of aeronautics; and for those aviation purposes which the department is empowered to undertake pursuant to the "New Jersey Airport Safety Act of 1983," P.L.1983, c.264 (C.6:1-89 et seq.) or under Title 6 and Title 27 of the Revised Statutes. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

Receipts derived 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.

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.

Department of Transportation, Total State Appropriation..... \$1,245,881,000

***Summary of Department of Transportation Appropriations
(For Display Purposes Only)***

Appropriations by Category:

Direct State Services \$45,582,000
 Grants-in-Aid..... 276,200,000
 State Aid 29,099,000
 Capital Construction..... 895,000,000

Appropriations by Fund:

General Fund \$1,216,782,000
 Casino Revenue Fund..... 29,099,000

82 DEPARTMENT OF THE TREASURY

30 Educational, Cultural, and Intellectual Development

36 Higher Educational Services

GRANTS-IN-AID

47-2155 Support to Independent Institutions..... \$1,237,000
 49-2155 Miscellaneous Higher Education Programs..... 72,651,000
 Total Grants-in-Aid Appropriation,
 Higher Educational Services \$73,888,000

Grants-in-Aid:

47 Clinical Legal Programs for the Poor --
 Seton Hall University (\$200,000)
 47 Research Under Contract with the
 Institute of Medical Research, Camden..... (1,037,000)
 49 Higher Education Capital Improvement
 Program -- Debt Service (43,882,000)
 49 Equipment Leasing Fund -- Debt Service (512,000)
 49 Higher Education Facilities Trust
 Fund -- Debt Service (20,972,000)
 49 Dormitory Safety Trust Fund --
 Debt Service (7,285,000)

The sums hereinabove appropriated for Research Under Contract with the Institute of Medical Research, Camden (Coriell Institute) shall be expended on support for research activities, and the Institute shall submit an annual audited financial statement to the Department of the Treasury which shall include a schedule showing the use of these funds.

In addition to the amounts hereinabove appropriated for the Higher Education Capital Improvement Program - Debt Service account, the unexpended balances at the end of the preceding fiscal year are appropriated for the same purpose.

STATE AID

48-2155 Aid to County Colleges	<u>\$207,293,000</u>
<i>(From General Fund</i>	<i>\$173,293,000)</i>
<i>(From Property Tax Relief Fund</i>	<i>34,000,000)</i>
Total State Aid Appropriation, Higher Educational Services	<u>\$207,293,000</u>
<i>(From General Fund</i>	<i>\$173,293,000)</i>
<i>(From Property Tax Relief Fund</i>	<i>34,000,000)</i>
Less:	
Supplemental Workforce Fund –	
<i>Basic Skills</i>	<i><u>\$14,500,000</u></i>
<i>Total Income Deductions</i>	<i><u>\$14,500,000</u></i>
Total State Appropriation, Higher Educational Services	<u>\$192,793,000</u>
<i>(From General Fund</i>	<i>\$158,793,000)</i>
<i>(From Property Tax Relief Fund</i>	<i>34,000,000)</i>
State Aid:	
48 Operational Costs	(\$134,786,000)
48 Debt Service for Chapter 12, P.L.1971, c.12 (N.J.S.18A:64A-22.1) (PTRF)	(34,000,000)
48 Alternate Benefit Program -- Employer Contributions	(17,776,000)
48 Alternate Benefit Program -- Non-contributory Insurance	(2,396,000)
48 Teachers' Pension and Annuity Fund -- Non-contributory Insurance	(11,000)
48 Teachers' Pension and Annuity Fund -- Post Retirement Medical	(1,210,000)
48 Post Retirement Medical Other Than TPAF	(16,710,000)
48 Employer Contributions -- FICA for County College Members of TPAF	(275,000)
48 Debt Service on Pension Obligation Bonds	(129,000)

Less:

Income Deductions ***14,500,000***

In addition to the amount hereinabove appropriated for Operational Costs, there is appropriated \$14,500,000 from the Supplemental Workforce Fund for Basic Skills for remedial courses provided at county colleges and all other monies in the Supplemental Workforce Fund 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 sums hereinabove appropriated for county college Operational Costs, there are allocated such sums as are required to provide the reimbursement to cover tui-

tion costs of the National Guard members pursuant to subsection b. of section 21 of P.L.1999, c.46 (C.18A:62-24).

Such additional sums 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, and Employer Contributions-FICA for County College Members of Teachers' Pension and Annuity Fund are appropriated, as the Director of the Division of Budget and Accounting shall determine.

In addition to the sum 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 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.

Such sums 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.

Higher Education Services

Of the amount hereinabove appropriated for Higher Educational Services, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget Message and Recommendations first shall be charged to the State Lottery Fund.

50 Economic Planning, Development, and Security

51 Economic Planning and Development

DIRECT STATE SERVICES

38-2043 Economic Development	<u>\$1,104,000</u>
Total Direct State Services Appropriation, Economic Planning and Development	<u>\$1,104,000</u>

Direct State Services:

Special Purpose:

38 Office of Economic Growth (\$1,104,000)

GRANTS-IN-AID

38-2043 Economic Development	<u>\$177,500,000</u>
Total Grants-in-Aid Appropriation, Economic Planning and Development	<u>\$177,500,000</u>

Grants-in-Aid:

38 Fort Monmouth Economic Revitalization
Planning Authority (\$150,000)

- 38 Division of Business Assistance,
Marketing and International Trade,
EDA(2,350,000)
- 38 Business Employment Incentive
Program, EDA(175,000,000)

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, 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 sums for the remediation of discharges of hazardous substances are insufficient, there are appropriated such sums as necessary to the Brownfield Site Reimbursement Fund, subject to the approval of the Director of the Division of Budget and Accounting. The unexpended balance at the end of the preceding fiscal year in the Brownfield Site Reimbursement Fund account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for the Business Employment Incentive Program, EDA, there is appropriated from the General Fund to the Department of the Treasury for transfer to the New Jersey Economic Development Authority such sums as may be necessary to fund the Business Employment Incentive Program, the amount of which, when combined with the amount hereinabove appropriated and with prior year disbursements, shall not exceed the total amount of revenues received as withholdings, as defined in section 2 of P.L.1996, c.26 (C.34:1B-125), during the prior calendar years from all businesses receiving grants pursuant to the "Business Employment Incentive Program Act," P.L.1996, c.26 (C.34:1B-124 et seq.), as certified by the Director of the Division of Taxation, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for the Fort Monmouth Economic Revitalization Planning Authority, there is appropriated such additional sums as are necessary to secure federal matching funds for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Business Employment Incentive Program, EDA, 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 to the Division of Business Assistance, Marketing, and International Trade, EDA, an amount up to \$250,000 shall be used for New Jersey Small Business Development Centers, pursuant to a spending plan approved by the New Jersey Economic Development Authority.

52 Economic Regulation
DIRECT STATE SERVICES

54-2008	Utility Regulation	\$7,517,000
55-2004	Regulation of Cable Television	2,098,000
88-2058	Energy Assistance Programs	1,812,000
97-2016	Regulatory Support Services	4,267,000
99-2003	Administration and Support Services	<u>6,891,000</u>
	Total Direct State Services Appropriation, Economic Regulation	<u>\$22,585,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$20,741,000)
Materials and Supplies.....	(469,000)
Services Other Than Personal.....	(844,000)
Maintenance and Fixed Charges.....	(398,000)
Additions, Improvements and Equipment	(133,000)

In addition to the sum hereinabove appropriated for the Board of Public Utilities, such other sums as the Director of the Division of Budget and Accounting shall determine are appropriated on behalf of the Board of Public Utilities under P.L.1968, c.173 (C.48:2-59 et seq.) and P.L.1972, c.186 (C.48:5A-32 et seq.), or other applicable statutes with respect to assessment of public utilities or the cable television industry.

In addition to the amount hereinabove appropriated for administration of the Board of Public Utilities, there are appropriated such sums as may be required for operation of the board and assessed to the public utilities or the cable television industry, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived 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.

There are appropriated from interest earned by the Petroleum Overcharge Reimbursement Fund such sums 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 in 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, not to exceed \$1,812,000, for the Energy Assistance Programs account may be transferred to the Department of Health and Senior Services, Lifeline account to fund the costs associated with administering the Lifeline Credits 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 the Department of Health and Senior 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 investment earnings derived from the funds deposited in the Clean Energy Fund, Universal Services Trust Fund and Retail Margin Fund shall accrue to the funds and are available to pay the costs of the various programs of the New Jersey Board of Public Utilities Clean Energy Program, Universal Services Trust Fund and Retail Margin Program.

Notwithstanding the provisions of paragraph (3) of subsection a. of section 12 of the "Electric Discount and Energy Competition Act," P.L.1999, c.23 (C.48:3-60) and any other laws to the contrary, receipts from the New Jersey Clean Energy Trust Fund are appropriated for the actual administrative salary and operating costs, not to exceed \$1,300,000, 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 P.L.2009, c.34 or any other law or regulation to the contrary, there is hereby appropriated from the Retail Margin Fund established pursuant to section 9 of P.L.1999, c.23 (C.48:3-57), subject to the approval of the Director of the Division of Budget and Accounting, an amount not to exceed \$1,500,000 to the Board of Public Utilities to be used for the following purposes: (i) to fund the administrative costs of the Board of Public Utilities in administering the program established by P.L.2009, c.34 which administrative costs may include the costs of consultants engaged by the Board of Public Utilities to provide technical and other assistance for the program; and (ii) to fund the administrative costs of the New Jersey Economic Development Authority, including the costs of consultants engaged by the authority, to enable the authority to assist the Board of Public Utilities in administering the program pursuant to a memorandum of understanding to be entered into by the Board of Public Utilities and the authority.

Notwithstanding the provisions of P.L.2009, c.34 or any law to the contrary, \$13,900,000 from receipts attributable to the Retail Margin Fund in fiscal year 2011 shall be deposited in the General Fund as State revenue.

There is appropriated \$9,100,000 from the CATV Universal Access Fund for transfer to the General Fund as State revenue.

GRANTS-IN-AID

88-2058 Energy Assistance Programs \$68,940,000

Total Grants-in-Aid Appropriation, Economic Regulation \$68,940,000

Grants-in-Aid:

88 Payments for Lifeline Credits.....(\$32,769,000)

88 Tenants' Assistance Rebate Program(36,171,000)

Notwithstanding the provisions of P.L.1979, c.197 (C.48:2-29.15 et seq.), the provisions of 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.

The amounts hereinabove appropriated for Payments for the Lifeline Credits Program and Tenants' Assistance Rebate Program are available for the payment of obligations applicable to prior fiscal years.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of Lifeline claims, amounts may be transferred from the various items of appropriation within the Energy Assistance Programs classification, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated, such sums 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.

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 preceding fiscal year, are appropriated for payments to providers in the same program class from which the recovery originated.

Of the amounts hereinabove appropriated, an amount not to exceed \$65,740,000 for Payments for the Lifeline Credits and the Tenants' Assistance Rebate Program are available to the Department of Health and Senior 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 the Department of Health and Senior Services, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove appropriated for Payments for Lifeline Credits and Tenants' Assistance Rebate Program, \$5,100,000 shall be transferred to the Department of Human Services to fund energy assistance payments under the Temporary Assistance for Needy Families (TANF) and General Assistance programs.

70 Government Direction, Management, and Control**72 Governmental Review and Oversight****DIRECT STATE SERVICES**

03-2015	Employee Relations and Collective Negotiations.....	\$655,000
07-2040	Office of Management and Budget.....	<u>14,556,000</u>
Total Direct State Services Appropriation, Governmental		
	Review and Oversight	<u>\$15,211,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$12,874,000)
Materials and Supplies.....	(140,000)
Services Other Than Personal.....	(918,000)
Maintenance and Fixed Charges.....	(10,000)

Special Purpose:

07 Independent Audits.....	(1,269,000)

Such sums as may be necessary for administrative expenses incurred in processing federal benefit payments are appropriated from such sums as may be received or receivable for this purpose.

In addition to the amounts hereinabove appropriated for the Office of Management and Budget, there are appropriated such additional sums 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.

There are appropriated, out of receipts derived from the investment of State funds, such sums 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).

2066 Office of the State Comptroller**DIRECT STATE SERVICES**

08-2066	Office of the State Comptroller	<u>\$6,102,000</u>
Total Direct State Services Appropriation, Office of the		
	State Comptroller	<u>\$6,102,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$2,238,000)
Employee Benefits.....	(1,550,000)
Materials and Supplies.....	(200,000)
Services Other Than Personal.....	(1,914,000)
Maintenance and Fixed Charges.....	(100,000)
Additions, Improvements and Equipment	(100,000)

**2068 Office of the Inspector General
DIRECT STATE SERVICES**

14-2068 Office of the Inspector General	<u>\$3,749,000</u>
Total Direct State Services Appropriation, Office of the Inspector General	<u>\$3,749,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$1,376,000)
Materials and Supplies.....	(11,000)
Services Other Than Personal.....	(170,000)
Maintenance and Fixed Charges.....	(15,000)

Special Purpose:

 14 Office of the Medicaid Inspector General ... (2,177,000)

In addition to the amounts hereinabove appropriated, such sums as may be necessary are appropriated to fund the operations of the Office of the Inspector 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, 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.

To ensure the proper reallocation of funds, the Office of the Medicaid Inspector General may transfer appropriations to the Department of Human 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 in the Office of the Medicaid Inspector General account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

**73 Financial Administration
DIRECT STATE SERVICES**

15-2080 Taxation Services and Administration	\$107,822,000
16-2090 Administration of State Lottery	21,686,000
17-2105 Administration of State Revenues.....	17,339,000
19-2120 Management of State Investments.....	1,787,000
25-2095 Administration of Casino Gambling.....	24,447,000
(<i>From Casino Control Fund</i>)	<i>\$24,447,000</i>)
50-2105 Business Services Bureau.....	<u>4,685,000</u>
Total Direct State Services Appropriation, Financial Administration.....	<u>\$177,766,000</u>
(<i>From General Fund</i>)	<i>\$153,319,000</i>)
(<i>From Casino Control Fund</i>)	<i>24,447,000</i>)

Direct State Services:**Personal Services:**

Chairman and Commissioners (CCF).....	(\$645,000)
Salaries and Wages.....	(103,147,000)
Salaries and Wages (CCF).....	(14,625,000)
Employee Benefits (CCF)	(6,062,000)
(From General Fund.....	\$103,147,000)
(From Casino Control Fund	21,332,000)

Materials and Supplies.....	(3,844,000)
Materials and Supplies (CCF).....	(155,000)
Services Other Than Personal.....	(42,842,000)
Services Other Than Personal (CCF).....	(1,212,000)
Maintenance and Fixed Charges.....	(1,827,000)
Maintenance and Fixed Charges (CCF).....	(1,564,000)

Special Purpose:

17 Wage Reporting/Temporary Disability Insurance.....	(1,599,000)
25 Administration of Casino Gambling (CCF).....	(45,000)

Additions, Improvements and Equipment	(60,000)
Additions, Improvements and Equipment (CCF)	(139,000)

Receipts derived 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.

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.

Such sums as are required for the acquisition of equipment essential to the modernization of processing tax returns, are appropriated from tax collections, subject to the approval of the Joint Budget Oversight Committee and the Director of the Division of Budget and Accounting.

The amount necessary to provide administrative costs incurred by the Division of Taxation and the Division of Revenue 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 sums 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, there are available out of fees derived from the cost of collection imposed pursuant to section 8 of P.L.1987, c.76 (C.54:49-12.1) such sums as may be required for

compliance and enforcement activities associated with the collection process as promulgated by the Taxpayers' Bill of Rights under P.L.1992, c.175.

In addition to the amounts hereinabove appropriated for Taxation Services and Administration, such additional sums 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 sums appropriated pursuant to this provision.

Notwithstanding the provisions of section 4 of the "Lead Hazard Control Assistance Act," P.L.2003, c.311 (C.52:27D-437.4), such sums 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.

The unexpended balance at the end of the preceding fiscal year in the Property Assessment Management System (PAMS) account is appropriated for the same purpose.

In addition to the amounts hereinabove appropriated for Taxation Services and Administration, upon the State Treasurer's approval to continue with the development of the Property Assessment Management System (PAMS), such additional sums as may be necessary are appropriated to the Property Assessment Management System (PAMS) account, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated, out of revenues derived from escheated property under the various escheat acts, such sums as may be necessary to administer such acts and such sums as may be required for refunds.

There are hereby appropriated from the Dedicated Cigarette Tax Revenue Fund established pursuant to P.L.2004, c.68 (C.34:1B-21.16 et seq.) such sums as are required under the contract between the State Treasurer and the New Jersey Economic Development Authority entered into pursuant to section 6 of P.L.2004, c.68 (C.34:1B-21.21).

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 and Senior Services 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 or any entity succeeding to the duties and functions of the Department of Agriculture, pursuant to separate legislation for the Agro-Terrorism program, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated out of the State Lottery Fund such sums as may be necessary for costs required to implement the "State Lottery Law," P.L.1970, c.13 (C.5:9-1 et seq.) and for payment for commissions, prizes, and expenses of developing and implementing games pursuant to section 7 of P.L.1970, c.13 (C.5:9-7).

State Lottery Fund receipts in excess of anticipated contributions to education and State institutions, and reimbursement of administrative expenditures, are appropriated for the same purposes, subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated out of receipts derived from communications fees such sums as may be necessary for telecommunications costs required in the administration of the State Lottery.

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated out of receipts derived from the sale of advertising and/or promotional products by the State Lottery, such sums as may be necessary for advertising costs required in the administration of the State Lottery pursuant to P.L.1970, c.13 (C.5:9-1 et seq.).

There are appropriated such sums 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, there is appropriated to the Division of Revenue \$4,800,000 from the Motor Vehicle Commission for document processing charges.

The Director of the Division of Budget and Accounting is hereby authorized to transfer or credit such sums as are necessary between the Department of Labor and Workforce Development and the Department of the Treasury for the administration of revenue collection and processing functions related to Unemployment Insurance, Temporary Disability Insurance, Workers' Compensation, Special Compensation Programs, the Health Care Subsidy Fund, and the Workforce Development Partnership program.

The amount hereinabove appropriated for the Wage Reporting/Temporary Disability Insurance program are payable out of the State Disability Benefits Fund, and in addition to the amounts hereinabove, there are appropriated out of the State Disability Benefits Fund such additional sums as may be required to administer revenue collection associated with the Temporary Disability Insurance program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of those anticipated from the over-the-counter surcharges are appropriated to meet the costs of the Division of Revenue's commercial recording function, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law, regulation or Executive Order to the contrary, any receipts received 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 sums 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.

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 al.) 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.

There are appropriated, out of receipts derived from service fees billed to authorities for the handling of investment transactions, such sums as may be necessary to administer the Management of State Investments program.

There are appropriated, out of receipts derived from the investments of State funds, such sums as may be necessary for 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).

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 sums 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.

In addition to the amount hereinabove for Administration of Casino Gambling, there are appropriated from the Casino Control Fund such additional sums as may be required for operation of the Casino Control Commission, subject to the approval of the Director of the Division of Budget and Accounting.

74 General Government Services**DIRECT STATE SERVICES**

02-2069	Garden State Preservation Trust	\$476,000
09-2050	Purchasing and Inventory Management	8,904,000
26-2067	Property Management and Construction -- Property Management Services.....	13,965,000
37-2051	Risk Management.....	1,772,000
77-2079	Workforce Initiatives and Development.....	<u>2,095,000</u>
	Total Direct State Services Appropriation, General Government Services.....	<u>\$27,212,000</u>

Direct State Services:**Personal Services:**

Salaries and Wages.....	(\$20,126,000)
Materials and Supplies.....	(490,000)
Services Other Than Personal.....	(3,492,000)
Maintenance and Fixed Charges.....	(2,548,000)

Special Purpose:

02 Garden State Preservation Trust	(476,000)
Additions, Improvements and Equipment	(80,000)

There are appropriated, out of receipts derived from service fees billed to political subdivisions for the operating costs of the cooperative purchasing program, such sums as may be necessary to administer and operate the Purchase Bureau program.

In addition to the amount appropriated hereinabove to the Division of Purchase and Property, there are appropriated rebates on procurement card purchases 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, out of the receipts derived from third party subrogation and service fees billed to authorities for the handling of insurance procurement and risk management services, such sums as may be necessary for the administrative expenses of the Risk Management program.

Notwithstanding the provisions of section 15 of article 6 of P.L.1944, c.112 (C.52:27B-67), revenues in excess of those anticipated from the sale of surplus state vehicles are available for the replacement of Central Motor Pool temporary assignment vehicles, 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 transfer or credit to the Capitol Post Office revolving fund any appropriation made to any department for postage costs appropriated or allocated to such departments for their share of costs of the Capitol Post Office.

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 of the Print Shop and the Office of Printing Control.

The unexpended balances at the end of the preceding fiscal year in the State cafeteria accounts and receipts obtained from cafeteria operations are appropriated for the improvement and extension of cafeteria services and facilities pursuant to section 2 of P.L.1951, c.312 (C.52:18A-19.6).

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 sums 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 out of receipts derived from the pre-qualification service fees billed to contractors, architects, engineers, and professionals sufficient sums for expenses related to the administration of pre-qualification activities undertaken by the Division of Property Management and Construction.

Receipts derived from the leasing of Department of Environmental Protection real properties are appropriated for the costs incurred for maintenance, repairs and utilities on the properties, and the unexpended balances at the end of the preceding fiscal year in excess of \$300,000 in the Management of the Department of Environmental Protection Properties account are appropriated for the same purpose.

Receipts derived from the leasing of State surplus real property are appropriated for the maintenance of leased property subject to the approval of the Director of the Division of Budget and Accounting, provided that a sum not to exceed \$100,000 shall be available for the administrative expenses of the program.

There are appropriated such additional sums 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 a sum 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 out of receipts derived from lease proceeds billed to the occupants of the James J. Howard Marine Science Laboratory, such sums as may be required to operate and maintain the facility and for the payment of interest or principal due from the issuance of bonds for this facility.

Notwithstanding the provisions of any law or regulation to the contrary, an amount not to exceed \$476,000 is transferred from the Garden State Farmland Preservation Trust Fund, the Garden State Green Acres Preservation Trust Fund and the Garden State Historic Preservation Trust Fund to the General Fund in an allocation to be determined by the Garden State Preservation Trust and approved by the Director of the Division of Budget and Accounting and such amount is appropriated to the Garden State Preservation Trust.

Notwithstanding the provisions of any law or regulation to the contrary, the Departments of the Treasury, Community Affairs, Environmental Protection and Agriculture will provide such administrative services as are necessary to operate the Garden State Preservation Trust.

Receipts derived from Workforce Initiatives and Employment Development 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.

Notwithstanding the provisions of any law or regulation to the contrary, administrative expenses for the various retirement systems and employee benefit programs administered by the Division of Pensions and Benefits are appropriated from the pension and health benefits funds established by law to receive employer contributions or payments or to make benefit payments under the programs, as the case may be, subject to the approval of the Director of the Division of Budget and Accounting. Administrative costs shall include bank service charges, investment services, and any other such costs as are related to the management of the pension and health benefit programs, as the Director of the Division of Budget and Accounting shall determine.

There is appropriated from the pension and health benefits funds established by law an amount, not to exceed \$12,000,000, for the re-engineering of the pension and health benefits computer systems as referenced in the Division of Pensions and Benefits organizational study.

The unexpended balance at the end of the preceding fiscal year in the Re-engineering of the Pension and Health Benefits Computer Systems account is appropriated for the same purpose.

2026 Office of Administrative Law

DIRECT STATE SERVICES

45-2026 Adjudication of Administrative Appeals	<u>\$8,572,000</u>
(From General Fund.....	\$3,713,000)
(From All Other Fund.....	4,859,000)

Total Direct State Services Appropriation, Office of	
Administrative Law	<u>\$8,572,000</u>
<i>(From General Fund.....</i>	<i>\$3,713,000)</i>
<i>(From All Other Funds</i>	<i>4,859,000)</i>
<i>Less:</i>	
<i>All Other Funds.....</i>	<i>\$4,859,000</i>
<i>Total Deductions.....</i>	<i><u>\$4,859,000</u></i>
Total State Appropriation, Office of Administrative Law.....	<u>\$3,713,000</u>
Direct State Services:	
Personal Services:	
Salaries and Wages.....	(\$7,887,000)
Materials and Supplies.....	(71,000)
Services Other Than Personal.....	(539,000)
Maintenance and Fixed Charges.....	(75,000)
<i>Less:</i>	
<i>All Other Funds.....</i>	<i>4,859,000</i>

In addition to the amount hereinabove appropriated for the Office of Administrative Law, such sums 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 sums are appropriated for the Office's administrative costs, 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 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.

Receipts derived from annual license fees, payable to the Office of Administrative Law, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated for the Office's administrative costs.

Receipts derived from royalties, payable to the Office of Administrative Law, and the unexpended balance at the end of the preceding fiscal year of such receipts, are appropriated for the Office's administrative costs.

Of the amounts appropriated to the 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.

Notwithstanding the provisions of section 4 of P.L.1978, c.67 (C.52:14F-4) to the contrary, including the reference therein to salaries of administrative law judges determined as a percentage of the annual salary of judges of Superior Court, there shall be no increase paid from appropriations made herein for annual salary increases for administrative law judges.

2034 Office of Information Technology**DIRECT STATE SERVICES**

40-2034 Office of Information Technology.....	\$92,241,000
65-2034 Emergency Telecommunication Services.....	<u>12,867,000</u>
Total Direct State Services Appropriation, Office of Information Technology	<u>\$105,108,000</u>
Less:	
<i>OIT -- Other Resources</i>	<u>\$56,187,000</u>
<i>Total Income Deductions</i>	<u>\$56,187,000</u>
Total State Appropriation, Office of Information Technology	<u>\$48,921,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$27,055,000)
Materials and Supplies.....	(207,000)
Services Other Than Personal.....	(8,697,000)
Maintenance and Fixed Charges.....	(95,000)

Special Purpose:

40 Office of Information Technology.....	(56,187,000)
65 Statewide 911 Emergency Telecommunication System	(11,967,000)
65 Office of Emergency Telecommunication Services.....	(900,000)

Less:

Income Deductions..... 56,187,000

In addition to the \$56,187,000 attributable to OIT Other Resources, there are appropriated such sums as may be received or receivable from any State agency, instrumentality or public authority for Office of Information Technology services furnished thereto and attributable to a change in or the addition of an OIT service level agreement, 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, 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.

The unexpended balance at the end of the preceding fiscal year in the ECATS Timekeeping System account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

From amounts appropriated to various departments, such sums as are necessary may be transferred to the Office of Information Technology for enterprise ini-

tiatives, 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.

There are appropriated such sums for Geographic Information System (GIS) Integration as may be received from federal, county, municipal governments or agencies and nonprofit organizations for orthoimagery and parcel data mapping.

75 State Subsidies and Financial Aid

GRANTS-IN-AID

33-2078 Homestead Exemptions.....	<u>\$433,800,000</u>
<i>(From Property Tax Relief Fund..... \$433,800,000)</i>	
Total Grants-in-Aid Appropriation, State Subsidies and Financial Aid	<u>\$433,800,000</u>
<i>(From Property Tax Relief Fund..... \$433,800,000)</i>	

Grants-in-Aid:

33 Homestead Property Tax Credits (PTRF)(\$268,200,000)	
33 Senior and Disabled Citizens' Property Tax Freeze (PTRF).....	(165,600,000)

From the amount hereinabove appropriated for Homestead Property Tax Credits, there are appropriated such sums as may be necessary for the administration of the program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Homestead Property Tax Credits is appropriated to municipalities to reimburse them for the quarterly Homestead Property Tax Credits provided to eligible homeowners beginning with property tax bills issued in May of 2011, subject to the enactment of legislation and subject to the following conditions: Residents who are 65 years of age or older at the close of the tax year, or residents who are allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, with gross income in excess of \$100,000 but not in excess of \$150,000 for tax year 2009 are eligible for quarterly credits in the amount of one-quarter of 10% of the first \$10,000 of property taxes paid, and such residents with gross income not in excess of \$100,000 for tax year 2009 are eligible for quarterly credits in the amount of one-quarter of 20% of the first \$10,000 of property taxes paid; Residents who are not 65 years of age or older at the close of the tax year, or residents who are not allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, with gross income in excess of \$50,000 but not in excess of

\$75,000 for tax year 2009 are eligible for quarterly credits in the amount of one-quarter of 13.34% of the first \$10,000 of property taxes paid, and such residents with gross income not in excess of \$50,000 for tax year 2009 are eligible for quarterly credits in the amount of one-quarter of 20% of the first \$10,000 of property taxes paid. The credits will be calculated based on the 2006 property tax amounts assessed or as would have been assessed on the October 1, 2009 principal residence of eligible applicants. The annualized sum of the quarterly credits provided to an eligible applicant in a given State fiscal year shall not exceed the Homestead Rebate amount paid for tax year 2006, absent a change in an applicant's filing characteristics. If the amount hereinabove appropriated for Homestead Property Tax Credits is not sufficient, there is appropriated from the Property Tax Relief Fund such additional sums as may be required for State reimbursement to municipalities for such Homestead Property Tax Credits, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove appropriated for Homestead Property Tax Credits, there are appropriated from the Property Tax Relief Fund such additional sums 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 (PTRF), and any additional sum which may be required for this purpose, is appropriated from the Property Tax Relief Fund.

Notwithstanding the provisions of any law or regulation to the contrary, the amount hereinabove appropriated for Senior and Disabled Citizens' Property Tax Freeze (PTRF) is subject to the following conditions: only citizens that received property tax reimbursements paid under the Senior and Disabled Citizens' Property Tax Freeze program in fiscal year 2010 shall be eligible for property tax reimbursements in fiscal year 2011 in amounts equal to such reimbursement paid in fiscal year 2010, provided further, however, that citizens that would otherwise be ineligible in fiscal year 2011 based on fiscal year 2010 eligibility criteria shall not receive a property tax reimbursement in fiscal year 2011.

STATE AID

28-2078	County Boards of Taxation.....	\$1,778,000
29-2078	Locally Provided Assistance	32,874,000
34-2078	Reimbursement of Senior/Disabled Citizens' and Veterans' Tax Deductions	83,100,000
	<i>(From Property Tax Relief Fund.....)</i>	<i>\$83,100,000)</i>
35-2078	Consolidated Police and Firemen's Pension Fund.....	46,683,000
	<i>(From General Fund.....)</i>	<i>13,031,000)</i>
	<i>(From Property Tax Relief Fund.....)</i>	<i>33,652,000)</i>

Total State Aid Appropriation, State Subsidies and
 Financial Aid \$164,435,000
(From General Fund..... \$47,683,000)
(From Property Tax Relief Fund..... 116,752,000)

State Aid:

28 County Boards of Taxation.....(\$1,778,000)
 29 South Jersey Port Corporation
 Debt Service Reserve Fund(8,500,000)
 29 Highlands Protection Fund --
 Incentive Planning Aid.....(2,650,000)
 29 Highlands Protection Fund -- Regional
 Master Plan Compliance Aid(1,750,000)
 29 Public Library Project Fund(3,774,000)
 29 Solid Waste Management -- County
 Environmental Investment Aid.....(16,200,000)
 34 Reimbursement to Municipalities -
 Senior and Disabled Citizens' Tax
 Deductions (PTRF)(17,700,000)
 34 State Reimbursement for Veterans'
 Property Tax Deductions (PTRF).....(65,400,000)
 35 Debt Service on Pension
 Obligation Bonds.....(13,031,000)
 35 Police and Firemen's Retirement System
 -- Post Retirement Medical (PTRF)(33,652,000)

There are appropriated such additional sums as may be certified to the Governor by the South Jersey Port Corporation as necessary to meet the requirements of the 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), the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for the Highlands Protection Fund are payable from the receipts of the portion of the realty transfer fee directed to be credited to the Highlands Protection Fund and the unexpended balances at the end of the preceding fiscal year in the Highlands Protection Fund accounts are appropriated, subject to the approval of the Director of the Division of Budget and Accounting. Further, the Department of the Treasury may transfer funds as necessary between the Highlands Protection Fund - Incentive Planning Aid account and the Highlands Protection Fund - Regional Master Plan Compliance Aid account, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for Solid Waste Management - County Environmental Investment Aid is appropriated to subsidize county and county

authority debt service payments for environmental investments incurred and other repayment obligations owed pursuant to the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.) and the "Solid Waste Utility Control Act," P.L.1970, c.40 (C.48:13A-1 et seq.) as determined by the State Treasurer based upon the need for such financial assistance after taking into account all financial resources available or attainable to pay such debt service and such other repayment obligations. Such additional sums 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.

In addition to the sum 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 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.

Notwithstanding the provisions of the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), the sum apportioned to the several counties of the State shall not be distributed and shall be anticipated as revenue for general State purposes.

Notwithstanding the provisions of the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), the amounts collected from banking corporations pursuant to the "Corporation Business Tax Act (1945)" shall not be distributed to the counties and municipalities and shall be anticipated as revenue for general State purposes.

There is appropriated from the Energy Tax Receipts Property Tax Relief Fund the sum of \$788,492,000 and an amount not to exceed \$240,573,000 from Consolidated Municipal Property Tax Relief Aid (PTRF) 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 sums from the Energy Tax Receipts Property Tax Relief Fund as provided in Fiscal Year 2010 pursuant to P.L.2009, c.68. Each municipality that receives an allocation from the amount so transferred from the Consolidated Municipal Property Tax Relief Aid program shall have its allocation from the Consolidated Municipal Property Tax Relief Aid program reduced by the same amount.

Notwithstanding the provisions of paragraph (1) of subsection c. of section 2 of P.L.1997, c.167 (C.52:27D-439) or any other law or regulation to the contrary, the amount hereinabove appropriated for Energy Tax Receipts Property Tax Relief Fund payments shall be distributed on the following schedule: on or before August 1, 45% of the total amount due; September 1, 30% of the to-

tal amount due; October 1, 15% of the total amount due; November 1, 5% of the total amount due; December 1 for municipalities operating under a calendar fiscal year, 5% of the total amount due; and June 1 for municipalities operating under the State fiscal year, 5% of the total amount due.

Notwithstanding the provisions of any law or regulation to the contrary, the release of the final 5% payment from the Energy Tax Receipts Property Tax Relief Fund to municipalities is subject to the following condition: the municipality shall submit to the Director of the Division of Local Government Services a report describing the municipality's compliance with the "Best Practices Inventory" established by the Director of the Division of Local Government Services and shall receive at least a minimum score on such inventory as determined by the Director of the Division of Local Government Services; provided, however, that the Director may take into account the particular circumstances of a municipality in computing such score. Provided further, however, that in the event that the "Best Practices Inventory" is not issued by the Division of Local Government Services by September 1, 2010, no amounts shall be withheld from final payments to municipalities pursuant to this paragraph. In preparing the Best Practices Inventory, the Director shall identify best municipal practices in the areas of general administration, fiscal management, and operational activities, as well as the particular circumstances of a municipality, in determining the minimum score acceptable for the release of the final payment, but in no event shall amounts be withheld with respect to municipal practices occurring prior to the issuance of the best practices inventory.

There is appropriated from taxes collected from certain insurance companies, pursuant to the insurance tax act, so much as may be required for payments to counties pursuant to P.L.1945, c.132 (C.54:18A-1 et seq.).

The unexpended balance at the end of the preceding fiscal year from the taxes collected pursuant to P.L.1940, c.5 (C.54:30A-49 et seq.) shall lapse.

The Director of the Division of Budget and Accounting shall reduce amounts provided to any municipality from the amount hereinabove appropriated by the difference, if any, between pension contribution savings, and the amount of Consolidated Municipal Property Tax Relief Aid payable to such municipality.

Notwithstanding the provisions of any law or regulation to the contrary, of the amounts hereinabove appropriated from the Highlands Protection Fund - Incentive Planning Aid, an amount not less than \$2,200,000 is allocated for Watershed Moratorium Offset Aid.

In addition to the amount hereinabove appropriated for Reimbursement of Senior Citizens and Veterans' Tax Deductions, there are appropriated from the Property Tax Relief Fund such additional sums as may be required for State reimbursement to municipalities for senior and disabled citizens' and veterans' property tax deductions.

Such additional sums 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.

76 Management and Administration

DIRECT STATE SERVICES

98-2006 Contract Compliance and Equal Employment	
Opportunity in Public Contracts	\$1,064,000
99-2000 Administration and Support Services	<u>9,678,000</u>
Total Direct State Services Appropriation, Management	
and Administration	<u>\$10,742,000</u>

Direct State Services:

Personal Services:

Salaries and Wages	(\$10,149,000)
Materials and Supplies	(60,000)
Services Other Than Personal	(477,000)
Maintenance and Fixed Charges	(40,000)

Special Purpose:

 99 Federal Liaison Office, Washington, D.C.(16,000)

There are appropriated from the investment earnings of general obligation bond proceeds such sums 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 sums as may be required for public finance activities. The unexpended balance at the end of the preceding fiscal year from such investment earnings and service fees is appropriated to the Office of Public Finance.

Pursuant to the provisions of P.L.1999, c.12 (C.54A:9-25.12 et seq.) deposits made to 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 and for transfer to the Department of Education such sums as are necessary for Project DARE (Drug Abuse Resistance Education) and the Steroid Use and Prevention Program, and to the Department of Human Services for substance abuse treatment and prevention programs, subject to the approval of the Director of the Division of Budget and Accounting.

An amount equivalent to the amount due to be paid in this fiscal year to the State by the Port Authority of New York and New Jersey pursuant to the regional economic development agreement dated January 1, 1990 among the States of

New York and New Jersey and the Port Authority of New York and New Jersey is appropriated to the Economic Recovery Fund established pursuant to section 3 of P.L.1992, c.16 (C.34:1B-7.12) for the purposes of P.L.1992, c.16 (C.34:1B-7.10 et seq.).

Notwithstanding the provisions of any law or regulation to the contrary, there are appropriated from the "Drug Enforcement and Demand Reduction Fund" such sums 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.

Fees collected on behalf of the Contract Compliance and Equal Employment Opportunity in Public Contracts program and the unexpended balance at the end of the preceding fiscal year of such fees are appropriated for program costs, subject to allotment by the Director of the Division of Budget and Accounting.

There are appropriated such additional sums 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.

80 Special Government Services

82 Protection of Citizens' Rights

DIRECT STATE SERVICES

06-2024 Appellate Services to Indigents	\$9,372,000
57-2021 Trial Services to Indigents.....	63,393,000
66-2021 Office of Law Guardian.....	18,586,000
67-2021 Office of the Parental Representation.....	14,865,000
99-2025 Administration and Support Services	<u>2,597,000</u>
Total Direct State Services Appropriation, Protection of Citizens' Rights	<u>\$108,813,000</u>

Direct State Services:

Personal Services:

Salaries and Wages.....	(\$75,643,000)
Materials and Supplies.....	(1,053,000)
Services Other Than Personal.....	(29,947,000)
Maintenance and Fixed Charges.....	(2,020,000)
Additions, Improvements and Equipment	(150,000)

Sums 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 sums 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..... \$19,900,000

Total Grants-in-Aid Appropriation,

State Legal Services Office \$19,900,000

Grants-in-Aid:

89 Legal Services of New Jersey - Legal

Assistance in Civil Matters.....(\$19,900,000)

Department of Treasury, Total State Appropriation \$1,557,174,000

Summary of Department of the Treasury Appropriations

(For Display Purposes Only)

Appropriations by Category:

Direct State Services..... \$425,918,000

Grants-in-Aid..... 774,028,000

State Aid 357,228,000

Appropriations by Fund:

General Fund \$948,175,000

Property Tax Relief Fund 584,552,000

Casino Control Fund..... 24,447,000

90 MISCELLANEOUS COMMISSIONS

40 Community Development and Environmental Management

43 Science and Technical Programs

9130 Interstate Environmental Commission

DIRECT STATE SERVICES

03-9130 Interstate Environmental Commission \$383,000

Total Direct State Services Appropriation, Interstate

Environmental Commission \$383,000

Direct State Services:

Special Purpose:

03 Expenses of the Commission.....(\$383,000)

9140 Delaware River Basin Commission**DIRECT STATE SERVICES**

02-9140 Delaware River Basin Commission.....	<u>\$893,000</u>
Total Direct State Services Appropriation, Delaware River Basin Commission.....	<u>\$893,000</u>

Direct State Services:

Special Purpose:

02 Expenses of the Commission..... (\$893,000)

70 Government Direction, Management, and Control**72 Governmental Review and Oversight****9148 Council on Local Mandates****DIRECT STATE SERVICES**

92-9148 Council on Local Mandates.....	<u>\$68,000</u>
Total Direct State Services Appropriation, Council on Local Mandates	<u>\$68,000</u>

Direct State Services:

Special Purpose:

92 Council on Local Mandates..... (\$68,000)

The unexpended balance at the end of the preceding fiscal year in this account is appropriated.

Miscellaneous Commissions, Total State Appropriation..... \$1,344,000

Summary of Miscellaneous Commissions Appropriations**(For Display Purposes Only)****Appropriations by Category:**

Direct State Services..... \$1,344,000

Appropriations by Fund:

General Fund..... \$1,344,000

94 INTER-DEPARTMENTAL ACCOUNTS**70 Government Direction, Management, and Control****74 General Government Services****DIRECT STATE SERVICES**

01-9400 Property Rentals	\$254,547,000
02-9400 Insurance and Other Services	107,911,000
06-9400 Utilities and Other Services.....	<u>9,853,000</u>
Subtotal Direct State Services, General Government Services	<u>\$372,311,000</u>

Less:**Direct Rent Charges and Charges for**

Operational Efficiencies..... **\$104,756,000**

Total Deductions.....	<u>\$104,756,000</u>
Total Direct State Services Appropriation, General Government Services	<u>\$267,555,000</u>
Direct State Services:	
Property Rentals:	
01 Existing and Anticipated Leases.....	(\$201,645,000)
01 Economic Development Authority	(17,199,000)
01 Other Debt Service Leases and Tax Payments	(33,498,000)
Less:	
Total Deductions.....	<u>104,756,000</u>
Additions, Improvements and Equipment	(2,205,000)
Insurance and Other Services:	
02 Tort Claims Liability Fund (C.59:12-1).....	(15,000,000)
02 Workers' Compensation Self- Insurance Fund	(73,700,000)
02 Property Insurance Premium Payments	(3,413,000)
02 Casualty Insurance Premium Payments.....	(423,000)
02 Special Insurance Policy Premium Payment.....	(250,000)
02 UMDNJ Self-Insurance Reserve Fund	(10,000,000)
02 Vehicle Claims Liability Fund.....	(3,500,000)
02 Self-Insurance Deductible Fund	(1,500,000)
02 Self-Insurance Fund - Foster Parents.....	(125,000)
Utilities and Other Services:	
06 Public Health, Environmental and Agricultural Laboratory.....	(3,498,000)
06 Fuel and Utilities	(1,260,000)
06 Household and Security	(5,095,000)
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 derived 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 sums appropriated for property rental payments are insufficient, there are appropriated such additional sums, not to exceed \$3,000,000 as may be required to pay property rental obligations, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed \$2,500,000 shall be appropriated for the costs of security, maintenance, utilities and other operating expenses related to the closure of State-owned buildings, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, the Division of Property Management and Construction is empowered to renegotiate lease terms, provided that such renegotiations result in cost savings to the State for the current fiscal year and for the term of the lease. Any lease amendments made as a result of these renegotiations are subject to the review and approval of the State Leasing and Space Utilization Committee. Receipts from such renegotiations are appropriated to the Property Rentals account to offset the cost of leases, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated such additional sums 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 sums 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.

In addition to the amount hereinabove appropriated for Property Rentals, there is appropriated to the Property Rentals program \$5,638,000 from the Motor Vehicle Commission for property rental charges.

Notwithstanding the provisions of any law or regulation to the contrary, the Director of the Division of Budget and Accounting shall transfer from departmental accounts and credit to the Property Rentals account such sums as necessary to reflect savings from a recall of State vehicles. This additional sum is appropriated for Property Rentals.

Notwithstanding the provisions of any law or regulation to the contrary, the Direc-

tor of the Division of Budget and Accounting shall transfer from departmental accounts and credit to the Property Rentals account such sums as necessary to reflect savings from the reallocation of State Police guards within State-owned and leased facilities. This additional sum is appropriated for Property Rentals. 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 sums 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 funds appropriated to the Tort Claims Liability Fund are available for the payment of claims of a tortious nature, for the indemnification of pool attorneys engaged by the Public Defender for the defense of indigents, for the indemnification of designated pathologists engaged by the State Medical Examiner, and for direct costs of legal, administrative and medical services related to the investigation, mitigation and litigation of tort claims under N.J.S.59:12-1, as recommended by the Attorney General and as the Director of the Division of Budget and Accounting shall determine.

Notwithstanding the provisions of any law or regulation to the contrary, claims paid from the Tort Claims Liability Fund on behalf of entities funded, in whole or in part, from non-State funds, may be reimbursed from such non-State fund sources as determined by the Director of the Division of Budget and Accounting.

There are appropriated such additional sums as may be required to pay 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. The funds 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.

To the extent that sums appropriated to pay Workers' Compensation claims under R.S.34:15-1 et seq., are insufficient, there are appropriated such additional sums 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.

Providing 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 sums appropriated to pay auto insurance claims are insufficient, there are appropriated such additional sums 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.

The sums hereinabove appropriated are available for payment of obligations applicable to prior fiscal years.

There are appropriated out of revenues received from utility companies such sums 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.

In addition to the sums hereinabove appropriated for Fuel and Utilities, the Director of the Division of Budget and Accounting shall transfer or credit to this account such sums that accrue from appropriations made to various spending agencies for Fuel and Utilities and Salaries and Wages, to reflect savings associated with electrical deregulation, fuel switch and other energy-conservation initiatives.

Of the amount hereinabove appropriated for fuel and utility costs, amounts may be transferred to 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 sums hereinabove appropriated for fuel and utility costs, there are appropriated such additional sums as may be required to pay fuel and utility costs, subject to the approval of the Director of the Division of Budget and Accounting.

Revenue generated from the sale of Solar Renewable Energy Certificates is appropriated to fund energy-related savings initiatives as determined by the Director of Energy Savings within the Department of the Treasury, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, in addition to the amount hereinabove appropriated for Fuel and Utilities, there is appropriated \$42,500,000 from the Clean Energy Fund for utility costs in State facilities.

Receipts derived 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 Motor Vehicle Commission for utility, security, and building maintenance costs.

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 sums as are required to fund the energy tracking and invoice payment system, as determined by the Director of Energy Savings within the Department of the Treasury, subject to the approval of the Director of the Division of Budget and Accounting.

In accordance with the "Recycling Enhancement Act," (P.L.2007, c.311), 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.

Notwithstanding the provisions of any law or regulation to the contrary, the amounts appropriated hereinabove for Insurance and Other Services shall be conditioned upon the following provision: the State Treasurer shall commence a review to determine if the consolidation of product maintenance warranties under a single maintenance contract would generate budget savings, which review shall include, but not be limited to, the experiences of other jurisdictions in the consolidation of product maintenance warranties under a single maintenance contract.

GRANTS-IN-AID

09-9460 Aid to Independent Authorities	<u>\$84,562,000</u>
Total Grants-in-Aid Appropriation, General	
Government Services	<u>\$84,562,000</u>

Grants-in-Aid:

09 New Jersey Performing Arts Center, EDA	(\$1,250,000)
09 Business Employment Incentive Program, EDA-Debt Service	(33,596,000)
09 Liberty Science Center-EDA	(6,892,000)
09 Municipal Rehabilitation and Economic Recovery-EDA	(14,130,000)
09 NJSEA Sports Complex	(5,641,000)
09 NJSEA Atlantic City Projects	(15,440,000)
09 NJSEA Higher Education and Other Projects	(2,818,000)
09 NJSEA Wildwood Convention Center	(4,795,000)

In addition to the amounts hereinabove appropriated for the Sports and Exposition Authority, there are appropriated such additional sums as are necessary to satisfy debt service obligations and to maintain the core operating functions of the authority, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the New Jersey Performing Arts Center, EDA account shall be used to pay the State's obligations pursuant to a lease with the New Jersey Economic Development Authority, for the lease of real property and infrastructure improvements and the Performing Arts Center structure constructed thereon purchased by the authority for the State in the city of Newark, for the purpose of constructing buildings to comprise a Performing Arts Center. Notwithstanding the provisions of any law or regulation to the contrary, the State Treasurer may enter into a lease with the New Jersey Economic Development Authority to lease the real property and improvements thereon purchased or caused to be constructed by the authority for the

State in the city of Newark for the Performing Arts Center, subject to the prior written consent of the Director of the Division of Budget and Accounting, the President of the Senate and the Speaker of the General Assembly. Upon the final payment of the State's obligations pursuant to the lease for the real property and infrastructure improvements purchased by the authority, the title to the real property and improvements shall revert to the State. The State may sublease the land and facilities for the purpose of operating, maintaining or financing a Performing Arts Center in Newark. Any sublease for use of land and improvements acquired for the State by the New Jersey Economic Development Authority for the Performing Arts Center shall be subject to the prior written approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee, or its successor. There are appropriated such additional sums as may be necessary to pay debt service for the New Jersey Performing Arts Center.

The amounts hereinabove appropriated for debt service payments attributable to the New Jersey Performing Arts Center, EDA program and to the Municipal Rehabilitation and Economic Recovery, EDA program may be paid by the New Jersey Economic Development Authority from resources available from unexpended balances, and in such instances the amounts appropriated for the New Jersey Performing Arts Center, EDA program and for the Municipal Rehabilitation and Economic Recovery, EDA program shall be reduced by the same amount. There are appropriated such additional sums 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.....	<u>\$134,429,000</u>
Total Capital Construction Appropriation, General	
Government Services.....	<u>\$134,429,000</u>

Capital Projects:

New Jersey Building Authority

Debt Service - General State Projects:

08 General State Projects(\$26,429,000)

08 Energy Efficiency - Statewide Projects(10,000,000)

Open Space Preservation Program:

08 Garden State Preservation Trust

Fund Account(98,000,000)

There are appropriated such additional sums 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.

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 in 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 sums 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; Roof Repairs-Statewide; Americans with Disabilities Act Compliance Projects-Statewide; Hazardous Materials Removal Projects-Statewide; Statewide Security Projects; and Energy Efficiency-Statewide Projects, such sums 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, \$1,700,000 from funds appropriated to the Water Infiltration account shall be transferred to the Department of Corrections Critical Repairs account for the Chiller System Replacement - New Jersey State Prison project.

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.

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 in 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.

The unexpended balances at the end of the preceding fiscal year of appropriations from the "1996 Economic Development Site Fund," established pursuant to section 20 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 are appropriated.

The amount hereinabove appropriated for Energy Efficiency - Statewide Projects is payable from the Clean Energy Fund to provide the full cost of energy efficiency projects in State facilities including, but not limited to, up to \$6,000,000 for heating, ventilation and air conditioning systems at various Human Services institutions. The project allocations may be adjusted based

on consultation with the Department of the Treasury, Office of Energy 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, any monies received from the sale of real property that are deposited in 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.

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.

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).

9410 Employee Benefits

DIRECT STATE SERVICES

03-9410 Employee Benefits.....	<u>\$1,783,476,000</u>
Total Direct State Services Appropriation,	
Employee Benefits	<u>\$1,783,476,000</u>

Direct State Services:

Special Purpose:

03 Public Employees' Retirement System - Post Retirement Medical	(\$257,505,000)
03 Public Employees' Retirement System - Non-contributory Insurance.....	(26,852,000)
03 Police and Firemen's Retirement System - Non-contributory Insurance.....	(8,262,000)
03 Alternate Benefit Program - Employer Contributions	(1,299,000)
03 Alternate Benefit Program - Non- contributory Insurance.....	(180,000)
03 Defined Contribution Retirement Program.....	(219,000)
03 Defined Contribution Retirement Program - Non-contributory Insurance.....	(124,000)
03 State Police Retirement System - Non- contributory Insurance.....	(1,780,000)
03 Judicial Retirement System - Non- contributory Insurance.....	(911,000)
03 Teachers' Pension and Annuity Fund - Post Retirement Medical - State	(3,355,000)

03 Teachers' Pension and Annuity Fund -	
Non-contributory Insurance	(79,000)
03 Pension Adjustment Program	(1,254,000)
03 Veterans Act Pensions	(63,000)
03 Debt Service on Pension Obligation Bonds	(98,251,000)
03 Volunteer Emergency Survivor Benefit	(105,000)
03 State Employees' Health Benefits	(650,254,000)
03 Other Pension Systems - Post Retirement	
Medical	(85,672,000)
03 State Employees' Prescription Drug	
Program	(205,407,000)
03 State Employees' Dental Program -	
Shared Cost	(14,794,000)
03 State Employees' Vision Care Program	(1,000,000)
03 Social Security Tax - State	(391,619,000)
03 Temporary Disability Insurance Liability..	(11,860,000)
03 Unemployment Insurance Liability	(22,631,000)

There is appropriated a sufficient amount in order that upon application to the Director of the Division of Budget and Accounting, an annuity of \$4,000 shall be paid to the widow or widower of any person, now deceased, who was elected and served as Governor of the State; provided such widow or widower was the spouse of such person for all or part of the period during which he or she served as Governor; and provided further, that this shall not apply to any widow or widower receiving a pension granted under R.S.43:8-2, and continued by R.S.43:7-1 et seq., R.S.43:8-1 et seq., and R.S.43:8-8 et seq.

The amounts hereinabove appropriated for Employee Benefits may be transferred to the Grants-In-Aid accounts for the same purposes.

Such additional sums 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, 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, 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 monies 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 sum 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 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 Debt Service on Pension Obligation Bonds account is appropriated for the same purpose.

Such additional sums as may be required for State Employees' Health Benefits may be allotted from the various departmental operating appropriations to this account, as the Director of the Division of Budget and Accounting shall determine.

Such additional sums as may be required for Social Security Tax - State may be allotted from the various departmental operating appropriations to this account, as the Director of the Division of Budget and Accounting shall determine.

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..... \$864,205,000

Total Grants-in-Aid Appropriation, Employee Benefits \$864,205,000

Grants-in-Aid:

Special Purpose:

- 03 Public Employees' Retirement System -
Post Retirement Medical (\$40,526,000)
- 03 Public Employees' Retirement System -
Non-contributory Insurance (2,661,000)
- 03 Police and Firemen's Retirement
System - Non-contributory Insurance (317,000)
- 03 Alternate Benefit Program - Employer
Contributions (136,970,000)
- 03 Alternate Benefit Program - Non-
contributory Insurance (19,427,000)
- 03 Teachers' Pension and Annuity Fund -
Post Retirement Medical - State (4,976,000)
- 03 Teachers' Pension and Annuity Fund -
Non-contributory Insurance (15,000)
- 03 Debt Service on Pension Obligation Bonds. (5,669,000)
- 03 State Employees' Health Benefits (305,961,000)
- 03 Other Pension Systems - Post
Retirement Medical (26,052,000)
- 03 State Employees' Prescription Drug Program (92,723,000)
- 03 State Employees' Dental Program -
Shared Cost (11,541,000)
- 03 Social Security Tax - State (196,721,000)
- 03 Temporary Disability Insurance Liability (6,540,000)
- 03 Unemployment Insurance Liability (14,106,000)

The amounts hereinabove appropriated for Employee Benefits may be transferred to the Direct State Services accounts for the same purposes.

Such additional sums 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, 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 monies hereinabove appropriated shall be used to provide additional health insurance coverage to a State or local elected official when that official re-

ceives 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 sum 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 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.

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 Inter-Departmental Accounts

DIRECT STATE SERVICES

04-9420 Other Interdepartmental Accounts.....	<u>\$17,475,000</u>
Total Direct State Services Appropriation, Other	
Inter-Departmental Accounts	<u>\$17,475,000</u>

Direct State Services:

Special Purpose:

04 To the Governor, for allotment to the various departments or agencies, to meet any condition of emergency or necessity; provided however, that a sum not in excess of \$5,000 shall be available for expenses of officially receiving dignitaries and for incidental expenses, including lunches for non-salaried board members and others for whom official reception shall be beneficial to the State.	(\$375,000)
04 Contingency Funds	(625,000)
04 Interest On Short Term Notes	(6,000,000)
04 Debt Issuance - Special Purpose	(1,100,000)
04 Banking Services	(8,000,000)
04 Catastrophic Illness in Children Relief Fund - Employer Contributions	(225,000)
04 Interest on Interfund Borrowing	(1,000,000)
04 Payment of Military Leave Benefits	(150,000)

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.

There are appropriated to the Emergency Services Fund such sums as are required to meet the costs of any emergency occasioned by aggression, civil disturbance, sabotage, or disaster as recommended by the Emergency Services Council 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 Emergency Services Council is unable to convene due to any such emergency described above, there shall be appropriated to the Emergency Services Fund such sums as are required to meet the costs of any such emergency described above, and payments from the Fund shall be made by the State Treasurer upon approval of the Governor and the Director of the Division of Budget and Accounting.

The unexpended balance at the end of the preceding fiscal year in the Governor's Contingency Fund is appropriated for the same purpose.

Such sums as may be necessary for payment of expenses incurred by issuing officials appointed under the several bond acts of the State are appropriated for the purposes and from the sources defined in those acts.

The unexpended balance at the end of the preceding fiscal year in Payment of Military Leave Benefits is appropriated for the same purpose.

9430 Salary Increases and Other Benefits

DIRECT STATE SERVICES

05-9430 Salary Increases and Other Benefits	<u>\$194,308,000</u>
Subtotal Direct State Services, Salary Increases	
and Other Benefits	<u>\$194,308,000</u>

Less:

Savings from Privatization Initiatives	<u>\$50,000,000</u>
Total Deductions	<u>\$50,000,000</u>
Total Direct State Services Appropriation, Salary Increases and	
Other Benefits	<u>\$144,308,000</u>

Direct State Services:

Special Purpose:

05 Salary Increases and Other Benefits	(\$183,808,000)
05 Unused Accumulated Sick Leave Payments	(10,500,000)

Less:

Total Deductions	50,000,000

The sums 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 any law or regulation to the contrary, including R.S.34:15-49 and section 1 of P.L.1981, c.353 (C.34:15-49.1), 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 subsection (e) of section 2 of P.L.1968, c.410 (C.52:14B-2), but shall be considered exempt under paragraphs (1) and (2) of subsection (e) 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, the University of Medicine and Dentistry of New Jersey and the New Jersey Institute of Technology.

No salary range or rate of pay shall be increased or paid in any State department, agency, or commission without the approval of the Director of the Division of Budget and Accounting. Nothing herein shall be construed as applicable to unclassified personnel of the Legislative Branch or unclassified personnel of the Judicial Branch.

Any sums 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 balance at the end of the preceding fiscal year in the Salary Increases and Other Benefits account is appropriated for the same purposes.

Notwithstanding the provisions of any law or regulation to the contrary, the Director of the Division of Budget and Accounting may transfer from departmental accounts and credit to the Salary Increases and Other Benefits account such sums that reflect Savings from Privatization Initiatives. These additional sums are appropriated for Salary Increases and Other Benefits.

In addition to the amount hereinabove appropriated for Unused Accumulated Sick Leave Payments, there are appropriated such sums as may be necessary for payments of unused accumulated sick leave.

Inter-Departmental Accounts, Total State Appropriation..... \$3,296,010,000

**Summary of Inter-Departmental Accounts Appropriations
(For Display Purposes Only)**

Appropriations by Category:

Direct State Services.....	\$2,212,814,000
Grants-in-Aid.....	948,767,000
Capital Construction.....	134,429,000

Appropriations by Fund:

General Fund.....	\$3,296,010,000

98 THE JUDICIARY

10 Public Safety and Criminal Justice

15 Judicial Services

DIRECT STATE SERVICES

01-9710 Supreme Court.....	\$6,891,000
02-9715 Superior Court - Appellate Division.....	21,351,000
03-9720 Civil Courts	106,982,000
04-9725 Criminal Courts	129,219,000
05-9730 Family Courts	117,191,000
06-9735 Municipal Courts	1,598,000
07-9740 Probation Services	136,165,000
08-9745 Court Reporting	8,898,000
09-9750 Public Affairs and Education	2,953,000
10-9755 Information Services	18,169,000
11-9760 Trial Court Services.....	95,514,000
12-9765 Management and Administration	<u>11,339,000</u>
Total Direct State Services Appropriation, Judicial Services	<u>\$656,270,000</u>

Direct State Services:

Personal Services:

Chief Justice	(\$193,000)
Associate Justices	(1,113,000)
Judges	(71,244,000)
Salaries and Wages.....	(426,107,000)
Materials and Supplies.....	(7,755,000)
Services Other Than Personal.....	(32,423,000)
Maintenance and Fixed Charges.....	(1,852,000)

Special Purpose:

01 Rules Development	(200,000)
04 Drug Court Treatment/Aftercare	(29,163,000)
04 Drug Court Operations	(11,937,000)
04 Drug Court Judgeships	(2,254,000)
05 Family Crisis Intervention.....	(1,076,000)
05 Child Placement Review Advisory Council	(82,000)
05 Kinship Legal Guardianship	(3,711,000)

05 Child Support and Paternity Program	
Title IV-D (Family Court).....	(14,180,000)
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).....	(27,795,000)
11 Child Support and Paternity Program	
Title IV-D (Trial).....	(2,428,000)
12 Affirmative Action and Equal	
Employment Opportunity	(770,000)
Additions, Improvements and Equipment	(3,961,000)
The unexpended balances at the end of the preceding fiscal year in the Civil Arbitration Program 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 derived from fees under the Special Civil Part service of process via certified mailers are appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.	
The amounts hereinabove appropriated in the Drug Courts Treatment and After-care account shall be transferred to the Department of Human Services to fund treatment, aftercare and administrative services associated with the drug court program, subject to the approval of the Director of the Division of Budget and Accounting.	
Receipts derived 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.	
The Judiciary, Total State Appropriation	<u>\$656,270,000</u>
Receipts from charges to certain Special Purpose accounts listed hereinabove are appropriated for services provided to 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 Admission Financial Committee, Parents' Education Fund, Automated Traffic System Fund, Municipal Court Administrator Certification Program, Comprehensive Enforcement Program, and Courts Computerized Information Systems Fund are appropriated for services provided to 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.

***Summary of Judiciary Appropriations
(For Display Purposes Only)***

Appropriations by Category:

Direct State Services..... \$656,270,000

Appropriations by Fund:

General Fund..... \$656,270,000

DEBT SERVICE

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

46 Environmental Planning and Administration

99-4800 Interest on Bonds..... \$17,991,000

99-4800 Bond Redemption..... 45,047,000

Total Debt Service Appropriation, Department of

Environmental Protection..... \$63,038,000

Debt Service:

Special Purpose:

Interest:

Clean Waters Bonds (P.L.1976, c.92)(\$60,000)

State Land Acquisition and Development Bonds
(P.L.1978, c.118).....(106,000)

Natural Resources Bonds (P.L.1980, c.70).....(660,000)

Hazardous Discharge Bonds (P.L.1981, c.275).....(36,000)

Resource Recovery and Solid Waste Disposal

Facility Bonds (P.L.1985, c.330).....(70,000)

Hazardous Discharge Bonds (P.L.1986, c.113)....(334,000)

Green Acres, Cultural Centers and Historic

Preservation Bonds (P.L.1987, c.265).....(466,000)

New Jersey Open Space Preservation Bonds

(P.L.1989, c.183).....(238,000)

Stormwater Management and Combined Sewer

Overflow Abatement Bonds (P.L.1989, c.181)(353,000)

Green Acres, Clean Water, Farmland and Historic

Preservation Bonds (P.L.1992, c.88).....(1,567,000)

Green Acres, Farmland and Historic Preservation

and Blue Acres Bonds (P.L.1995, c.204) ... (2,640,000)

Port of New Jersey Revitalization, Dredging Bonds

(P.L.1996, c.70).....(5,662,000)

Dam, Lake, Stream, Water Resources, and Wastewater Treatment Project Bonds (P.L.2003, c.162)	(5,799,000)
Redemption:	
Clean Waters Bonds (P.L.1976, c.92)	(85,000)
State Land Acquisition and Development Bonds (P.L.1978, c.118)	(350,000)
Natural Resources Bonds (P.L.1980, c.70)	(1,505,000)
Water Supply Bonds (P.L.1981, c.261)	(140,000)
Hazardous Discharge Bonds (P.L.1981, c.275)	(305,000)
Resource Recovery and Solid Waste Disposal Facility Bonds (P.L.1985, c.330)	(1,270,000)
Pinelands Infrastructure Trust Bonds (P.L.1985, c.302)	(5,000)
Hazardous Discharge Bonds (P.L.1986, c.113)	(7,560,000)
Green Acres, Cultural Centers and Historic Preservation Bonds (P.L.1987, c.265)	(875,000)
New Jersey Open Space Preservation Bonds (P.L.1989, c.183)	(1,766,000)
Stormwater Management and Combined Sewer Overflow Abatement Bonds (P.L.1989, c.181)	(786,000)
Green Acres, Clean Water, Farmland and Historic Preservation Bonds (P.L.1992, c.88)	(5,800,000)
Green Acres, Farmland and Historic Preservation and Blue Acres Bonds (P.L.1995, c.204)	(11,260,000)
Port of New Jersey Revitalization, Dredging Bonds (P.L.1996, c.70)	(4,725,000)
Dam, Lake, Stream, Water Resources, and Wastewater Treatment Project Bonds (P.L.2003, c.162)	(7,630,000)
Green Acres, Farmland, Blue Acres, and Historic Preservation Bonds (P.L.2007, c.119)	(985,000)
Total Debt Service Appropriation, Department of Environmental Protection	<u>\$63,038,000</u>

82 DEPARTMENT OF THE TREASURY

70 Government Direction, Management, and Control

76 Management and Administration

99-2000 Interest on Bonds	\$103,915,000
99-2000 Bond Redemption	<u>233,765,000</u>
Total Debt Service Appropriation, Department of the Treasury ..	<u>\$337,680,000</u>

Debt Service:

Special Purpose:

Interest:

Refunding Bonds (P.L.1985, c.74, as amended by P.L.1992, c.182)	(\$96,258,000)
Energy Conservation Bonds (P.L.1980, c.68)	(14,000)
Jobs, Education and Competitiveness Bonds (P.L.1988, c.78).....	(155,000)
Public Purpose Buildings and Community-Based Facilities Construction Bonds (P.L.1989, c.184)	(198,000)
Bridge Rehabilitation and Improvement and Railroad Right-of-way Preservation Bonds (P.L.1989, c.180).....	(187,000)
Developmental Disabilities Waiting List Reduction and Human Services Facilities Construction Bonds (P.L.1994, c.108).....	(1,119,000)
Statewide Transportation and Local Bridge Bond Act of 1999 (P.L.1999, c.181).....	(5,984,000)

Redemption:

Refunding Bonds (P.L.1985, c.74, as amended by P.L.1992, c.182)	(201,540,000)
Energy Conservation Bonds (P.L.1980, c.68)	(30,000)
Jobs, Education and Competitiveness Bonds (P.L.1988, c.78).....	(1,350,000)
Public Purpose Buildings and Community-Based Facilities Construction Bonds (P.L.1989, c.184)	(1,650,000)
Bridge Rehabilitation and Improvement and Railroad Right-of-way Preservation Bonds (P.L.1989, c.180).....	(1,940,000)
Developmental Disabilities Waiting List Reduction and Human Services Facilities Construction Bonds (P.L.1994, c.108).....	(4,675,000)
Statewide Transportation and Local Bridge Bond Act of 1999 (P.L.1999, c.181).....	(22,580,000)
Total Debt Service Appropriation, Department of the Treasury ..	<u>\$337,680,000</u>
Total Appropriation, Debt Service	<u>\$400,718,000</u>

Less:

<i>Savings from Debt Restructuring.....</i>	<i><u>\$176,000,000</u></i>
<i>Total Deductions</i>	<i><u>\$176,000,000</u></i>
Total Appropriation, Debt Service	<u>\$224,718,000</u>

Notwithstanding the provisions of any law or regulation to the contrary, such sums as may be needed for the payment of interest and/or principal due from the is-

suance of any bonds authorized under the several bond acts of the State are appropriated and shall first be charged to the earnings from the investments of such bond proceeds and/or repayments of loans from the applicable bond funds established under such bond acts, and monies are appropriated from such bond funds for the purpose of paying interest and/or principal on the bonds issued pursuant to such bond acts. Where required by law, such sums shall be used to fund a reserve for the payment of interest and/or 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 sums 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.

Summary of Appropriations - All Departments
(For Display Purposes Only)

Appropriations by Category:

Direct State Services.....	\$6,314,636,000
Grants-in-Aid	8,676,918,000
State Aid	12,026,255,000
Capital Construction.....	1,121,895,000
Debt Service	224,718,000

Appropriations by Fund:

General Fund	\$17,546,897,000
Property Tax Relief Fund	10,480,977,000
Casino Revenue Fund.....	269,852,000
Casino Control Fund	66,696,000
Gubernatorial Elections Fund.....	0
Total Appropriation, All State Funds	<u>\$28,364,422,000</u>

FEDERAL FUNDS

10 DEPARTMENT OF AGRICULTURE

40 Community Development and Environmental Management

49 Agricultural Resources, Planning, and Regulation

01-3310 Animal Disease Control.....	\$922,000
02-3320 Plant Pest and Disease Control.....	4,340,000

03-3330 Agriculture and Natural Resources.....	250,000
05-3350 Food and Nutrition Services.....	336,350,000
06-3360 Marketing and Development Services.....	2,171,000
08-3380 Farmland Preservation.....	<u>4,520,000</u>
Total Appropriation, Agricultural Resources, Planning, and Regulation.....	<u>\$348,553,000</u>
Personal Services:	
Salaries and Wages.....	(\$4,555,000)
Employee Benefits	(2,030,000)
Materials and Supplies.....	(1,141,000)
Services Other Than Personal.....	(3,736,000)
Maintenance and Fixed Charges.....	(3,087,000)
Special Purpose:	
Other Special Purpose	(100,000)
State Aid and Grants:	
Food Stamp - TEFAP	(200,000)
Farmland Preservation.....	(4,500,000)
Fresh Fruit and Vegetable Program.....	(2,985,000)
Child Nutrition - School Lunch.....	(190,000,000)
Child Nutrition - Special Milk.....	(1,400,000)
Child Nutrition - School Breakfast.....	(50,000,000)
Child Care Food	(68,250,000)
Child Care Sponsor.....	(1,200,000)
Cash in Lieu of Commodities.....	(3,990,000)
Child Nutrition - Summer Programs	(8,400,000)
Summer Sponsor Administration	(840,000)
National School Lunch Program - Equipment Assistance for School Food Authorities	(1,000,000)
Other State Aid and Grants.....	(1,031,000)
Additions, Improvements and Equipment	(108,000)
Total Appropriation, Department of Agriculture.....	<u>\$348,553,000</u>

16 DEPARTMENT OF CHILDREN AND FAMILIES

50 Economic Planning, Development, and Security

55 Social Services Programs

01-1610 Child Protective and Permanency Services	\$269,714,000
02-1620 Child Behavioral Health Services.....	154,830,000
03-1630 Prevention and Community Partnership Services	15,483,000
04-1600 Education Services	3,568,000
05-1600 Child Welfare Training Academy Services and Operations.....	2,059,000
99-1600 Administration and Support Services	1,369,000
99-1610 Administration and Support Services	15,563,000

99-1620 Administration and Support Services 801,000
 Total Appropriation, Social Services Programs..... \$463,387,000

Personal Services:

Salaries and Wages (\$181,370,000)
 Materials and Supplies..... (2,637,000)
 Services Other Than Personal (11,720,000)
 Maintenance and Fixed Charges..... (16,956,000)

Special Purpose:

Safety and Permanency in the Courts (500,000)
 State Aid and Grants (243,787,000)
 Additions, Improvements and Equipment (6,417,000)

Total Appropriation, Department of Children and Families \$463,387,000

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 Community Development and Environmental Management

41 Community Development Management

02-8020 Housing Services \$300,741,000
 06-8015 Uniform Construction Code 30,000
 18-8017 Uniform Fire Code 28,000
 Total Appropriation, Community Development Management \$300,799,000

Personal Services:

Salaries and Wages (\$13,982,000)
 Employee Benefits..... (5,051,000)
 Materials and Supplies..... (305,000)
 Services Other Than Personal..... (3,646,000)
 Maintenance and Fixed Charges..... (2,845,000)

Special Purpose:

Shelter Plus Care Program..... (117,000)
 Moderate Rehabilitation Housing Assistance (217,000)
 Section 8 Housing Voucher Program (1,236,000)
 Housing Opportunities for Persons with AIDS (16,000)
 Small Cities Block Grant Program (32,000)
 National Affordable Housing - HOME
 Investment Partnerships..... (36,000)
 Lead Abatement Certification..... (2,000)
 Other Special Purpose (179,000)

State Aid and Grants:

Transitional Housing - Homeless (136,000)
 Housing Opportunities for Persons with
 AIDS Post-Incarcerated (1,123,000)
 State Aid and Grants (271,652,000)
 Additions, Improvements and Equipment (224,000)

50 Economic Planning, Development, and Security**55 Social Services Programs**

05-8050 Community Resources	\$241,070,000
15-8051 Women's Programs	<u>3,054,000</u>
Total Appropriation, Social Services Programs	<u>\$244,124,000</u>
Personal Services:	
Salaries and Wages.....	(\$3,910,000)
Employee Benefits	(1,220,000)
Materials and Supplies.....	(79,000)
Services Other Than Personal.....	(888,000)
Maintenance and Fixed Charges.....	(124,000)
Special Purpose:	
Lead-Based Paint Hazard Control Grant	(19,000)
Lead Hazard Reduction Demonstration Grant.....	(19,000)
Rape Prevention and Education.....	(2,000)
Other Special Purpose	(343,000)
State Aid and Grants:	
Rape Prevention and Education.....	(1,250,000)
Empower II	(63,000)
State Aid and Grants.....	(236,157,000)
Additions, Improvements and Equipment	(50,000)
Total Appropriation, Department of Community Affairs.....	<u>\$544,923,000</u>

26 DEPARTMENT OF CORRECTIONS**10 Public Safety and Criminal Justice****16 Detention and Rehabilitation**

08-7040 Institutional Care and Treatment	\$55,000
08-7080 Institutional Care and Treatment	213,000
08-7110 Institutional Care and Treatment	306,000
08-7120 Institutional Care and Treatment	110,000
08-7130 Institutional Care and Treatment	181,000
13-7025 Institutional Program Support	<u>9,259,000</u>
Total Appropriation, Detention and Rehabilitation	<u>\$10,124,000</u>
Personal Services:	
Salaries and Wages.....	(\$1,036,000)
Employee Benefits	(444,000)
Special Purpose:	
Edna Mahan Visitation Program	(59,000)
Individuals With Disabilities Act - Part B.....	(15,000)
Promoting Responsible Fatherhood.....	(101,000)
Justice and Mental Health Collaboration Program -	
US Department of Justice.....	(200,000)

State Criminal Alien Assistance Program	(4,792,000)
Project In-Side	(296,000)
Second Chance Re-Entry Project - US	
Department of Justice	(281,000)
Inmate Vocational Certifications	(100,000)
Central Communications Upgrade - US	
Department of Homeland Security	(1,000,000)
Central Communications Upgrade - US	
Department of Commerce	(1,000,000)
Technology Enhancements	(500,000)
National Institute of Justice Grant for	
Corrections Research - Escape Study	(300,000)

17 Parole

03-7010 Parole	<u>\$750,000</u>
Total Appropriation, Parole	<u>\$750,000</u>
State Aid and Grants	(\$750,000)

19 Central Planning, Direction and Management

99-7000 Administration and Support Services	<u>\$1,188,000</u>
Total Appropriation, Central Planning, Direction	
and Management	<u>\$1,188,000</u>
Personal Services:	
Salaries and Wages	(\$736,000)
Employee Benefits	(257,000)
Services Other Than Personal	(10,000)
Special Purpose:	
Perkins - Vocational Education	(159,000)
Other Special Purpose	(26,000)
 Total Appropriation, Department of Corrections	<u>\$12,062,000</u>

34 DEPARTMENT OF EDUCATION***30 Educational, Cultural, and Intellectual Development******31 Direct Educational Services and Assistance***

05-5064 Bilingual Education	\$19,576,000
06-5064 Programs for Disadvantaged Youth	311,012,000
07-5065 Special Education	<u>368,354,000</u>
Total Appropriation, Direct Educational Services	
and Assistance	<u>\$698,942,000</u>
Personal Services:	
Salaries and Wages	(\$8,920,000)
Employee Benefits	(3,911,000)

Materials and Supplies.....	(48,000)
Services Other Than Personal.....	(12,456,000)
Special Purpose:	
Language Acquisition Discretionary	
Administration.....	(129,000)
Migrant Education - Administration/Discretionary	(82,000)
Migrant Coordination Program	(77,000)
Bilingual and Compensatory Education -	
Homeless Children and Youth.....	(10,000)
Title I - Administration Program Improvement....	(101,000)
Individuals with Disabilities Education	
Act Basic State Grant	(1,056,000)
Individuals with Disabilities Education	
Act Preschool Grants.....	(277,000)
IDEA Part B - Discretionary Administration	(900,000)
State Aid and Grants.....	(670,973,000)
Additions, Improvements and Equipment	(2,000)

32 Operation and Support of Educational Institutions

12-5011 Marie H. Katzenbach School for the Deaf	<u>\$1,269,000</u>
Total Appropriation, Operation and Support of	
Educational Institutions.....	<u>\$1,269,000</u>
Personal Services:	
Salaries and Wages.....	(\$535,000)
Employee Benefits	(189,000)
Materials and Supplies.....	(13,000)
Services Other Than Personal.....	(130,000)
Special Purpose:	
Vocational Education Program.....	(20,000)
IDEA (State Institutions), Handicapped.....	(361,000)
IDEA, Handicapped: Katzenbach/	
Deaf/Blind & CSPD	(11,000)
Preschool Entitlement - Katzenbach School.....	(8,000)
Additions, Improvements and Equipment	(2,000)

33 Supplemental Education and Training Programs

20-5062 General Vocational Education.....	<u>\$25,986,000</u>
Total Appropriation, Supplemental Education and	
Training Programs.....	<u>\$25,986,000</u>
Personal Services:	
Salaries and Wages.....	(\$1,522,000)
Employee Benefits	(635,000)

Materials and Supplies.....	(48,000)
Services Other Than Personal.....	(608,000)
Special Purpose:	
Vocational Education - Basic Grants - Administration.....	(402,000)
Vocational Education - Title II B	
Leadership Activities.....	(513,000)
Vocational Education Title III E	
Leadership (Tech Prep)	(188,000)
State Aid and Grants	(22,070,000)

34 Educational Support Services

30-5063 Educational Programs and Assessment	\$88,634,000
32-5061 Professional Development and Licensure.....	156,000
35-5069 Early Childhood Education	305,000
40-5064 Student Services	<u>21,886,000</u>
Total Appropriation, Educational Support Services	<u>\$110,981,000</u>
Personal Services:	
Salaries and Wages.....	(\$2,135,000)
Employee Benefits.....	(804,000)
Materials and Supplies.....	(3,000)
Services Other Than Personal	(8,513,000)
Special Purpose:	
State Assessments	(197,000)
State Grants for Improving Teacher Quality	(1,039,000)
Advanced Placement Incentive Program	(17,000)
National Assessment of Educational	
Progress State Coordinator	(6,000)
Even Start	(38,000)
Foreign Language Assistance	(110,000)
Enhancing Education Through Technology	(37,000)
Public Charter Schools	(83,000)
Troops-to-Teachers Program.....	(11,000)
Head Start Collaboration	(160,000)
21st Century Schools.....	(621,000)
AIDS Prevention Education	(205,000)
National Community Service - Learn	
and Serve America	(3,000)
State Aid and Grants	(96,999,000)

35 Education Administration and Management

99-5093 Administration and Support Services	\$11,000
99-5095 Administration and Support Services	<u>4,996,000</u>
Total Appropriation, Education Administration and Management ..	<u>\$5,007,000</u>
Personal Services:	

Salaries and Wages.....	(\$3,299,000)
Employee Benefits	(1,237,000)
Special Purpose:	
NCES Performance Based Data	
Management Initiative.....	(11,000)
Improving America's Schools Act -	
Consolidated Administration.....	(460,000)
Total Appropriation, Department of Education.....	<u>\$842,185,000</u>

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

42 Natural Resource Management

11-4870 Forest Resource Management	\$6,880,000
12-4875 Parks Management	30,890,000
13-4880 Hunters' and Anglers' License Fund.....	10,820,000
14-4885 Shellfish and Marine Fisheries Management	4,045,000
20-4880 Wildlife Management.....	1,180,000
21-4895 Natural Resources Engineering	<u>5,460,000</u>
Total Appropriation, Natural Resource Management.....	<u>\$59,275,000</u>
Personal Services:	
Salaries and Wages.....	(\$3,811,000)
Positions Established In Lieu of	
Appropriated Revenue.....	(118,000)
Employee Benefits	(1,371,000)
Materials and Supplies.....	(1,952,000)
Services Other Than Personal.....	(3,455,000)
Maintenance and Fixed Charges.....	(1,077,000)
Special Purpose:	
Rural Community Fire Protection Program.....	(9,000)
Forest Resource Management -	
Cooperative Forest Fire Control.....	(619,000)
Asian Longhorned Beetle Project.....	(2,300,000)
Southern Pine Beetle	(100,000)
Gypsy Moth Suppression	(360,000)
Countywide Wildfire Defense	(50,000)
Consolidated Forest Management	(640,000)
Assistance to Firefighters - Wildfire and	
Arson Prevention.....	(200,000)
Firewise in the Pines.....	(200,000)
Wildland and Urban Interface II.....	(100,000)
Defensible Space	(400,000)
Stewardship Land Type Association	(30,000)

Conservation Education	(50,000)
Incentives Program	(200,000)
Forest Health Monitoring	(80,000)
Land and Water Conservation Fund	(4,000,000)
Historic Preservation Survey and Planning	(120,000)
Endangered Plant Species Supplemental Funding ..	(10,000)
Sussex Branch Trail Improvements	(500,000)
Seashore Line	(500,000)
Delaware and Raritan Canal East	
Side Path (ISTEA)	(565,000)
National Recreational Trails	(1,073,000)
Scenic Byways	(3,500,000)
National Coastal Wetlands Conservation	(3,000,000)
Cape May Point State Park Bikeway (ISTEA)	(200,000)
Liberty State Park Ferry Slip	
Restoration (ISTEA)	(1,600,000)
Delaware and Raritan Canal State Park	
Old Rose to Mulberry St. (ISTEA)	(900,000)
Liberty State Park Archival Facility (ISTEA)	(660,000)
Appalachian Trail Improvement (ISTEA)	(50,000)
Archaeological & History/GIS Inventory	
(ISTEA)	(1,500,000)
Hunters' and Anglers' License Fund	(925,000)
Hunter Safety Training	(35,000)
Endangered Species	(21,000)
Hunters' and Anglers' License Fund/N.J.	
Statewide Fisheries Development	(358,000)
Northeast Wildlife Teamwork Strategy	(10,000)
Wildlife Management Area Planning	(144,000)
Fish and Wildlife Input to Activities -	
Projects of Others	(321,000)
Avian Influenza	(73,000)
Fish and Wildlife Technical Guidance	(19,000)
Fish and Wildlife Action Plan	(30,000)
New Jersey's Landscape Project	(54,000)
Chronic Wasting Disease	(99,000)
White Nose Syndrome	(50,000)
NJ Fish, Wildlife and Anadromous	
Fishery Coordination	(48,000)
Research In Freshwater Fisheries Management ...	(222,000)
Fish Culture and Stocking Project	(200,000)
Aquatic Recreational Resource	
Awareness & Education Project	(39,000)
Wildlife Research and Management	(235,000)

Fish and Wildlife Health	(32,000)
Marine Fisheries Investigation and Management.....	(324,000)
Electronic Vessel Trip Reporting	(122,000)
Atlantic Coastal Fisheries.....	(11,000)
Inventory of New Jersey Surf Clam Resources	(27,000)
Artificial Reef Program - PSE&G/ NJPDES Permit Fees.....	(46,000)
Clean Vessels	(482,000)
Marine Fisheries Law Enforcement	(122,000)
NJ Field Office Bog Turtle Cooperative Agreement.....	(50,000)
Endangered and Nongame Species Program State Wildlife Grants	(451,000)
Community Assistance Program	(1,000)
Cooperative Technical Partnership.....	(5,000,000)
Other Special Purpose	(1,053,000)
State Aid and Grants.....	(1,679,000)
Additions, Improvements and Equipment	(11,692,000)

43 Science and Technical Programs

05-4840 Water Supply.....	\$33,500,000
07-4850 Water Monitoring and Standards.....	4,300,000
15-4801 Land Use Regulation.....	9,000,000
15-4890 Land Use Regulation.....	1,250,000
18-4810 Office of Science Support	1,550,000
22-4861 New Jersey Geological Survey.....	450,000
90-4801 Environmental Policy and Planning	7,118,000
Total Appropriation, Science and Technical Programs	<u>\$57,168,000</u>
Personal Services:	
Salaries and Wages.....	(\$4,876,000)
Employee Benefits	(1,270,000)
Materials and Supplies.....	(154,000)
Services Other Than Personal.....	(30,332,000)
Maintenance and Fixed Charges.....	(27,000)
Special Purpose:	
Drinking Water State Revolving Fund	(2,299,000)
Drinking Water Security and Counter - Terrorism Activities	(38,000)
Water Pollution Control Program.....	(978,000)
Water Pollution S106 Enhancements	(76,000)
Risk Communication Shellfish Consumption	(50,000)
Coastal Zone Management Implementation	(525,000)
Coastal Estuarine Land Program	(4,000,000)

State Wetlands Conservation Plan.....	(250,000)
Hudson River Walkway.....	(2,200,000)
Coastal Zone Management Grant - Section 309	(64,000)
Hudson River Waterfront Walkway - Castle Point (ISTEA).....	(1,000,000)
Coastal Zone Management - 310	(80,000)
Urban Community Air Toxins Program	(800,000)
Multimedia	(277,000)
Offshore Beach Replenishment	(150,000)
National Geologic Mapping Program.....	(102,000)
Earthquake Hazard Reduction	(20,000)
Geological and Geophysical Data Preservation USGS	(15,000)
Water Pollution Control.....	(3,000)
Coastal Wetlands Conservation (Land Acquisition)	(1,000,000)
Environmental & Health Effects Tracking	(233,000)
Water Monitoring and Planning	(719,000)
Nonpoint Source Implementation (319H)	(717,000)
Beach Monitoring and Notification	(108,000)
Other Special Purpose	(997,000)
State Aid and Grants:	
Drinking Water State Revolving Fund	(104,000)
Water Monitoring and Planning	(112,000)
Nonpoint Source Implementation (319H)	(3,293,000)
Coastal Zone Management Implementation	(25,000)
Beach Monitoring and Notification	(273,000)
Additions, Improvements and Equipment	(1,000)

44 Site Remediation and Waste Management

19-4815 Publicly-Funded Site Remediation	\$25,450,000
23-4815 Solid and Hazardous Waste Management	360,000
23-4910 Solid and Hazardous Waste Management	2,035,000
27-4815 Remediation Management and Response	<u>7,450,000</u>
Total Appropriation, Site Remediation and Waste Management	<u>\$35,295,000</u>
Personal Services:	
Salaries and Wages	(\$2,382,000)
Employee Benefits.....	(826,000)
Materials and Supplies.....	(38,000)
Services Other Than Personal.....	(10,300,000)
Maintenance and Fixed Charges.....	(22,000)
Special Purpose:	
Superfund Core Grant - CPCA	(450,000)

Superfund Grants.....	(15,000,000)
Hazardous Waste - Resource	
Conservation Recovery Act.....	(1,127,000)
Preliminary Assessments/Site Inspections	(1,000,000)
Brownfields	(1,255,000)
Remedial Planning Support Agency Assistance...	(750,000)
Underground Storage Tanks.....	(1,493,000)
Other Special Purpose	(649,000)
Additions, Improvements and Equipment	(3,000)

45 Environmental Regulation

01-4820 Radiation Protection	\$500,000
02-4892 Air Pollution Control.....	10,150,000
09-4860 Public Wastewater Facilities	86,000,000
16-4891 Water Monitoring and Planning	<u>145,000</u>
Total Appropriation, Environmental Regulation	<u>\$96,795,000</u>

Personal Services:

Salaries and Wages.....	(\$2,688,000)
Employee Benefits	(916,000)
Materials and Supplies.....	(74,000)
Services Other Than Personal.....	(385,000)
Maintenance and Fixed Charges.....	(42,000)

Special Purpose:

Radon Purpose.....	(146,000)
Air Pollution Maintenance Program.....	(4,415,000)
BioWatch Monitoring.....	(245,000)
Particulate Monitoring Grant.....	(241,000)
Clean Diesel Retrofit	(400,000)
Clean Water State Revolving Fund	(86,000,000)
Underground Injection Control	(49,000)
Other Special Purpose	(731,000)

State Aid and Grants:

Air Pollution Maintenance Program.....	(70,000)
Additions, Improvements and Equipment	(393,000)

46 Environmental Planning and Administration

26-4805 Regulatory and Governmental Affairs	\$150,000
99-4800 Administration and Support Services	<u>2,450,000</u>
Total Appropriation, Environmental Planning and	
Administration.....	<u>\$2,600,000</u>

Special Purpose:

New Jersey Classroom Reform Grant	(\$150,000)
National Information Exchange Network.....	(2,300,000)
National Spatial Data Infrastructure	(150,000)

47 Compliance and Enforcement

02-4855 Air Pollution Control.....	\$2,500,000
04-4835 Pesticide Control	550,000
08-4855 Water Pollution Control.....	1,632,000
15-4855 Land Use Regulation	600,000
23-4855 Solid and Hazardous Waste Management	<u>2,500,000</u>
Total Appropriation, Compliance and Enforcement	<u>\$7,782,000</u>

Personal Services:

Salaries and Wages.....	(\$3,133,000)
Employee Benefits.....	(1,086,000)
Materials and Supplies.....	(8,000)
Services Other Than Personal.....	(120,000)
Maintenance and Fixed Charges.....	(25,000)

Special Purpose:

Air Pollution Maintenance Program	(725,000)
Pesticide Control Consolidated.....	(110,000)
Underground Storage Tank Program	
Standard Compliance Inspections	(1,132,000)
Coastal Zone Management Implementation	(79,000)
Hazardous Waste - Resource	
Conservation Recovery Act.....	(146,000)
Other Special Purpose	(853,000)

State Aid and Grants:

Air Pollution Maintenance Program	(365,000)

Total Appropriation, Department of Environmental Protection	<u>\$258,915,000</u>

46 DEPARTMENT OF HEALTH AND SENIOR SERVICES**20 Physical and Mental Health****21 Health Services**

01-4215 Vital Statistics.....	\$1,100,000
02-4220 Family Health Services.....	233,055,000
03-4230 Public Health Protection Services	94,246,000
08-4280 Laboratory Services.....	5,877,000
12-4245 AIDS Services	<u>79,171,000</u>
Total Appropriation, Health Services	<u>\$413,449,000</u>

Personal Services:

Salaries and Wages.....	(\$37,012,000)
Employee Benefits.....	(13,154,000)
Materials and Supplies.....	(2,763,000)
Services Other Than Personal.....	(17,486,000)
Maintenance and Fixed Charges.....	(1,059,000)

Special Purpose:

Supplemental Food Program - Women, Infants, and Children (WIC).....	(110,692,000)
N.J. Project: Providing a MED Home in a Neighborhood of Services	(137,000)
Women, Infants, and Children (WIC) Farmer's Market Nutrition Program	(2,200,000)
Early Hearing Detection and Intervention (EHDI) Tracking, Research.....	(26,000)
Maternal and Child Health (MCH) Early Childhood Comprehensive System	(140,000)
Mass Casualty and Exercise Support Team.....	(351,000)
BioWatch - Urban Areas Security Initiative.....	(300,000)
Child Nutrition Program - Inspection Services	(95,000)
Environmental Health Education.....	(211,000)
Demonstration Program to Conduct Health Assessments	(91,000)
Adult Blood Lead Surveillance	(12,000)
Adult Viral Hepatitis Prevention	(200,000)
Public Employees Occupational Safety and Health - State Plan	(347,000)
Surveillance of Hazardous Substance Emergency Events.....	(113,000)
National Cancer Prevention and Control - Public Health	(1,178,000)
Pandemic Influenza Healthcare Preparedness ...	(1,935,000)
National Violent Death Reporting System	(16,000)
H1N1 Public Health Emergency Response	(18,404,000)
Chronic Disease Prevention and Health Promotion Programs - Public	(2,000)
Fundamental and Expanded Occupational Health	(587,000)
West Nile Virus - Laboratory	(108,000)
Tuberculosis Control Program.....	(23,000)
Clinical Laboratory Improvement Amendments Program.....	(179,000)
Emergency Preparedness for BioTerrorism - Laboratories.....	(358,000)
Food Emergency Response Network - E. Coli in Ground Beef.....	(109,000)
HIV/AIDS Surveillance Grant.....	(20,000)
Morbidity and Risk Behavior Surveillance	(366,000)
HIV/AIDS Events without Care in New Jersey.....	(30,000)
Enhanced HIV/AIDS Surveillance - Perinatal.....	(148,000)

Minority AIDS Initiatives.....	(24,000)
Other Special Purpose	(7,623,000)
State Aid and Grants:	
Preventative Health and Health Services Block	
Grant	(1,161,000)
State Office of Rural Health	(168,000)
Early Intervention Program - Enhanced	
Federal Match.....	(3,768,000)
Asthma Surveillance and Coalition Building	(472,000)
USDA Incentive Program.....	(144,000)
National Cancer Prevention and Control	(2,990,000)
West Nile Virus - Public Health	(761,000)
Immunization Project	(3,040,000)
Emergency Preparedness For Bioterrorism	(16,536,000)
Expanded and Integrated HIV Testing	(1,475,000)
Federal Lead Abatement Program	(18,000)
State Aid and Grants.....	(162,560,000)
Additions, Improvements and Equipment	(2,857,000)

22 Health Planning and Evaluation

06-4260 Long Term Care Systems	\$19,493,000
07-4270 Health Care Systems Analysis.....	<u>119,586,000</u>
Total Appropriation, Health Planning and Evaluation.....	<u>\$139,079,000</u>
Personal Services:	
Salaries and Wages.....	(\$7,628,000)
Employee Benefits.....	(2,558,000)
Materials and Supplies.....	(73,000)
Services Other Than Personal.....	(863,000)
Maintenance and Fixed Charges.....	(1,069,000)
Special Purpose:	
Long Term Care - Medicaid	(1,006,000)
Implement Patient Safety Act.....	(200,000)
Nurse Aide Certification Program	(1,000,000)
HCSA - Medicaid	(1,511,000)
Other Special Purpose	(5,717,000)
State Aid and Grants:	
State Office of Rural Health	(150,000)
State Aid and Grants.....	(116,736,000)
Additions, Improvements and Equipment	(568,000)

25 Health Administration

99-4210 Administration and Support Services	<u>\$3,918,000</u>
Total Appropriation, Health Administration.....	<u>\$3,918,000</u>
Personal Services:	

Salaries and Wages.....	(\$897,000)
Employee Benefits	(300,000)
Materials and Supplies.....	(40,000)
Services Other Than Personal.....	(271,000)
Special Purpose:	
Immunization Program.....	(946,000)
New Jersey's Reducing Health Disparities Initiative.....	(19,000)
Other Special Purpose	(68,000)
State Aid and Grants:	
Preventative Health and Health Services Block Grant.....	(841,000)
State Aid and Grants.....	(536,000)

26 Senior Services

22-4275 Medical Services for the Aged	\$1,670,136,000
55-4275 Programs for the Aged	47,899,000
57-4275 Office of the Public Guardian.....	<u>1,300,000</u>
Total Appropriation, Senior Services	<u>\$1,719,335,000</u>
Personal Services:	
Salaries and Wages.....	(\$10,277,000)
Employee Benefits	(2,997,000)
Materials and Supplies.....	(230,000)
Services Other Than Personal.....	(2,196,000)
Maintenance and Fixed Charges.....	(458,000)
Special Purpose:	
Administration of U.S. Department of	
Health and Human Services Programs	(5,510,000)
ADM DHSS Federal Programs - SBUM.....	(1,790,000)
Elder Abuse - Older Americans Act Title III	(173,000)
Empowering Older People to Take	
More Control of Their Health	(193,000)
Other Special Purpose	(3,925,000)
State Aid and Grants:	
Alternate Family Care	(1,000,000)
Comprehensive Personal Care Home	(7,500,000)
Global Budget for Long Term Care.....	(94,501,000)
Counseling on Health Insurance for	
Medicare Enrollees.....	(331,000)
Social Services Block Grant - Senior Services..	(2,422,000)
Medicaid Match County Offices on Aging	(480,000)
Empowering Older People to Take	
More Control of Their Health	(220,000)
State Aid and Grants.....	(1,584,773,000)
Addition, Improvements and Equipment.....	(359,000)

Total Appropriation, Health and Senior Services \$2,275,781,000

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

23 Mental Health Services

08-7700 Community Services \$14,352,000
 09-7700 Addiction Services..... 53,975,000
 10-7700 Patient Care and Health Services..... 4,702,000
 10-7720 Patient Care and Health Services..... 792,000
 10-7740 Patient Care and Health Services..... 5,164,000
 10-7760 Patient Care and Health Services..... 1,246,000
 99-7700 Administration and Support Services 1,593,000
 99-7710 Administration and Support Services 4,489,000
 99-7720 Administration and Support Services 4,430,000
 99-7725 Administration and Support Services 879,000
 99-7740 Administration and Support Services 6,838,000
 99-7760 Administration and Support Services 1,570,000
 Total Appropriation, Mental Health Services \$100,030,000

Personal Services:

Salaries and Wages.....(\$15,877,000)
 Materials and Supplies.....(6,639,000)
 Services Other Than Personal.....(8,227,000)
 Maintenance and Fixed Charges.....(4,156,000)

Special Purpose:

Patient Care and Health Services.....(3,478,000)
 Federal DSH Revenues.....(489,000)
 Title XIX Indirect Costs(1,593,000)

State Aid and Grants:

Substance Abuse Block Grant(43,791,000)
 State Aid and Grants.....(15,500,000)
 Additions, Improvements and Equipment(280,000)

24 Special Health Services

21-7540 Health Services Administration and Management \$88,207,000
 22-7540 General Medical Services..... 3,560,889,000
 Total Appropriation, Special Health Services \$3,649,096,000

Personal Services:

Salaries and Wages.....(\$17,597,000)
 Materials and Supplies.....(98,000)
 Services Other Than Personal.....(10,799,000)
 Maintenance and Fixed Charges.....(1,932,000)

Special Purpose:

Payments to Fiscal Agents.....(52,287,000)

Professional Standards Review	
Organization Utilization Review	(862,000)
Drug Utilization Review Board - Administrative	
Costs	(23,000)
NJ KidCare A - Administration.....	(3,000,000)
NJ KidCare B-C-D - Administration.....	(3,718,000)
State Aid and Grants:	
Payments for Medical Assistance	
Recipients - Adult Mental Health.....	(26,231,000)
Hospital Health Care Subsidy.....	(32,982,000)
Hospital Relief Offset Payments	(62,645,000)
Payments for Medical Assistance	
Recipients - ICF/MR	(5,791,000)
Payments for Medical Assistance	
Recipients - Inpatient Hospital	(281,639,000)
Payments for Medical Assistance	
Recipients - Prescription Drugs.....	(203,662,000)
Payments for Medical Assistance	
Recipients - Outpatient Hospital	(138,076,000)
Payments for Medical Assistance	
Recipients - Physician Services.....	(32,247,000)
Payments for Medical Assistance	
Recipients - Home Health Care.....	(14,250,000)
Payments for Medical Assistance	
Recipients - Medicare Premiums.....	(267,876,000)
Payments for Medical Assistance	
Recipients - Dental Services.....	(8,181,000)
Payments for Medical Assistance	
Recipients - Psychiatric Hospital.....	(6,890,000)
Payments for Medical Assistance	
Recipients - Medical Supplies	(20,216,000)
Payments for Medical Assistance	
Recipients - Clinic Services	(125,451,000)
Payments for Medical Assistance	
Recipients - Transportation Services.....	(35,757,000)
Payments for Medical Assistance	
Recipients - Other Services	(32,485,000)
Home Health Background Checks -	
Title XIX federal matching funds.....	(1,800,000)
Eligibility Determination Services	(5,426,000)
Health Benefit Coordination Services	(8,867,000)
NJ Family Care II - Affordable and	
Accessible Health Coverage.....	(372,861,000)

Managed Care Initiative	(1,028,246,000)
Graduate Medical Education	(30,000,000)
State Aid and Grants	(816,982,000)
Additions, Improvements and Equipment	(219,000)

27 Disability Services

27-7545 Disability Services	<u>\$198,754,000</u>
Total Appropriation, Disability Services	<u>\$198,754,000</u>

Personal Services:

Salaries and Wages	(\$932,000)
Materials and Supplies	(4,000)
Services Other Than Personal	(31,000)
State Aid and Grants	(197,787,000)

30 Educational, Cultural, and Intellectual Development

32 Operation and Support of Educational Institutions

01-7601 Purchased Residential Care	\$354,531,000
02-7601 Social Supervision and Consultation	56,495,000
03-7601 Adult Activities	52,128,000
05-7610 Residential Care and Habilitation Services	9,824,000
05-7620 Residential Care and Habilitation Services	69,034,000
05-7630 Residential Care and Habilitation Services	60,774,000
05-7640 Residential Care and Habilitation Services	52,759,000
05-7650 Residential Care and Habilitation Services	71,637,000
05-7660 Residential Care and Habilitation Services	66,175,000
05-7670 Residential Care and Habilitation Services	59,989,000
99-7600 Administration and Support Services	8,314,000
99-7610 Administration and Support Services	2,532,000
99-7620 Administration and Support Services	7,568,000
99-7630 Administration and Support Services	1,901,000
99-7640 Administration and Support Services	8,891,000
99-7650 Administration and Support Services	5,364,000
99-7660 Administration and Support Services	530,000
99-7670 Administration and Support Services	<u>5,419,000</u>

Total Appropriation, Operation and Support

of Educational Institutions	<u>\$893,865,000</u>

Personal Services:

Salaries and Wages	(\$452,417,000)
Materials and Supplies	(7,420,000)
Services Other Than Personal	(6,573,000)
Maintenance and Fixed Charges	(1,527,000)
State Aid and Grants	(425,516,000)
Additions, Improvements and Equipment	(412,000)

33 Supplemental Education and Training Programs

11-7560 Services for the Blind and Visually Impaired..... \$11,210,000
 99-7560 Administration and Support Services..... 2,198,000

Total Appropriation, Supplemental Education and
 Training Programs..... \$13,408,000

Personal Services:

Salaries and Wages..... (\$6,830,000)
 Materials and Supplies..... (35,000)
 Services Other Than Personal..... (440,000)
 Maintenance and Fixed Charges..... (255,000)
 State Aid and Grants..... (5,695,000)
 Additions, Improvements and Equipment (153,000)

50 Economic Planning, Development, and Security**53 Economic Assistance and Security**

15-7550 Income Maintenance Management..... \$795,996,000

Total Appropriation, Economic Assistance and Security \$795,996,000

Personal Services:

Salaries and Wages..... (\$18,623,000)
 Materials and Supplies..... (432,000)
 Services Other Than Personal..... (30,647,000)
 Maintenance and Fixed Charges..... (1,148,000)

Special Purpose:

Work First New Jersey Technology
 Investment - Food Stamps..... (11,381,000)
 EBT - Operational Food Stamp Match for
 CWA's (2,422,000)
 Work First New Jersey - Benefits
 Transfer - Operational (466,000)
 Work First New Jersey - Technology
 Investments (8,889,000)
 Child Support Medical Support Orders (72,000)
 Work First New Jersey - Technology
 Investment - TANF/CCDF..... (3,873,000)
 Child Support Incentive Funding (9,441,000)
 Work First New Jersey - Technology
 Investments - Title XIX..... (10,069,000)
 Work First New Jersey - Technology
 Investment - Title IV-D..... (13,100,000)

State Aid and Grants:

Faith Based Initiatives (1,000,000)
 SSBG CWA Administration TANF Transfer (2,814,000)
 State Aid and Grants..... (681,455,000)

Additions, Improvements and Equipment(164,000)

70 Government Direction, Management, and Control

76 Management and Administration

99-7500 Administration and Support Services \$52,807,000

Total Appropriation, Management and Administration..... \$52,807,000

Personal Services:

Salaries and Wages.....(\$5,248,000)

Services Other Than Personal.....(1,826,000)

Special Purpose:

Child Support Enforcement Program(984,000)

Title XIX Community Care Waiver(20,315,000)

Title XIX ICF/MR.....(8,300,000)

Title XIX Medical Assistance(9,760,000)

Refugee Resettlement Program(135,000)

Vocational Rehabilitation Act - Section 120(581,000)

Food Stamp Program.....(984,000)

Temporary Assistance to Needy

Families Block Grant.....(1,731,000)

Transfer to State Police for

Fingerprinting/Background Checks.....(2,174,000)

State Aid and Grants.....(769,000)

Total Appropriation, Department of Human Services \$5,703,956,000

62 DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

50 Economic Planning, Development, and Security

51 Economic Planning and Development

18-4570 Planning and Analysis \$9,929,000

Total Appropriation, Economic Planning and Development..... \$9,929,000

Personal Services:

Salaries and Wages.....(\$4,116,000)

Employee Benefits.....(1,434,000)

Materials and Supplies.....(378,000)

Services Other Than Personal.....(1,372,000)

Maintenance and Fixed Charges.....(459,000)

Special Purpose:

Reports and Analysis - Unemployment Insurance(115,000)

E S 202 Covered Employment and Wages(124,000)

Current Employment Statistics(192,000)

Local Area Unemployment Statistics(17,000)

Occupational Employment Statistics(181,000)

ES Cost Reimbursable Grants - Alien

Labor Certification(32,000)

Perm Mass Layoff Plant Closings	(24,000)
Redesigned Occupational Safety and Health (ROSH)	(27,000)
One Stop Labor Market Information	(186,000)
JTPA Title III LMI-PROS.....	(878,000)
Other Special Purpose	(181,000)
State Aid and Grants:	
JTPA Title II CIDS.....	(62,000)
Additions, Improvements and Equipment	(151,000)

53 Economic Assistance and Security

01-4510 Unemployment Insurance.....	\$169,240,000
02-4515 Disability Determination	<u>61,182,000</u>
Total Appropriation, Economic Assistance and Security	<u>\$230,422,000</u>
Personal Services:	
Salaries and Wages.....	(\$90,154,000)
Employee Benefits	(30,254,000)
Materials and Supplies.....	(3,560,000)
Services Other Than Personal.....	(40,850,000)
Maintenance and Fixed Charges.....	(12,600,000)
Special Purpose:	
Unemployment Insurance.....	(29,015,000)
Reed Act Improvements	(5,000,000)
Employment Security Revenue	(3,069,000)
Disability Determination Services.....	(3,620,000)
Old Age and Survivor Insurance Disability Determination Services.....	(1,000,000)
State Aid and Grants.....	(10,000,000)
Additions, Improvements and Equipment	(1,300,000)

54 Manpower and Employment Services

07-4535 Vocational Rehabilitation Services	\$54,530,000
09-4545 Employment Services.....	37,869,000
10-4545 Employment and Training Services	153,251,000
12-4550 Workplace Standards.....	<u>4,960,000</u>
Total Appropriation, Manpower and Employment Services	<u>\$250,610,000</u>
Personal Services:	
Salaries and Wages.....	(\$37,389,000)
Employee Benefits	(11,742,000)
Materials and Supplies.....	(1,194,000)
Services Other Than Personal.....	(9,400,000)
Maintenance and Fixed Charges.....	(12,020,000)
Special Purpose:	

Vocational Rehabilitation Act of 1973	(1,620,000)
Employment Services	(3,200,000)
Disabled Veterans' Outreach Program	(718,000)
Local Veterans' Employment Representatives.....	(376,000)
Trade Adjustment Assistance Project	(40,000)
Employment Services Grants - Alien	
Labor Certification	(300,000)
Work Opportunity Tax Credit	(172,000)
Employment Services Cost Reimbursable Grants -	
Migrant Housing.....	(5,000)
Agricultural Wage Surveys.....	(42,000)
Workforce Investment Act	(350,000)
Employment Services Rapid Response Team	(190,000)
National Council on Aging - Senior	
Community Services Employment	(203,000)
Adult and Continuing Education -	
Workforce Investment Act	(483,000)
Adult Basic Ed Leadership	(1,307,000)
Adult Basic Ed Civics Administration.....	(99,000)
Adult Basic Education Civics Leadership	(380,000)
Occupational Safety Health Act -	
On-Site Consultation	(581,000)
Other Special Purpose	(4,741,000)
State Aid and Grants:	
Technology Related Assistance Project.....	(550,000)
Adult Basic Ed Non-Admin.....	(12,820,000)
Adult Basic Ed Civics Non Administration.....	(3,730,000)
State Aid and Grants.....	(146,441,000)
Additions, Improvements and Equipment	(517,000)
 Total Appropriation, Department of Labor and	
Workforce Development	<u>\$490,961,000</u>

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

10 Public Safety and Criminal Justice

12 Law Enforcement

06-1200 State Police Operations.....	\$107,033,000
09-1020 Criminal Justice	<u>35,973,000</u>
Total Appropriation, Law Enforcement.....	<u>\$143,006,000</u>
Personal Services:	
Salaries and Wages.....	(\$2,486,000)
Employee Benefits.....	(897,000)
Special Purpose:	

Fatality Analysis Reporting System (FARS).....	(240,000)
Paul Coverdell National Forensic Science Improvement	(640,000)
Domestic Marijuana Eradication Suppression Program	(75,000)
Flood Mitigation Assistance	(9,000,000)
Recreational Boating Safety	(3,800,000)
Internet Crimes Against Children	(465,000)
Hazardous Materials Transportation	(500,000)
Pre-Disaster Mitigation - Competitive.....	(2,200,000)
Repetitive Flood Claim Program - FEMA.....	(1,800,000)
Severe Repetitive Loss - FEMA	(22,500,000)
NIEHS Worker Health Safety Training.....	(150,000)
Incident Command	(1,500,000)
Emergency Management Performance Grant - Non Terrorism.....	(9,000,000)
Hazard Mitigation Grant Program (for disasters)	(1,000,000)
Community Oriented Policing Services (COPS) State Police/NJN Grant.....	(1,100,000)
Port Security - Elizabeth Station - Federal Economic Stimulus.....	(1,500,000)
Cold Case - National Institute of Justice	(278,000)
Port Security - New York/New Jersey (North) ..	(1,700,000)
Port Security - Delaware Bay (South)	(1,910,000)
Forensic Casework DNA Backlog Reduction ...	(1,400,000)
Hazardous Materials Emergency Preparedness	(575,000)
Community Oriented Policing Services (COPS) - Federal Economic Stimulus.....	(45,700,000)
Bulletproof Vest Partnership	(500,000)
Medicaid Fraud Unit.....	(1,459,000)
Project Safe Neighborhoods	(1,000,000)
Anti Trafficking Task Force	(600,000)
Northeast Hazardous Waste Project - Resource Conservation and Recovery	(31,000)
Enhancement of Data Analysis Center	(50,000)
High Intensity Drug Trafficking Area (HIDTA)	(50,000)
Smart Office - Adam Walsh Act	(300,000)
Justice Assistance Grant (JAG)	(10,000,000)
Byrne Discretionary Grant - Statewide Response to Violent Crime Reduction	(600,000)
Combined DNA Index System (CODIS)	(500,000)
Residential Treatment for Substance Abuse	(500,000)
State Aid and Grants	(17,000,000)

13 Special Law Enforcement Activities

03-1160 Office of Highway Traffic Safety	\$39,098,000
21-1400 Regulation of Alcoholic Beverages ³	<u>360,000</u>
Total Appropriation, Special Law Enforcement Activities	<u>\$39,458,000</u>

Special Purpose:

Federal Highway Safety Program - State Match (\$600,000)	
Highway Safety - Traffic Records	(500,000)
Occupant Protection Child Passenger Safety	
Training and Education	(100,000)
Planning and Administration Section 406	(200,000)
Safe Passage on Our Highways	(100,000)
Occupant Protection Section 406	
Seat Belt Enforcement	(1,000,000)
Police Traffic Services Section 406	(1,972,000)
Roadway Safety Section 406	(500,000)
Emergency Services	(10,000)
Pedestrian Safety Study	(500,000)
FHWA Program Management	(400,000)
Training Grant - Section 402	(75,000)
Motorcycle Safety Program	(20,000)
Pedestrian Safety Grant	(700,000)
Occupant Protection Grant	(4,500,000)
Highway Safety Performance Plan	(200,000)
Selective Enforcement Management	(2,500,000)
School Bus Set Aside Program	(20,000)
Community Traffic Safety	(3,300,000)
Highway Safety - Alcohol Education and Public	
Awareness Coordinator	(550,000)
Highway Safety - Safety Restraints Program	
Management	(900,000)
Safety Belt Performance Grants	(6,000,000)
Drunk Driver Prevention	(8,507,000)
Paid Advertising	(325,000)
State Traffic Safety Information System	(574,000)
Motorcycle Safety	(145,000)
Child Safety/Child Booster Seats	(3,900,000)
Racial Profiling Prevention	(1,000,000)
Enforcing Underage Drinking Laws	(360,000)

18 Juvenile Services

34-1500 Juvenile Community Programs	\$2,850,000
99-1500 Administration and Support Services	<u>1,634,000</u>
Total Appropriation, Juvenile Services	<u>\$4,484,000</u>

Personal Services:

Salaries and Wages.....(\$1,181,000)
 Employee Benefits(412,000)

Special Purpose:

IDEA - Handicapped(254,000)
 Juvenile Mentoring Programs - Juvenile Justice
 Initiative(60,000)
 Juvenile Aftercare Programs(98,000)
 Title I - Part D, Neglected and Delinquent(347,000)
 Juvenile Accountability Incentive
 Block Grant (JAIBG)(1,055,000)
 Title V Funding(35,000)
 Juvenile Justice Delinquency Prevention(1,042,000)

19 Central Planning, Direction and Management

13-1005 Homeland Security and Preparedness \$87,564,000

Total Appropriation, Central Planning, Direction and
 Management..... \$87,564,000

Special Purpose(\$23,805,000)

Special Purpose:

Metropolitan Medical Response System(635,000)
 Citizen Corps Program(305,000)
 Urban Area Security Initiative.....(37,293,000)
 Buffer Zone Protection Program(1,200,000)
 Port Security Grant Program - Delaware Bay
 (Camden/Philadelphia).....(4,200,000)
 Port Security Grant Program -
 New York/New Jersey.....(8,000,000)
 UASI Nonprofit Security Grant Program
 (NSGP)(1,600,000)
 Regional Catastrophic Preparedness Grant(3,570,000)
 Emergency Operation Center(5,347,000)
 Operation Stonegarden(187,000)
 Interoperable Emergency Communications
 Grant Program(1,422,000)

80 Special Government Services**82 Protection of Citizens' Rights**

16-1350 Protection of Civil Rights..... \$1,325,000

19-1440 Victims of Crime Compensation Office 5,404,000

Total Appropriation, Protection of Citizens' Rights \$6,729,000

Personal Services:

Salaries and Wages.....(\$400,000)

Special Purpose:

Housing and Urban Development.....(925,000)
 Victim Compensation Award(5,404,000)

Total Appropriation, Department of Law and Public Safety \$281,241,000

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS***10 Public Safety and Criminal Justice******14 Military Services***

40-3620 New Jersey National Guard Support Services \$49,247,000
 99-3600 Administration and Support Services 24,000,000
 Total Appropriation, Military Services..... \$73,247,000

Personal Services:

Salaries and Wages.....(\$10,695,000)
 Employee Benefits.....(836,000)
 Materials and Supplies.....(13,296,000)
 Services Other Than Personal.....(2,281,000)
 Maintenance and Fixed Charges.....(351,000)

Special Purpose:

Dining Facility Operations(200,000)
 Natural and Cultural Resources Management(5,000)
 Federal Distance Learning Program(185,000)
 Administrative Services Activities(60,000)
 Army Training and Technology Lab(434,000)
 Air National Guard Security Agreement –
 McGuire(445,000)
 Army National Guard Electronic Security System.....(200,000)
 Training Site Facilities Maintenance Agreements(9,000)
 McGuire Air Force Base Environmental(31,000)
 Atlantic City Operations and Maintenance.....(64,000)
 Atlantic City Environmental.....(57,000)
 Warren Grove Sustainment Restoration &
 Modernization(7,000)
 Antiterrorism Program Manager.....(19,000)
 Atlantic City Sustainment, Restoration
 and Modernization.....(700,000)
 Armory Renovations and Improvements(3,372,000)
 Medical Clinic - Sea Girt.....(16,000,000)
 Combined Logistics Facility.....(20,000,000)
 NJNG Photovoltaic Sea Girt Program.....(1,000,000)
 Photovoltaic - MAVA HQ.....(3,000,000)

80 Special Government Services**83 Services to Veterans**

20-3630 Domiciliary and Treatment Services	\$2,700,000
20-3640 Domiciliary and Treatment Services	2,700,000
20-3650 Domiciliary and Treatment Services	2,600,000
50-3610 Veterans' Outreach and Assistance	960,000
70-3610 Burial Services	<u>7,000,000</u>
Total Appropriation, Services to Veterans	<u>\$15,960,000</u>

Personal Services:

Salaries and Wages	(\$330,000)
Employee Benefits	(110,000)
Materials and Supplies	(7,160,000)

Special Purpose:

Medicare Part A Receipts for Resident Care and Operational Costs	(8,000,000)
Transitional Housing	(360,000)

Total Appropriation, Department of Military and Veterans' Affairs	<u>\$89,207,000</u>

70 DEPARTMENT OF THE PUBLIC ADVOCATE**80 Special Government Services****82 Protection of Citizens' Rights**

03-8411 Mental Health Advocacy	\$223,000
04-8440 Elder Advocacy	<u>1,427,000</u>
Total Appropriation, Protection of Citizens' Rights	<u>\$1,650,000</u>

Personal Services:

Salaries and Wages	(\$196,000)
Employee Benefits	(68,000)
Materials and Supplies	(15,000)
Services Other Than Personal	(37,000)
Maintenance and Fixed Charges	(3,000)

Special Purpose:

Medicaid Reimbursement	(223,000)
Ombudsperson - Older Americans Act Title III ...	(308,000)
Ombudsperson - Institutionalized Elderly	(800,000)

Total Appropriation, Department of the Public Advocate	<u>\$1,650,000</u>

74 DEPARTMENT OF STATE**30 Educational, Cultural, and Intellectual Development****36 Higher Educational Services**

45-2405 Student Assistance Programs	\$19,064,000

80-2400 Statewide Planning and Coordination for Higher Education	<u>5,691,000</u>
Total Appropriation, Higher Educational Services.....	<u>\$24,755,000</u>
Personal Services:	
Salaries and Wages.....	(\$8,228,000)
Employee Benefits.....	(3,442,000)
Materials and Supplies.....	(362,000)
Services Other Than Personal.....	(3,823,000)
Maintenance and Fixed Charges.....	(1,013,000)
Special Purpose:	
Student Loan Administrative Cost	
Deduction and Allowance	(241,000)
Other Special Purpose	(196,000)
State Aid and Grants:	
National Health Services Corps - Student Loan	
Repayment Program.....	(300,000)
State Aid and Grants.....	(6,925,000)
Additions, Improvement and Equipment.....	(225,000)

37 Cultural and Intellectual Development Services

05-2530 Support of the Arts	<u>\$994,000</u>
Total Appropriation, Cultural and Intellectual Development	
Services	<u>\$994,000</u>
Special Purpose:	
National Endowment for the Arts Partnership....	(\$994,000)

70 Government Direction, Management, and Control

74 General Government Services

01-2505 Office of the Secretary of State	\$6,183,000
25-2525 Election Management and Coordination	<u>3,716,000</u>
Total Appropriation, General Government Services	<u>\$9,899,000</u>
Special Purpose:	
AmeriCorps Competitive Grants	(\$1,000,000)
Office of Faith-Based Initiatives - Compassion	
Capital Fund Grant	(500,000)
AmeriCorps - VISTA Grant Program.....	(40,000)
AmeriCorps Grants.....	(3,200,000)
Learn and Serve	(533,000)
Learn and Serve Competitive Grant	(300,000)
State Commission.....	(400,000)
Professional Development.....	(140,000)
Disability	(70,000)
Help America Vote Act.....	(3,400,000)
Election Assistance for Persons with Disabilities.....	(316,000)

Total Appropriation, Department of State \$35,648,000

78 DEPARTMENT OF TRANSPORTATION

10 Public Safety and Criminal Justice

11 Vehicular Safety

01-6400 Motor Vehicle Services \$5,200,000

Total Appropriation, Vehicular Safety \$5,200,000

Special Purpose:

Commercial Bus Inspection Unit (\$500,000)

Driver's License Security Grant Program (1,170,000)

Commercial Drivers' License Information

System Modernization (970,000)

National Motor Vehicle Title Information

System (100,000)

Commercial Vehicle Information Systems and

Networks Commercial Drivers' License

Program (1,460,000)

60 Transportation Programs

61 State and Local Highway Facilities

00-6300 Federal Highway Administration \$1,122,856,842

Total Appropriation, State and Local Highway Facilities \$1,122,856,842

Federal Highway Administration Description	County	Amount
6th Street Viaduct Pedestrian and Bicycle Pathway	Hudson	(\$1,439,840)
Almond Road (CR 540), Centerton Road to the		
Maurice River, Resurfacing	Salem	(1,466,000)
Battleship New Jersey Access Road (Clinton Ave)		
Repaving/Streetscape	Camden	(413,658)
Belmont Avenue Gateway Community		
Enhancement Project	Passaic	(359,960)
Bergen Arches through Jersey City Palisades	Hudson	(13,406,728)
Berkeley Avenue Bridge	Essex	(1,000,000)
Berkshire Valley Road Bridge over Rockaway River	Morris	(2,800,000)
Betterments, Bridge Preservation	Various	(4,837,000)
Bicycle & Pedestrian Facilities/Accommodations	Various	(5,000,000)
Bridge Deck/Superstructure Replacement Program	Various	(48,800,000)
Bridge Inspection, Local Bridges	Various	(10,310,000)
Bridge Inspection, State NBIS Bridges	Various	(15,420,000)
Bridge Management System	Various	(380,000)
Bridge Painting Program	Various	(17,000,000)
Bridge Scour Countermeasures	Various	(6,000,000)
Bridge St., Clay St., Jackson St. Bridges; Essex		
County	Essex	(980,000)

Camden County Bus Purchase	Camden	(100,000)
Carteret Ferry Service Terminal	Middlesex	(1,511,833)
Carteret Industrial Road	Middlesex	(1,687,176)
Carteret, International Trade and Logistics Center		
Roadway Improvements	Middlesex	(1,754,782)
Cemetery Road Bridge over Pequest River	Warren	(1,760,000)
Church Street Bridge, CR 579	Hunterdon	(525,000)
Clay St. Reconstruction	Essex	(491,964)
Clove Road/Long Hill Road Improvements, CR 620/631	Passaic	(700,000)
County Route 6 Bridge (MA-14)	Monmouth	(1,500,000)
County Route 515, Vernon Township, Phases II, III, IV	Sussex	(2,000,000)
County Route 517, Route 23 to Route 94	Sussex	(3,000,000)
County Route 571 at Francis Mills	Ocean	(5,500,000)
Crash Reduction Program	Various	(4,850,000)
DBE Supportive Services Program	Various	(500,000)
Disadvantaged Business Enterprise	Various	(100,000)
Drainage Rehabilitation & Improvements	Various	(3,000,000)
DVRPC, Future Projects	Various	(4,583,000)
East Coast Greenway, Middlesex/Union Counties	Middlesex, Union	(719,921)
Edison National Historic Site, Traffic Improvements	Essex	(172,780)
Egg Harbor Road, Hurffville-Cross Keys Road to Hurffville-Grenloch Road, CR 630	Gloucester	(500,000)
Elizabeth Street Bridge	Passaic	(900,000)
Elizabeth River Bicycle/Pedestrian Path	Union	(359,960)
Emergency Service Patrol	Various	(12,300,000)
Ferry Program	Various	(21,137,000)
Fifth Avenue Bridge (AKA Fair Lawn Avenue Bridge) over Passaic River	Passaic	(1,400,000)
Garden State Parkway Interchange 91 Improvements and Burnt Tavern Road	Ocean	(4,000,000)
Garden State Parkway Interchange Improvements in Cape May	Cape May	(30,027,448)
Gloucester County Bus Purchase	Gloucester	(70,000)
Gordon Street over "Out of Service" Conrail Branch, Replacement	Union	(800,000)
Great Swamp National Wildlife Refuge Road	Morris, Somerset	(179,980)
Hackensack River Walkway	Bergen	(1,439,840)
Haddon Avenue/Franklin Avenue, Intersection Improvements, CR 561/692	Camden	(200,000)
Halls Mill Road	Monmouth	(9,199,728)

Hanover Street Bridge over Rancocas Creek, CR 616	Burlington	(750,000)
Highway Safety Improvement Program Planning	Various	(2,000,000)
Hoboken Observer Highway Operational and Safety Improvements	Hudson	(1,799,800)
Holmdel Twp., Road Improvements to Reduce Flooding	Monmouth	(98,393)
Hudson County Pedestrian Safety Improvements	Hudson	(719,921)
Intelligent Transportation Systems	Various	(1,500,000)
Intermodal Access Improvements to the Peninsula at Bayonne	Hudson	(1,439,840)
Irvington Center Streetscape	Essex	(719,921)
ITS Earmark Funding	Various	(453,068)
Jersey City Signalization Improvements	Hudson	(792,000)
Landing Road Bridge Over Morristown Line, CR 631	Morris	(800,000)
Laurel Avenue Bridge Replacement	Monmouth	(719,921)
Lehigh Rail Line Separation	Somerset	(759,515)
Local Aid Consultant Services	Various	(900,000)
Local CMAQ Initiatives	Various	(4,820,000)
Local Project Development Support	Various	(1,000,000)
Local Safety/High Risk Rural Roads Program	Various	(5,000,000)
Long Branch Ferry Terminal	Monmouth	(900,000)
Long Valley Safety Project	Morris	(719,921)
Market Street/Essex Street/Rochelle Avenue	Bergen	(3,844,123)
Martin Luther King Waterfront Connection	Camden	(1,900,000)
McClellan Street Underpass	Essex	(1,650,000)
McGinley Square Parking Facility	Hudson	(755,916)
Mercer County Roadway Safety Improvements	Mercer	(500,000)
Metropolitan Planning	Various	(20,335,000)
Middle Thorofare, Mill Creek, Upper Thorofare Bridges, CR 621	Cape May	(1,129,714)
Middle Valley Road Bridge over South Branch of Raritan River	Morris	(3,400,000)
Milford-Warren Glen Road, CR 519	Hunterdon	(250,000)
Millburn Townwalk, adjacent to the West Branch of the Rahway River	Essex	(539,940)
Morris Avenue Bridge over Morristown Line	Union	(8,100,000)
Motor Vehicle Crash Record Processing	Various	(4,000,000)
New Brunswick Bikeway	Middlesex	(7,100,000)
New Jersey Scenic Byways Program	Various	(2,250,000)
New Providence Downtown Streetscape	Union	(245,000)
Newark Access Variable Message Signage System	Essex	(359,960)
Newark and First Street Improvements, Hoboken	Hudson	(215,977)
Newburgh Road Bridge over Musconetcong River	Morris, Warren	(3,500,000)

Newton-Sparta Road, safety and operational improvements (CR 621 to Rt. 181)	Sussex	(5,000,000)
NJ Underground Railroad	Various	(320,342)
NJTPA, Future Projects	Various	(7,499,000)
North Avenue Corridor Improvement Project (NACI)	Union	(14,066,469)
North Avenue, Elizabeth Pedestrian and Bicycle Project	Union	(53,993)
NY Susquehanna and Western Rail Line Bicycle/Pedestrian Path	Morris, Passaic	(2,000,000)
Oak Tree Road Bridge, CR 604	Middlesex	(500,000)
Ozone Action Program in New Jersey	Various	(40,000)
Park and Ride/Transportation Demand Management Program	Various	(8,000,000)
Park Avenue, Resurfacing (CR 540)	Cumberland	(934,000)
Passaic River-Newark Bay Restoration and Pollution Abatement Project, Route 21, River Road, CR 510	Essex	(359,960)
Pavement Preservation	Various	(3,000,000)
Pearl Street Bicycle/Pedestrian Enhancement	Camden	(1,400,000)
Pedestrian Safety Corridor Program	Various	(500,000)
Peninsula at Bayonne Harbor, Intermodal Access Improvements	Hudson	(1,439,840)
Pine Street Greenway Enhancement	Camden	(2,500,000)
Plainsboro Traffic Calming Project	Middlesex	(693,000)
Planning and Research, Federal-Aid	Various	(25,960,000)
Pomona Road, Tilton Road to Rt. 30, Repaving	Atlantic	(600,000)
Pre-Apprenticeship Training Program for Minorities and Females	Various	(500,000)
Princeton Township Roadway Improvements	Mercer	(498,900)
Prospect Avenue Culvert, Summit	Union	(287,968)
Prospect Street Bridge over Morristown Line, CR 513	Morris	(4,000,000)
Rahway Streetscape Replacement	Union	(359,960)
Rail-Highway Grade Crossing Program, Federal	Various	(6,600,000)
Recreational Trails Program	Various	(1,318,000)
Restriping Program & Line Reflectivity Management System	Various	(15,000,000)
Resurfacing, Federal	Various	(7,000,000)
Right of Way Full-Service Consultant Term Agreements	Various	(200,000)
RIMIS - Phase II Implementation	Various	(100,000)
River Road Improvements, Cramer Hill	Camden	(300,000)
Riverbank Park Bike Trail	Hudson	(1,799,800)
Robert Wood Johnson University Hospital Parking Facility	Middlesex	(1,439,840)

Rochelle Park and Paramus, Bergen County	Bergen	(1,287,000)
Rockfall Mitigation	Various	(2,000,000)
Rosemont-Raven Rock Road Bridge over Lockatong Creek	Hunterdon	(1,800,000)
Rutgers Transportation Safety Resource Center (TSRC)	Various	(1,300,000)
Safe Corridors Program	Various	(2,500,000)
Safe Routes to School Program	Various	(5,218,000)
Sea Isle Boulevard, Section II, Garden State Parkway to Ludlams Thorofare, CR 625	Cape May	(3,774,000)
Secaucus Connector	Hudson	(3,587,847)
Sherman Avenue (CR 552), at the Boulevards	Cumberland	(2,100,000)
Sign Structure Rehabilitation Program	Various	(3,000,000)
SJTPO, Future Projects	Various	(752,000)
Smithville Road Bridge over Rancocas Creek, CR 684	Burlington	(50,000)
South Amboy Intermodal Center	Middlesex	(9,499,222)
South Orange Avenue, Traffic, Operational and Roadway Improvements, CR 510	Essex	(1,000,000)
South Pemberton Road, CR 530	Burlington	(7,156,682)
St. Georges Avenue Improvements	Union	(359,960)
Stanton Station Road Bridge over South Branch of Raritan River	Hunterdon	(310,000)
State Police Safety Patrols	Various	(2,000,000)
Statewide Incident Management Program	Various	(5,800,000)
Statewide Traffic Management/Information Program	Various	(4,000,000)
Sussex County Route 605 Connector	Sussex	(719,921)
Sussex Turnpike, CR 617	Morris	(1,200,000)
Teaneck Pedestrian Overpass	Bergen	(500,000)
Tilton Road, Burton Ave. to Cresson Ave., Repaving (Sec. 4A)	Atlantic	(50,000)
Tilton Road, Cresson Ave. to Hingston Ave., Repaving (Sec. 4B)	Atlantic	(50,000)
TMA-DVRPC	Various	(2,000,000)
TMA-NJTPA	Various	(4,100,000)
Traffic and Safety Engineering Program	Various	(4,000,000)
Traffic Monitoring Systems	Various	(12,900,000)
Traffic Operations Center (North)	Various	(6,000,000)
Traffic Operations Center (South)	Various	(6,000,000)
Traffic Signal Replacement	Various	(2,500,000)
Traffic Signal Timing and Optimization	Various	(1,700,000)
Training and Employee Development	Various	(1,800,000)
TransitChek Mass Marketing Efforts--New Jersey	Various	(40,000)

Transportation and Community Development Initiative (TCDI) DVRPC	Various	(1,080,000)
Transportation and Community System Preservation Program	Various	(4,000,000)
Transportation Critical Incident Mobile Data Collection Device	Hudson	(863,904)
Transportation Demand Management Program Support	Various	(230,000)
Transportation Enhancements	Various	(10,000,000)
Tremley Point Access Local Roadway Improvements	Middlesex, Union	(9,061,390)
Trenton Amtrak Bridges	Mercer	(3,400,000)
Union City, Street Improvements & Traffic Signal Replacement	Hudson	(575,935)
Union School House Road over North Branch of the Raritan River, Bridge Replacement	Morris	(250,000)
Veterans Field Pedestrian Walkway/Bike Path	Middlesex	(614,955)
W. Duerer Street, Pomona Rd. to Cologne Ave., Repaving	Atlantic	(834,000)
Waterloo Road over Musconetcong River	Morris	(430,000)
Wertsville Road Bridge (E-174) over Tributary of Back Brook, CR 602	Hunterdon	(3,400,000)
West Brook Road Bridge over Wanaque Reservoir	Passaic	(100,000)
West Orange Twp., Streetscape and Traffic Improvements	Essex	(2,015,777)
Western Boulevard Extension	Ocean	(2,879,681)
White Bridge Road Bridge	Hunterdon	(125,000)
Youth Employment and TRAC Programs	Various	(250,000)
Route 1 Business, Brunswick Circle to Texas Avenue	Mercer	(750,000)
Route 1&9, Pulaski Skyway	Essex, Hudson	(5,000,000)
Route 1&9, Pulaski Skyway Interim Repairs	Essex, Hudson	(10,000,000)
Route 1, North Avenue to Haynes Avenue, Resurfacing	Essex, Union	(5,424,000)
Route 1, South Brunswick, Drainage Improvements	Middlesex	(500,000)
Route 1, Southbound Nassau Park Boulevard to I-95, Safety Improvements	Mercer	(500,000)
Route 3 over Northern Secondary & Ramp A	Hudson	(1,000,000)
Route 3, Hackensack River (eastbound and westbound) Rehabilitation	Bergen, Hudson	(39,940,000)
Route 3, Passaic River Crossing	Bergen, Passaic	(42,000,000)

Route 4, Pedestrian Mobility Improvements, Teaneck	Bergen	(310,000)
Route 5, Rock Slope Stabilization	Bergen	(5,365,000)
Route 7, Hackensack River (Wittpenn) Bridge, Contract 1	Hudson	(33,214,740)
Route 7, Kearny, Drainage Improvements	Hudson	(1,000,000)
Route 17, Williams Avenue to I-80	Bergen	(2,083,240)
Route 18, Ext., Hoes Lane Extension to I-287 (3A)	Middlesex	(27,020,726)
Route 21, Newark Waterfront Community Access	Essex	(5,263,520)
Route 22, Chimney Rock Road Interchange Improvements	Somerset	(49,616,000)
Route 22, Eastbound from Vauxhall Road to Highland Avenue, Safety Improvements	Union	(1,930,000)
Route 22, Sustainable Corridor Long-term Improvements	Somerset	(2,530,460)
Route 22, Sustainable Corridor Short-term Improvements	Somerset	(5,679,000)
Route 23, Bridge over Pequannock River/ Hamburg Turnpike	Morris, Passaic	(2,500,000)
Route 23, Hardyston Twp., Silver Grove Road to Holland Mountain Road	Sussex	(1,200,000)
Route 27, Six Mile Run Bridge (3E)	Middlesex, Somerset	(5,463,000)
Route 29 Boulevard, Cass Street to North of Calhoun Street (Southern Section)	Mercer	(2,771,014)
Route 29 Boulevard, North of Calhoun Street to Sullivan Way (Northern Section)	Mercer	(735,000)
Route 29, Delaware River Pedestrian/Bike Path, Stacy Park to Assunpink Creek	Mercer	(986,809)
Route 29, Memorial Drive	Mercer	(800,000)
Route 29, Moores Station Canal Crossing (AKA Pleasant Valley Road)	Mercer	(288,000)
Route 30, Evesham Road Intersection Improvements	Camden	(700,000)
Route 31, Bridge over CSX Railroad	Mercer	(300,000)
Route 31, Church Street to River Road	Hunterdon	(2,000,000)
Route 31, Pennington Circle Safety Improvements	Mercer	(1,000,000)
Route 31/202, Flemington Circle	Hunterdon	(700,000)
Route 34, Colts Neck, Intersection Improvements (CR 537)	Monmouth	(245,000)
Route 35, Eatontown Borough Downtown Redevelopment	Monmouth	(287,000)
Route 35, Eatontown Borough Intersection Improvements	Monmouth	(287,459)

Route 35, Restoration, Mantoloking to Point Pleasant (MP 9 - 12.5)	Ocean	(20,299,529)
Route 37, Mathis Bridge Eastbound over Barnegat Bay	Ocean	(6,900,000)
Route 46, Hackensack River Bridge	Bergen	(18,400,000)
Route 46, Little Ferry Circle, Operational and Safety Improvements	Bergen	(1,095,115)
Route 46, Passaic Avenue to Willowbrook Mall	Essex, Passaic	(3,212,000)
Route 46, Rockfall Mitigation (mp 32.9)	Morris	(1,225,000)
Route 46, Van Houten Avenue to Broad Street, Drainage Improvements	Passaic	(500,000)
Route 47/347 and Route 49/50 Corridor Enhancement	Cape May, Cumberland	(800,000)
Route 52, Causeway Replacement, Contract A	Cape May	(14,900,000)
Route 57, CR 519 Intersection Improvement	Warren	(1,653,803)
Route 71, Sea Girt Avenue to Route 35	Monmouth	(13,050,000)
Route 72, Manahawkin Bay Bridges	Ocean	(5,000,000)
Route 77, Swedesboro-Hardingville Road, Intersection Improvements (CR 538)	Gloucester	(350,000)
Route 78, Pittstown Road (Exit 15), Interchange Improvements (CR 513)	Hunterdon	(1,500,000)
Route 80 and Ramp D over I-287 NB and Ramps D&H	Morris	(6,500,000)
Route 80, EB Truck Weigh & Inspection Station	Warren	(15,205,000)
Route 88, Bridge over Beaver Dam Creek	Ocean	(500,000)
Route 130, Brooklawn Circles	Camden	(800,000)
Route 130, Campus Drive	Burlington	(3,250,000)
Route 130, Crystal Lake Dam	Burlington	(600,000)
Route 130, Pedestrian Bridge, Washington Twp.	Mercer	(2,306,474)
Route 130, Raccoon Creek Bridge Replacement and Pavement Rehabilitation	Gloucester	(3,000,000)
Route 139, Contract 3 (Hoboken and Conrail Viaducts)	Hudson	(7,479,840)
Route 168, Benigno Boulevard	Camden	(3,700,000)
Route 168, Bridge over Big Timber Creek	Gloucester	(500,000)
Route 183/46, NJ TRANSIT Bridge/Netcong Circle	Morris	(20,324,000)
Route 206, Bridge over Clarks Creek and Sleepers Brook	Atlantic	(750,000)
Route 206, S. of Paterson Ave. to Old Union Tpk. & Cooke Rd., Pavement Rehab	Sussex	(7,910,000)
Route 206, South Broad Street Bridge over Assunpink Creek	Mercer	(800,000)
Route 280, Harrison Township Operational Improvements	Hudson	(1,943,000)

Route 280, Route 21 Interchange Improvements	Essex, Hudson	(7,000,000)
Route 295/42, Missing Moves, Bellmawr	Camden	(25,001,902)
Route 295/42/I-76, Direct Connection, Camden County	Camden	(12,200,000)
Route 322, Woodland Drive/Walmart Intersection, Pedestrian Improvements	Atlantic	(600,000)
Route 440, High Street Connector	Middlesex	(1,488,822)
Route 440, NJ Turnpike Interchange Upgrade, Jersey City	Hudson	(2,339,681)
Route 440/1&9, Boulevard through Jersey City	Hudson	(789,834)
Route 495, Route 1&9/Paterson Plank Road Bridge	Hudson	(61,605,000)

62 Public Transportation

Federal Highway Administration	\$151,000,000
Federal Transit Administration	448,824,000
Total Appropriation, Public Transportation	\$599,824,000

Description	County	Amount
Federal Highway Administration		
Access to Region's Core (ARC)	Various	(\$75,000,000)
ADA--Platforms/Stations	Bergen, Somerset	(1,000,000)
Hudson-Bergen Light Rail 8th Street Extension	Hudson	(21,786,000)
Portal Bridge	Hudson	(2,000,000)
Rail Rolling Stock Procurement	Various	(50,214,000)
Transit Enhancements	Various	(1,000,000)
Federal Transit Administration	Bergen,	
ADA--Platforms/Station	Somerset	(1,260,000)
Bus Acquisition Program	Various	(73,325,000)
Cumberland County Bus Program	Cumberland	(1,020,000)
Job Access and Reverse Commute Program	Various	(4,200,000)
Light Rail Vehicle Rolling Stock	Hudson, Essex	(6,955,000)
New Freedom Program	Various	(2,291,000)
Preventive Maintenance-Bus	Various	(98,689,000)
Preventive Maintenance-Rail	Various	(161,120,000)
Rail Rolling Stock Procurement	Various	(53,033,000)
Section 5310 Program	Various	(4,800,000)
Section 5311 Program	Various	(6,300,000)
Signals and Communications/Electric Traction Systems	Various	(3,934,000)
Small/Special Services Program	Various	(100,000)
Track Program	Various	(16,999,000)
Transit Enhancements	Various	(2,500,000)

Transit Rail Initiatives Various (12,298,000)

Notwithstanding the provisions of subsection d. of section 21 of P.L.1984, c.73 (C.27:1B-21), approval by the Joint Budget Oversight Committee of transfers among federal appropriations by project shall not be required. Notice of a transfer approved by the Director of the Division of Budget and Accounting pursuant to that section shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer.

60 Transportation Programs

64 Regulation and General Management

05-6070 Multimodal Services..... \$18,100,000

Total Appropriation, Regulation and General Management..... \$18,100,000

Special Purpose:

Motor Carrier Safety Assistance Program (\$9,000,000)

Airport Fund (1,500,000)

Federal Rail Administration (1,000,000)

Boating Infrastructure Program (New Jersey

Maritime Program) (1,600,000)

New Jersey Maritime Program - Ferry Boat..... (5,000,000)

Total Appropriation, Department of Transportation..... \$1,745,980,842

82 DEPARTMENT OF THE TREASURY

50 Economic Planning, Development, and Security

52 Economic Regulation

54-2007 Utility Regulation \$600,000

56-2014 Energy Resource Management 3,592,000

Total Appropriation, Economic Regulation..... \$4,192,000

Personal Services:

Salaries and Wages..... (\$298,000)

Employee Benefits..... (298,000)

Materials and Supplies..... (51,000)

Services Other Than Personal..... (2,743,000)

Maintenance and Fixed Charges..... (110,000)

Special Purpose:

Division of Gas Expansion (600,000)

Diamond Shamrock Administration (42,000)

Additions, Improvements and Equipment (50,000)

70 Government Direction, Management, and Control

72 Governmental Review and Oversight

14-2068 Office of the Inspector General \$2,429,000

Total Appropriation, Governmental Review and Oversight..... \$2,429,000

Special Purpose:

Office of the Medicaid Inspector General (\$2,429,000)

80 Special Government Services**82 Protection of Citizens' Rights**89-2048 Civil Legal Services for the Poor \$1,228,000Total Appropriation, Protection of Citizens' Rights..... \$1,228,000

Personal Services:

Salaries and Wages.....(\$88,000)

Employee Benefits(31,000)

Special Purpose:

Civil Legal Services for the Poor(5,000)

State Aid and Grants.....(1,104,000)

Total Appropriation, Department of the Treasury \$7,849,000**98 THE JUDICIARY****10 Public Safety and Criminal Justice****15 Judicial Services**

03-9720 Civil Courts \$860,000

05-9730 Family Courts 36,344,000

05-9853 Family Courts 400,000

07-9740 Probation Services 59,672,000

11-9760 Trial Court Services..... 4,657,000Total Appropriation, Judicial Services \$101,933,000

Special Purpose:

National Instant Criminal Background Check

System Record Improvements.....(\$860,000)

NJ Court Improvement Database(300,000)

NJ Court Improvement Training(300,000)

Essex Family Drug Court(400,000)

Child Support and Paternity Program Title IV-

(Family Court).....(35,019,000)

NJ State Court Improvement Grant(400,000)

State Access and Visitation Program.....(325,000)

Child Support and Paternity Program Title IV-D

(Probation).....(59,672,000)

Child Support and Paternity Program Title IV-D

(Trial)(4,657,000)

Total Appropriation, The Judiciary \$101,933,000Total Appropriation, Federal Funds \$13,204,231,842

Notwithstanding the provisions of any State law or regulation to the contrary, no State agency shall accept or expend federal funds except as appropriated by the Legislature or otherwise provided in this act.

In addition to the federal funds appropriated in this act, there are appropriated the following federal funds, subject to the approval of the Director of the Division of Budget and Accounting: emergency disaster aid funds including grants for preventive measures; pass-through grants to political subdivisions of the State over which the State is not permitted to exercise discretion in the use or distribution of the funds and for which no State matching funds are required; the first 25% of unanticipated grant awards, and up to 25% of increases in previously anticipated grant awards for which no State matching funds are required except, for the purpose of this section, federal funds received by one executive agency that are ultimately expended by another executive agency shall not be considered pass-through grants; federal financial aid funds for students attending post-secondary educational institutions in excess of the amount specifically appropriated, and any such grants intended to prevent threats to homeland security up to 100% of previously anticipated or unanticipated grant award amounts for which no State matching funds are required, provided however, that the Director of the Division of Budget and Accounting shall notify the Legislative Budget and Finance Officer of such grants; and all other grants of \$500,000 or less which have been awarded competitively.

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, 2010 of any unexpended balances which are continued.

The appropriate executive agencies shall prepare and submit to the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or their successors, by March 1, 2011, reports on proposed expenditures during the current fiscal year for the following federal programs: the alcohol, drug abuse and mental health block grant; the education block grant; the community services block grant; the jobs training partnership block grant; the low income energy assistance block grant; the maternal and child health block grant; the preventive health and health services block grant; the small cities block grant; the social services block grant; and the child care block grant. These reports shall account for all federal, State and local funds which are anticipated to be expended on block grant programs, shall provide an accounting

of block grant expenditures during the prior fiscal year, and shall provide a detailed list of contracts awarded to provide services under the block grants.

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.

The sum herein appropriated to the Department of Transportation for the Hudson-Bergen Light Rail Transit System is hereby appropriated, to the extent necessary, to pay the principal of and interest on the grant anticipation notes issued by the New Jersey Transit Corporation.

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 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 Senior Services in the Department of Health and Senior 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 Administra-

tive 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 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 (hereinafter "SEP") and the Energy Efficiency and Conservation Block Grant Program (hereinafter "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 sums 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, NJEDA, HMFA, the Office of Energy Savings and the BPU shall prepare and timely submit to the United States Department of Energy the reports required under subsection (c) of section 1512 of Pub.L. 111-5,

including without limitation the detailed information required with respect to all projects or activities for which such federal funds were expended or obligated.

a. SEP. SEP monies received by the State under ARRA are hereby appropriated to the Clean Energy Fund and shall be allocated by the Board of Public Utilities (hereinafter "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) \$15,000,000 to the New Jersey Economic Development Authority (hereinafter "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) \$20,643,000 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 from each of the following, BPU, NJEDA, Office of Economic Growth, 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) \$7,000,000 to the New Jersey Housing Mortgage Finance Agency (hereinafter "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) \$8,000,000 to the HMFA for a low-interest loan program to be developed and administered by the HMFA for energy efficiency upgrades at single-family and multi-family facilities that are at or below 250% of the area median income (the higher of statewide or county median income) based on a family of four, and affordable multi-family housing owners which meet HMFA's affordability requirements, and which are not eligible for equivalent financing programs offered by the utilities or the Clean Energy Program;

(5) \$17,000,000 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; and

(6) \$6,000,000 to the Office of Energy Savings in the New Jersey 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.

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 New Jersey 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.

Grand Total Appropriation, All Funds \$41,568,653,842

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: sums required to refund amounts credited to the State Treasury which do not represent State revenue; sums 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 sums; sums received by any State department or agency from the sale of equipment, when such sums are received in lieu of trade-in value in the replacement of such equipment; and sums 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, sums 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 sums 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 sums 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.), 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 sums 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 appropriated hereinabove, such additional sums 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 Trust 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 funds 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 the Rutgers-Camden Law School, the Rutgers-Newark Law School, and Seton Hall Law School.

11. The unexpended balances at the end of the preceding fiscal year in the accounts of the several departments and agencies heretofore appropriated or estab-

lished 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, 2010 are appropriated.

14. The unexpended balances at the end of the preceding fiscal year in accounts that are funded by Interfund Transfers are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

15. Notwithstanding any provisions in this act or the provisions of any law or regulation to the contrary, no unexpended balances at the end of the preceding fiscal year are appropriated without the approval of the Director of the Division of Budget and Accounting, except that the Legislative Branch of State government shall be exempt from this provision. The Director of the Division of Budget and Accounting shall notify the Legislative Budget and Finance Officer of those instances in which unexpended balances are not appropriated pursuant to this section.

16. The administrative costs of the Special Education Medicaid Initiative (SEMI) and the Medicaid Administrative Claiming (MAC) program, including the participation of a consultant, are appropriated and shall be paid from the revenue received, subject to the approval of the Director of the Division of Budget and Accounting.

17. The following transfer of appropriations rules are in effect for the current fiscal year:

a. To permit flexibility in the handling of appropriations, any department or agency that receives an appropriation by law, may, subject to the provisions of this section, or unless otherwise provided in this act, apply to the Director of the Division of Budget and Accounting for permission to transfer funds from one item of appropriation to a different item of appropriation. For the purposes of this section, "item of appropriation" means the spending authority identified by an organization code, appropriation source, and program code, unique to the item. If the director consents to the transfer, the amount transferred shall be credited by the director to the designated item of appropriation and notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer. However, the director, after consenting thereto, shall submit the following

transfer requests to the Legislative Budget and Finance Officer for legislative approval or disapproval unless otherwise provided in this act:

(1) Requests for the transfer of State and other nonfederal funds, in amounts greater than \$300,000, to or from any item of appropriation;

(2) Requests for the transfer of State and other nonfederal funds, in amounts greater than \$50,000, to or from any Special Purpose account, as defined by major object 5, or Grant account, as defined by major object 6, within an item of appropriation, from or to a different item of appropriation;

(3) Requests for the transfer of State and other nonfederal funds, in amounts greater than \$50,000, to or from any Special Purpose or Grant account in which the identifying organization code, appropriation source, and program code, remain the same, provided that the transfer would effect a change in the legislative intent of the appropriations;

(4) Requests for the transfer of State funds, in amounts greater than \$50,000, between items of appropriation in different departments or between items of appropriation in different appropriation classifications herein entitled as Direct State Services, Grants-In-Aid, State Aid, Capital Construction and Debt Service;

(5) Requests for the transfer of federal funds, in amounts greater than \$300,000, from one item of appropriation to another item of appropriation, if the amount of the transfer to an item in combination with the amount of the appropriation to that item would result in an amount in excess of the appropriation authority for that item, as defined by the program class;

(6) Requests for such other transfers as are appropriate in order to ensure compliance with the legislative intent of this act.

b. The Joint Budget Oversight Committee or its successor may review all transfer requests submitted for legislative approval and may direct the Legislative Budget and Finance Officer to approve or disapprove any such transfer request. Transfers submitted for legislative approval pursuant to paragraph (4) of subsection a. of this section shall be made only if approved by the Legislative Budget and Finance Officer at the direction of the committee.

c. The Legislative Budget and Finance Officer shall approve or disapprove requests for the transfer of funds submitted for legislative approval within 10 working days of the physical receipt thereof and shall return them to the director. If any provision of this act or any supplement thereto requires the Legislative Budget and Finance Officer to approve or disapprove requests for the transfer of funds, the request shall be deemed to be approved by the Legislative Budget and Finance Officer if, within 20 working days of the physical receipt of the request, he has not disapproved the request and so notified the requesting officer. However, this time period shall not pertain to any transfer request under review by the Joint Budget Oversight Committee or its successor, provided notice of such review has been given to the director.

d. No amount appropriated for any capital improvement shall be used for any temporary purpose except extraordinary snow removal or extraordinary transportation maintenance subject to the approval of the Director of the Division of

Budget and Accounting. However, an amount from any appropriation for an item of capital improvement may be transferred to any other item of capital improvement subject to the approval of the director, and, if in an amount greater than \$300,000, subject to the approval of the Legislative Budget and Finance Officer.

e. The provisions of subsections a. through d. of this section shall not apply to appropriations made to the Legislative or Judicial branches of State government. To permit flexibility in the handling of these appropriations, amounts may be transferred to and from the various items of appropriation by the appropriate officer or designee with notification given to the director on the effective date thereof.

f. Notwithstanding any provisions of this section to the contrary, transfers to and from the Special Purpose appropriation to the Governor for emergency or necessity under the Other Interdepartmental Accounts program classification and transfers from the appropriations to the various accounts in the category of Salary Increases and Other Benefits, both in the Interdepartmental Accounts, shall not be subject to legislative approval or disapproval.

18. The Director of the Division of Budget and Accounting shall make such correction of the title, text or account number of an appropriation necessary to make such appropriation available in accordance with legislative intent. Such correction shall be by written ruling, reciting in appropriate detail the facts thereof, and reasons therefore, attested by the signature of the Director of the Division of Budget and Accounting and filed in the Division of Budget and Accounting of the Department of the Treasury as an official record thereof, and any action thereunder, including disbursement and the audit thereof, shall be legally binding and of full force and virtue. An official copy of each such written ruling shall be transmitted to the Legislative Budget and Finance Officer, upon the effective date of the ruling.

19. The Legislative Budget and Finance Officer with the cooperation and assistance of the Director of the Division of Budget and Accounting is authorized to adjust this appropriations bill to reflect any reorganizations which have been implemented since the presentation of the Governor's Budget Message and Recommendations that were proposed for this fiscal year.

20. None of the funds appropriated to the Executive Branch of State government for Information Processing, Development, Telecommunications, and Related Services and Equipment shall be available to pay for any of these services or equipment without the review of the Office of Information Technology, and compliance with statewide policies and standards and an approved department Information Technology Strategic Plan; authorization and approval by the Office of Information Technology is required for expenditure of amounts in excess of \$2,500, as currently specified by Circular Letter 07-14-OMB/OIT.

21. If the sum 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 sums 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. 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 sums 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 sums as may be necessary for emergency repairs and reconstruction of State facilities or property, subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee. Appropriations referred to the Joint Budget Oversight Committee shall be deemed approved unless a 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 any law 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 any law 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. No funds shall be expended by any State Department in the Executive Branch in connection with a contract for the production of films, videotapes, video conferences, video-assisted training or multi-media projects that include video images unless the New Jersey Public Broadcasting Authority (PBA) has the opportunity to match any successful bid as part of any formal or informal contract award process. This is not a requirement to award a contract to PBA since the decision to award a contract may also be based on non-cost considerations.

30. Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.), sums appropriated for services for the various State departments and agencies may be expended for the purchase of contract services from the New Jersey Marine Sciences Consortium as if it were a State government agency pursuant to subsection (a) of section 5 of P.L.1954, c.48 (C.52:34-10).

31. Out of the amounts hereinabove appropriated, 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 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.

32. Whenever any county, municipality, school district 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 or a political subdivision thereof, then the Director of the Division of Budget and Accounting may withhold State aid payments and transfer the same as payment for such funds, as the Director of the Division of Budget and Accounting shall determine.

33. 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.

34. The Director of the Division of Budget and Accounting may, upon application therefore, allot from appropriations made to any official, department, commission or board, a sum to establish a petty cash fund for the payment of expenses under rules and regulations established by 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.

35. From appropriations to the various departments of State government, the Director of the Division of Budget and Accounting is empowered to transfer sums sufficient to pay any obligation due and owing in any other department or agency.

36. 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 sums 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 sums as are necessary shall be appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

37. 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.

38. 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.

39. 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.

40. Notwithstanding the provisions of any law or regulation to the contrary, each local school district that participates in the Special Education Medicaid Initiative (SEMI) shall receive a percentage of the federal revenue realized for current year claims. The percentage share shall be 17.5% of claims approved by the State by June 30.

41. Notwithstanding the provisions of any law or regulation to the contrary, each local school district that participates in the Medicaid Administrative Claiming (MAC) initiative shall receive a percentage of the federal revenue realized for current year claims. The percentage share shall be 17.5% of claims approved by the State by June 30.

42. Notwithstanding the provisions of P.L.1943, c.188 (C.52:14-17.1 et seq.), the rate of reimbursement for mileage allowed for employees traveling by personal automobile on official business shall be \$.31 per mile.

43. 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.

44. 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.

45. 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 sums 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 sums as may be required to pay the principal of those short-term notes.

46. The State Treasurer is authorized to issue short-term notes, which notes shall not constitute a general obligation of the State or a debt or a liability within the meaning of the State Constitution, and the State Treasurer is authorized to pay any costs or obligations relating to the issuance of such short-term notes or contracts relating thereto. Such short-term notes shall be issued in such amounts and at such times as the State Treasurer shall deem necessary for the above stated purposes and for the payment of related costs, and on such terms and conditions, sold in such manner and at such prices, bearing interest at such fixed or variable rate or rates, renewable at such time or times, and entitled to such security, and using such paying agents as shall be determined by the State Treasurer. The State Treasurer is authorized to enter into such contracts and to take such other actions, all as determined by the State Treasurer to be appropriate to carry out the above cash flow management purposes. The State Treasurer shall give consideration to New Jersey-based vendors in entering into such contracts. Whenever the State Treasurer

issues such short-term notes, the State Treasurer shall report on each such issuance to the Chairman of the Senate Budget and Appropriations Committee and the Chairman of the Assembly Appropriations Committee.

47. The Tobacco Settlement Fund, created and established in the Department of the Treasury as a separate non-lapsing fund pursuant to section 53 of P.L.1999, c.138, is reestablished and continued. The unexpended balances at the end of the preceding fiscal year in the Tobacco Settlement Fund are appropriated. The Tobacco Settlement Fund shall be the repository for payments made by the tobacco manufacturers pursuant to the settlement agreement entered into by the tobacco manufacturers and the State on November 23, 1998 that resolved the State's pending claims against the tobacco industry and all other monies, including interest earnings on balances in the fund, credited or transferred thereto from any other fund or source pursuant to law. Balances in the Tobacco Settlement Fund shall be deposited in such depositories as the State Treasurer may select. Amounts transferred from the Tobacco Settlement Fund to the General Fund as anticipated revenue shall be excluded when calculating deposits to the Surplus Revenue Fund pursuant to P.L.1990, c.44 (C.52:9H-14 et seq.).

48. 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.

49. Notwithstanding the provisions of any law or regulation to the contrary, funds may be transferred from the State Disability Benefits Fund to the General Fund during the current fiscal year, which transfer amount shall be based upon the actual receipt of revenue in the State Disability Benefits Fund as shall be determined by the State Treasurer in consultation with the Commissioner of Labor and Workforce Development, subject to the approval of the Director of the Division of Budget and Accounting.

50. There is appropriated \$400,000 from the Casino Simulcasting Fund for transfer to the Casino Revenue Fund.

51. 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.

52. There are appropriated, out of receipts derived from any structured financing transaction, such sums 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 sums 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.

53. Notwithstanding the provisions of any departmental language or statute, no receipts in excess of those anticipated or appropriated as provided in the Departmental Revenue Statements (BB-103's) in the budget submission for this fiscal year are available for expenditure until a comprehensive expenditure plan is submitted to and approved by the Director of the Division of Budget and Accounting.

54. Such sums as may be necessary are appropriated or transferred from existing appropriations for the purpose of promoting awareness to increase participation in programs that are administered by the State, including but not limited to programs to preserve or promote public health and safety, subject to the approval of the Director of the Division of Budget and Accounting.

55. There are appropriated such additional sums 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.

56. Receipts derived from the provision of copies and other materials related to compliance with P.L.2001, c.404, 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.

57. Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated from the Universal Service Fund \$77,552,000 for transfer to the General Fund as State revenue.

58. Notwithstanding the provisions of section 32 of P.L.2002, c.40 (C.52:9H-38) to the contrary, revenues derived from the Corporation Business Tax during the preceding fiscal year shall not be credited to the "Corporation Business Tax Excess Revenue Fund" but shall be available as undesignated funds in the General Fund except as are dedicated by Article VIII, Section II, paragraph 6 of the State Constitution.

59. 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.

60. Providing that the contributions made during the current fiscal year by the University of Medicine and Dentistry of New Jersey and its affiliates to the University of Medicine and Dentistry of New Jersey - Self Insurance Reserve Fund is equal to the amount established in a memorandum of agreement between the Department of the Treasury and the University, and if after such amount having been contributed, the receipts deposited within the University of Medicine and Dentistry of New Jersey's Self Insurance Reserve Fund are insufficient to pay claims expenditures, there is appropriated from the General Fund to the Self Insurance Reserve Fund such sums as may be necessary to pay the remaining claims, subject to the approval of the Director of the Division of Budget and Accounting.

61. 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 is hereby appropriated such additional 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 or leases, as applicable.

62. Such sums 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 fiscal year ending June 30, 2012 and that are proposed in the Governor's Budget Message and Recommendations for the fiscal year ending June 30, 2012, shall be transferred between appropriate accounts subject to the approval of the Director of the Division of Budget and Accounting.

63. 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.

64. 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 and amounts carried forward in the State Employees Health Benefits accounts shall be deemed a "Base Year Appropriation."

65. 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 Treasury State Aid may be transferred between accounts for the same purposes, as the Director of the Division of Budget and Accounting shall determine.

66. 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.

67. 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.

68. 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.

69. There are appropriated such sums as are necessary, not to exceed \$2,500,000, 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.

70. 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 sums 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.

71. 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.

72. Notwithstanding the provisions of any law or regulation to the contrary, it is not possible in Fiscal Year 2011 to appropriate monies to fund all programs authorized or required by statute. As a result, the Governor's Budget Message and Recommendations for Fiscal Year 2011 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 Fiscal Year 2011 in this Appropriations Act which would be required to carry out these statutory programs, such lack of appropriations represents the intent of the Legislature to suspend in full or in part the operation of the statutory programs, including any statutorily-imposed restrictions or limitations on the collection of State revenue that is related to the funding of those programs.

73. There is appropriated \$65,175,000 from the Global Warming Solutions Fund for transfer to the General Fund as State revenue.

74. There is appropriated \$25,000,000 from the State Disability Benefits Fund for transfer to the General Fund as State revenue.

75. There is appropriated \$6,400,000 from the New Home Warranty Security Fund for transfer to the General Fund as State revenue.

76. Notwithstanding the provisions of any law or regulation to the contrary, the amounts appropriated to municipalities from the Consolidated Municipal Property Tax Relief Aid appropriation in the Department of Community Affairs and from the Energy Tax Receipts Property Tax Relief Fund appropriation in the Department of the Treasury shall be reduced pursuant to a formula based on equalized tax rates and wealth as such formula is further described in Local Finance Notice 2010-8 published on March 18, 2010 by the Department of Community Affairs - Division of Local Government Services and as set forth for each municipality in such notice; provided further, however, that as a result of the above aid reduction calculations for such municipalities, an additional amount shall be provided to any municipality to ensure that the aid reductions themselves do not result in more than a \$250 increase over 2009 average residential property taxes as calculated by the Division of Local Government Services.

77. Notwithstanding the provision of section 10 of P.L.2007, c.62 (C.40A:4-45.45) or any other law or regulation to the contrary, of the amounts hereinabove appropriated from the Consolidated Municipal Property Tax Relief Aid appropriation in the Department of Community Affairs and from the Energy Tax Receipts Property Tax Relief Fund appropriation in the Department of the Treasury for payments to municipalities, there shall be deducted from such aid an amount equal to the amount of the reduction in State formula aid from the previous local budget

year which the municipality took into account in establishing its adjusted tax levy increase for the current local budget year consistent with section 10 of P.L.2007, c.62 (C.40A:4-45.45).

78. 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 Article VIII, Section 1, paragraph 7b of the New Jersey Constitution derived from sales tax collected in such enterprise zone.

79. Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated as revenue to the General Fund the revenue credited in fiscal year 2011 to each account for each enterprise zone in the Enterprise Zone Assistance Fund attributable to local projects and the local costs for administering the Urban Enterprise Zone program, as defined by section 29 of P.L.1983, c.303 (C.52:27H-88).

80. There is hereby appropriated, notwithstanding the application procedures set forth in the regulations concerning the program, an amount not to exceed \$10,000,000 from loan repayments deposited into the Pinelands Infrastructure Trust Fund, established pursuant to section 15 of the Pinelands Infrastructure Trust Bond Act of 1985, P.L.1985, c.302 for a grant to the Camden County Municipal Utilities Authority for the costs of an infrastructure capital project, as such terms are defined in the bond act to provide for a sewer connection and related purposes permitted under the bond act from the Camden County Municipal Utilities Authority to Ancora Psychiatric Hospital.

81. Notwithstanding the provisions of P.L.2000, c.12, or any law or regulation to the contrary, funds may be transferred from the Tobacco Settlement Fund to the General Fund during this fiscal year, which transfer amount shall be based upon the available balances in the Tobacco Settlement Fund, subject to the approval of the Director of the Division of Budget and Accounting.

82. In order to accurately report expenditures related to enhanced Title XIX Federal Medical Assistance Percentage included in the American Recovery and Reinvestment Act, State and federal funds appropriations may be transferred among the Department of Children and Families, Department of Health and Senior Services, and Department of Human Services to reflect the actual pattern of expenditures among the respective agencies involved, provided however that such transfers shall not increase the total appropriation of combined State and federal funds for any program, subject to the approval of the Director of the Division of Budget and Accounting.

83. 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.

84. 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 and Senior Services (DHSS) of the proposed contract and provide an opportunity for DHSS to submit a proposal; provided however, the State Department shall not be required to make the award to DHSS if DHSS 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.

85. Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated \$7,000,000 from the State Recycling Fund to the General Fund as State revenue.

86. Notwithstanding the provisions of any law or regulation to the contrary, the amounts hereinabove appropriated to the Real Estate Commission, Civil Service Commission, Pilot Commissioners, State Athletic Control Board, Public Employment Relations Commission and Appeal Board, Board of Mediation, Council on Affordable Housing, 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 monies 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 Chairman/Chief Executive Officer of the Civil Service Commission, the Chairman of the Public Employment Relations Commission, and any commissioner or board member of any other State board, commission or independent authority who, in addition to being a member of the board or commission also hold a full time staff position for such entity.

87. Notwithstanding the provisions of any law or regulation to the contrary, the amounts appropriated for the Urban Enterprise Zone program are subject to the following conditions: the New Jersey Urban Enterprise Zone Authority may ap-

prove applications by an urban enterprise zone for the use of project funds for administrative purposes; provided further, however, that in using project funds for administrative purposes, the entire administrative budget of such urban enterprise zone shall not exceed 90% of its fiscal year 2010 administrative budget.

88. Notwithstanding the provisions of any law or regulation to the contrary, of the amounts hereinabove appropriated no grant monies shall be paid to a grantee for the costs of any efforts by the grantee or on behalf of the grantee for lobbying activities.

89. Notwithstanding the provisions of any law or regulation to the contrary, there is appropriated to the Enterprise Zone Assistance Fund such sums as are necessary for projects and administrative services of enterprise zones as described in this paragraph, not to exceed one half of the amount that otherwise would have been credited to the Enterprise Zone Assistance Fund in Fiscal Year 2011 pursuant to section 9 of P.L.2001, c.347 (C.52:27H-80). The amount hereinabove appropriated may be allocated to individual enterprise zones in order to ensure continuity of projects that are approved by the Authority and for their administrative operations, in amounts to be determined by the Commissioner of Community Affairs, subject to the approval of the Director of the Division of Budget and Accounting. Provided however, if less than one half of the amount that otherwise would have been credited to the Enterprise Zone Assistance Fund in Fiscal Year 2011 pursuant to section 9 of P.L.2001, c.347 (C.52:27H-80) is appropriated pursuant to this paragraph and if there are unfunded projects for which a zone could draw from the sums provided pursuant to this paragraph, or there are unfunded projects that would have been eligible for funding except for the veto of the Authority's minutes pursuant to section 29 of P.L.2008, c.27 (C.52:27H-63), and if the State Treasurer certifies on May 1 that there are funds that have not yet been expended or encumbered in the Business Employment Incentive Program account, a sum sufficient to fund said projects and spending requests shall be transferred from the unexpended and unencumbered funds in Business Employment Incentive Program account to the Enterprise Zone Assistance Fund, such that the sum so transferred and the amount appropriated hereinabove shall not together exceed one half of the amount that otherwise would have been credited to the Enterprise Zone Assistance Fund in Fiscal Year 2011 pursuant to section 9 of P.L.2001, c.347 (C.52:27H-80). Each zone shall receive no greater proportion of these funds than the proportion of revenues generated in the zone, except if the Commissioner determines on May 1 that a zone has not drawn down its proportionate share the unused proportion of that share may be allocated to other zones.

90. This act shall take effect July 1, 2010.

Approved June 29, 2010.