ACTS

OF THE

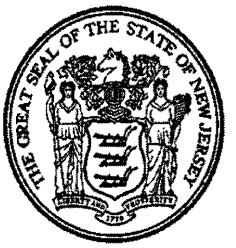
Second Annual Session

OF THE

Two Hundred and Seventeenth Legislature

OF THE

STATE OF NEW JERSEY



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CHAPTER 100

AN ACT concerning health service corporations and the publication of certain health insurance carrier information, amending and supplementing P.L.1985, c.236 and supplementing P.L.1997, c.192 (C.26:2S-1 et seq.).

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

1. Section 3 of P.L.1985, c.236 (C.17:48E-3) is amended to read as follows:

C.17:48E-3 Health service corporations.

3. a. A health service corporation shall not be established as a corporation organized for pecuniary profit. Every health service corporation established pursuant to the provisions of P.L.1985, c.236 (C.17:48E-1 et seq.) shall be operated for the benefit of its subscribers. The mission of the health service corporation shall be to:

(1) provide affordable and accessible health insurance to its subscribers; and

(2) promote the integration of the health care system to meet the needs of its subscribers.

A health service corporation shall develop goals, objectives, and strategies for carrying out, in accordance with this section, its statutory mission.

b. No person, firm, association or corporation, other than a health service corporation or an insurance company authorized to transact life or health insurance in accordance with Title 17B of the New Jersey Statutes, shall establish, maintain or operate a health service plan. No person, firm, association or corporation, other than a hospital service corporation, a medical service corporation, a dental service corporation to the extent permitted by P.L.1968, c.305 (C.17:48C-1 et seq.), or an insurance company authorized to transact life or health insurance business or the kinds of insurance specified in subsection d. of R.S.17:17-1, shall otherwise contract in this State with persons to pay for or to provide for health services on the basis of premiums or other valuable considerations to be collected by the person, firm, association or corporation from any persons for the issuance of the contracts. This section shall not be construed as preventing the exercise of any authority or privilege granted to any corporation by a certificate of authority issued by the commissioner pursuant to any law of this State, or as preventing any person, firm, association or corporation from furnishing health services required under any workers' compensation law, or law per-

taining to health maintenance organizations, or as otherwise provided by law.

c. A health service corporation shall, unless prohibited by the commissioner, offer as an option medical-surgical contracts and dental subscriber contracts which afford subscribers prepaid or postpaid benefits pursuant to which payment is made to participating providers for medical-surgical and dental services rendered by a participating provider network with agreements granting an aggregate differential allowance or discount on charges, as well as a limit on total allowances which may or may not be related to the subscriber's income level, where the aggregate differential or discount on charges and limit on total allowances may be achieved by payment of either the individual provider's actual charge or the health service corporation's allowance on the charge, whichever is less.

d. A health service corporation shall maintain an open enrollment period for coverage to persons who are otherwise unable to obtain hospital, medical-surgical, or major medical coverage in accordance with the provisions of P.L.1992, c.161 (C.17B:27A-2 et al.).

e. No health service corporation shall have the power to underwrite life insurance as defined in Title 17B of the New Jersey Statutes directly, but a health service corporation may, at such time as the aggregate special contingent surplus is greater than 0%, own stock in, control, or otherwise become affiliated with a life, health or accident insurance company organized pursuant to Title 17B of the New Jersey Statutes or under the laws of any other state, provided that the company is admitted in this State.

f. No health service corporation shall solicit subscribers or enter into any contract with any subscriber until it has received from the commissioner a certificate of authority to do so, but if a health service corporation is established by means of the merger of a medical service corporation into a hospital service corporation, which hospital service corporation possesses a valid certificate of authority issued prior to the effective date of P.L.1985, c.236 (C.17:48E-1 et seq.), the health service corporation thus established need not reapply for a new certificate of authority, but the corporation shall file in the Department of Banking and Insurance any documents relating to the merger, including, but not limited to, information concerning the operation of the health service corporation as set forth in subsection a. of this section, which the commissioner may require.

g. Nothing in P.L.1985, c.236 (C.17:48E-1 et seq.) shall be deemed to prohibit a health service corporation from contracting with, or paying commissions to, any duly licensed affiliated or independent insurance producer, to the extent permitted by the laws applicable to those producers.

h. A health service corporation shall, on an annual basis, and in a form and manner prescribed by the Department of Banking and Insurance, file with the department information relating to the health service corporation's operations, including but not limited to the following: the health service corporation's mission, activities, revenues, expenses, assets, liabilities, and total compensation provided to officers, directors, trustees and the five other highest compensated employees who are not an officer, director or trustee, which information shall be posted on the department's website.

i. On or before June 30, 2019, and annually thereafter, the commissioner shall report to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), on the compliance of a health service corporation with the provisions of P.L.2017, c.100 (C.17:48E-17.3 et al.).

2. Section 6 of P.L.1985, c.236 (C.17:48E-6) shall be amended to read as follows:

C.17:48E-6 Board of health service corporation formed through merger.

6. The board of a health service corporation which is formed as the result of a merger between a medical service corporation and a hospital service corporation shall be composed of not more than 17 members as provided in this section. Initially, after the merger has been effected, the board shall be constituted of 15 members as follows:

a. Four members of the board shall be public members, who shall be appointed by the Governor with the advice and consent of the Senate. The public members so appointed shall be persons whose background and experience indicate that they are qualified to act in the broad public interest, who may or may not have coverage under a contract or contracts issued by the corporation, its subsidiaries or affiliates, and who, or whose spouses or minor children, are not officers, directors or owners of more than 10% of the stock of a corporation whose aggregate sales to hospitals, other health care facilities or other providers of health care services exceed 5% of its total sales. The remaining 11 members shall be selected by the board of directors of the health service corporation in accordance with the provisions of its certificate of incorporation and bylaws.

b. Of the initial members of the board, as provided for in subsection a. of this section, one public member and three members selected by the board of the health service corporation shall serve for a term of one year; one public member and three members selected by the board of the health service corporation shall serve for a term of two years; and two public members and five members selected by the board of the health service corporation

shall serve for a term of three years. Thereafter, all members of the board shall serve for a term of three years, and shall hold office until their successors are appointed or elected and qualified.

c. After the constitution of the initial board as provided in subsection b. of this section, and as the initial terms expire as provided for in that section, the board shall be constituted of 17 members as follows:

(1) Four members shall be public members of the board appointed by the Governor with the advice and consent of the Senate;

(2) Eleven members shall be elected by the board of directors, as provided in the bylaws; and

(3) One member shall be a public member appointed by the Senate President and one member shall be a public member appointed by the Speaker of the General Assembly, each of whom shall have experience in either finance, insurance, or health care delivery.

d. The provisions of subsection c. of this section shall not be construed to preclude the reappointment or reelection of any member appointed or elected pursuant to subsection a. of this section.

3. Section 7 of P.L.1985, c.236 (C.17:48E-7) is amended to read as follows:

C.17:48E-7 Board of directors of health service corporation.

7. The board of directors of a health service corporation which is established in accordance with paragraph (1) of subsection a. of section 2 of P.L.1985, c.236 (C.17:48E-2) shall have four public members appointed by the Governor with the advice and consent of the Senate, one public member appointed by the Senate President who shall have experience in either finance, insurance, or health care delivery, one public member appointed by the Speaker of the General Assembly who shall have experience in either finance, insurance, or health care delivery, and 11 members elected as provided in the bylaws.

C.17:48E-17.3 Examination of annual regulatory filings; annual audit.

4. a. The commissioner shall, on an annual basis, examine a health service corporation's annual regulatory filings to determine whether the health service corporation's risk-based capital ratio is within 550% to 725%. If at any time the commissioner determines that a health service corporation surplus results in a ratio that exceeds this range, the department shall notify the health service corporation and the health service corporation shall, within 30 days of notice from the commissioner, file a report with the

commissioner to reduce the surplus to be within the range. The report shall include a plan to benefit subscribers, which may include but not be limited to proposals to lessen potential rate increases in the future. The commissioner shall review the plan to affirm that it meets the requirements of P.L.2017, c.100 (C.17:48E-17.3 et al.).

b. The department shall annually audit the financial statements and surplus of the health service corporation to verify risk-based capital. In order to implement the provisions of this section, the department may engage independent actuaries, as necessary, at the expense of the health service corporation.

C.26:2S-18.1 Publication of annual financial statements.

5. The Department of Banking and Insurance shall, for each carrier in the State, publish on the department's website the annual financial statement, in the format adopted by the National Association of Insurance Commissioners (NAIC) and in use at the time the statement is due, within 30 days of the receipt of that statement.

6. This act shall take effect immediately, except section 4 shall take effect for the next annual regulatory filings with the Department of Banking and Insurance after January 1, 2018.

Approved July 4, 2017.

CHAPTER 101

AN ACT concerning expenses related to the consolidation of municipalities and amending N.J.S.40A:4-53.

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

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

Special emergency appropriations.

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

a. Preparation of an approved tax map.

b. Preparation and execution of a complete program of revaluation of real property for the use of the local assessor, or of any program to update and make current any previous revaluation program when such is ordered by the county board of taxation.

c. Preparation of a revision and codification of its ordinances.

d. Engagement of special consultants for the preparation, and the preparation of a master plan or plans, when required to conform to the planning laws of the State.

e. Preparation of drainage maps for flood control purposes.

f. Preliminary engineering studies and planning necessary for the installation and construction of a sanitary sewer system.

g. Authorized expenses of a consolidation commission established pursuant to the "Municipal Consolidation Act," P.L.1977, c.435 (C.40:43-66.35 et seq.) or sections 25 through 29 of the "Uniform Shared Services and Consolidation Act," P.L.2007, c.63 (C.40A:65-25 through C.40A:65-29).

h. Contractually required severance liabilities resulting from the layoff or retirement of employees. Such liabilities shall be paid without interest and, at the sole discretion of the local unit, may be paid in equal annual installments over a period not to exceed five years.

i. Preparation of a sanitary or storm system map.

j. Liabilities incurred to the Department of Labor and Workforce Development for the reimbursement of unemployment benefits paid to former employees.

k. Subject to approval by the Director of the Division of Local Government Services, non-recurring expenses incurred by a municipality to implement a consolidation with another municipality, or municipalities, pursuant to the "Municipal Consolidation Act," P.L.1977, c.435 (C.40:43-66.35 et seq.); the sparsely populated municipalities law, P.L.1995, c.376 (C.40:43-66.78 et seq.); sections 25 through 29 of the "Uniform Shared Services and Consolidation Act," P.L.2007, c.63 (C.40A:65-25 through C.40A:65-29); or N.J.S.40A:7-1 et seq., in the case of a consolidation effectuated through the annexation of land comprising an entire municipality or entire municipalities, to another municipality. The director shall approve the ordinance if he or she determines that the non-recurring expenses are reasonable and permissible by law and that the consolidation will result in long-term savings for the municipality.

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

2. This act shall take effect immediately.

Approved July 7, 2017.

CHAPTER 102

AN ACT concerning certain school districts and the rental of school buildings, and amending P.L.2009, c.78 and N.J.S.18A:20-4.1.

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

1. Section 1 of P.L.2009, c.78 (C.18A:8-43) is amended to read as follows:

C.18A:8-43 "Non-operating district" defined.

1. As used in this act:

"Non-operating district" means a school district that is not operating schools.

2. N.J.S.18A:20-4.1 is amended to read as follows:

Type II districts; acquisition of property without authorization of voters.

18A:20-4.1 The board of education of any Type II school district may without authority first obtained from the voters of the district:

(a) Rent, on a year-to-year basis, or for a term not to exceed 10 years, in case of emergency, buildings to use for school purposes; and

(b) Take an option not to exceed 1 year in duration, at a cost not to exceed the fair market value of such option, on the purchase of any land which the board could lawfully purchase after securing the consent of the legal voters to the purchase thereof, but such option may be exercised by the board only after authority to purchase the property covered by such option has been given at an annual or special school election.

3. This act shall take effect immediately.

Approved July 7, 2017.

CHAPTER 103

AN ACT concerning access to legal decisions regarding special education and supplementing chapter 46 of Title 18A of the New Jersey Statutes.

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

C.18A:46-1.2 Database relative to legal decisions concerning special education to be available on website.

1. a. The Department of Education shall make available on its website an electronic database of legal decisions concerning special education in New Jersey. The purpose of the database shall be to provide parents, school districts, child study team members, and other interested members of the public with easily accessible information on legal decisions regarding New Jersey special education matters.

b. The database shall contain a full-text copy of each written decision rendered by the New Jersey Office of Administrative Law in a special education due process hearing, and, if the decision is appealed, any subsequent decision on the matter rendered by a court of the State of New Jersey or a federal court. The database shall include each special education decision rendered after the effective date of this act.

c. The department may meet the requirements of this section by maintaining the database directly on its website or by entering into a memorandum of understanding with another entity or organization that maintains an electronic database of the legal decisions, provided that the database is easily accessible to the general public and the department's website contains a link to the database or information on how to access and use the database.

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

Approved July 13, 2017.

CHAPTER 104

AN ACT concerning fetal death certification and reporting, and amending R.S.26:6-11 and P.L.2013, c.217.

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

1. R.S.26:6-11 is amended to read as follows:

Certificate of fetal death.

26:6-11. A certificate of fetal death containing such items as shall be listed on fetal death certificate forms provided or approved by the department under the authority of subsection c. of R.S.26:8-24, and a burial or removal permit, shall be required for every fetal death; provided that 20 or more weeks of gestation have elapsed before the delivery.

No midwife shall sign a certificate for a fetal death; but any fetal death occurring without attendance of a physician or an advanced practice nurse shall be treated as a death without medical attendance, as provided in R.S.26:6-9.

The department shall take appropriate action to ensure that any certificate of fetal death required by this section is prepared in accordance with, and contains information that satisfies, the provisions of P.L.2013, c.217 (C.26:8-40.27 et seq.), designated as the "Autumn Joy Stillbirth Research and Dignity Act," and the current federal standards for fetal death certification and fetal death reporting, as adopted, amended, and supplemented by the federal Centers for Disease Control and Prevention.

2. Section 3 of P.L.2013, c.217 (C.26:8-40.29) is amended to read as follows:

C.26:8-40.29 Fetal death evaluation protocol.

3. The Department of Health shall establish a fetal death evaluation protocol, which a hospital licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) shall follow in collecting data relevant to each stillbirth. The department shall take appropriate action to ensure that the fetal death evaluation protocol established under this section is consistent with the current federal standards for fetal death certification and fetal death reporting, as adopted, amended, and supplemented by the federal Centers for Disease Control and Prevention. The information to be collected under the fetal death evaluation protocol shall include, but not be limited to:

a. the race, age of the mother, maternal and paternal family history, comorbidities, prenatal care history, antepartum findings, history of past obstetric complications, exposure to viral infections, smoking, drug and alcohol use, fetal growth restriction, placental abruption, chromosomal and

genetic abnormalities obtained pre-delivery, infection in premature fetus, cord accident, including evidence of obstruction or circulatory compromise, history of thromboembolism, and whether the mother gave birth before;

b. if consent is obtained from the parents of the stillborn child: documentation of the evaluation of a stillborn child, placenta, and cytologic specimen that conform to the standards established by the American College of Obstetricians and Gynecologists and meet any other requirements deemed by the Commissioner of Health as necessary, including, but not limited to, the following components:

(1) if the parents consent to a complete autopsy: the weight of the stillborn child and placenta, head circumference, length of stillborn child, foot length if stillbirth occurred before 23 weeks of gestation, and notation of any dysmorphic feature; photograph of the whole body, frontal and profile of face, extremities and palms, close-up of any specific abnormalities; examination of the placenta and umbilical cord; and gross and microscopic examination of membranes and umbilical cord; or

(2) if the parents do not consent to a complete autopsy as set forth in paragraph (1) of this subsection, but provide consent to an alternative, limited autopsy: a placental examination, external examination, selected biopsies, X-rays, MRI, and / or ultrasound consistent with the scope of the consent; and

c. any other relevant information, which is consistent with the current federal standards for fetal death certification and fetal death reporting, as adopted, amended, and supplemented by the federal Centers for Disease Control and Prevention.

3. This act shall take effect on the first day of the sixth month next following the date of enactment, except that the Commissioner of Health may take any anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved July 13, 2017.

CHAPTER 105

AN ACT concerning student head injuries and amending P.L.2010, c.94.

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

1. Section 2 of P.L.2010, c.94 (C.18A:40-41.2) is amended to read as follows:

C.18A:40-41.2 Athletic head injury safety training program.

2. a. The Department of Education shall work to develop and implement, by the 2011-2012 school year, an athletic head injury safety training program. The program shall be completed by a school physician, a person who coaches a public school district or nonpublic school interscholastic sport, intramural sport, or cheerleading program, and an athletic trainer involved in a public or nonpublic school interscholastic sports program, intramural sports program, or cheerleading program. The safety training program shall include, but need not be limited to, the following:

(1) the recognition of the symptoms of head and neck injuries, concussions, and injuries related to second-impact syndrome; and

(2) the appropriate amount of time to delay the return to competition or practice of a student-athlete or cheerleader who has sustained a concussion or other head injury.

b. The department shall update the safety training program as necessary to ensure that it reflects the most current information available on the nature, risk, and treatment of sports-related concussions and other head injuries.

c. The department shall develop an educational fact sheet that provides information about sports-related concussions and other head injuries. A school district or a nonpublic school that participates in an interscholastic sports program, intramural sports program, or cheerleading program shall distribute the educational fact sheet annually to the parents or guardians of student-athletes and cheerleaders and shall obtain a signed acknowledgment of the receipt of the fact sheet by the student-athlete or cheerleader and his parent or guardian.

d. As used in P.L.2010, c.94 (C.18A:40-41.1 et seq.), "student-athlete" means any student enrolled in a public or nonpublic school in this State who is a participant in an interscholastic sports program or intramural sports program organized by the school.

2. Section 4 of P.L.2010, c.94 (C.18A:40-41.4) is amended to read as follows:

C.18A:40-41.4 Removal of student-athlete from competition, practice; return.

4. A student who participates in an interscholastic sports program, intramural sports program, or cheerleading program and who sustains or is suspected of having sustained a concussion or other head injury while engaged in a

competition or practice shall be immediately removed from the competition or practice. A student-athlete or cheerleader who is removed from competition or practice shall not participate in further sports or cheerleading activity until he is evaluated by a physician or other licensed healthcare provider trained in the evaluation and management of concussions, and receives written clearance from a physician trained in the evaluation and management of concussions to return to competition or practice.

3. This act shall take effect on the 90th day after the date of enactment.

Approved July 13, 2017.

CHAPTER 106

AN ACT concerning the governance of common interest community associations, amending P.L.1977, c.419, and amending and supplementing P.L.1993, c.30.

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

C.45:22A-45.1 Findings, declarations relative to governance of common interest community associations.

1. The Legislature finds and declares that:

a. In addition to living under State, county, and municipal government, recent estimates conclude that over one million New Jersey residents currently live under the governance of a common interest community association, such as a condominium, cooperative, or homeowners' association;

b. The owners and residents of these communities often benefit from minimized maintenance responsibilities and greater assurances that neighboring properties will follow a predictable development scheme;

c. Along with these benefits, living under a community association also creates the necessity of paying assessments and fees in addition to the State and local taxes that other State residents pay, and requires compliance with property regulations that may be more stringent than those required by municipal government alone;

d. Because of the significant influence community associations have over the lives of their residents and because community associations are

creatures of State law, it is unfair and runs contrary to American democratic values for these communities to be governed by trustees who are not elected in a fair and open manner;

e. The supplement to "The Planned Real Estate Development Full Disclosure Act" ("PREDFDA"), P.L.1977, c.419 (C.45:22A-21 et seq.), specifically, P.L.1993, c.30 (C.45:22A-43 et seq.), provided all owners and residents in common interest residential communities with specific rights and protections. These rights and protections exist regardless of whether a developer established the community prior to the effective date of PREDFDA. The supplement was not specific in declaring that all unit owners were members of the association or in recognizing that, along with certain specific tenant residents, all unit owners were entitled to participate fully in elections of members of the executive board;

f. Unit owners living in community associations should have the right to nominate candidates, run for, freely elect, and be elected to the executive boards that govern the communities; and

g. It is necessary and in the public interest for the Legislature to enact legislation to amend PREDFDA in order to:

(1) Establish that all unit owners are members of the association and provide basic election participation rights for certain residents of common interest communities, including the right of resident owners in good standing to nominate any unit owner in good standing as a candidate for any position on the executive board, run, appear on the ballot, and be elected to any executive board position, in every executive board election, and for those rights to apply regardless of the date of a community's establishment; and

(2) Establish that, except under the very limited exceptions provided, a person may not serve on an executive board unless elected through a process consistent with the provisions of PREDFDA.

2. Section 3 of P.L.1977, c.419 (C.45:22A-23) is amended to read as follows:

C.45:22A-23 Definitions.

3. As used in this act unless the context clearly indicates otherwise:

a. "Disposition" means any sales, contract, lease, assignment, or other transaction concerning a planned real estate development.

b. "Developer" or "subdivider" means any person who disposes or offers to dispose of any lot, parcel, unit, or interest in a planned real estate development.

c. "Offer" means any inducement, solicitation, advertisement, or attempt to encourage a person to acquire a unit, parcel, lot, or interest in a planned real estate development.

d. "Purchaser" or "owner" means any person or persons who acquires a legal or equitable interest in a unit, lot, or parcel in a planned real estate development, and shall be deemed to include a prospective purchaser or owner. However, as used in P.L.1993, c.30 (C.45:22A-43 et seq.), "owner" means any person owning a unit, or an "owner" or holder of a "proprietary lease," as those terms are defined under subsections i. and k. of section 3 of "The Cooperative Recording Act of New Jersey," P.L.1987, c.381 (C.46:8D-3), if the development is a cooperative.

e. "State" means the State of New Jersey.

f. "Commissioner" means the Commissioner of Community Affairs.

g. "Person" shall be defined as in R.S.1:1-2.

h. "Planned real estate development" or "development" means any real property situated within the State, whether contiguous or not, which consists of or will consist of, separately owned areas, irrespective of form, be it lots, parcels, units, or interest, and which are offered or disposed of pursuant to a common promotional plan, and providing for common or shared elements or interests in real property. This definition shall not apply to any form of timesharing.

This definition shall specifically include, but shall not be limited to, property subject to the "Condominium Act," P.L.1969, c.257 (C.46:8B-1 et seq.), any form of homeowners' association, any housing cooperative or to any community trust or other trust device.

This definition shall be construed liberally to effectuate the purposes of this act.

i. "Common promotional plan" means any offer for the disposition of lots, parcels, units or interests of real property by a single person or group of persons acting in concert, where such lots, parcels, units or interests are contiguous, or are known, designated or advertised as a common entity or by a common name.

j. "Advertising" means and includes the publication or causing to be published of any information offering for disposition or for the purpose of causing or inducing any other person to purchase an interest in a planned real estate development, including the land sales contract to be used and any photographs or drawings or artist's representations of physical conditions or facilities on the property existing or to exist by means of any:

(1) Newspaper or periodical;

(2) Radio or television broadcast;

(3) Written or printed or photographic matter;

(4) Billboards or signs;

(5) Display of model houses or units;

(6) Material used in connection with the disposition or offer of the development by radio, television, telephone or any other electronic means; or

(7) Material used by developers or their agents to induce prospective purchasers to visit the development, particularly vacation certificates which require the holders of such certificates to attend or submit to a sales presentation by a developer or his agents.

"Advertising" does not mean and shall not be deemed to include: Stockholder communications such as annual reports and interim financial reports, proxy materials, registration statements, securities prospectuses, applications for listing securities on stock exchanges, and the like; all communications addressed to and relating to the account of any person who has previously executed a contract for the purchase of the subdivider's lands except when directed to the sale of additional lands.

k. "Non-binding reservation agreement" means an agreement between the developer and a purchaser and which may be canceled without penalty by either party upon written notice at any time prior to the formation of a contract for the disposition of any lot, parcel, unit or interest in a planned real estate development.

l. "Blanket encumbrance" means a trust deed, mortgage, judgment, or any other lien or encumbrance, including an option or contract to sell or a trust agreement, affecting a development or affecting more than one lot, unit, parcel, or interest therein, but does not include any lien or other encumbrance arising as the result of the imposition of any tax assessment by any public authority.

m. "Conversion" means any change with respect to a real estate development or subdivision, apartment complex or other entity concerned with the ownership, use or management of real property which would make such entity a planned real estate development.

n. "Association" means an association for the management of common elements and facilities, organized pursuant to section 1 of P.L.1993, c.30 (C.45:22A-43).

o. "Executive board" means the executive board of an association, as provided for in section 3 of P.L.1993, c.30 (C.45:22A- 45).

p. "Unit" means any lot, parcel, unit or interest in a planned real estate development that is, or is intended to be, a separately owned area thereof.

q. "Association member" means the owner of a unit within a planned real estate development, or a unit's tenant to the extent that the governing

documents of the planned real estate development permit tenant membership in the association, and the developer to the extent that the development contains unsold lots, parcels, units, or interests pursuant to subsection c. of section 1 of P.L.1993, c.30 (C.45:22A-43). This definition shall not be construed to provide the developer a different transition obligation than that required pursuant to section 5 of P.L.1993, c.30 (C.45:22A-47), or to require that the developer is allowed to vote in executive board elections.

r. "Good standing" means the status – solely with respect to eligibility to (1) vote in executive board elections, (2) vote to amend the bylaws, and (3) nominate or run for any membership position on the executive board – applicable to an association member who is current on the payment of common expenses, late fees, interest on unpaid assessments, legal fees, or other charges lawfully assessed, and which association member has not failed to satisfy a judgment for common expenses, late fees, interest on unpaid assessments, legal fees, or other charges lawfully assessed. An association member is in good standing if he is in full compliance with a settlement agreement with respect to the payments of assessments, legal fees or other charges lawfully assessed, or the association member has a pending, unresolved dispute concerning charges assessed which dispute has been initiated: through a valid alternative to litigation pursuant to subsection c. of section 2 of P.L.1993, c.30 (C.45:22A-44); through subsection (k) of section 14 of the "Condominium Act," P.L.1969, c.257 (C.46:8B-14); or through a pertinent court action.

s. "Voting-eligible tenant" means a tenant of a unit within a planned real estate development in which:

(1) the governing documents of the development permit the tenant's participation in executive board elections, and

(2) either (a) the development has allowed tenant participation in executive board elections as a standard practice prior to the effective date of P.L.2017, c.106 (C.45:22A-45.1 et al.), or (b) the owner has affirmatively acknowledged the right of the tenant to vote through a provision of a written lease agreement or separate document.

This definition shall not be construed to affect voting as an agent of the owner through a proxy or power of attorney. Pursuant to subsection d. of this section, if the development is a cooperative corporation, then, an "owner" or holder of a "proprietary lease," as those terms are defined under subsections i. and k. of section 3 of "The Cooperative Recording Act of New Jersey," P.L.1987, c.381 (C.46:8D-3), is also an "owner," not a tenant, for the purposes of P.L.1993, c.30 (C.45:22A-43 et seq.).

3. Section 22 of P.L.1977, c.419 (C.45:22A-42) is amended to read as follows:

C.45:22A-42 Inapplicability of act.

22. The provisions of P.L.1977, c.419 (C.45:22A-21 et seq.), concerning the formation and registration of planned real estate developments, shall not apply to any portion of a planned real estate development which has on the effective date of P.L.1977, c.419 (C.45:22A-21 et seq.):

a. Its building permit or permits; or

b. Final municipal approval of (1) its site plan or (2), in the case of single or two-family homes or separate lots, its subdivision plat; provided that the land is not valued, assessed and taxed as an agricultural or horticultural use pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.); provided further that this section shall not be construed as applying to conversions or Retirement Subdivisions or Communities as defined in the "Retirement Community Full Disclosure Act," P.L.1969, c.215 (C.45:22A-1 et seq.).

4. Section 1 of P.L.1993, c.30 (C.45:22A-43) is amended to read as follows:

C.45:22A-43 Organization of association.

1. a. A developer subject to the registration requirements of section 6 of P.L.1977, c.419 (C.45:22A-26) shall organize or cause to be organized an association whose obligation it shall be to manage the common elements and facilities. The association shall be formed on or before the filing of the master deed or declaration of covenants and restrictions, and may be formed as a for-profit or nonprofit corporation, unincorporated association, or any other form permitted by law. The application of P.L.1993, c.30 (C.45:22A-43 et seq.) to the association of an existing planned real estate development shall not be limited by:

(1) whether the developer has been subject to, or exempted from, the registration requirements of section 6 of P.L.1977, c.419 (C.45:22A-26); or

(2) the development's date of establishment.

b. Nothing in subsection a. of this section shall be construed to require the registration of a planned real estate development that is not otherwise required to register pursuant to section 6 of P.L.1977, c.419 (C.45:22A-26).

c. Membership in the association of a planned real estate development shall be comprised of each owner within the planned real estate development, and may include the developer if the development contains unsold

lots, parcels, units, or interests. An association may permit tenant participation in executive board elections, tenant membership in the association, or both. A voting-eligible tenant shall have only the same voting rights as the owner of the unit that the tenant leases, and such voting rights shall be in place of and not in addition to the rights of the owner of the leased unit, except as permitted under paragraph (9) of subsection c. of section 6 of P.L.2017, c.106 (C.45:22A-45.2). Pursuant to paragraph (9) of subsection c. of section 6 of P.L.2017, c.106 (C.45:22A-45.2), the votes associated with a unit shall not be altered by the participation of voting-eligible tenants.

5. Section 3 of P.L.1993, c.30 (C.45:22A-45) is amended to read as follows:

C.45:22A-45 Election of executive board; powers.

3. a. The form of administration of an association organized pursuant to section 1 of P.L.1993, c.30 (C.45:22A-43) shall provide for the election of an executive board, elected by the association members, and voting-eligible tenants where applicable, and responsible to the members of the association pursuant to section 4 of P.L.1993, c.30 (C.45:22A-46), through which the powers of the association shall be exercised and its functions performed.

b. Subject to the master deed, declaration of covenants and restrictions, bylaws or other instruments of creation, subsection d. of this section, and the laws of the State, the executive board may act in all instances on behalf of the association.

c. The members of the executive board appointed by the developer shall be liable as fiduciaries to the owners for their acts or omissions.

d. During control of the executive board by the developer, copies of the annual audit of association funds shall be available for inspection by owners or their authorized representative at the project site.

C.45:22A-45.2 Executive board elections.

6. a. An association shall hold executive board elections in accordance with the provisions of its governing documents, including validly-adopted executive board rules, that do not conflict with the provisions of this section. If such documents do not set a specific time or interval, the elections shall be held at two-year intervals. If an association has not held an election in compliance with its governing documents in two or more years, it shall hold an election within 90 days of the submission to any current executive board member of a petition signed by 25 or more percent of association members in good standing, but in no event less than the number of as-

sociation members required to meet the quorum requirements set forth in the governing documents. If an association has no executive board members and association members fail to act on petition or by majority, any association member or group thereof, at common expense and, upon written notice to all owners, may petition a court of competent jurisdiction for authority to act temporarily in the interests of the association and to organize and hold an election within 90 days of the date of the court order. Any proxies used by an association must contain a prominent notice that use of the proxy is voluntary on the part of the granting owner, that it can be revoked at any time before the proxy holder casts a vote, and that absentee ballots are available. An association may not use proxies for an executive board member election without also making absentee ballots available.

b. An association of a development with fewer than 50 units shall ensure an executive board election system that includes: (1) the provision of election notice, (2) the provision of the ability to nominate and vote for any association member in good standing, (3) the provision of an opportunity to review any candidacy qualifications such that the owner is permitted to be a candidate for election to the board, (4) the provision of ready access to information on when and how to vote, and (5) the counting of ballots and verification of eligibility to vote, all of which shall be conducted in a non-fraudulent manner. Such association shall also be subject to the requirements of paragraphs (9) and (10) of subsection c. of this section.

c. In order to ensure open and fair executive board elections, the following provisions of this subsection shall apply to all associations of developments with 50 or more units, except for paragraphs (9) and (10), which shall apply to associations of all developments.

(1) An association shall not provide for a term of an executive board member to be for more than 4 years, provided that nothing shall prevent an executive board member from continuing to serve until his or her successor is duly qualified and elected.

(2) An association shall not prohibit a voting-eligible tenant, where applicable, from casting a vote allocated to a unit if the bylaws otherwise permit tenant participation in an election of executive board members nor prohibit an individual acting pursuant to a valid power of attorney or proxy from casting a vote.

(3) An association shall provide written notice to all association members no later than 30 days prior to the date for the mailing of the notice of the meeting set forth in paragraph (5) of this subsection that informs association members of the right to nominate themselves or other association members in good standing for candidacy to serve on the executive board.

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(4) An association, subject to the exceptions under subsection f. of this section, shall not prohibit an association member in good standing from nominating himself or herself, or any other association member in good standing as a candidate for any membership position on the executive board, so long as the nomination is made prior to the mailing of ballots or proxies to the association members, which mailing shall occur no earlier than: (a) the day following the expiration of the time period within which candidates must be nominated, or (b) where no expiration date is set forth for nomination of candidates, then the business day prior to the mailing of the notice of the election, required pursuant to paragraph (5) of this subsection. The period for submitting nominations shall not be less than 14 days from the mailing of the request for nominations.

(5) An association shall provide association members written notice of an election by personal delivery, mail, or electronic means, no less than 14 nor more than 60 days prior to the meeting at which an election of executive board members is scheduled. This notice shall include a proxy ballot and an absentee ballot, unless prohibited by the bylaws, which ballots shall list in alphabetical order by last name the names of all candidates nominated pursuant to paragraph (4) of this subsection. In the case of mailing, the notice shall be effective when deposited in the mailbox with proper postage. The notice may only be sent by electronic means if either (a) the affected association member, or voting-eligible tenant where applicable, has agreed in writing to accept notice by electronic means; or (b) the governing documents permit electronic notices, provided another form of voting by absentee balloting or proxy voting is available.

(6) An association shall use ballots, whether paper ballots or electronic ballots, that contain the names of all persons nominated as a candidate for the executive board.

(7) An association shall not prohibit any association member in good standing, or voting-eligible tenant where applicable, subject to the exceptions under subsection f. of this section and any limitation on the number of votes per unit permitted under paragraph (9) of this subsection, from voting for any nominated candidate in an executive board election.

(8) An association shall not prevent voting for an executive board member by electronic means where the executive board determines to employ voting in such manner and an association member, or voting-eligible tenant where applicable, consents to casting a vote in such manner.

(9) An association shall not provide for an allocation of votes other than one vote for each unit, or such larger number of equal votes per unit as may be set forth in the governing documents of the association, except (a)

where the bylaws or other governing document provide for the voting interest to be proportional to a unit's value or size, (b) where the governing documents permit more than one vote to be cast by each unit on an equal basis or a basis consistent with each unit's value or size, or (c) where the governing documents do not set forth the number of votes that may be cast by each unit, then in accordance with a rule adopted by the executive board that allows more than one vote to be cast by each unit, provided such rule assigns an equal number of votes to each unit.

(10) Election procedures shall not be established or administered in any way to prohibit participation by the residents of low or moderate income housing units.

d. Initial executive board elections in condominium associations, governed under the "Condominium Act," P.L.1969, c.257 (C.46:8B-1 et seq.), shall follow the notice timeline under subsection b. of section 2 of P.L.1979, c.157 (C.46:8B-12.1), and shall not be subject to this section.

e. Whether or not formed as a nonprofit corporation, associations of developments of 50 or more units shall conform to the requirements of the "New Jersey Nonprofit Corporation Act," P.L.1983, c.127 (N.J.S.15A:1-1 et seq.) regarding the counting of ballots.

f. (1) It shall be permissible for the bylaws of the association to provide:

(a) for the association members, and voting-eligible tenants where applicable, of a planned real estate development with units of different use types to nominate and vote for some members of the executive board and, pursuant to the mixed-use development's governing documents, have other members of the executive board nominated and elected by association members and voting-eligible tenants of units of a different use type;

(b) for the association members, and voting-eligible tenants where applicable, of a planned real estate development to nominate and vote only for some members of the executive board based upon a distribution that allocates votes with approximate proportionality to the number, value, or size of units located in certain geographical areas within the development;

(c) for a limitation on the number of executive board members nominated and elected by only certain association members, and voting-eligible tenants where applicable, if that limit is based upon a classification intended to further the election of one or more executive board members by the association members, and voting-eligible tenants where applicable, of affordable housing units that represent a minority of the units in a planned real estate development;

(d) for the association members, and voting-eligible tenants where applicable, of a planned real estate development to nominate and vote for some members of the executive board and, pursuant to the governing documents, have other members of the executive board nominated and elected by the association members, and voting-eligible tenants where applicable, of one or more separate developments, so long as each development's voting weight is approximately proportional, based on the number, value, or size of the units; and

(e) that, except for executive board members serving as representatives of the developer during the period prior to surrender of control to the owners pursuant to section 5 of P.L.1993, c.30 (C.45:22A-47), not more than one owner, entity-owner representative, or voting-eligible tenant where applicable, from a single unit may serve on the governing board simultaneously;

(2) The executive board of an umbrella or master association that does not directly contain units need not be elected by individuals who are association members, and voting-eligible tenants where applicable, with units within the geographical area of the umbrella or master association, provided the members of the executive board serve as executive board members of another planned real estate development executive board, and have been nominated and elected by the association members, and voting-eligible tenants where applicable, with units in that planned real estate development, in compliance with this section.

(3) Except with regard to a planned real estate development containing fewer than 50 units, and any appointment by the developer permitted pursuant to section 5 of P.L.1993, c.30 (C.45:22A-47), an association shall:

(a) not allow a person to take an executive board position through appointment, provided that nothing herein shall prevent the executive board members of an association from filling a vacancy in the executive board created by resignation, death, failure to maintain any reasonable qualification, including maintaining good standing, to be an executive board member or by removal following a vote in favor of removal open to all association members in accordance with the terms of the bylaws; and

(b) ensure that, in order to serve on the executive board, a person shall be elected through a process that does not conflict with the provisions of this section.

7. Section 4 of P.L.1993, c.30 (C.45:22A-46) is amended to read as follows:

C.45:22A-46 Bylaws; requirements; amendments.

4. The bylaws of the association, which shall initially be recorded with the master deed shall include, in addition to any other lawful provisions, the following:

a. A requirement that all meetings of the executive board, except conference or working sessions at which no binding votes are to be taken, shall be open to attendance by all association members, and voting-eligible tenants where applicable, and adequate notice of any such meeting shall be given to all association members, and voting-eligible tenants where applicable, in such manner as the bylaws shall prescribe; except that the executive board may exclude or restrict attendance at those meetings, or portions of meetings, dealing with (1) any matter the disclosure of which would constitute an unwarranted invasion of individual privacy; (2) any pending or anticipated litigation or contract negotiations; (3) any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer, or (4) any matter involving the employment, promotion, discipline or dismissal of a specific officer or employee of the association. At each meeting required under this subsection to be open to all association members, and voting-eligible tenants where applicable, the participation of unit association members, and voting-eligible tenants where applicable, in the proceedings or the provision of a public comment session shall be at the discretion of the executive board, minutes of the proceedings shall be taken, and copies of those minutes shall be made available to all association members, and voting-eligible tenants where applicable, before the next open meeting.

b. The method of calling meetings of association members, and voting-eligible tenants where applicable, the percentage of association members, and voting-eligible tenants where applicable, or voting rights required to make decisions and to constitute a quorum. The bylaws may, nevertheless, provide that an individual association member, and a voting-eligible tenant where applicable, may waive notice of meetings in writing, or may act by written agreement without meetings.

c. The manner of collecting from owners their respective shares of common expenses and the method of distribution to the owners of their respective shares of common surplus or such other application of common surplus as may be duly authorized by the bylaws.

d. (1) The method by which the bylaws may be amended, provided that no amendment shall be effective until recorded in the same office as the then existing bylaws. The bylaws may also provide a method for the adoption, amendment and enforcement of reasonable administrative rules and

regulations relating to the operation, use, maintenance and enjoyment of the units and of the common elements, including limited common elements.

(2) If association bylaws provide for no method of their amendment by a vote of the association members open to all association members, or only allow association members to amend the bylaws through a majority vote exceeding a two-thirds majority, then the association members may amend the bylaws by an affirmative vote of a majority of the total authorized votes in the association. If the bylaws do not provide for a method by which the association members may call a meeting of the association members to conduct a vote to amend the bylaws or do not contain provisions concerning the subject matter of subparagraphs (a) through (f) of this paragraph, then a vote concerning an amendment to the bylaws shall be conducted as follows:

(a) fifteen percent of the association members may request a meeting of the association's membership by executing a document requesting that a special meeting of the association membership be held, or if the annual meeting of the association membership is scheduled to occur within 60 days of the date of the request, then the amendment vote shall be held at the annual meeting;

(b) if the vote is not scheduled to take place at the annual meeting of the association, the executive board shall schedule the special meeting of the association membership to occur within 60 days of the receipt of the request. Notice of the meeting shall be provided to the association members and voting-eligible tenants, where applicable, at least 14 days prior to the date of the meeting. The special meeting shall be held at a reasonable time that is likely to permit most association members to attend;

(c) the language of the proposed amendment shall be unambiguous and consistent with applicable law and with the provisions of the bylaws that are not proposed to be amended, and if not in such condition shall be revised to satisfy that requirement. Upon satisfaction of this requirement, the amendment shall be mailed, hand-delivered or, if the bylaws permit, electronically delivered, together with the notice of the meeting to the association membership at least 10 days prior to the meeting;

(d) if permitted by the association's bylaws, the notice of the meeting shall include a proxy ballot or absentee ballot with instructions for the return of same, which instructions shall permit facsimile or electronic mail delivery of the proxy ballot or absentee ballot to the association and shall not require receipt of the proxy or absentee ballot more than one business day prior to the meeting;

(e) if a sufficient number of ballots or proxies are not received at the special or annual meeting to conclusively determine that the proposed amendment has been approved or rejected, the meeting shall be adjourned for a period of 30 days, or such longer period as approved by the association membership by approval of a motion to extend the vote concerning the amendment, but in no event for longer than 11 months from when the notice of the meeting was sent, and all proxies or ballots received prior to the extended date shall remain valid if otherwise valid under the terms of the bylaws; and

(f) when an amendment is approved, a copy of the approved amendment shall be provided to all association members, and the association shall promptly record the amendment in the county recording office where the bylaws were recorded.

(3) Paragraph (2) of this subsection shall not be construed to require a vote to be held on an amendment to the bylaws that has been voted on in the preceding 12 months of the initial meeting request, made pursuant to subparagraph (a) of paragraph (2) of this subsection.

(4) For the purposes of paragraph (2) of this subsection, the number of total authorized votes in the association shall be based on the whole number of units owned by someone entitled to association membership after subtracting those association members who are ineligible to vote because they are not in good standing.

(5) An executive board shall not amend the bylaws of an association without a vote of the association members open to all association members, as provided in the association's bylaws, or where the bylaws provide for no method of their amendment by a vote of the association members, or only allow association members to amend the bylaws through a majority vote exceeding a two-thirds majority, then an association shall only amend the bylaws pursuant to paragraph (2) of this subsection, except an executive board may amend the bylaws under the following circumstances:

(a) to the extent necessary to render the bylaws consistent with State, federal or local law; or

(b) after providing notice to all association members of the proposed amendment, which notice shall include a ballot to reject the proposed amendment. Other than an amendment to render the bylaws consistent with State, federal, or local law, if at least 10 percent of association members vote to reject the amendment within 30 days of its mailing, the amendment shall be deemed defeated.

8. Section 5 of P.L.1993, c.30 (C.45:22A-47) is amended to read as follows:

C.45:22A-47 Surrender of control to owners.

5. a. Irrespective of the time set for developer control of the association provided in the master deed, declaration of covenants and restrictions, or other instruments of creation, control of the association shall be surrendered to the owners in the following manner:

(1) Sixty days after conveyance of 25 percent of the lots, parcels, units or interests, not fewer than 25 percent of the members of the executive board shall be elected by the owners, and voting-eligible tenants where applicable.

(2) Sixty days after conveyance of 50 percent of the lots, parcels, units or interests, not fewer than 40 percent of the members of the executive board shall be elected by the owners, and voting-eligible tenants where applicable.

(3) Sixty days after conveyance of 75 percent of the lots, parcels, units or interests, the developer's control of the executive board shall terminate, at which time the owners, and voting-eligible tenants where applicable, shall elect the entire executive board; except that the developer may retain the selection of one executive board member so long as there are any units remaining unsold in the regular course of business.

b. The percentages specified in subsection a. of this section shall be calculated upon the basis of the whole number of units entitled to membership in the association. The bylaws of the association shall specify the number or proportion of votes of all units conveyed to owners that shall be required for the election of executive board members. Unless the bylaws provide for an alternate approach to allocating votes pursuant to paragraph (9) of subsection c. of section 6 of P.L.2017, c.106 (C.45:22A-45.2), each unit conveyed to an owner shall be entitled to one vote regardless of the number of association members, and voting-eligible tenants where applicable, residing in a unit. A developer may surrender control of the executive board of the association before the time specified in subsection a. of this section, if the association members, and voting-eligible tenants where applicable, agree by a majority vote to assume control.

c. Upon assumption by the owners of control of the executive board of the association, the developer shall deliver to the association all items and documents pertinent to the association, such as, but not limited to, a copy of the master deed, declaration of covenants and restrictions, documents of creation of the association, bylaws, minute book including all minutes, any

rules and regulations, association funds and an accounting therefor, all personal property, insurance policies, government permits, a membership roster and all contracts and agreements relative to the association within 60 days of that transition date, established pursuant to this section.

d. The association when controlled by the owners, and voting-eligible tenants where applicable, shall not take any action that would be detrimental to the sale of units by the developer, and shall continue the same level of maintenance, operation and services as immediately prior to their assumption of control, until the last unit is sold.

e. From the time of conveyance of 75 percent of the lots, parcels, units, or interests, until the last lot, parcel, unit, or interest in the development is conveyed in the ordinary course of business, the master deed, bylaws or declaration of covenants and restrictions shall not require that more than 75 percent of the votes entitled to be cast thereon be cast in the affirmative for a change in the bylaws or regulations of the association.

f. The developer shall not be permitted to cast any votes allocated to unsold lots, parcels, units, or interests, in order to amend the master deed, bylaws, or any other document, for the purpose of changing the permitted use of a lot, parcel, unit, or interest, or for the purpose of reducing the common elements or facilities.

9. This act shall take effect immediately, except that paragraphs (1) through (9) of subsection c. of section 6 concerning notice, nominations, ballot content, voting, and vote distribution in executive board elections shall remain inoperative until the first day of the third month next following enactment and shall be applicable to each executive board election on or after that date.

Approved July 13, 2017.

CHAPTER 107

AN ACT concerning the use of clinical space by health care facilities that provide both primary and behavioral health care services, and supplementing Title 26 of the Revised Statutes

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

C.26:2H-12.84 Shared clinical space for primary health care and behavioral health care services.

1. a. In order to promote the integrated provision of primary health care services and behavioral health care services by health care facilities in the State, and in order to reduce any potential stigma associated with a patient's receipt of behavioral health care, the department shall permit any licensed health care facility, which is engaged in the provision of primary health care services and the provision of behavioral health care services for mild to moderate behavioral health conditions, to use the same shared clinical space for the purposes of providing both primary health care and behavioral health care. No such health care facility shall be required or authorized to construct or use duplicative clinical spaces, such as duplicative waiting rooms, entrances or exits, hallways, bathrooms, or any other duplicative clinical areas in the physical plant, which are designed or intended to separate behavioral health care patients from primary health care patients, or which may otherwise be stigmatizing to any patient, or may facilitate or result in the discriminatory treatment of any patient on the basis of their medical or disability status. However, nothing in this subsection shall prohibit a health care facility from establishing and utilizing separate clinical areas as may be necessary to prevent and control infection, to maintain sanitation, to protect public safety, to prevent the unlawful diversion of controlled dangerous substances, or to maintain the confidentiality of medical or behavioral health records in compliance with federal requirements.

b. (1) Any licensed health care facility that provides primary health care services and behavioral health care services in the same shared clinical space, pursuant to the provisions of subsection a. of this section, shall: (a) continue to comply with the department's health care facility licensing requirements, as set forth in P.L.1971, c.136 (C.26:2H-1 et seq.) and the regulations adopted thereunder; (b) be appropriately licensed by the Department of Human Services as a mental health or substance use disorder service provider; and (c) comply with all applicable regulatory requirements, adopted by the Department of Human Services, which govern the operation of mental health or substance use disorder treatment facilities, as appropriate. Such a health care facility shall submit to the department, a copy of any license obtained from the Department of Human Services, which authorizes the facility to provide behavioral health care services.

(2) When applying for an initial license from the Department of Human Services, pursuant to the requirements of paragraph (1) of this subsection, a health care facility shall include the following information in the license application:

(a) a copy of any Medicaid "Change in Scope of Service" reporting forms that have been prepared in association with the facility's provision of behavioral health care services;

(b) a written statement attesting that the applicant is the exact same legal entity that holds the health care facility license issued by the department pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.); and

(c) a written statement indicating whether the license applicant is or is not planning to make any changes to the physical plant to accommodate the provision of behavioral health care services, and, if any physical plant changes are planned, a copy of the letter received from the department approving and authorizing the changes, or indicating that such department approval is not required.

(3) If a licensed health care facility, as of the effective date of this act, has already obtained a license from the Department of Human Services authorizing the facility's provision of behavioral health care services, the facility shall submit the information required by paragraph (2) of this subsection on the date that it is next required to file an application for license renewal with the Department of Human Services.

c. As used in this section:

"Behavioral health care" and "behavioral health care services" mean procedures or services, other than primary health care services, which are provided by a health care practitioner to a patient for the treatment of a mental illness, emotional disorder, or drug or alcohol use disorder that is of mild to moderate severity. "Behavioral health care" and "behavioral health care services" shall not include procedures or services that are provided for the treatment of severe mental illness, severe emotional disorder, or severe drug or alcohol use disorder.

"Health care facility" means the same as that term is defined by section 2 of P.L.1971, c.136 (C.26:2H-2).

"Primary health care" and "primary health care services" mean preventative, diagnostic, treatment, management, or reassessment services, which are provided in a family-centered and community oriented manner to an individual with acute or chronic illness: (1) in the areas of family practice, general internal medicine, general pediatrics, general obstetrics, gynecology, or clinical prevention; (2) at the time of the individual's initial point of contact with the health care system; and (3) by a health care practitioner who, regardless of the presence or absence of disease, has assumed responsibility for the individual and has an ongoing responsibility to coordinate the individual's medical care. "Primary health care services" includes sick

or well care that is provided to any and all age groups, from perinatal and pediatric care to geriatric care.

C.26:2H-12.85 Rules, regulations.

2. Within 180 days after the effective date of this act, the Commissioners of Health and Human Services, in consultation with each other, shall adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as may be necessary to implement the provisions of this act.

3. This act shall take effect immediately.

Approved July 13, 2017.

CHAPTER 108

AN ACT concerning duplicate driver's licenses and identification cards and supplementing P.L.1979, c.261 (C.39:3-10f et seq.) and P.L.1980, c.47 (C.39:3-29.2 et seq.).

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

C.39:3-10f7 Waiver of fee for replacement driver's license for organ, tissue donor.

1. a. Notwithstanding any law, rule, or regulation to the contrary, the New Jersey Motor Vehicle Commission shall not impose a fee for a replacement driver's license or the digitized picture fee if the replacement driver's license is requested solely for the purpose of designating that the person shall donate all or any organs or tissues for the purposes of transplantation or therapy pursuant to section 1 of P.L.1978, c.181 (C.39:3-12.2).

b. In order to receive a replacement driver's license, pursuant to subsection a. of this section, a person shall first surrender the person's current driver's license to the commission.

C.39:3-29.7a Waiver of fee for duplicate identification card, digitized picture fee for organ, tissue donors.

2. a. Notwithstanding any law, rule, or regulation to the contrary, the New Jersey Motor Vehicle Commission shall not impose a fee for a duplicate identification card or the digitized picture fee if the duplicate identification card is requested solely for the purpose of designating that the person

shall donate all or any organs or tissues for the purposes of transplantation or therapy pursuant to section 1 of P.L.1978, c.181 (C.39:3-12.2).

b. In order to receive a replacement identification card, pursuant to subsection a. of this section, a person shall first surrender the person's current identification card to the commission.

3. This act shall take effect on the first day of the third month following enactment.

Approved July 13, 2017.

CHAPTER 109

AN ACT concerning pedestrian bridges and supplementing Title 27 of the Revised Statutes.

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

C.27:23-3.4 Guarantee to NJTA for maintenance of bridge by county not required for approval for construction of pedestrian bridge.

1. Notwithstanding any law, rule, regulation, or order to the contrary, when determining whether to approve the construction of a pedestrian bridge which impacts New Jersey Turnpike Authority property, the New Jersey Turnpike Authority shall not require that a county guarantee to provide for the maintenance of the pedestrian bridge in the event that a municipality defaults on its obligation to maintain the pedestrian bridge, provided that the pedestrian bridge is to connect two points within the same municipality and the municipality has the ability to generate revenue from property taxes.

2. This act shall take effect immediately.

Approved July 13, 2017.

CHAPTER 110

AN ACT concerning handgun carry permits and amending N.J.S.2C:39-6.

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

1. N.J.S.2C:39-6 is amended to read as follows:

Exemptions.

2C:39-6. a. Provided a person complies with the requirements of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

(1) Members of the Armed Forces of the United States or of the National Guard while actually on duty, or while traveling between places of duty and carrying authorized weapons in the manner prescribed by the appropriate military authorities;

(2) Federal law enforcement officers, and any other federal officers and employees required to carry firearms in the performance of their official duties;

(3) Members of the State Police and, under conditions prescribed by the superintendent, members of the Marine Law Enforcement Bureau of the Division of State Police;

(4) A sheriff, undersheriff, sheriff's officer, county prosecutor, assistant prosecutor, prosecutor's detective or investigator, deputy attorney general or State investigator employed by the Division of Criminal Justice of the Department of Law and Public Safety, investigator employed by the State Commission of Investigation, inspector of the Alcoholic Beverage Control Enforcement Bureau of the Division of State Police in the Department of Law and Public Safety authorized to carry weapons by the Superintendent of State Police, State park police officer, or State conservation officer;

(5) Except as hereinafter provided, a prison or jail warden of any penal institution in this State or his deputies, or an employee of the Department of Corrections engaged in the interstate transportation of convicted offenders, while in the performance of his duties, and when required to possess the weapon by his superior officer, or a corrections officer or keeper of a penal institution in this State at all times while in the State of New Jersey, provided he annually passes an examination approved by the superintendent testing his proficiency in the handling of firearms;

(6) A civilian employee of the United States Government under the supervision of the commanding officer of any post, camp, station, base or other military or naval installation located in this State who is required, in the performance of his official duties, to carry firearms, and who is authorized to carry firearms by the commanding officer, while in the actual performance of his official duties;

(7) (a) A regularly employed member, including a detective, of the police department of any county or municipality, or of any State, interstate,

municipal or county park police force or boulevard police force, at all times while in the State of New Jersey;

(b) A special law enforcement officer authorized to carry a weapon as provided in subsection b. of section 7 of P.L.1985, c.439 (C.40A:14-146.14);

(c) An airport security officer or a special law enforcement officer appointed by the governing body of any county or municipality, except as provided in subsection (b) of this section, or by the commission, board or other body having control of a county park or airport or boulevard police force, while engaged in the actual performance of his official duties and when specifically authorized by the governing body to carry weapons;

(8) A full-time, paid member of a paid or part-paid fire department or force of any municipality who is assigned full-time or part-time to an arson investigation unit created pursuant to section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson investigation unit in the county prosecutor's office, while either engaged in the actual performance of arson investigation duties or while actually on call to perform arson investigation duties and when specifically authorized by the governing body or the county prosecutor, as the case may be, to carry weapons. Prior to being permitted to carry a firearm, a member shall take and successfully complete a firearms training course administered by the Police Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm;

(9) A juvenile corrections officer in the employment of the Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) subject to the regulations promulgated by the commission;

(10) A designated employee or designated licensed agent for a nuclear power plant under license of the Nuclear Regulatory Commission, while in the actual performance of his official duties, if the federal licensee certifies that the designated employee or designated licensed agent is assigned to perform site protection, guard, armed response or armed escort duties and is appropriately trained and qualified, as prescribed by federal regulation, to perform those duties. Any firearm utilized by an employee or agent for a nuclear power plant pursuant to this paragraph shall be returned each day at the end of the employee's or agent's authorized official duties to the employee's or agent's supervisor. All firearms returned each day pursuant to this paragraph shall be stored in locked containers located in a secure area;

(11) A county corrections officer at all times while in the State of New Jersey, provided he annually passes an examination approved by the superintendent testing his proficiency in the handling of firearms.

b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

(1) A law enforcement officer employed by a governmental agency outside of the State of New Jersey while actually engaged in his official duties, provided, however, that he has first notified the superintendent or the chief law enforcement officer of the municipality or the prosecutor of the county in which he is engaged; or

(2) A licensed dealer in firearms and his registered employees during the course of their normal business while traveling to and from their place of business and other places for the purpose of demonstration, exhibition or delivery in connection with a sale, provided, however, that the weapon is carried in the manner specified in subsection g. of this section.

c. Provided a person complies with the requirements of subsection j. of this section, subsections b. and c. of N.J.S.2C:39-5 do not apply to:

(1) A special agent of the Division of Taxation who has passed an examination in an approved police training program testing proficiency in the handling of any firearm which he may be required to carry, while in the actual performance of his official duties and while going to or from his place of duty, or any other police officer, while in the actual performance of his official duties;

(2) A State deputy conservation officer or a full-time employee of the Division of Parks and Forestry having the power of arrest and authorized to carry weapons, while in the actual performance of his official duties;

(3) (Deleted by amendment, P.L.1986, c.150.)

(4) A court attendant appointed by the sheriff of the county or by the judge of any municipal court or other court of this State, while in the actual performance of his official duties;

(5) A guard employed by any railway express company, banking or building and loan or savings and loan institution of this State, while in the actual performance of his official duties;

(6) A member of a legally recognized military organization while actually under orders or while going to or from the prescribed place of meeting and carrying the weapons prescribed for drill, exercise or parade;

(7) A humane law enforcement officer of the New Jersey Society for the Prevention of Cruelty to Animals or of a county society for the prevention of cruelty to animals, while in the actual performance of his duties;

(8) An employee of a public utilities corporation actually engaged in the transportation of explosives;

(9) A railway policeman, except a transit police officer of the New Jersey Transit Police Department, at all times while in the State of New Jersey, provided that he has passed an approved police academy training program

consisting of at least 280 hours. The training program shall include, but need not be limited to, the handling of firearms, community relations, and juvenile relations;

(10) A campus police officer appointed under P.L.1970, c.211 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry a firearm, a campus police officer shall take and successfully complete a firearms training course administered by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm;

(11) (Deleted by amendment, P.L.2003, c.168).

(12) A transit police officer of the New Jersey Transit Police Department, at all times while in the State of New Jersey, provided the officer has satisfied the training requirements of the Police Training Commission, pursuant to subsection c. of section 2 of P.L.1989, c.291 (C.27:25-15.1);

(13) A parole officer employed by the State Parole Board at all times. Prior to being permitted to carry a firearm, a parole officer shall take and successfully complete a basic course for regular police officer training administered by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm;

(14) A Human Services police officer at all times while in the State of New Jersey, as authorized by the Commissioner of Human Services;

(15) A person or employee of any person who, pursuant to and as required by a contract with a governmental entity, supervises or transports persons charged with or convicted of an offense;

(16) A housing authority police officer appointed under P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the State of New Jersey; or

(17) A probation officer assigned to the "Probation Officer Community Safety Unit" created by section 2 of P.L.2001, c.362 (C.2B:10A-2) while in the actual performance of the probation officer's official duties. Prior to being permitted to carry a firearm, a probation officer shall take and successfully complete a basic course for regular police officer training administered by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm.

d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to antique firearms, provided that the antique firearms are unloaded or are being fired for the purposes of exhibition or demonstration at an authorized target range or in another manner approved in writing by the chief law enforcement officer of the municipality in which the exhibition or demonstration is

held, or if not held on property under the control of a particular municipality, the superintendent.

(2) Subsection a. of N.J.S.2C:39-3 and subsection d. of N.J.S.2C:39-5 do not apply to an antique cannon that is capable of being fired but that is unloaded and immobile, provided that the antique cannon is possessed by (a) a scholastic institution, a museum, a municipality, a county or the State, or (b) a person who obtained a firearms purchaser identification card as specified in N.J.S.2C:58-3.

(3) Subsection a. of N.J.S.2C:39-3 and subsection d. of N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is being transported by one eligible to possess it, in compliance with regulations the superintendent may promulgate, between its permanent location and place of purchase or repair.

(4) Subsection a. of N.J.S.2C:39-3 and subsection d. of N.J.S.2C:39-5 do not apply to antique cannons that are being loaded or fired by one eligible to possess an antique cannon, for purposes of exhibition or demonstration at an authorized target range or in the manner as has been approved in writing by the chief law enforcement officer of the municipality in which the exhibition or demonstration is held, or if not held on property under the control of a particular municipality, the superintendent, provided that performer has given at least 30 days' notice to the superintendent.

(5) Subsection a. of N.J.S.2C:39-3 and subsection d. of N.J.S.2C:39-5 do not apply to the transportation of unloaded antique cannons directly to or from exhibitions or demonstrations authorized under paragraph (4) of subsection d. of this section, provided that the transportation is in compliance with safety regulations the superintendent may promulgate. Those subsections shall not apply to transportation directly to or from exhibitions or demonstrations authorized under the law of another jurisdiction, provided that the superintendent has been given 30 days' notice and that the transportation is in compliance with safety regulations the superintendent may promulgate.

e. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall be construed to prevent a person keeping or carrying about his place of business, residence, premises or other land owned or possessed by him, any firearm, or from carrying the same, in the manner specified in subsection g. of this section, from any place of purchase to his residence or place of business, between his dwelling and his place of business, between one place of business or residence and another when moving, or between his dwelling or place of business and place where the firearms are repaired, for the purpose of repair. For the purposes of this section, a place of business shall be deemed to be a fixed location.

f. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall be construed to prevent:

(1) A member of any rifle or pistol club organized in accordance with the rules prescribed by the National Board for the Promotion of Rifle Practice, in going to or from a place of target practice, carrying firearms necessary for target practice, provided that the club has filed a copy of its charter with the superintendent and annually submits a list of its members to the superintendent and provided further that the firearms are carried in the manner specified in subsection g. of this section;

(2) A person carrying a firearm or knife in the woods or fields or upon the waters of this State for the purpose of hunting, target practice or fishing, provided that the firearm or knife is legal and appropriate for hunting or fishing purposes in this State and he has in his possession a valid hunting license, or, with respect to fresh water fishing, a valid fishing license;

(3) A person transporting any firearm or knife while traveling:

(a) Directly to or from any place for the purpose of hunting or fishing, provided the person has in his possession a valid hunting or fishing license; or

(b) Directly to or from any target range, or other authorized place for the purpose of practice, match, target, trap or skeet shooting exhibitions, provided in all cases that during the course of the travel all firearms are carried in the manner specified in subsection g. of this section and the person has complied with all the provisions and requirements of Title 23 of the Revised Statutes and any amendments thereto and all rules and regulations promulgated thereunder; or

(c) In the case of a firearm, directly to or from any exhibition or display of firearms which is sponsored by any law enforcement agency, any rifle or pistol club, or any firearms collectors club, for the purpose of displaying the firearms to the public or to the members of the organization or club, provided, however, that not less than 30 days prior to the exhibition or display, notice of the exhibition or display shall be given to the Superintendent of the State Police by the sponsoring organization or club, and the sponsor has complied with any reasonable safety regulations the superintendent may promulgate. Any firearms transported pursuant to this section shall be transported in the manner specified in subsection g. of this section;

(4) A person from keeping or carrying about a private or commercial aircraft or any boat, or from transporting to or from the aircraft or boat for the purpose of installation or repair of a visual distress signaling device approved by the United States Coast Guard.

g. Any weapon being transported under paragraph (2) of subsection b., subsection e., or paragraph (1) or (3) of subsection f. of this section shall be carried unloaded and contained in a closed and fastened case, gunbox, securely tied package, or locked in the trunk of the automobile in which it is being transported, and in the course of travel shall include only deviations as are reasonably necessary under the circumstances.

h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to prevent any employee of a public utility, as defined in R.S.48:2-13, doing business in this State or any United States Postal Service employee, while in the actual performance of duties which specifically require regular and frequent visits to private premises, from possessing, carrying or using any device which projects, releases or emits any substance specified as being noninjurious to canines or other animals by the Commissioner of Health and which immobilizes only on a temporary basis and produces only temporary physical discomfort through being vaporized or otherwise dispensed in the air for the sole purpose of repelling canine or other animal attacks.

The device shall be used solely to repel only those canine or other animal attacks when the canines or other animals are not restrained in a fashion sufficient to allow the employee to properly perform his duties.

Any device used pursuant to this act shall be selected from a list of products, which consist of active and inert ingredients, permitted by the Commissioner of Health.

i. (1) Nothing in N.J.S.2C:39-5 shall be construed to prevent any person who is 18 years of age or older and who has not been convicted of a crime, from possession for the purpose of personal self-defense of one pocket-sized device which contains and releases not more than three-quarters of an ounce of chemical substance not ordinarily capable of lethal use or of inflicting serious bodily injury, but rather, is intended to produce temporary physical discomfort or disability through being vaporized or otherwise dispensed in the air. Any person in possession of any device in violation of this subsection shall be deemed and adjudged to be a disorderly person, and upon conviction thereof, shall be punished by a fine of not less than $100.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a health inspector or investigator operating pursuant to the provisions of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building inspector from possessing a device which is capable of releasing more than three-quarters of an ounce of a chemical substance, as described in paragraph (1), while in the actual performance of the inspector's or investigator's duties, provided that the device does not exceed the size of those used by law enforcement.

j. A person shall qualify for an exemption from the provisions of N.J.S.2C:39-5, as specified under subsections a. and c. of this section, if the person has satisfactorily completed a firearms training course approved by the Police Training Commission.

The exempt person shall not possess or carry a firearm until the person has satisfactorily completed a firearms training course and shall annually qualify in the use of a revolver or similar weapon. For purposes of this subsection, a "firearms training course" means a course of instruction in the safe use, maintenance and storage of firearms which is approved by the Police Training Commission. The commission shall approve a firearms training course if the requirements of the course are substantially equivalent to the requirements for firearms training provided by police training courses which are certified under section 6 of P.L.1961, c.56 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3), or (6) of subsection a. of this section shall be exempt from the requirements of this subsection.

k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to prevent any financial institution, or any duly authorized personnel of the institution, from possessing, carrying or using for the protection of money or property, any device which projects, releases or emits tear gas or other substances intended to produce temporary physical discomfort or temporary identification.

l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed to prevent a law enforcement officer who retired in good standing, including a retirement because of a disability pursuant to section 6 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1), or any substantially similar statute governing the disability retirement of federal law enforcement officers, provided the officer was a regularly employed, full-time law enforcement officer for an aggregate of four or more years prior to his disability retirement and further provided that the disability which constituted the basis for the officer's retirement did not involve a certification that the officer was mentally incapacitated for the performance of his usual law enforcement duties and any other available duty in the department which his employer was willing to assign to him or does not subject that retired officer to any of the disabilities set forth in subsection c. of N.J.S.2C:58-3 which would disqualify the retired officer from possessing or carrying a firearm, who semi-annually qualifies in the use of the handgun he is permitted to carry in accordance with the requirements and procedures established by the Attorney General pursuant to subsection j. of this section and pays the actual costs associated with those semi-annual qualifications, who is 75 years of age or younger, and who was regularly employed as a full-time member of the State Police;

a full-time member of an interstate police force; a full-time member of a county or municipal police department in this State; a full-time member of a State law enforcement agency; a full-time sheriff, undersheriff or sheriff's officer of a county of this State; a full-time State or county corrections officer; a full-time State or county park police officer; a full-time special agent of the Division of Taxation; a full-time Human Services police officer; a full-time transit police officer of the New Jersey Transit Police Department; a full-time campus police officer exempted pursuant to paragraph (10) of subsection c. of this section; a full-time State conservation officer exempted pursuant to paragraph (4) of subsection a. of this section; a full-time Palisades Interstate Park officer appointed pursuant to R.S.32:14-21; a full-time Burlington County Bridge police officer appointed pursuant to section 1 of P.L.1960, c.168 (C.27:19-36.3); a full-time housing authority police officer exempted pursuant to paragraph (16) of subsection c. of this section; a full-time juvenile corrections officer exempted pursuant to paragraph (9) of subsection a. of this section; a full-time parole officer exempted pursuant to paragraph (13) of subsection c. of this section; a full-time railway policeman exempted pursuant to paragraph (9) of subsection c. of this section; a full-time county prosecutor's detective or investigator; a full-time federal law enforcement officer; or is a qualified retired law enforcement officer, as used in the federal "Law Enforcement Officers Safety Act of 2004," Pub.L. 108-277, domiciled in this State from carrying a handgun in the same manner as law enforcement officers exempted under paragraph (7) of subsection a. of this section under the conditions provided herein:

(1) The retired law enforcement officer shall make application in writing to the Superintendent of State Police for approval to carry a handgun for one year. An application for annual renewal shall be submitted in the same manner.

(2) Upon receipt of the written application of the retired law enforcement officer, the superintendent shall request a verification of service from the chief law enforcement officer of the organization in which the retired officer was last regularly employed as a full-time law enforcement officer prior to retiring. The verification of service shall include:

(a) The name and address of the retired officer;

(b) The date that the retired officer was hired and the date that the officer retired;

(c) A list of all handguns known to be registered to that officer;

(d) A statement that, to the reasonable knowledge of the chief law enforcement officer, the retired officer is not subject to any of the restrictions set forth in subsection c. of N.J.S.2C:58-3; and

(e) A statement that the officer retired in good standing.

(3) If the superintendent approves a retired officer's application or reapplication to carry a handgun pursuant to the provisions of this subsection, the superintendent shall notify in writing the chief law enforcement officer of the municipality wherein that retired officer resides. In the event the retired officer resides in a municipality which has no chief law enforcement officer or law enforcement agency, the superintendent shall maintain a record of the approval.

(4) The superintendent shall issue to an approved retired officer an identification card permitting the retired officer to carry a handgun pursuant to this subsection. This identification card shall be valid for one year from the date of issuance and shall be valid throughout the State. The identification card shall not be transferable to any other person. The identification card shall be carried at all times on the person of the retired officer while the retired officer is carrying a handgun. The retired officer shall produce the identification card for review on the demand of any law enforcement officer or authority.

(5) Any person aggrieved by the denial of the superintendent of approval for a permit to carry a handgun pursuant to this subsection may request a hearing in the Superior Court of New Jersey in the county in which he resides by filing a written request for a hearing within 30 days of the denial. Copies of the request shall be served upon the superintendent and the county prosecutor. The hearing shall be held within 30 days of the filing of the request, and no formal pleading or filing fee shall be required. Appeals from the determination of the hearing shall be in accordance with law and the rules governing the courts of this State.

(6) A judge of the Superior Court may revoke a retired officer's privilege to carry a handgun pursuant to this subsection for good cause shown on the application of any interested person. A person who becomes subject to any of the disabilities set forth in subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the superintendent, his identification card issued under paragraph (4) of this subsection to the chief law enforcement officer of the municipality wherein he resides or the superintendent, and shall be permanently disqualified to carry a handgun under this subsection.

(7) The superintendent may charge a reasonable application fee to retired officers to offset any costs associated with administering the application process set forth in this subsection.

m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to prevent duly authorized personnel of the New Jersey Division of Fish and Wildlife, while in the actual performance of duties, from possessing, transporting

or using any device that projects, releases or emits any substance specified as being non-injurious to wildlife by the Director of the Division of Animal Health in the Department of Agriculture, and which may immobilize wildlife and produces only temporary physical discomfort through being vaporized or otherwise dispensed in the air for the purpose of repelling bear or other animal attacks or for the aversive conditioning of wildlife.

n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall be construed to prevent duly authorized personnel of the New Jersey Division of Fish and Wildlife, while in the actual performance of duties, from possessing, transporting or using hand held pistol-like devices, rifles or shotguns that launch pyrotechnic missiles for the sole purpose of frightening, hazing or aversive conditioning of nuisance or depredating wildlife; from possessing, transporting or using rifles, pistols or similar devices for the sole purpose of chemically immobilizing wild or non-domestic animals; or, provided the duly authorized person complies with the requirements of subsection j. of this section, from possessing, transporting or using rifles or shotguns, upon completion of a Police Training Commission approved training course, in order to dispatch injured or dangerous animals or for non-lethal use for the purpose of frightening, hazing or aversive conditioning of nuisance or depredating wildlife.

2. This act shall take effect immediately.

Approved July 13, 2017.

CHAPTER 111

AN ACT concerning patient referrals by health care practitioners and amending and supplementing P.L.1989, c.19.

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

1. Section 1 of P.L.1989, c.19 (C.45:9-22.4) is amended to read as follows:

C.45:9-22.4 Definitions.

1. For the purposes of P.L.1989, c.19 (C.45:9-22.4 et seq.), P.L.2009, c.24 (C.45:9-22.5a et seq.), and P.L.2017, c.111 (C.45:9-22.5c et al.):

"Alternative payment entity" means an entity authorized to receive compensation for the provision of health care on a basis that entails the assumption of financial risk, including but not limited to an organized delivery system licensed pursuant to P.L.1999, c.409 (C.17:48H-1 et seq.).

"Alternative payment model" means a model of payment operated by Medicare, Medicaid, or a health insurance carrier that:

(1) has been filed with the Department of Health pursuant to section 3 of P.L.2017, c.111 (C.45:9-22.5c);

(2) provides for payment for covered professional services earned by participating health care practitioners and health care services based on approved quality measures; and

(3) (a) requires an alternative payment entity to bear financial risk for monetary losses under the alternative payment model;

(b) is a medical home; or

(c) is an accountable care organization authorized by the Medicare Shared Savings Program pursuant to 42 U.S.C. s.1395jjj or the Center for Medicare and Medicaid Innovation described at 42 U.S.C. s.1315a.

"Alternative payment model standards" means institutional and specialty-specific goals under an alternative payment model related to patient safety, use of approved quality measures, and any other applicable quality of care goals, and operational performance, which may incorporate specific patient management tasks, care redesign initiatives, and patient safety and quality of care objectives.

"Approved quality measure" means an objective measure of quality that:

(1) is identified and submitted by a nationally recognized specialty board of certification or equivalent certification board, or other similar stakeholder;

(2) has been submitted for publication in applicable specialty-appropriate, peer-reviewed journals, with sufficient information to allow an individual with reasonable knowledge of the health care industry to understand the methods for developing and selecting the measure, including clinical and other data supporting the measure;

(3) has been adopted or endorsed by a consensus organization, including but not limited to the National Quality Forum or Ambulatory Care Quality Alliance, including measures that have been submitted by a physician specialty, and that the United States Department of Health and Human Services identifies as having used a consensus-based process for developing such measures;

(4) is included in an annual list of approved quality measures by the Centers for Medicare & Medicaid Services, or on a similar list developed by the Department of Health; or

(5) is collected and reported using a qualified clinical data registry approved for the purpose of reporting the measure by the Centers for Medicare & Medicaid Services.

"Health care service" means a business entity which provides on an inpatient or outpatient basis: testing for or diagnosis or treatment of human disease or dysfunction; or dispensing of drugs or medical devices for the treatment of human disease or dysfunction. Health care service includes, but is not limited to, a bioanalytical laboratory, pharmacy, home health care agency, rehabilitation facility, nursing home, hospital, or a facility which provides radiological or other diagnostic imagery services, physical therapy, ambulatory surgery, or ophthalmic services.

"Hospital and physician incentive plan" means a compensation arrangement established pursuant to sections 2 through 4 of P.L.2017, c.46 (C.26:2H-12.80 through C.26:2H-12.82) between a general acute care hospital licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) and a physician or physician group.

"Immediate family" means the practitioner's spouse and children, the practitioner's siblings and parents, the practitioner's spouse's siblings and parents, and the spouses of the practitioner's children.

"Participant" means an entity identified by a Tax Identification Number through which one or more practitioners may bill a health insurance carrier or other payor that is operating an Alternative Payment Model, which alone or together with one or more participants compose an alternative payment model.

"Practitioner" means a physician, chiropractor or podiatrist licensed pursuant to Title 45 of the Revised Statutes.

"Significant beneficial interest" means any financial interest; but does not include ownership of a building wherein the space is leased to a person at the prevailing rate under a straight lease agreement, payments made by a hospital to a physician pursuant to a hospital and physician incentive plan, or any interest held in publicly traded securities.

2. Section 2 of P.L.1989, c.19 (C.45:9-22.5) is amended to read as follows:

C.45:9-22.5 Referral of patient by practitioner regulated.

2. a. A practitioner shall not refer a patient or direct an employee of the practitioner to refer a patient to a health care service in which the practi-

tioner, or the practitioner's immediate family, or the practitioner in combination with the practitioner's immediate family has a significant beneficial interest; except that, in the case of a practitioner, a practitioner's immediate family, or a practitioner in combination with the practitioner's immediate family who had the significant beneficial interest prior to the effective date of P.L.1991, c.187 (C.26:2H-18.24 et al.), and in the case of a significant beneficial interest in a health care service that provides lithotripsy or radiation therapy pursuant to an oncological protocol that was held prior to the effective date of this section of P.L.2009, c.24, the practitioner may continue to refer a patient or direct an employee to do so if that practitioner discloses the significant beneficial interest to the patient.

b. If a practitioner is permitted to refer a patient to a health care service pursuant to this section, the practitioner shall provide the patient with a written disclosure form, prepared pursuant to section 3 of P.L.1989, c.19 (C.45:9-22.6), and post a copy of this disclosure form in a conspicuous public place in the practitioner's office.

c. The restrictions on referral of patients established in this section shall not apply to:

(1) medical treatment or a procedure that is provided at the practitioner's medical office and for which a bill is issued directly in the name of the practitioner or the practitioner's medical office;

(2) renal dialysis;

(3) ambulatory surgery or procedures requiring anesthesia performed at a surgical practice registered with the Department of Health pursuant to subsection g. of section 12 of P.L.1971, c.136 (C.26:2H-12) or at an ambulatory care facility licensed by the Department of Health to perform surgical and related services or lithotripsy services, if the following conditions are met:

(a) the practitioner who provided the referral personally performs the procedure;

(b) the practitioner's remuneration as an owner of or investor in the practice or facility is directly proportional to the practitioner's ownership interest and not to the volume of patients the practitioner refers to the practice or facility;

(c) all clinically related decisions at a facility owned in part by non-practitioners are made by practitioners and are in the best interests of the patient; and

(d) disclosure of the referring practitioner's significant beneficial interest in the practice or facility is made to the patient in writing, at or prior to the time that the referral is made, consistent with the provisions of section 3 of P.L.1989, c.19 (C.45:9-22.6);

(4) medically necessary intraoperative monitoring services rendered during a neurosurgical, neurological, or neuro-radiological surgical procedure that is performed in a hospital; and

(5) Referrals that a practitioner makes, or directs an employee of the practitioner to make, to a health care service in which the referring practitioner has a significant beneficial interest, when participants in an alternative payment model registered with the Department of Health pursuant to section 3 of P.L.2017, c.111 (C.45:9-22.5c) make a bona fide determination that the significant beneficial interest is reasonably related to the alternative payment model standards filed with the Department of Health, provided that the determination is documented and retained for a period of 10 years.

C.45:9-22.5c Application package to operate an alternate payment model.

3. a. Participants desiring to establish an alternative payment model shall submit to the Department of Health, in a form and manner established by the Department of Health, an application package to operate an alternative payment model. The application shall include:

(1) a description of the alternative payment model, including the participants in the model and how the model satisfies the definition of an alternative payment model in section 1 of P.L.1989, c.19 (C.45:9-22.4);

(2) a description of the organizational structure of the entity responsible for carrying out the alternative payment model, including information on the organizational role of the participants in the alternative payment model, and information regarding the compliance of any alternative payment entity with applicable provisions of P.L.1999, c.409 (C.17:48H-1 et seq.) and regulations adopted pursuant thereto;

(3) the date on which the alternative payment model is proposed to begin operation;

(4) an explanation of how the alternative payment model satisfies the alternative payment model standards; and

(5) other information reasonably requested by the Department of Health.

b. The Department of Health shall review the application submitted pursuant to subsection a. of this section, and shall notify participants in no more than 60 days if the proposed alternative payment model does not meet the requirement of this act. The Department of Health shall provide the participants with a reasonable opportunity to remedy any deficiencies in the alternative payment model proposal, and may terminate an alternative payment model that continues to fail to meet the requirements of this act.

c. Notwithstanding subsections a. and b. of this section, an alternative payment model shall be deemed approved by the Department of Health

without further review, and no participant shall be required under this section to file additional information with the department concerning such an alternative payment model, if the alternative payment model has been authorized and approved under the Medicare Shared Savings Program pursuant to 42 U.S.C. s.1395jjj or under a demonstration operated by the Center for Medicare and Medicaid Innovation described at 42 U.S.C. s.1315a.

C.45:9-22.5d Review by DOH.

4. a. The Department of Health shall review each registered alternative payment model at least once every six years to determine whether the participants in the alternative payment model have complied with this act and other relevant State and federal laws and regulations, and whether the alternative payment model has resulted in a degradation of quality of health care provided to patients attributable to the alternative payment model.

b. The department shall have authority to revoke the registration of an alternative payment model if the department's review finds that the alternative payment model fails to comply with State or federal law, or if it results in a degradation of quality of patient care.

c. An alternative payment model's registration shall not expire or otherwise be terminated solely as a result of the department's failure to conduct a review required pursuant to subsection a. of this section.

C.45:9-22.5e Rules, regulations.

5. The Commissioner of Health shall, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt any rules and regulations as the commissioner deems necessary to carry out the provisions of this act.

6. This act shall take effect on the first day of the seventh month next following the date of enactment, except that the Commissioner of Health may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act.

Approved July 13, 2017.

CHAPTER 112

AN ACT concerning certain certification requirements of installers of individual subsurface sewage disposal systems, and supplementing P.L.1954, c.199 (C.58:11-23 et seq.).

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

C.58:11-36.1 DEP precluded from imposing certain certification requirements on installers of individual subsurface sewage disposal systems.

1. a. Notwithstanding the provisions of the "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.), the "Water Quality Planning Act," P.L.1977, c.75 (C.58:11A-1 et seq.), or any other law, or any rule or regulation adopted pursuant thereto, to the contrary, the Department of Environmental Protection shall not require an installer of an individual subsurface sewage disposal system, using products approved by the department in lieu of laterals or filter material, to be in possession of a valid Certified Installer of Onsite Wastewater Treatment Systems (CIOWTS) Advanced Level certification from the National Environmental Health Association (NEHA).

b. The provisions of subsection a. of this section shall become inoperative upon the adoption, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), of rules and regulations by the department instituting credential requirements for all installers of individual subsurface sewage disposal systems.

2. This act shall take effect immediately.

Approved July 13, 2017.

CHAPTER 113

AN ACT appropriating $2,988,859 from the "2009 Historic Preservation Fund" and constitutionally dedicated corporation business tax revenues for the purpose of providing grants, as awarded by the New Jersey Historic Trust, for certain historic preservation projects.

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

1. a. There is appropriated to the New Jersey Historic Trust the following sums for the purpose of providing capital preservation grants as listed in subsection b. of this section as awarded by the New Jersey Historic Trust, for historic preservation projects approved as eligible for such funding:

(1) $2,292,145 from the "2009 Historic Preservation Fund," established pursuant to section 20 of the "Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009," P.L.2009, c.117, including $351,186 made available due to project withdrawals and cancellations of previously appropriated funds; and

(2) $696,714 from the unexpended balances of dedicated corporation business tax revenues pursuant to Article VIII, Section II, paragraph 6 of the State Constitution in the Diesel Risk Mitigation Fund - Constitutional Dedication account made available for this purpose pursuant to the provisions of P.L.2016, c.10.

b. The following historic preservation projects are eligible for funding in the form of capital preservation grants, as awarded by the New Jersey Historic Trust, using moneys appropriated pursuant to subsection a. of this section:

County	**Municipality**	**Name of Organization**	**Project Name**	**Grant Award**
Burlington	Burlington City	St. Mary's Episcopal Church, Burlington	St. Mary's Episcopal Church, Burlington	$150,000
Burlington	Edgewater Park Twp	Shipman Mansion Foundation, Inc.	Red Dragon Canoe Club	125,875
Burlington	Fieldsboro Boro	Fieldsboro Boro	White Hill Manson	45,000
Cape May	Dennis Twp	The ARC of Cape May County, Inc.	Joseph Falkenburge House	150,000
Cape May	Middle Twp	Goshen Volunteer Fire Company	Goshen School	150,000
Essex	Bloomfield Twp	Bloomfield Cemetery Company	Bloomfield Cemetery: Receiving Vault	66,000
Hudson	Hoboken City	Hoboken City	Hoboken City Hall	150,000
Hudson	Jersey City	Barrow Mansion Development Corp.	The Dr. Barrow Mansion	150,000
Hunterdon	Raritan Twp	Hunterdon Land Trust	Case-Dvoor Farmstead	150,000
Mercer	Trenton City	St. Michael's Episcopal Church, Trenton	St. Michael's Episcopal Church, Trenton	45,000
Monmouth	Atlantic Highlands Boro	Atlantic Highlands Historical Society	The Towers (Strauss Mansion)	133,448
Monmouth	Matawan Boro	Matawan Boro	Major John Burrowes Mansion	149,358
Monmouth	Middletown Twp	All Saints' National Landmark Trust, Inc. /All Saints' Memorial Church	All Saints' Memorial Church Complex, Navesink	150,000

Monmouth	Red Bank Boro	Count Basie Theatre	Carlton Theatre (Count Basie Theatre)	147,900
Morris	Chester Twp	Morris County Park Commission	Nathan Cooper Grist Mill	13,200
Morris	Harding Twp	First Presbyterian Church of New Vernon	First Presbyterian Church of New Vernon	150,000
Morris	Madison Boro	Madison Boro	Hartley Dodge Memorial	150,000
Morris	Parsippany-Troy Hills Twp	The Stickley Museum at Craftsman Farms, Inc.	Craftsman Farms: White Cottage	150,000
Morris	Roxbury Twp	Lake Hopatcong Foundation	Landing Railroad Station	150,000
Ocean	Barnegat Twp	Ocean County Board of Chosen Freeholders	Cedar Bridge Tavern	150,000
Somerset	Somerville Boro	Somerville Boro	Daniel Robert House (Somerville Borough Hall)	46,360
Sussex	Newton Town	Christ Episcopal Church	Christ Episcopal Church, Newton	131,400
Union	Hillside Twp	Evergreen Cemetery and Crematorium	Evergreen Cemetery	150,000
Union	Plainfield City	duCret School of Art	George A. Strong Residence	114,318
Union	Summit City	Reeves-Reed Arboretum	The Clearing (Reeves-Reed Arboretum)	21,000
TOTAL				**$2,988,859**

c. Any transfer of any funds, or change in project sponsor, site, or type, listed in subsection b. of this section shall require the approval of the Joint Budget Oversight Committee or its successor.

d. To the extent that moneys remain available after the projects listed in subsection b. of this section are offered funding pursuant thereto, any project of a local government unit or qualifying tax exempt nonprofit organization that previously received funding for historic preservation purposes appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Historic Preservation Trust Fund established pursuant to section 21 of P.L.1999, c.52 (C.13:8C-21), or that receives funding pursuant to this act, shall be eligible to receive additional funding, as determined by the New Jersey Historic Trust, subject to the approval of the Joint Budget Oversight Committee or its successor.

For the purposes of this subsection, "Green Acres bond act" means P.L.2009, c.117, P.L.2007, c.119, P.L.1995, c.204, P.L.1992, c.88, and P.L.1987, c.265.

2. This act shall take effect immediately.

Approved July 13, 2017.

CHAPTER 114

AN ACT designating a portion of U.S. Highway Route 40 in Upper Pittsgrove Township as the "John R. Elliott HERO Campaign Way."

WHEREAS, In the early morning of July 22, 2000, Ensign John R. Elliott was tragically killed in a traffic accident on U.S. Highway Route 40 at the intersection of Slabtown Road in Upper Pittsgrove Township when his motor vehicle was struck by another driver; and

WHEREAS, Raised in Egg Harbor Township, Ensign Elliott attended Egg Harbor Township High School, where he was president of his graduating class and a National Merit Scholar; and

WHEREAS, Upon graduating from high school in 1996, Ensign Elliott enrolled in the United States Naval Academy, where he graduated in May 2000 with a Bachelors of Science in Systems Engineering and was named the Outstanding HERO, or Human Education Resource Officer, of his class for his service to his fellow midshipman; and

WHEREAS, The other driver involved in the accident had been arrested earlier in the evening on charges of driving under the influence but was released to a friend, who allowed the driver to continue to operate a motor vehicle while intoxicated; and

WHEREAS, Since their son's death, William and Muriel Elliott have tirelessly advocated about the dangers of drunk driving; and

WHEREAS, In October 2000, the Elliott Family established the John R. Elliott Foundation, which provides college scholarships to students enrolled at six New Jersey high schools and leadership training to students at the United States Naval Academy, and the John R. Elliott HERO Campaign for Designated Drivers (HERO Campaign); and

WHEREAS, The HERO Campaign promotes the use of designated drivers by registering volunteers to drive home those who have been intoxicated and partners with law enforcement agencies, colleges, bars and taverns, restaurants, sports teams, and state divisions of highway traffic safety to

promote public safety and prevent suspected drunk drivers from operating motor vehicles; and

WHEREAS, The work of the Elliott Family through the HERO Campaign has led to the creation of community chapters of the HERO Campaign at the United States Naval Academy and across the country, which commemorate the lives of those who have lost their lives to drunk driving with the Annual HERO Walk; and

WHEREAS, The Elliott Family also assisted the Division of State Police to advocate for the passage of P.L.2001, c.69, which, in part, authorizes law enforcement agencies to impound the motor vehicle of a person arrested for drunk driving for up 12 hours, and P.L.2003, c.164, which, in part, permits a municipality to enact an ordinance that requires a person arrested for drunk driving to remain in protective custody and not be released from custody until the person is no longer a danger to himself or others and the municipality may provide that a person is not a danger when the person's blood alcohol concentration is less than 0.05 percent; and

WHEREAS, It is altogether fitting and proper for the State of New Jersey to honor the life of Ensign John R. Elliott and the work of his parents, William and Muriel Elliott, who have tirelessly advocated about the dangers of drunk driving through the John R. Elliott HERO Campaign for Designated Drivers, by naming a portion of U.S. Highway Route 40 in Upper Pittsgrove Township as the "John R. Elliott HERO Campaign Way"; now, therefore,

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

1. The Commissioner of Transportation shall designate the portion of U.S. Highway Route 40, extending from milepost 15.4 to milepost 15.5, in Upper Pittsgrove Township as the "John R. Elliott HERO Campaign Way" and erect appropriate signs bearing this designation and dedication.

2. State or other public funds shall not be used for producing, purchasing, or erecting signs bearing the designation established pursuant to section 1 of this act. The Commissioner of Transportation is authorized to receive gifts, grants, or other financial assistance from private sources for the purpose of funding or reimbursing the Department of Transportation for the costs associated with producing, purchasing, and erecting signs bearing the designation established pursuant to section 1 of this act and entering into agreements related thereto, with private sources, including but not lim-

ited to non-governmental non-profit, educational, or charitable entities or institutions. Work shall not proceed and funding shall not be accepted by the Department of Transportation until an agreement has been reached with a responsible party for paying the costs associated with producing, purchasing, erecting, and maintaining the signs.

3. This act shall take effect immediately.

Approved July 13, 2017.

CHAPTER 115

AN ACT designating a portion of State Highway Route 44 in the Borough of Paulsboro as the "John D. Burzichelli Bridge."

WHEREAS, The Honorable John D. Burzichelli was born on August 1, 1934 and is a life-long resident of the Borough of Paulsboro, New Jersey; and

WHEREAS, Mayor Burzichelli attended Paulsboro High School, where he graduated in 1951 and met his wife, Dolores (Salvatore) Burzichelli with whom he raised four sons; and

WHEREAS, As a pillar of the community in Gloucester County, Mayor Burzichelli has provided his hometown with a lifetime of public service, serving in numerous public offices, including as a member of the Billingsport Volunteer Fire Association, where he served since 1955 in various officer capacities, including captain, the Gloucester County Utilities Authority, the Gloucester County Mosquito Commission, the Paulsboro Board of Education, and the Borough Council for the Borough of Paulsboro, and as Mayor of the Borough of Paulsboro; and

WHEREAS, Mayor Burzichelli was elected to the Borough Council for the Borough of Paulsboro in 1964, where he served a three-year term, two of which were as Council President; and

WHEREAS, Mayor Burzichelli was elected Mayor of the Borough of Paulsboro in 1975, where he served four consecutive terms as mayor, serving for a total of 16 years, making him the longest serving Mayor of the Borough of Paulsboro in the borough's history to date; and

WHEREAS, During his tenure as Mayor of the Borough of Paulsboro, Mayor Burzichelli served as President of the Gloucester County Mayor's Association in 1983; and

WHEREAS, Following his service as Mayor, Mayor Burzichelli served for eight years on the Paulsboro Board of Education; and

WHEREAS, With an unwavering devotion to the residents of the Borough of Paulsboro and Gloucester County, it is fitting and proper for the Legislature to honor the public service career of Mayor John D. Burzichelli by designating the portion of State Highway Route No. 44 over the Mantua Creek as the "John D. Burzichelli Bridge"; now, therefore,

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

1. The Commissioner of Transportation shall designate the portion of State Highway Route 44, extending from milepost 6.25 to milepost 6.35, in the Borough of Paulsboro as the "John D. Burzichelli Bridge" and erect appropriate signs bearing this designation and dedication.

2. State or other public funds shall not be used for producing, purchasing, or erecting signs bearing the designation established pursuant to section 1 of this act. The Commissioner of Transportation is authorized to receive gifts, grants, or other financial assistance from private sources for the purpose of funding or reimbursing the Department of Transportation for the costs associated with producing, purchasing, and erecting signs bearing the designation established pursuant to section 1 of this act and entering into agreements related thereto, with private sources, including but not limited to non-governmental non-profit, educational, or charitable entities or institutions. Work shall not proceed and funding shall not be accepted by the Department of Transportation until an agreement has been reached with a responsible party for paying the costs associated with producing, purchasing, erecting, and maintaining the signs.

3. This act shall take effect immediately.

Approved July 13, 2017.

CHAPTER 116

AN ACT concerning emergency medical services and supplementing Title 26 of the Revised Statutes.

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

C.26:2K-66 Definitions relative to emergency medical services.

1. As used in P.L.2017, c.116 (C.26:2K-66 et seq.):

"Commissioner" means the Commissioner of Health.

"Department" means the Department of Health.

"Emergency Medical Services Advisory Council" means the Emergency Medical Services Council constituted in the department as of the effective date of P.L.2017, c.116 (C.26:2K-66 et seq.), which serves as the main emergency medical services advisory council to the commissioner and the Office of Emergency Medical Services, makes recommendations and advises on emergency medical services in New Jersey, monitors legislative developments at all levels and in other states, and supports Statewide public information and education for consumers regarding emergency medical services.

"Emergency Medical Services Task Force" means the Emergency Medical Services Task Force constituted in the department as of the effective date of P.L.2017, c.116 (C.26:2K-66 et seq.).

"Emergency medical services dispatch center" means any communications center which provides services in connection with the coordination of requests for emergency medical services, including, but not limited to, call intake, call processing, emergency medical dispatch, call triage, unit assignment, and dispatch and tracking of any emergency medical services provider or other first responder.

"Emergency medical services provider" means any association, organization, company, department, agency, service, program, unit, or other entity that provides pre-hospital emergency medical care to patients in this State, including, but not limited to, a basic life support ambulance service, a mobile intensive care unit, an air medical service, or a volunteer or non-volunteer first aid, rescue, and ambulance squad.

"First responder" means a police officer, firefighter, or other person who has been trained to provide emergency medical first response services in a program recognized by the commissioner.

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

"Pre-hospital emergency medical care" means the provision of emergency medical care or transportation by trained and certified or licensed emergency medical services personnel at the scene of an emergency and while transporting sick or injured persons to a medical care facility or provider.

C.26:2K-67 Report by provider to department.

2. a. Each emergency medical services provider shall report to the department, in the most recent National Emergency Medical Services Information System (NEMSIS) format, the following information concerning each incident in which the entity provides emergency medical services:

(1) The date, time, and location of the encounter;

(2) The nature of the medical emergency, including the number of persons requiring emergency medical services and the condition of each person requiring emergency medical services at the time the provider arrived at the scene of the encounter;

(3) Any emergency medical treatment or other services provided, including any specific procedures performed, any medications administered including, but not limited to, an opioid antidote, and any modalities administered;

(4) The name and certification or professional licensure of each emergency medical service professional staffing the provider unit during the encounter, regardless of whether the professional provided direct treatment or services to any person;

(5) Whether any other emergency medical services provider responded to the request for emergency medical services, and, if so, whether they provided emergency medical treatment or other services to any person;

(6) The outcome of the encounter, including whether each person receiving emergency medical services was treated, refused additional treatment, was transported to a hospital or other health care facility or transferred to another emergency medical services provider for further treatment, or died. In the case of a person who was transported by a provider other than the reporting provider, the reporting provider shall identify the transporting provider and the receiving facility, if known. In the case of a person who died, the provider shall indicate the cause of death, if known, and whether the person died before, during, or after the provision of emergency medical services; and

(7) Any other particulars of the encounter as may be relevant or as may be required by the commissioner.

b. Each emergency medical services dispatch center shall report to the department, in a standardized format as the commissioner shall prescribe by regulation, the following information concerning each request for emergency medical services received by the dispatch center:

(1) The date, time, and location of the request for emergency medical services;

(2) The nature and circumstances of the emergency, as provided to the dispatch center;

(3) The identity of each emergency medical services provider dispatched to the scene of the encounter; and

(4) Any other particulars of the request as may be relevant or as may be required by the commissioner.

C.26:2K-68 System to allow for electronic reporting of information; rules, regulations.

3. a. The commissioner shall establish a system to allow for the electronic reporting of emergency medical services dispatch and response information as required pursuant to section 2 of P.L.2017, c.116 (C.26:2K-67). Information shall be reported to the system in a format and at such intervals as required by the commissioner, except that, to the extent possible, the system shall interact with existing systems used by emergency medical services providers and emergency medical services dispatch centers, including, but not limited to, emsCharts and Image Trend, to facilitate automated, real-time reporting of the information. The department shall furnish to EMS providers and dispatchers, without charge, any software or programs developed by the department for accessing and using the electronic reporting system.

b. The electronic reporting system established pursuant to this section shall, at a minimum, seek to record and track data concerning types of medical emergencies for which emergency medical services are requested, response times for emergency medical services providers, patterns in the timing and location of requests for emergency medical services, patterns in the type or nature of emergency medical services provided, and patterns in dispatch and response activity.

c. The commissioner shall, in consultation with the Emergency Medical Services Advisory Council, adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), establishing quality performance metrics and pre-hospital protocols for emergency medical services providers, which shall be based on the data tracked and recorded pursuant to subsection b. of this section. The commissioner shall review and update the rules and regulations concerning quality performance metrics and pre-hospital protocols as appropriate.

d. The commissioner shall make the response times for emergency medical services providers that are tracked and recorded pursuant to subsection b. of this section available to the public on the department's Internet website.

C.26:2K-69 New Jersey Emergency Medical Services Task Force.

4. a. The commissioner shall establish, maintain, and coordinate the activities of the New Jersey Emergency Medical Services Task Force.

b. The purpose of the task force shall be to support and enhance the provision of specialized response services, utilizing personnel and equipment to respond as requested, for both pre-planned and emergency events, including natural disasters, mass casualty incidents, and chemical, biological, radiological, nuclear, and explosive events, in order to reduce morbidity and mortality through appropriate triage, incident management, and coordinated pre-hospital care and transportation.

c. The membership of the task force shall represent all regions of the State and shall include first responders, emergency medical technicians, paramedics, registered nurses, physicians, communications specialists, hospitals, agencies providing emergency medical responder and other emergency medical services, and communication centers utilized for the purpose of providing emergency medical services.

5. This act shall take effect 180 days after the date of enactment, except that section 4 shall take effect immediately.

Approved July 21, 2017.

CHAPTER 117

AN ACT authorizing the provision of health care services through telemedicine and telehealth, and supplementing various parts of the statutory law.

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

C.45:1-61 Definitions relative to telemedicine and telehealth.

1. As used in P.L.2017, c.117 (C.45:1-61 et al.):

"Asynchronous store-and-forward" means the acquisition and transmission of images, diagnostics, data, and medical information either to, or from, an originating site or to, or from, the health care provider at a distant site, which allows for the patient to be evaluated without being physically present.

"Cross-coverage service provider" means a health care provider, acting within the scope of a valid license or certification issued pursuant to Title 45 of the Revised Statutes, who engages in a remote medical evaluation of a patient, without in-person contact, at the request of another health care provider who has established a proper provider-patient relationship with the patient.

"Distant site" means a site at which a health care provider, acting within the scope of a valid license or certification issued pursuant to Title 45 of the Revised Statutes, is located while providing health care services by means of telemedicine or telehealth.

"Health care provider" means an individual who provides a health care service to a patient, and includes, but is not limited to, a licensed physician, nurse, nurse practitioner, psychologist, psychiatrist, psychoanalyst, clinical social worker, physician assistant, professional counselor, respiratory therapist, speech pathologist, audiologist, optometrist, or any other health care professional acting within the scope of a valid license or certification issued pursuant to Title 45 of the Revised Statutes.

"On-call provider" means a licensed or certified health care provider who is available, where necessary, to physically attend to the urgent and follow-up needs of a patient for whom the provider has temporarily assumed responsibility, as designated by the patient's primary care provider or other health care provider of record.

"Originating site" means a site at which a patient is located at the time that health care services are provided to the patient by means of telemedicine or telehealth.

"Telehealth" means the use of information and communications technologies, including telephones, remote patient monitoring devices, or other electronic means, to support clinical health care, provider consultation, patient and professional health-related education, public health, health administration, and other services in accordance with the provisions of P.L.2017, c.117 (C.45:1-61 et al.).

"Telemedicine" means the delivery of a health care service using electronic communications, information technology, or other electronic or technological means to bridge the gap between a health care provider who is located at a distant site and a patient who is located at an originating site, either with or without the assistance of an intervening health care provider, and in accordance with the provisions of P.L.2017, c.117 (C.45:1-61 et al.). "Telemedicine" does not include the use, in isolation, of audio-only telephone conversation, electronic mail, instant messaging, phone text, or facsimile transmission.

"Telemedicine or telehealth organization" means a corporation, sole proprietorship, partnership, or limited liability company that is organized for the primary purpose of administering services in the furtherance of telemedicine or telehealth.

C.45:1-62 Provision of health care through use of telemedicine, telehealth; requirements for provider.

2. a. Unless specifically prohibited or limited by federal or State law, a health care provider who establishes a proper provider-patient relationship with a patient may remotely provide health care services to a patient through the use of telemedicine. A health care provider may also engage in telehealth as may be necessary to support and facilitate the provision of health care services to patients.

b. Any health care provider who uses telemedicine or engages in telehealth while providing health care services to a patient, shall: (1) be validly licensed, certified, or registered, pursuant to Title 45 of the Revised Statutes, to provide such services in the State of New Jersey; (2) remain subject to regulation by the appropriate New Jersey State licensing board or other New Jersey State professional regulatory entity; (3) act in compliance with existing requirements regarding the maintenance of liability insurance; and (4) remain subject to New Jersey jurisdiction if either the patient or the provider is located in New Jersey at the time services are provided.

c. (1) Telemedicine services shall be provided using interactive, real-time, two-way communication technologies.

(2) A health care provider engaging in telemedicine or telehealth may use asynchronous store-and-forward technology to allow for the electronic transmission of images, diagnostics, data, and medical information; except that the health care provider may use interactive, real-time, two-way audio in combination with asynchronous store-and-forward technology, without video capabilities, if, after accessing and reviewing the patient's medical records, the provider determines that the provider is able to meet the same standard of care as if the health care services were being provided in person.

(3) The identity, professional credentials, and contact information of a health care provider providing telemedicine or telehealth services shall be made available to the patient during and after the provision of services. The contact information shall enable the patient to contact the health care provider, or a substitute health care provider authorized to act on behalf of the provider who provided services, for at least 72 hours following the provision of services.

(4) A health care provider engaging in telemedicine or telehealth shall review the medical history and any medical records provided by the patient. For an initial encounter with the patient, the provider shall review the patient's medical history and medical records prior to initiating contact with the patient, as required pursuant to paragraph (3) of subsection a. of section 3 of P.L.2017, c.117 (C.45:1-63). In the case of a subsequent telemedicine or telehealth encounter conducted pursuant to an ongoing provider-patient relationship, the provider may review the information prior to initiating contact with the patient or contemporaneously with the telemedicine or telehealth encounter.

(5) Following the provision of services using telemedicine or telehealth, the patient's medical information shall be made available to the patient upon the patient's request, and, with the patient's affirmative consent, forwarded directly to the patient's primary care provider or health care provider of record, or, upon request by the patient, to other health care providers. For patients without a primary care provider or other health care provider of record, the health care provider engaging in telemedicine or telehealth may advise the patient to contact a primary care provider, and, upon request by the patient, assist the patient with locating a primary care provider or other in-person medical assistance that, to the extent possible, is located within reasonable proximity to the patient. The health care provider engaging in telemedicine or telehealth shall also refer the patient to appropriate follow up care where necessary, including making appropriate referrals for emergency or complimentary care, if needed. Consent may be oral, written, or digital in nature, provided that the chosen method of consent is deemed appropriate under the standard of care.

d. (1) Any health care provider providing health care services using telemedicine or telehealth shall be subject to the same standard of care or practice standards as are applicable to in-person settings. If telemedicine or telehealth services would not be consistent with this standard of care, the health care provider shall direct the patient to seek in-person care.

(2) Diagnosis, treatment, and consultation recommendations, including discussions regarding the risk and benefits of the patient's treatment options, which are made through the use of telemedicine or telehealth, including the issuance of a prescription based on a telemedicine or telehealth encounter, shall be held to the same standard of care or practice standards as are applicable to in-person settings. Unless the provider has established a proper provider-patient relationship with the patient, a provider shall not issue a prescription to a patient based solely on the responses provided in an online questionnaire.

e. The prescription of Schedule II controlled dangerous substances through the use of telemedicine or telehealth shall be authorized only after an initial in-person examination of the patient, as provided by regulation, and a subsequent in-person visit with the patient shall be required every three months for the duration of time that the patient is being prescribed the Schedule II controlled dangerous substance. However, the provisions of this subsection shall not apply, and the in-person examination or review of a patient shall not be required, when a health care provider is prescribing a stimulant which is a Schedule II controlled dangerous substance for use by a minor patient under the age of 18, provided that the health care provider is using interactive, real-time, two-way audio and video technologies when treating the patient and the health care provider has first obtained written consent for the waiver of these in-person examination requirements from the minor patient's parent or guardian.

f. A mental health screener, screening service, or screening psychiatrist subject to the provisions of P.L.1987, c.116 (C.30:4-27.1 et seq.):

(1) shall not be required to obtain a separate authorization in order to engage in telemedicine or telehealth for mental health screening purposes; and

(2) shall not be required to request and obtain a waiver from existing regulations, prior to engaging in telemedicine or telehealth.

g. A health care provider who engages in telemedicine or telehealth, as authorized by P.L.2017, c.117 (C.45:1-61 et al.), shall maintain a complete record of the patient's care, and shall comply with all applicable State and federal statutes and regulations for recordkeeping, confidentiality, and disclosure of the patient's medical record.

h. A health care provider shall not be subject to any professional disciplinary action under Title 45 of the Revised Statutes solely on the basis that the provider engaged in telemedicine or telehealth pursuant to P.L.2017, c.117 (C.45:1-61 et al.).

i. (1) In accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the State boards or other entities that, pursuant to Title 45 of the Revised Statutes, are responsible for the licensure, certification, or registration of health care providers in the State, shall each adopt rules and regulations that are applicable to the health care providers under their respective jurisdictions, as may be necessary to implement the provisions of this section and facilitate the provision of telemedicine and telehealth services. Such rules and regulations shall, at a minimum:

(a) include best practices for the professional engagement in telemedicine and telehealth;

(b) ensure that the services patients receive using telemedicine or telehealth are appropriate, medically necessary, and meet current quality of care standards;

(c) include measures to prevent fraud and abuse in connection with the use of telemedicine and telehealth, including requirements concerning the filing of claims and maintaining appropriate records of services provided; and

(d) provide substantially similar metrics for evaluating quality of care and patient outcomes in connection with services provided using telemedicine and telehealth as currently apply to services provided in person.

(2) In no case shall the rules and regulations adopted pursuant to paragraph (1) of this subsection require a provider to conduct an initial in-person visit with the patient as a condition of providing services using telemedicine or telehealth.

(3) The failure of any licensing board to adopt rules and regulations pursuant to this subsection shall not have the effect of delaying the implementation of this act, and shall not prevent health care providers from engaging in telemedicine or telehealth in accordance with the provisions of this act and the practice act applicable to the provider's professional licensure, certification, or registration.

C.45:1-63 Establishment of proper provider-patient relationship; exceptions.

3. a. Any health care provider who engages in telemedicine or telehealth shall ensure that a proper provider-patient relationship is established. The establishment of a proper provider-patient relationship shall include, but shall not be limited to:

(1) properly identifying the patient using, at a minimum, the patient's name, date of birth, phone number, and address. When properly identifying the patient, the provider may additionally use the patient's assigned identification number, social security number, photo, health insurance policy number, or other appropriate patient identifier associated directly with the patient;

(2) disclosing and validating the provider's identity and credentials, such as the provider's license, title, and, if applicable, specialty and board certifications;

(3) prior to initiating contact with a patient in an initial encounter for the purpose of providing services to the patient using telemedicine or telehealth, reviewing the patient's medical history and any available medical records; and

(4) prior to initiating contact with a patient for the purpose of providing services to the patient using telemedicine or telehealth, determining whether the provider will be able to provide the same standard of care using telemedicine or telehealth as would be provided if the services were provided in person. The provider shall make this determination prior to each unique patient encounter.

b. Telemedicine or telehealth may be practiced without a proper provider-patient relationship, as defined in subsection a. of this section, in the following circumstances:

(1) during informal consultations performed by a health care provider outside the context of a contractual relationship, or on an irregular or infrequent basis, without the expectation or exchange of direct or indirect compensation;

(2) during episodic consultations by a medical specialist located in another jurisdiction who provides consultation services, upon request, to a properly licensed or certified health care provider in this State;

(3) when a health care provider furnishes medical assistance in response to an emergency or disaster, provided that there is no charge for the medical assistance; or

(4) when a substitute health care provider, who is acting on behalf of an absent health care provider in the same specialty, provides health care services on an on-call or cross-coverage basis, provided that the absent health care provider has designated the substitute provider as an on-call provider or cross-coverage service provider.

C.45:1-64 Annual registration, report.

4. a. Each telemedicine or telehealth organization operating in the State shall annually register with the Department of Health.

b. Each telemedicine or telehealth organization operating in the State shall submit an annual report to the Department of Health in a manner as determined by the commissioner. The annual report shall include de-identified encounter data including, but not limited to: the total number of telemedicine and telehealth encounters conducted; the type of technology utilized to provide services using telemedicine or telehealth; the category of medical condition for which services were sought; the geographic region of the patient and the provider; the patient's age and sex; and any prescriptions issued. The commissioner may require the reporting of any additional information as the commissioner deems necessary and appropriate, subject to all applicable State and federal laws, rules, and regulations for recordkeeping and privacy. Commencing six months after the effective date of

P.L.2017, c.117 (C.45:1-61 et al.), telemedicine and telehealth organizations shall include in the annual report, for each telemedicine or telehealth encounter: the patient's race and ethnicity; the diagnostic codes; the evaluation management codes; and the source of payment for the encounter.

c. The Department of Health shall compile the information provided in the reports submitted by telemedicine and telehealth organizations pursuant to subsection b. of this section to generate Statewide data concerning telemedicine and telehealth services provided in the State. The department shall annually share the Statewide data with the Department of Human Services, the Department of Banking and Insurance, the Telemedicine and Telehealth Review Commission established pursuant to section 5 of P.L.2017, c.117 (C.45:1-65), State boards and other entities that, under Title 45 of the Revised Statutes, are responsible for the professional licensure, certification, or registration of health care providers in the State who provide health care services using telemedicine or telehealth pursuant to P.L.2017, c.117 (C.45:1-61 et al.), and the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1). The department shall also transmit a report to the Legislature and the Telemedicine and Telehealth Review Commission that includes: an analysis of each rule and regulation adopted pursuant to subsection i. of section 2 of P.L.2017, c.117 (C.45:1-62) by a State board or other entity responsible for the professional licensure, certification, or registration of health care providers in the State who provide health care services using telemedicine or telehealth; and an assessment of the effect that telemedicine and telehealth is having on health care delivery, health care outcomes, population health, and in-person health care services provided in facility-based and office-based settings.

d. A telemedicine or telehealth organization that fails to register with the Department of Health pursuant to subsection a. of this section or that fails to submit the annual report required pursuant to subsection b. of this section shall be liable to such disciplinary actions as the Commissioner of Health may prescribe by regulation.

C.45:1-65 Telemedicine and Telehealth Review Commission.

5. a. Six months after the effective date of P.L.2017, c.117 (C.45:1-61 et al.), there shall be established in the Department of Health the Telemedicine and Telehealth Review Commission, which shall review the information reported by telemedicine and telehealth organizations pursuant to subsection b. of section 4 of P.L.2017, c.117 (C.45:1-64) and make recommendations for such executive, legislative, regulatory, administrative, and other actions as may be necessary and appropriate to promote and improve

the quality, efficiency, and effectiveness of telemedicine and telehealth services provided in this State.

b. The commission shall consist of seven members, as follows: the Commissioner of Health, or a designee, who shall serve ex officio, and six public members, with two members each to be appointed by the Governor, the Senate President, and the Speaker of the General Assembly. The public members shall be health care professionals with a background in the provision of health care services using telemedicine and telehealth. The public members shall serve at the pleasure of the appointing authority, and vacancies in the membership shall be filled in the same manner as the original appointments.

c. Members of the commission shall serve without compensation but may be reimbursed for necessary travel expenses incurred in the performance of their duties within the limits of funds made available for that purpose.

d. The members shall select a chairperson and a vice chairperson from among the members. The chairperson may appoint a secretary, who need not be a member of the commission. The Department of Health shall provide staff and administrative support to the commission.

e. The commission shall meet at least twice a year and at such other times as the chairperson may require. The commission shall be entitled to call to its assistance and avail itself of the services of the employees of any State, county, or municipal department, board, bureau, commission, or agency as it may require and as may be available for its purposes.

f. The commission shall report its findings and recommendations to the Governor, the Commissioner of Health, the State boards or other entities that, pursuant to Title 45 of the Revised Statutes, are responsible for the licensure, certification, or registration of health care providers in the State who provide health care services using telemedicine or telehealth pursuant to P.L.2017, c.117 (C.45:1-61 et al.), and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature no later than two years after the date the commission first meets. The commission shall expire upon submission of its report.

C.45:1-66 Severability.

6. If any provision of P.L.2017, c.117 (C.45:1-61 et al.) or its application to any person or circumstance is held to be invalid, the invalidity shall not affect any other provision or application of P.L.2017, c.117 (C.45:1-61 et al.) which can be given effect without the invalid provision or applica-

tion, and, to this end, the provisions of P.L.2017, c.117 (C.45:1-61 et al.) are severable.

C.30:4D-6k State Medicaid, NJ FamilyCare programs to provide coverage, payment

7. a. The State Medicaid and NJ FamilyCare programs shall provide coverage and payment for health care services delivered to a benefits recipient through telemedicine or telehealth, on the same basis as, and at a provider reimbursement rate that does not exceed the provider reimbursement rate that is applicable, when the services are delivered through in-person contact and consultation in New Jersey. Reimbursement payments under this section may be provided either to the individual practitioner who delivered the reimbursable services, or to the agency, facility, or organization that employs the individual practitioner who delivered the reimbursable services, as appropriate.

b. The State Medicaid and NJ FamilyCare programs may limit coverage to services that are delivered by participating health care providers, but may not charge any deductible, copayment, or coinsurance for a health care service, delivered through telemedicine or telehealth, in an amount that exceeds the deductible, copayment, or coinsurance amount that is applicable to an in-person consultation.

c. Nothing in this section shall be construed to:

(1) prohibit the State Medicaid or NJ FamilyCare programs from providing coverage for only those services that are medically necessary, subject to the terms and conditions of the recipient's benefits plan; or

(2) allow the State Medicaid or NJ FamilyCare programs to require a benefits recipient to use telemedicine or telehealth in lieu of obtaining an in-person service from a participating health care provider.

d. The Commissioner of Human Services, in consultation with the Commissioner of Children and Families, shall apply for such State plan amendments or waivers as may be necessary to implement the provisions of this section and to secure federal financial participation for State expenditures under the federal Medicaid program and Children's Health Insurance Program.

e. As used in this section:

"Benefits recipient" or "recipient" means a person who is eligible for, and who is receiving, hospital or medical benefits under the State Medicaid program established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.), or under the NJ FamilyCare program established pursuant to P.L.2005, c.156 (C.30:4J-8 et al.), as appropriate.

"Participating health care provider" means a licensed or certified health care provider who is registered to provide health care services to benefits recipients under the State Medicaid or NJ FamilyCare programs, as appropriate.

"Telehealth" means the same as that term is defined by section 1 of P.L.2017, c.117 (C.45:1-61).

"Telemedicine" means the same as that term is defined by section 1 of P.L.2017, c.117 (C.45:1-61).

C.26:2S-29 Carrier offering a health benefits plan to provide coverage, payment.

8. a. A carrier that offers a health benefits plan in this State shall provide coverage and payment for health care services delivered to a covered person through telemedicine or telehealth, on the same basis as, and at a provider reimbursement rate that does not exceed the provider reimbursement rate that is applicable, when the services are delivered through in-person contact and consultation in New Jersey. Reimbursement payments under this section may be provided either to the individual practitioner who delivered the reimbursable services, or to the agency, facility, or organization that employs the individual practitioner who delivered the reimbursable services, as appropriate.

b. A carrier may limit coverage to services that are delivered by health care providers in the health benefits plan's network, but may not charge any deductible, copayment, or coinsurance for a health care service, delivered through telemedicine or telehealth, in an amount that exceeds the deductible, copayment, or coinsurance amount that is applicable to an in-person consultation.

c. Nothing in this section shall be construed to:

(1) prohibit a carrier from providing coverage for only those services that are medically necessary, subject to the terms and conditions of the covered person's health benefits plan; or

(2) allow a carrier to require a covered person to use telemedicine or telehealth in lieu of receiving an in-person service from an in-network provider.

d. The Commissioner of Banking and Insurance shall adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to implement the provisions of this section.

e. As used in this section:

"Carrier" means the same as that term is defined by section 2 of P.L.1997, c.192 (C.26:2S-2).

"Covered person" means the same as that term is defined by section 2 of P.L.1997, c.192 (C.26:2S-2).

"Health benefits plan" means the same as that term is defined by section 2 of P.L.1997, c.192 (C.26:2S-2).

"Telehealth" means the same as that term is defined by section 1 of P.L.2017, c.117 (C.45:1-61).

"Telemedicine" means the same as that term is defined by section 1 of P.L.2017, c.117 (C.45:1-61).

C.52:14-17.29w State Health Benefits Commission to provide coverage, payment.

9. a. The State Health Benefits Commission shall ensure that every contract purchased thereby, which provides hospital and medical expense benefits, additionally provides coverage and payment for health care services delivered to a covered person through telemedicine or telehealth, on the same basis as, and at a provider reimbursement rate that does not exceed the provider reimbursement rate that is applicable, when the services are delivered through in-person contact and consultation in New Jersey. Reimbursement payments under this section may be provided either to the individual practitioner who delivered the reimbursable services, or to the agency, facility, or organization that employs the individual practitioner who delivered the reimbursable services, as appropriate.

b. A health benefits contract purchased by the State Health Benefits Commission may limit coverage to services that are delivered by health care providers in the health benefits plan's network, but may not charge any deductible, copayment, or coinsurance for a health care service, delivered through telemedicine or telehealth, in an amount that exceeds the deductible, copayment, or coinsurance amount that is applicable to an in-person consultation.

c. Nothing in this section shall be construed to:

(1) prohibit a health benefits contract from providing coverage for only those services that are medically necessary, subject to the terms and conditions of the covered person's health benefits plan; or

(2) allow the State Health Benefits Commission, or a contract purchased thereby, to require a covered person to use telemedicine or telehealth in lieu of receiving an in-person service from an in-network provider.

d. The State Health Benefits Commission shall adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to implement the provisions of this section.

e. As used in this section:

"Telehealth" means the same as that term is defined by section 1 of P.L.2017, c.117 (C.45:1-61).

"Telemedicine" means the same as that term is defined by section 1 of P.L.2017, c.117 (C.45:1-61).

C.52:14-17.46.6i School Employees Health Benefits Commission to provide coverage, payment.

10. a. The School Employees' Health Benefits Commission shall ensure that every contract purchased thereby, which provides hospital and medical expense benefits, additionally provides coverage and payment for health care services delivered to a covered person through telemedicine or telehealth, on the same basis as, and at a provider reimbursement rate that does not exceed the provider reimbursement rate that is applicable, when the services are delivered through in-person contact and consultation in New Jersey. Reimbursement payments under this section may be provided either to the individual practitioner who delivered the reimbursable services, or to the agency, facility, or organization that employs the individual practitioner who delivered the reimbursable services, as appropriate.

b. A health benefits contract purchased by the School Employees' Health Benefits Commission may limit coverage to services that are delivered by health care providers in the health benefits plan's network, but may not charge any deductible, copayment, or coinsurance for a health care service, delivered through telemedicine or telehealth, in an amount that exceeds the deductible, copayment, or coinsurance amount that is applicable to an in-person consultation.

c. Nothing in this section shall be construed to:

(1) prohibit a health benefits contract from providing coverage for only those services that are medically necessary, subject to the terms and conditions of the covered person's health benefits plan; or

(2) allow the School Employees' Health Benefits Commission, or a contract purchased thereby, to require a covered person to use telemedicine or telehealth in lieu of receiving an in-person service from an in-network provider.

d. The School Employees' Health Benefits Commission shall adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to implement the provisions of this section.

e. As used in this section:

"Telehealth" means the same as that term is defined by section 1 of P.L.2017, c.117 (C.45:1-61).

"Telemedicine" means the same as that term is defined by section 1 of P.L.2017, c.117 (C.45:1-61).

11. This act shall take effect immediately, and section 5 of this act shall expire upon submission of the commission's report.

Approved July 21, 2017.

CHAPTER 118

AN ACT concerning the minimum age for the sale and distribution of tobacco products and electronic smoking devices and revising various parts of the statutory law

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

1. Section 3 of P.L.1995, c.304 (C.2A:170-51.1) is amended to read as follows:

C.2A:170-51.1 Purchase of tobacco product for person under 21, petty disorderly person.

3. A person 21 years of age or older who purchases a tobacco product for a person who is under 21 years of age is a petty disorderly person.

2. Section 1 of P.L.2000, c.87 (C.2A:170-51.4) is amended to read as follows:

C.2A:170-51.4 Sale, distribution of tobacco, electronic smoking device to persons under age 21; prohibited; civil penalties.

1. a. No person, either directly or indirectly by an agent or employee, or by a vending machine owned by the person or located in the person's establishment, shall sell, offer for sale, distribute for commercial purpose at no cost or minimal cost or with coupons or rebate offers, give or furnish, to a person under 21 years of age:

(1) any cigarettes made of tobacco or of any other matter or substance which can be smoked, or any cigarette paper or tobacco in any form, including smokeless tobacco; or

(2) any electronic smoking device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but

not limited to, an electronic cigarette, cigar, cigarillo, or pipe, or any cartridge or other component of the device or related product.

b. The establishment of all of the following shall constitute a defense to any prosecution brought pursuant to subsection a. of this section:

(1) that the purchaser of the tobacco product or electronic smoking device or the recipient of the promotional sample falsely represented, by producing either a driver's license or non-driver identification card issued by the New Jersey Motor Vehicle Commission, a similar card issued pursuant to the laws of another state or the federal government of Canada, or a photographic identification card issued by a county clerk, that the purchaser or recipient was of legal age to make the purchase or receive the sample;

(2) that the appearance of the purchaser of the tobacco product or electronic smoking device or the recipient of the promotional sample was such that an ordinary prudent person would believe the purchaser or recipient to be of legal age to make the purchase or receive the sample; and

(3) that the sale or distribution of the tobacco product or electronic smoking device was made in good faith, relying upon the production of the identification set forth in paragraph (1) of this subsection, the appearance of the purchaser or recipient, and in the reasonable belief that the purchaser or recipient was of legal age to make the purchase or receive the sample.

c. A person who violates the provisions of subsection a. of this section, including an employee of a retail dealer licensee under P.L.1948, c.65 (C.54:40A-1 et seq.) who actually sells or otherwise provides a tobacco product to a person under 21 years of age, shall be liable to a civil penalty of not less than $250 for the first violation, not less than $500 for the second violation, and $1,000 for the third and each subsequent violation. The civil penalty shall be collected pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary proceeding before the municipal court having jurisdiction. An official authorized by statute or ordinance to enforce the State or local health codes or a law enforcement officer having enforcement authority in that municipality may issue a summons for a violation of the provisions of subsection a. of this section, and may serve and execute all process with respect to the enforcement of this section consistent with the Rules of Court. A penalty recovered under the provisions of this subsection shall be recovered by and in the name of the State by the local health agency. The penalty shall be paid into the treasury of the municipality in which the violation occurred for the general uses of the municipality.

d. In addition to the provisions of subsection c. of this section, upon the recommendation of the municipality, following a hearing by the munic-

ipality, the Division of Taxation in the Department of the Treasury may suspend or, after a second or subsequent violation of the provisions of subsection a. of this section, revoke the license issued under section 202 of P.L.1948, c.65 (C.54:40A-4) of a retail dealer. The licensee shall be subject to administrative charges, based on a schedule issued by the Director of the Division of Taxation, which may provide for a monetary penalty in lieu of a suspension.

e. A penalty imposed pursuant to this section shall be in addition to any penalty that may be imposed pursuant to section 3 of P.L.1999, c.90 (C.2C:33-13.1).

3. Section 3 of P.L.1999, c.90 (C.2C:33-13.1) is amended to read as follows:

C.2C:33-13.1 Sale of cigarettes, electronic smoking devices to persons under age 21, petty disorderly persons offense.

3. a. A person who sells or gives to a person under 21 years of age any cigarettes made of tobacco or of any other matter or substance which can be smoked, or any cigarette paper or tobacco in any form, including smokeless tobacco, or any electronic smoking device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe, or any cartridge or other component of the device or related product, including an employee of a retail dealer licensee under P.L.1948, c.65 (C.54:40A-1 et seq.) who actually sells or otherwise provides a tobacco product or electronic smoking device to a person under 21 years of age, shall be punished by a fine as provided for a petty disorderly persons offense. A person who has been previously punished under this section and who commits another offense under it may be punishable by a fine of twice that provided for a petty disorderly persons offense.

b. The establishment of all of the following shall constitute a defense to any prosecution brought pursuant to subsection a. of this section:

(1) that the purchaser or recipient of the tobacco product or electronic smoking device falsely represented, by producing either a driver's license or non-driver identification card issued by the New Jersey Motor Vehicle Commission, a similar card issued pursuant to the laws of another state or the federal government of Canada, or a photographic identification card issued by a county clerk, that the purchaser or recipient was of legal age to purchase or receive the tobacco product or electronic smoking device;

(2) that the appearance of the purchaser or recipient of the tobacco product or electronic smoking device was such that an ordinary prudent person would believe the purchaser or recipient to be of legal age to purchase or receive the tobacco product or electronic smoking device; and

(3) that the sale or distribution of the tobacco product or electronic smoking device was made in good faith, relying upon the production of the identification set forth in paragraph (1) of this subsection, the appearance of the purchaser or recipient, and in the reasonable belief that the purchaser or recipient was of legal age to purchase or receive the tobacco product or electronic smoking device.

c. A penalty imposed pursuant to this section shall be in addition to any penalty that may be imposed pursuant to section 1 of P.L.2000, c.87 (C.2A:170-51.4).

4. Section 7 of P.L.1966, c.36 (C.26:2F-7) is amended to read as follows:

C.26:2F-7 Special projects and development fund, established; grants.

7. (a) There is hereby established a special projects and development fund which shall consist of all funds appropriated or otherwise made available for the purposes set forth in this section. The commissioner, with the approval of the Public Health Council, may make grants from the special projects and development fund to local health agencies, to hospitals, and to voluntary health agencies to provide State health assistance for new health services and for special health projects in order to stimulate continued development of health services and to assure the citizens of New Jersey the benefits of the most advanced health protection techniques.

(b) Except as provided in subsection (c) of this section, grants from the special projects and development fund for specific purposes shall be made on an annual basis for a period not in excess of 5 years and such grants shall be in diminishing amounts during this period. The commissioner shall determine the conditions applicable to each such grant including the extent of local financial participation to be required. Grants from the special projects and development fund to voluntary health agencies shall not exceed 40% of said fund.

(c) (1) Grants from the special projects and development fund shall be made on an annual basis to local health agencies for local enforcement efforts concerning the sale and commercial distribution of tobacco products to persons under the age of 21 years, in an amount determined by the commissioner. The grants shall be distributed based on the number of cigarette

retail dealer and vending machine licenses issued within a local health agency's jurisdictional authority in order to ensure Statewide coverage and Statewide consistency of enforcement efforts; except that the commissioner may designate up to 5% of available funds, annually, for incentive grants to local health agencies to enhance enforcement efforts.

Each grant recipient shall report quarterly to the commissioner on the number of compliance check inspections it has completed and the results of those compliance checks. The commissioner shall determine any other conditions applicable to the grants.

(2) Beginning in 1999, notwithstanding the provisions of paragraph (1) of this subsection to the contrary, the commissioner may make grants from the special projects and development fund to public and private local agencies to reduce teenage use of addictive substances.

5. Section 2 of P.L.1995, c.320 (C.26:3A2-20.1) is amended to read as follows:

C.26:3A2-20.1 Sale of tobacco to persons under age 21, prohibition, enforcement; reports.

2. a. The Commissioner of Health is authorized to enforce the provisions of section 1 of P.L.2000, c.87 (C.2A:170-51.4) with respect to the prohibition on the sale and commercial distribution of tobacco products to persons under 21 years of age. The commissioner may delegate the enforcement authority provided in this section to local health agencies, subject to the availability of sufficient funding. The commissioner shall report quarterly to the Legislature on the enforcement program's progress, use of grants awarded pursuant to section 7 of P.L.1966, c.36 (C.26:2F-7), results of enforcement efforts and other matters the commissioner deems appropriate.

b. The Department of the Treasury shall provide the commissioner with information about retail tobacco dealer licensees necessary to carry out the purpose of this section.

6. Section 2 of P.L.1987, c.423 (C.54:40A-4.1) is amended to read as follows:

C.54:40A-4.1 Sign required; violations, penalties.

2. Notwithstanding any other provision of law to the contrary, a person to whom a license is issued pursuant to P.L.1948, c.65 (C.54:40A-1 et seq.) shall, as a condition of the license, conspicuously post a legible sign at the point of display of the tobacco products and at the point of sale. The

sign, which also shall be posted conspicuously on any licensed cigarette vending machine, shall be at least six inches by three inches in bold letters at least one-quarter inch high and shall read as follows:

"A person who sells or offers to sell a tobacco product to a person under 21 years of age shall pay a penalty of up to $1,000 and may be subject to a license suspension or revocation.

Proof of age may be required for purchase."

7. Section 4 of P.L.2005, c.85 (C.54:40A-49) is amended to read as follows:

C.54:40A-49 Conditions for non-face-to-face sale of cigarettes.

4. A person shall not engage in a retail sale of cigarettes in this State unless the sale is a face-to-face sale, except that a person may engage in a non-face-to-face sale of cigarettes to a person in this State if the following conditions are met:

a. The seller has fully complied with all of the requirements of the Jenkins Act, 15 U.S.C. s.375 et seq., for shipments to this State;

b. The seller has verified payment of, paid, or collected all applicable State taxes, including the cigarette taxes imposed by the "Cigarette Tax Act," P.L.1948, c.65 (C.54:40A-1 et seq.) and the sales or use taxes imposed by the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.), due on the cigarettes; and

c. The seller has, before mailing or shipping the cigarettes:

(1) obtained from the purchaser reliable confirmation that the purchaser is at least 21 years old and a statement by the purchaser under penalty of perjury certifying the purchaser's date of birth and address;

(2) made good faith effort to verify the information contained in the certification provided by the purchaser against a commercially available database or has obtained a photocopy or other image of a government-issued identification bearing the purchaser's image and stating the date of birth or age of the purchaser;

(3) received payment for the sale from the prospective purchaser by a credit or debit card that has been issued in the purchaser's name or by check; and

(4) verified that a credit or debit card used for payment has been issued in the purchaser's name, and the address to which the cigarettes are being shipped matches the credit or debit card company's address for the cardholder.

Sellers taking an order for a non-face-to-face sale may request that prospective purchasers provide their e-mail addresses.

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

Approved July 21, 2017.

CHAPTER 119

AN ACT concerning access to school surveillance equipment by law enforcement authorities and supplementing chapter 41 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:41-9 Access to school surveillance equipment by law enforcement authorities.

1. a. If at least one school building of a school district is equipped with video surveillance equipment that is capable of streaming live video wirelessly to a remote location, the board of education shall enter into a memorandum of understanding with local law enforcement authorities providing the authorities with the capacity to activate the equipment and view live streaming video. The memorandum of understanding shall include, but need not be limited to, the following:

(1) the designation of individuals who shall be authorized to view live streaming video;

(2) the circumstances under which the designated individuals would view live streaming video; and

(3) a detailed plan for preventing and detecting unauthorized access to live streaming video.

b. In the case of a school building that is located in a municipality in which there is no municipal police department, the board shall enter into a memorandum of understanding with an entity designated by the Superintendent of the State Police.

c. In the event that the parties to the memorandum of understanding are unable to reach an agreement regarding any provision required to be included pursuant to subsection a. of this section, the county prosecutor shall make the final determination regarding that provision.

d. A board shall enter into the memorandum of understanding no later than 180 days following the effective date of this act.

e. Nothing in this section shall be construed as to require the installation of video surveillance equipment capable of streaming live video wirelessly to a remote site.

2. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 120

AN ACT concerning respiratory care practitioners, amending P.L.1991, c.31 and P.L.2004, c.167, and repealing sections 14 and 15 of P.L.1991, c.31.

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

1. Section 3 of P.L.1991, c.31 (C.45:14E-3) is amended to read as follows:

C.45:14E-3 Definitions.

3. As used in this act:

a. "Board" means the State Board of Respiratory Care established pursuant to section 4 of P.L.1991, c.31 (C.45:14E-4).

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

c. "Respiratory care" means the health specialty involving disease prevention, treatment, management, control, and care for patients with deficiencies and abnormalities of the cardiac and pulmonary system. The care shall include the use of medical gases, air and oxygen-administering apparatus, environmental control systems, humidification and aerosols, drugs and medications, apparatus for cardiopulmonary support and control, postural drainage, chest percussion and vibration and breathing exercise, pulmonary rehabilitation, performance of cardiopulmonary resuscitation, maintenance of natural and mechanical airways, insertion and maintenance of artificial airways, and insertion and maintenance of peripheral arterial and peripheral venous catheters. The care shall also include testing techniques to assist in diagnosis, monitoring, treatment, and research, including but not necessarily limited to, the measurement of cardiopulmonary vol-

umes, pressure and flow, and the drawing and analyzing of samples of arterial, capillary, and venous blood. Respiratory care shall also include: educating patients and caregivers about respiratory care procedures as part of a patient's disease management program; and providing professional consultation services to health care, educational, and community organizations, and State and local agencies.

d. "Respiratory care practitioner" means a person licensed by the board to practice respiratory care under the direction or supervision of a licensed physician, physician assistant, or advanced practice nurse, and who may transcribe and implement written, verbal, and protocol orders for respiratory care.

e. "Respiratory care protocols" means policies and protocols developed by a licensed health care facility through collaboration, when appropriate, with administrators, physicians, registered nurses, physical therapists, respiratory care practitioners, and other licensed health care practitioners.

f. "Respiratory care education program" means a program of respiratory care education accredited by the Commission on Accreditation for Respiratory Care (CoARC), or its predecessor or successor organization.

2. Section 9 of P.L.1991, c.31 (C.45:14E-9) is amended to read as follows:

C.45:14E-9 Licensing for respiratory care practitioners required.

9. a. No person shall practice, nor present himself as able to practice, respiratory care unless he possesses a valid license as a respiratory care practitioner in accordance with the provisions of P.L.1991, c.31 (C.45:14E-1 et seq.). A person who possesses a valid license as a respiratory care practitioner may use the title, "licensed respiratory care practitioner" and the abbreviation, "LRCP," "RCP," or "RCP-L." A person who does not possess a valid license as a respiratory care practitioner shall not use the terms "inhalation therapy," "respiratory therapy," "respiratory therapy technician," "pulmonary therapy," "pulmonary technician," or any other terms, letters, abbreviations, or insignia indicating or implying that the person is a respiratory care practitioner or directly or by implication represent in any way that the person is a respiratory care practitioner, in connection with the person's practice.

b. This section shall not be construed to prohibit a person enrolled in a respiratory care education program from performing those duties essential for completion of a trainee's clinical service, provided the duties are per-

formed under the supervision and direction of a physician or licensed respiratory care practitioner.

c. Nothing in P.L.1991, c.31 (C.45:14E-1 et seq.) is intended to limit the provision of respiratory care services rendered in the course of an emergency by a certified emergency medical technician or paramedic or other person licensed to practice medicine, dentistry, or podiatry, or other health care professional trained to render emergency services.

d. Nothing in P.L.1991, c.31 (C.45:14E-1 et seq.) shall confer the authority of a person licensed under that act to perform or operate any apparatus used in the performance of extracorporeal circulation or oxygenation.

e. Nothing in P.L.1991, c.31 (C.45:14E-1 et seq.) is intended to limit, preclude, or otherwise interfere with the practices of other persons and health providers licensed by appropriate agencies of the State of New Jersey, so long as those duties are consistent with the accepted standards of the member's profession and the member does not present himself as a respiratory care practitioner.

f. Nothing in P.L.1991, c.31 (C.45:14E-1 et seq.) shall confer the authority to a person licensed to practice respiratory care to practice another health profession as currently defined in Title 45 of the Revised Statutes.

3 Section 15 of P.L.1991, c.31 (C.45:14E-15) is amended to read as follows:

C.45:14E-15 Issuance of license.

15. The board shall issue a license to perform respiratory care to an applicant, who, at the time of the effective date of this act, has passed the Registered Respiratory Therapist examination offered by the National Board for Respiratory Care, or by a successor organization.

4. Section 6 of P.L.2004, c.167 (C.45:14E-16) is amended to read as follows:

C.45:14E-16 Continuing education requirements, duties of board.

6. a. The board shall require each respiratory care practitioner, as a condition of biennial license renewal pursuant to section 1 of P.L.1972, c.108 (C.45:1-7), to complete any continuing education requirements imposed by the board pursuant to this section.

b. The board shall:

(1) Promulgate rules and regulations for implementing continuing education requirements as a condition of license renewal for licenses issued under its jurisdiction;

(2) Establish standards for continuing education, including the subject matter and content of courses of study, competency assessments, and the number and type of continuing education credits required of a licensee as a condition of biennial license renewal;

(3) Recognize the New Jersey Society for Respiratory Care, the American Association for Respiratory Care, and other entities or persons approved by the board as providers of continuing education, and accredit educational programs, including, but not limited to, lectures, seminars, examinations, papers, publications, presentations, and teaching and research appointments, and shall establish procedures for the issuance of credit upon satisfactory proof of the completion of these programs. In the case of education courses or programs, each hour of instruction shall be equivalent to one credit; however, credit shall not be denied for education programs provided as part of a symposium or multi-day program event if the aggregate duration of the accredited continuing education completed at the symposium or multi-day program event is at least one hour in duration. Credit for continuing education shall not be issued for any program of activities designed to fulfill assigned general employment responsibilities specific to the expectations of an employer; and

(4) Approve only those continuing education programs as are available to all respiratory care practitioners in this State on a reasonable, nondiscriminatory basis.

5. Section 14 of P.L.1991, c.31 (C.45:14E-14) is amended to read as follows:

C.45:14E-14 Issuance of temporary license.

14. Upon payment to the board of a fee and the submission of a written application on forms provided by it, the board may issue without examination a temporary license to practice respiratory care in this State to a person who provides evidence that the person is qualified to engage in the practice of respiratory care, and is in the State on a temporary basis to assist in a medical emergency or to engage in a special project or teaching assignment relating to respiratory care practice. A temporary license shall expire one year from its date of issuance, however, it may be renewed by the board for an additional one-year period. A temporary license shall be surrendered to the board upon its expiration.

6. Within 18 months of the effective date of this act, the Department of Law and Public Safety shall adopt, pursuant to the "Administrative Pro-

cedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations necessary for the implementation of this act.

7. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 121

AN ACT concerning the practice of physical therapy, amending P.L.2003, c.18, and amending and supplementing P.L.1983, c.296.

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

1. Section 3 of P.L.1983, c.296 (C.45:9-37.13) is amended to read as follows:

C.45:9-37.13 Definitions.

3. As used in P.L.1983, c.296 (C.45:9-37.11 et seq.):

"Board" means the State Board of Physical Therapy Examiners established pursuant to section 5 of P.L.1983, c.296 (C.45:9-37.15).

"Direct supervision" means the presence of the supervising physical therapist on site, available to respond to any consequence occurring during any treatment procedure.

"General supervision" means supervision by a physical therapist in which: the physical therapist shall be available at all times by telecommunications but is not required to be on-site for direction and supervision; and the supervising physical therapist assesses on an ongoing basis the ability of the physical therapist assistant to perform the selected interventions as directed.

"Physical therapist" means a natural person who holds a current, valid license to practice physical therapy pursuant to the provisions of P.L.1983, c.296 (C.45:9-37.11 et seq.) and in accordance with regulations of the board.

"Physical therapist assistant" means a natural person who is licensed pursuant to the provisions of P.L.1983, c.296 (C.45:9-37.11 et seq.) and who assists a licensed physical therapist under his direct or general supervision in accordance with P.L.1983, c.296 (C.45:9-37.11 et seq.) and regulations of the board.

"Physical therapy" and "physical therapy practice" mean the identification of physical impairment, movement-related functional limitation, or balance disorder that occurs as a result of injury or congenital or acquired disability, or other physical dysfunction through examination, evaluation and diagnosis of the physical impairment or movement-related functional limitation and the establishment of a prognosis for the resolution or amelioration thereof, and treatment of the physical impairment or movement-related functional limitation, which shall include, but is not limited to, the alleviation of pain, physical impairment and movement-related functional limitation by therapeutic intervention, including treatment by means of manual therapy techniques and massage, electro-therapeutic modalities, wound debridement and care, the use of physical agents, mechanical modalities, hydrotherapy, therapeutic exercises with or without assistive devices, neurodevelopmental procedures, joint mobilization, movement-related functional training in self-care, providing assistance in community and work integration or reintegration, providing training in techniques for the prevention of injury, impairment, movement-related functional limitation, or dysfunction, providing consultative, educational, other advisory services, and collaboration with other health care providers in connection with patient care, and such other treatments and functions as may be further defined by the board by regulation.

"Physical therapy" and "physical therapy practice" also include the screening, examination, evaluation, and application of interventions for the promotion, improvement, and maintenance of fitness, health, wellness, and prevention services in populations of all ages exclusively related to physical therapy practice.

"Wound debridement and care" means the removal of loosely adhered necrotic and nonviable tissue, by a physical therapist, to promote healing, done in conjunction with a physician or podiatric physician.

2. Section 8 of P.L.1983, c.296 (C.45:9-37.18) is amended to read as follows:

C.45:9-37.18 Duties of board.

8. a. The board shall:

(1) Administer and enforce the provisions of P.L.1983, c.296 (C.45:9-37.11 et seq.) and P.L.2003, c.18 (C.45:9-37.34b et al.);

(2) Establish procedures for application for licensure;

(3) Establish standards for, and adopt and administer examinations for licensure;

(4) Review and pass upon the qualifications of applicants for licensure;

(5) Insure the proper conduct and standards of examinations;

(6) Issue and renew licenses to physical therapists and physical therapist assistants pursuant to P.L.1983, c.296 (C.45:9-37.11 et seq.);

(7) Establish disciplinary measures, including but not limited to, suspending, revoking, or refusing to renew the license of a physical therapist or physical therapist assistant pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.);

(8) Maintain a record of every physical therapist and physical therapist assistant licensed in this State, his place of business, his place of residence, and the date and number of his license;

(9) Conduct hearings into allegations of misconduct by licensees;

(10) Establish requirements and standards for continuing professional education and competency and approve courses that are eligible to meet these requirements and standards, as provided in section 25 of P.L.2003, c.18 (C.45:9-37.34f);

(11) Conduct hearings pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), except that the board shall have the right to administer oaths to witnesses, and shall have the power to issue subpoenas for the compulsory attendance of witnesses and the production of pertinent books, papers or records;

(12) Conduct proceedings before any board, agency or court of competent jurisdiction for the enforcement of the provisions of P.L.1983, c.296 (C.45:9-37.11 et seq.) and P.L.2003, c.18 (C.45:9-37.34b et al.);

(13) Conduct investigations as necessary and have the enforcement powers provided pursuant to P.L.1978, c.73 (C.45:1-14 et seq.);

(14) Within 180 days of the effective date of P.L.2003, c.18, establish standards in accordance with the provisions of section 22 of P.L.2003, c.18 (C.45:9-37.34c), in collaboration with the State Board of Medical Examiners and other appropriate professional licensing boards established pursuant to Title 45 of the Revised Statutes, setting forth the conditions under which a physical therapist is required to refer an individual being treated by a physical therapist to or consult with a practitioner licensed to practice dentistry, podiatry or medicine and surgery in this State, or other appropriate licensed health care professional. Pending adoption of the standards: (a) a physical therapist shall refer any individual who has failed to demonstrate reasonable progress within 30 days of the date of initial treatment to a licensed health care professional; and (b) a physical therapist, not more than 30 days from the date of initial treatment of functional limitation or pain, shall consult with the individual's licensed health care professional of rec-

ord as to the appropriateness of the treatment, or, in the event that there is no identified licensed health care professional of record, recommend that the individual consult with a licensed health care professional of the individual's choice;

(15) Establish mechanisms to assure that the public has access to physical therapists' services, and report back to the Senate Health, Human Services and Senior Citizens and Assembly Regulated Professions Committees, or their successors, regarding this access; and

(16) Promulgate rules and regulations necessary for the performance of its duties and the implementation of P.L.1983, c.296 (C.45:9-37.11 et seq.).

b. In addition to the provisions of subsection a. of this section, the board may establish standards of professional behavior.

3. Section 9 of P.L.1983, c.296 (C.45:9-37.19) is amended to read as follows:

C.45:9-37.19 License required to practice, assist at physical therapy; exceptions.

9. No person shall practice physical therapy or act as a physical therapist or physical therapist assistant, whether or not compensation is received or expected, unless the person holds a valid license to practice in this State; however, nothing in this section shall be construed to:

a. Prohibit any student enrolled in a school or post-graduate course of physical therapy or in a course of study for training as a physical therapist assistant that is approved or recognized by the board from performing physical therapy or acting as a physical therapist assistant, as appropriate, which is necessary to his course of study;

b. Prohibit any person licensed to practice in this State under any other law from engaging in the practice for which the person is licensed, provided that: the procedures or duties performed by that person are within the scope of that person's practice as established by law and the accepted standards of practice of the profession for which the person is licensed; and the person does not represent himself as a physical therapist or physical therapist assistant;

c. Prohibit any person employed by an agency, bureau or division of the federal government from practicing physical therapy within the scope of his official duties;

d. With the exception of the provisions of section 20 of P.L.1983, c.296 (C.45:9-37.30), prohibit any person licensed to practice in this State under any other law from engaging in the practice for which the person is licensed, provided that: the procedures or duties performed by that person

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are within the scope of that person's practice as established by law and the accepted standards of practice of the profession for which the person is licensed; and the person does not represent himself as a physical therapist, or physical therapist assistant;

e. Prohibit any student enrolled in a school or post-graduate course of physical therapy or in a course of study for training as a physical therapist assistant that is approved or recognized by the board from performing physical therapy or acting as a physical therapist assistant, as appropriate, which is necessary to his course of study or as part of a pro bono community-based service project under the supervision of a physical therapist licensed by the board;

f. Prohibit an individual who is licensed as a physical therapist in another jurisdiction of the United States or credentialed to practice physical therapy in another country, from teaching, demonstrating or providing physical therapy services in connection with teaching or participating in an educational seminar for no more than 30 days in a calendar year;

g. Prohibit an individual who is licensed as a physical therapist in a jurisdiction of the United States or credentialed in another country from performing physical therapy or acting as a physical therapist assistant, if that individual by contract or employment is providing physical therapy to patients affiliated with or employed by established athletic teams, athletic organizations or performing arts companies temporarily practicing, competing or performing in the State for no more than 30 days in a calendar year;

h. Prohibit an individual who is licensed as a physical therapist in another jurisdiction of the United States from entering this State to provide physical therapy during a declared local, State or national disaster or emergency, including a public health emergency declared by the Governor pursuant to the "Emergency Health Powers Act, P.L.2005, c.222 (C.26:13-1 et seq.). This exemption applies for no longer than 30 days following the declaration of the emergency. In order to be eligible for this exemption the physical therapist shall notify the board of his intent to practice;

i. Prohibit an individual who is licensed as a physical therapist in another jurisdiction of the United States who is forced to leave his residence or place of employment due to a declared local, State or national disaster or emergency and due to such displacement seeks to practice physical therapy. This exemption applies for no more than 30 days following the declaration of the emergency. In order to be eligible for this exemption the physical therapist shall notify the board of his intent to practice; or

j. Prohibit an individual who is licensed or certified as a physical therapist assistant in a jurisdiction of the United States and is assisting a

licensed physical therapist engaged specifically in activities related to subsections d., e., f., g. and h. of this section.

k. Nothing in this section shall be construed to prohibit an individual who is licensed to practice medicine and surgery in this State from rendering a utilization management decision that limits, restricts or curtails a course of physical therapy care.

4. Section 10 of P.L.1983, c.296 (C.45:9-37.20) is amended to read as follows:

C.45:9-37.20 Supervision of physical therapist assistants; guidelines.

10. a. No physical therapist shall supervise more physical therapist assistants at any one time than in the opinion of the board can be adequately supervised. Under usual circumstances the maximum number of physical therapist assistants that may be supervised by a physical therapist shall be two, except that, upon application, the board may permit the supervision of a greater number of physical therapist assistants if it feels there would be adequate supervision and the public health and safety would be served.

b. A licensed physical therapist assistant may initiate patient physical therapy treatment consistent with the role of a physical therapist assistant, as defined by the board or otherwise provided in P.L.1983, c.296 (C.45:9-37.11 et seq.) or P.L.2003, c.18 (C.45:9-37.34b et al.), only at the discretion of, and under the direct or general supervision of, a licensed physical therapist, as specified in P.L.2017, c.121 (C.45:9-37.34g et al.). A licensed physical therapist shall make an onsite visit and actively participate in the treatment of the patient at least every six patient visits or every 14 days, whichever occurs first.

c. When supervising a physical therapist assistant in any off-site setting, the following requirements shall be observed:

(1) A physical therapist shall be accessible by telecommunications to the physical therapist assistant at all times while the physical therapist assistant is treating patients.

(2) There shall be regularly scheduled and documented conferences or communications between the physical therapist and the physical therapist assistant regarding patients, the frequency of which is determined by the needs of the patient and the needs of the physical therapist assistant.

(3) In those situations in which a physical therapist assistant is involved in the care of a patient, a supervisory visit by the physical therapist is to be made: upon the physical therapist assistant's request for a reexami-

nation; when a change in the plan of care is needed; prior to any planned discharge; and in response to a change in the patient's medical status.

d. Within 180 days following the enactment of P.L.2017, c.121 (C.45:9-37.34g et al.), the board shall establish guidelines concerning the general supervision of physical therapist assistants, including, but not limited to:

(1) On-site review of the plan of care with appropriate revision or termination, completed during a regular physical therapist visit; and

(2) Evaluation of the need for, and a recommendation regarding, utilization of outside resources.

5. Section 15 of P.L.1983, c.296 (C.45:9-37.25) is amended to read as follows:

C.45:9-37.25 Written examinations.

15. The written examination provided for in sections 12 and 13 of P.L.1983, c.296 (C.45:9-37.22 and C.45:9-37.23) and section 21 of P.L.2003, c.18 (C.45:9-37.34b) shall test the applicant's knowledge of basic and clinical sciences as they relate to physical therapy and physical therapy theory and procedures and any other subjects the board may deem useful to test the applicant's fitness to practice physical therapy or act as a physical therapist assistant. Examinations shall be held within the State at a time and place to be determined by the board. The board shall give adequate written notice of the examination to applicants for licensure and examination.

If an applicant fails his first examination, the applicant may take a second examination no more than two years from the date of the initial examination. Additional examinations may be given at the discretion of the board.

The board shall allow a student enrolled in an accredited physical therapist or physical therapist assistant education program and who has completed all the required didactic coursework, to take the National Physical Therapy Examination prior to graduation, provided the student submits with the application a letter on the official letterhead of the accredited educational institution where the applicant is completing an accredited educational program that includes the signature of the program director, the department chairperson or a similarly authorized person of the university or college that states:

a. The applicant is a candidate for a degree as a physical therapist or physical therapist assistant at the next scheduled graduation date;

b. The date the national examination for licensure is to be taken by the applicant is the one nearest to and before the applicant's expected gradua-

tion date and is not more than 120 days before the date of the applicant's expected graduation date; and

c. The applicant meets any other established requirements of the accredited educational program, if applicable.

6. Section 17 of P.L.1983, c.296 (C.45:9-37.27) is amended to read as follows:

C.45:9-37.27 Issuance of license.

17. The board shall issue a license to each applicant for licensure as a physical therapist or physical therapist assistant who, in the judgment of the board, qualifies for licensure pursuant to P.L.1983, c.296 (C.45:9-37.11 et seq.) and P.L.2003, c.18 (C.45:9-37.34b et al.).

Every licensee shall ensure the following notices are conspicuously displayed in a public area in all offices and health care facilities at which the licensee practices physical therapy:

a. "Physical therapists and physical therapist assistants are licensed by the State Board of Physical Therapy Examiners, an agency of the Division of Consumer Affairs. Any member of the public may notify the board of any complaint relative to the practice conducted by a physical therapist or physical therapist assistant." The notice shall include the current address and phone number for the New Jersey Division of Consumer Affairs, State Board of Physical Examiners.

b. "INFORMATION ON PROFESSIONAL FEES IS AVAILABLE TO YOU ON REQUEST."

The licensee shall not be required to publicly post his biennial registration, but an original biennial registration shall be maintained on site and all licensees shall be required to provide their name, professional designation and license number to any patient upon request.

7. Section 20 of P.L.1983, c.296 (C.45:9-37.30) is amended to read as follows:

C.45:9-37.30 Use of certain titles, designations restricted.

20. No person, business entity or its employees, agents or representatives shall place an advertisement that uses or otherwise use the titles "physical therapist," "physiotherapist," "registered physical therapist," "licensed physical therapist," "physical therapist assistant," "registered physical therapist assistant," "licensed physical therapist assistant," "student physical therapist," "physical therapy assistant," "student physical therapist assistant," or the abbreviations "PT," "DPT," "RPT," "LPT," "PTA,"

"RPTA," "LPTA," "SPT," "SPTA," or the terms "physical therapy," or "physiotherapy," or any other title, designation, words, letters, abbreviations, or insignia indicating the practice of physical therapy unless licensed to practice as a physical therapist or physical therapist assistant under the provision of P.L.1983, c.296 (C.45:9-37.11 et seq.).

8. Section 23 of P.L.2003, c.18 (C.45:9-37.34d) is amended to read as follows:

C.45:9-37.34d Information provided by applicant.

23. An applicant for licensure or renewal as a physical therapist or a physical therapist assistant shall:

a. Execute and submit a sworn statement on a form prescribed by the board that neither the license for which renewal is sought nor any similar license or other authority issued by another jurisdiction has been revoked, suspended or not renewed; and

b. Present satisfactory evidence that any continuing professional education and competency requirements established by P.L.2003, c.18 (C.45:9-37.34b et al.) or the board, have been completed.

9. Section 25 of P.L.2003, c.18 (C.45:9-37.34f) is amended to read as follows:

C.45:9-37.34f Continuing professional education and competency requirements.

25. The board shall establish continuing professional education and competency requirements for physical therapists and physical therapist assistants, which requirements shall be a condition of retaining licensure. As used in this section, "continuing professional education and competency" means the lifelong process of maintaining and documenting the application of knowledge, skills and behaviors required to function effectively, safely, ethically and legally, through ongoing self-assessment, development, and implementation of a personal learning plan and subsequent reassessment. The board shall:

a. Approve only such continuing professional education and competency programs as are available to all physical therapists and physical therapist assistants in this State on a nondiscriminatory basis;

b. Establish standards for continuing professional education and competency programs;

c. Accredit educational programs offering credits towards the continuing professional education and competency requirements; and

d. Establish the number of credits of continuing professional education and competency required of each applicant for license renewal. Each credit shall represent or be equivalent to one hour of actual course attendance, or in the case of those electing an alternative method of satisfying the requirements of P.L.2003, c.18 (C.45:9-37.34b et al.), shall be approved by the board and certified pursuant to procedures established for that purpose.

C.45:9-37.34g Unauthorized practice, crime of third degree.

10. A person is guilty of a crime of the third degree if he knowingly does not possess a license to practice physical therapy, or knowingly has had such license suspended, revoked or otherwise limited by an order entered by the State Board of Physical Therapy, and he:

a. engages in the practice of physical therapy;

b. exceeds the scope of practice permitted by the board order;

c. holds himself out to the public, or any person as being eligible to engage in the practice of physical therapy;

d. engages in any activity for which a license to practice physical therapy is a necessary prerequisite; or

e. practices physical therapy under a false or assumed name or falsely impersonates another person licensed by the board.

The provisions of this section shall not be construed to limit the activities permitted in section 9 of P.L.1983, c.296 (C.45:9-37.19).

11. This act shall take effect on the 180th day next following enactment.

Approved July 21, 2017.

CHAPTER 122

AN ACT designating a portion of New Jersey Route 47 as "Veterans Memorial Highway at Delsea Drive."

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

1. Notwithstanding the provisions of P.L.1940, J.R.2 which designated New Jersey Route No. 47 as "Delsea Drive," the Commissioner of Transportation shall designate the section of New Jersey Route No. 47 ex-

tending from Milepost 0 in Wildwood City, Cape May County to Milepost 35.08 in Maurice River Township in Cumberland County as "Veterans Memorial Highway at Delsea Drive" and erect appropriate signs along that section of New Jersey Route No. 47 bearing this name.

2. No State or other public funds shall be used for producing, purchasing, erecting, or maintaining signs bearing the designation established pursuant to section 1 of this act. The Commissioner of Transportation is authorized to receive gifts, grants, or other financial assistance from private sources for the purposes of funding or reimbursing the Department of Transportation for the costs associated with producing, purchasing, erecting, and maintaining signs bearing the designation established pursuant to section 1 of this act and entering into agreements related thereto, with such private sources including but not limited to non-governmental non-profit, educational or charitable entities or institutions. No work shall proceed, and no funding shall be accepted by the Department of Transportation until an agreement has been reached with a responsible party for paying the costs associated with producing, purchasing, erecting, and maintaining the signs.

3. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 123

AN ACT concerning the disclosure of certain personal identifying information and supplementing Title 2A of the New Jersey Statutes.

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

C.2A:58D-3 Findings, declarations relative to disclosure of certain personal identifying information.

1. The Legislature finds and declares:

a. There is a longstanding tradition in the United States and New Jersey of providing the public with access to information pertaining to the operations of the criminal justice system, including information about those arrested, accused, charged, prosecuted, and convicted of criminal offenses.

b. The public has a right to information concerning the functioning of the criminal justice system and those who have committed, or are accused of

committing, criminal offenses. Because there is an important public interest in promoting transparency in our criminal justice system, an individual's right to privacy may yield to this interest. However, it is necessary to be sensitive to the interests in avoiding undue humiliation of innocent defendants and in promoting rehabilitation of convicted offenders. These latter considerations are heightened in light of the potentially unlimited duration and worldwide dissemination of such information once published on the Internet.

c. Some unscrupulous profiteers have sought to take advantage of the availability of criminal justice system information with the potential to harm or embarrass those arrested for, accused of, or prosecuted for a criminal offense. These private entities engage in an extortionate practice of publishing, or threatening to publish, on an Internet website information such as mug shots or rap sheets, unless the subject agrees to pay a fee to remove or prevent Internet publication of the potentially embarrassing picture or information. While the law authorizes public access to this type of information, such companies obtain these governmental records with the true intent of coercing subjects to pay the website operator to remove the information in order to avoid embarrassment, adverse employment or social consequences, and other repercussions. These companies do not obtain this information for any purpose related to the public's right to know or maintaining the integrity of the criminal justice system.

d. This practice differs materially from the conduct of private companies that obtain or review publicly-available criminal history background information provided through governmental databases, for purposes of conducting criminal background checks to determine if an individual is suitable for employment, volunteer work, or for similar purposes. Companies performing legitimate criminal background checks do not attempt to extort payment from the subjects of the search to refrain from disclosing to the inquiring party true and accurate criminal history background information. It is the element of extortionate profiteering that makes this noxious practice objectionable and contrary to the public policy of this State.

e. It is not the Legislature's intent to limit public access to this type of information or its publication, or to impinge on the interests of free speech or transparency. Public access and disclosure are not the problem that demands redress, but rather the conduct of seeking to profit by threatening exposure of such information.

f. Accordingly, it is altogether fitting and proper to protect the citizens of New Jersey from this form of exploitation by establishing a civil cause of action and civil penalty to discourage the solicitation of pecuniary benefit by threatening to disclose criminal justice system information which

identifies or presents such information in a context that identifies the person as having been arrested, charged, prosecuted, or convicted of a criminal offense.

C.2A:58D-4 Violations, penalties.

2. a. (1) A person shall not solicit or accept any pecuniary benefit in consideration for refraining from the disclosure of personal identifying information of any person which identifies, or is presented in a context which identifies, the person as having been arrested, charged, prosecuted, or convicted of any criminal offense including, but not limited to, criminal history record background information and any photograph of the person taken at the time of arrest.

(2) A person who commits a violation of paragraph (1) of this subsection shall not disclose or cause to be disclosed personal identifying information of any person which identifies, or is presented in a context which identifies, the person as having been arrested, charged, prosecuted, or convicted of any criminal offense including, but not limited to, criminal history record background information and any photograph of the person taken at the time of arrest.

b. For purposes of this section:

"Disclosure" means publication, distribution, circulation, dissemination, presentation, exhibition, advertisement, or offering by any means including, but not limited to, the Internet.

"Pecuniary benefit" means a benefit in the form of money, property, commercial interests, or anything else the primary significance of which is economic gain.

"Personal identifying information" means any name, address, or other information that may be used, alone or in conjunction with any other information, to identify a specific individual, and any photographic image, reproduction, or other depiction of a person.

c. In addition to any other right of action or recovery otherwise available under the laws of this State, a person who knowingly violates the provisions of subsection a. of this section shall be liable to the person whose personal identifying information was the subject of the violation, who may bring a civil action in the Superior Court.

The court may award:

(1) actual damages, but not less than liquidated damages computed at the rate of $1,000 for each violation of paragraph (1) of subsection a. of this section and $10,000 for each violation of paragraph (2) of subsection a. of this section;

(2) punitive damages upon proof of willful or reckless disregard of the law;

(3) reasonable attorney's fees and other litigation costs reasonably incurred; and

(4) any other preliminary and equitable relief the court determines to be appropriate.

d. In addition to the liability provided under subsection c. of this section and any other right of action or recovery otherwise available under the laws of this State, a person violating the provisions of subsection a. of this section shall be liable for a civil penalty of not less than $500 for each act in violation of paragraph (1) of subsection a. of this section and a civil penalty of not less than $1,000 for each act in violation of paragraph (2) of subsection a. of this section. The penalty prescribed by this section shall be collected and enforced by summary proceedings under the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

3. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 124

AN ACT concerning the collection of certain personal information and supplementing Title 56 of the Revised Statutes.

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

C.56:11-53 Short title.

1. This act shall be known and may be cited as the "Personal Information and Privacy Protection Act."

C.56:11-54 Definitions relative to collection of certain personal information.

2. a. For the purposes of this section:

"Credit" means the right granted by a creditor to a debtor to defer payment of debt, or to incur debt and defer its payment, or to purchase property or services and defer payment therefor.

"Identification card" means a driver's license, issued pursuant to R.S.39:3-10, a probationary license, issued pursuant to section 4 of P.L.1950, c.127 (C.39:3-13.4), a non-driver photo identification card, issued pursuant to section 2 of P.L.1980, c.47 (C.39:3-29.3), or any similar

card issued by another state or the District of Columbia for purposes of identification or permitting its holder to operate a motor vehicle.

"Scan" means to access the barcode or any other machine-readable section of a person's identification card with an electronic device capable of deciphering, in an electronically readable format, information electronically encoded on the identification card.

b. A retail establishment shall scan a person's identification card only for the following purposes:

(1) to verify the authenticity of the identification card or to verify the identity of the person if the person pays for goods or services with a method other than cash, returns an item, or requests a refund or an exchange;

(2) to verify the person's age when providing age-restricted goods or services to the person;

(3) to prevent fraud or other criminal activity if the person returns an item or requests a refund or an exchange and the business uses a fraud prevention service company or system;

(4) to prevent fraud or other criminal activity related to a credit transaction to open or manage a credit account;

(5) to establish or maintain a contractual relationship;

(6) to record, retain, or transmit information as required by State or federal law;

(7) to transmit information to a consumer reporting agency, financial institution, or debt collector to be used as permitted by the federal "Fair Credit Reporting Act," 15 U.S.C. s.1681 et seq., "Gramm-Leach-Bliley Act," 15 U.S.C. s.6801 et seq., and the "Fair Debt Collection Practices Act," 15 U.S.C. s.1692 et seq.; or

(8) to record, retain, or transmit information by a covered entity governed by the medical privacy and security rules pursuant to Parts 160 and 164 of Title 45 of the Code of Federal Regulations, established pursuant to the "Health Insurance Portability and Accountability Act of 1996," Pub.L.104-191.

c. Information collected by scanning a person's identification card pursuant to subsection b. of this section shall be limited to the person's name, address, date of birth, the State issuing the identification card, and identification card number.

d. (1) No retail establishment shall retain information obtained pursuant to paragraphs (1) and (2) of subsection b. of this section.

(2) Any information retained by a retail establishment pursuant to paragraphs (3) through (8) of subsection b. of this section shall be securely stored, and any breach of the security of the information shall be promptly

reported to the Division of State Police in the Department of Law and Public Safety and any affected person, in accordance with section 12 of P.L.2005, c.226 (C.56:8-163).

(3) No retail establishment shall sell or disseminate to a third party any information obtained pursuant to this section for any purpose, including marketing, advertising, or promotional activities, except dissemination as permitted by paragraphs (3) through (8) of subsection b. of this section ; provided, however, that nothing in this subsection shall be construed to prevent an automated return fraud system from issuing a reward coupon to a loyal customer.

C.56:11-55 Violations, penalties.

3. a. Any person who violates the provisions of this act shall be subject to a civil penalty of $2,500 for a first violation and $5,000 for any subsequent violation. The penalty prescribed in this section shall be collected in a civil action by a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

b. In addition to the penalties described in this section, any person aggrieved by a violation of this act may bring an action in Superior Court to recover damages.

4. This act shall take effect on the first day of the third month next following the date of enactment.

Approved July 21, 2017.

CHAPTER 125

AN ACT concerning the membership of the New Jersey Board of Nursing and amending P.L.1947, c.262.

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

1. Section 2 of P.L.1947, c.262 (C.45:11-24) is amended to read as follows:

C.45:11-24 The board; appointment; terms.

2. a. The board; appointment; terms. In addition to the members appointed to represent the interests of the public pursuant to P.L.1971, c.60 (C.45:1-2.1 et seq.), the New Jersey Board of Nursing shall consist of 12

members, six of whom shall be registered professional nurses, two of whom shall be licensed practical nurses, two of whom shall be nurse educators, one of whom shall be an advanced practice nurse, and one of whom shall be an additional public member, all to be appointed by the Governor. Appointments to the board shall be for terms of five years or for the unexpired portion of a term in the case of a vacancy for any cause within a term, and until a successor shall be appointed and qualified. In making appointments the Governor shall give due consideration to, but shall not be bound by, recommendations submitted by the various nurses' professional associations of this State. Upon notice and hearing, the Governor may remove from office any member of the board for neglect of duty, incompetency, unprofessional or dishonorable conduct.

b. Qualifications for appointment. The advanced practice nurse member shall be a resident of this State, shall be a graduate of an accredited advanced practice nurse program, shall have had at least five years' experience in professional nursing, shall at the time of appointment be actively working as an advanced practice nurse, and, except for the member first appointed, shall hold a certification as an advanced practice nurse pursuant to P.L.1991, c.377 (C.45:11-45 et al.). Each registered professional nurse member of the board shall be a citizen of the United States and a resident of this State; shall be a graduate of an accredited school of nursing within the United States; shall be a registered nurse in this State; shall have had at least five years' experience in professional nursing following graduation from an accredited school of nursing; and shall at the time of appointment be actively engaged in nursing or work relating thereto. The licensed practical nurse members of the board shall be citizens of the United States and residents of this State; shall hold a valid license to practice practical nursing in this State; shall have had at least three years' experience in practical nursing; and shall at the time of appointment be actively engaged in practical nursing or work related thereto. Each nurse educator member of the board shall be a resident of this State, shall be a registered nurse in this State, shall have at least five years' experience in professional nursing, and shall have been active as an educator or administrator in an approved program to train registered nurses.

c. Oath or affirmation of office. Within 30 days after receipt of the commission, each appointee shall take, subscribe and file in the office of the Secretary of State the oath or affirmation prescribed by law.

d. Duties and powers. The board shall have the following duties and powers: (1) It shall hold annual meetings and such other meetings as it may deem necessary at such times and places as the board shall prescribe and a

majority of the board including one officer shall constitute a quorum. (2) It shall elect from its members and prescribe the duties of a president and secretary-treasurer, each of whom shall serve for one year and until a successor is elected. (3) It shall appoint and prescribe the duties of an executive secretary to the board who need not be a member thereof but who shall be a citizen of the United States, a graduate of a college or university with a major in nursing education, a registered nurse of this State with at least five years' experience in teaching or administration or both in an accredited school of professional nursing, or have equivalent qualifications as determined by the board. The executive secretary shall hold office during the will and pleasure of the board. (4) It shall employ and prescribe the duties of such persons as in its judgment shall be necessary for the proper performance and execution of the duties and powers of the board. (5) It shall determine and pay reasonable compensation and necessary expenses of the executive secretary and all employees of the board. (6) It shall pay to each member of the board the compensation hereinafter provided. (7) It shall have a common seal, keep an official record of all its meetings, and through its secretary-treasurer report annually to the Governor the work of the board. (8) It shall examine applicants for a license or renewals thereof, issue, renew, revoke and suspend licenses, as hereinafter provided. (9) It shall in its discretion investigate and prosecute all violations of provisions of this act. (10) It shall keep an official record which shall show the name, age, nativity and permanent place of residence of each applicant and licensee and such further information concerning each applicant and licensee as the board shall deem advisable. The record shall show also whether the applicant was examined, licensed or rejected under this and any prior act. Copies of any of the entries of the record or of any certificate issued by the board may be authenticated by any member of the board under its seal and when so authenticated shall be evidence in all courts of this State of the same weight and force as the original thereof. For authenticating a copy of any entry or entries contained in its record the board shall be paid a fee of $3.00, but such authentication, if made at the request of any public agency of this or any other jurisdiction, may be without fee. (11) In its discretion it may publish at such times as it shall determine a list of nurses licensed under this act, a list of schools of nursing accredited or approved under this act, and such other information as it shall deem advisable. (12) It shall prescribe standards and curricula for schools of nursing and evaluate and approve courses for affiliation. (13) It shall hear and determine applications for accreditation of schools of professional nursing, conduct investigations before and after accreditation of such schools and institutions with which

they are affiliated, and issue, suspend or revoke certificates of accreditation as hereinafter provided. (14) It shall approve schools of practical nursing which shall conform to the standards, curricula, and requirements prescribed by the board, and suspend or revoke approval for violations thereof; provided, that this power shall not extend to schools operated by any board of education in this State. (15) It may consult with the Medical Society of New Jersey and the New Jersey Hospital Association with respect to any matter relating to the administration of this act and shall consult with those associations with respect to standards and curricula and any change thereof for schools of nursing. (16) It shall issue subpoenas for the attendance of witnesses and production of documents at any hearing before the board authorized by this act and any member of the board shall administer an oath or affirmation to persons appearing to give testimony at such hearings. (17) It may conduct any investigations, studies of nursing and nursing education and related matters, and prepare and issue such publications as in the judgment of the board will advance the profession of nursing and its service to the public. (18) It shall perform all other functions which are provided in this act to be performed by it or which in the judgment of the board are necessary or proper for the administration of this act. (19) It shall from time to time prescribe rules and regulations not inconsistent with this act. (20) It shall prescribe standards and curricula for homemaker-home health aide education and training programs which a homemaker-home health aide shall complete in order to work in this State. (21) It shall review applications to provide homemaker-home health aide training programs and shall issue, suspend or revoke program approval. (22) It shall establish and maintain a registry of all individuals who have successfully completed a homemaker-home health aide training and competency evaluation program. The board shall provide for the inclusion in the registry of information about the disqualification of any person from certification as a homemaker-home health aide pursuant to sections 7 through 13 of P.L.1997, c.100 (C.45:11-24.3 through 24.9), including the specific documented findings constituting the basis for that disqualification; except that the information shall indicate that the person was convicted of a crime or disorderly persons offense as described in section 7 of P.L.1997, c.100 (C.45:11-24.3), but shall not identify the conviction or convictions which constitute the basis for the disqualification. (23) It shall prescribe standards and requirements for a competency evaluation program resulting in certification of the homemaker-home health aide, and the renewal, revocation, and suspension of that certification. (24) It shall review applications for homemaker home-health aide certification and shall issue, suspend, revoke, or fail to renew

certifications and conduct investigations pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.). (25) It shall require that nursing school curricula include, and shall prescribe standards for, the training of registered professional nurses in the supervision of, and the delegation of nursing tasks to, unlicensed assistive personnel, and shall further prescribe standards establishing the criteria for determining those tasks which registered professional nurses may delegate to unlicensed assistive personnel working under their supervision and the type of supervision required with respect to those personnel. (26) It shall prescribe standards and requirements for unlicensed assistive personnel, including initial education and continuing education and a competency evaluation program, which these personnel shall satisfy in order to work in this State. As used in this paragraph and in paragraph (25) of this subsection, "unlicensed assistive personnel" means any unlicensed or uncertified personnel employed by a licensed health care facility that perform nursing tasks which do not require the skill or judgment of a registered professional nurse and which are assigned to them by, and carried out under the supervision of, a registered professional nurse. (27) It may require licensees to meet continuing education requirements as a condition of relicensure.

e. Compensation. Each member of the board shall receive $15.00 per day for each day in which such member is actually engaged in the discharge of duties and traveling and other expenses necessarily incurred in the discharge of duties.

2. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 126

AN ACT establishing a tuition reimbursement program for certain psychiatrists who work in New Jersey and supplementing chapter 71C 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:71C-59 Definitions relative to tuition reimbursement for certain psychiatrists.

1. As used in this act:

"Authority" means the Higher Education Student Assistance Authority.

"Eligible tuition expenses" means tuition expenses that were incurred by a program participant in attending an accredited medical school and which were not covered by any grants or scholarships.

"Program" means the tuition reimbursement program for psychiatrists established pursuant to this act.

"Program participant" means a psychiatrist who contracts with the authority to provide mental health care services in a State underserved area or in a State psychiatric hospital in return for tuition reimbursement provided under the program.

"State psychiatric hospital" means a State psychiatric hospital operated by the Department of Human Services and listed in R.S.30:1-7.

"State underserved area" means a geographic area in this State which the Commissioner of Health, in consultation with the Commissioner of Human Services, determines on the basis of health status and economic indicators as having a physician shortage in the specialty of psychiatry.

C.18A:71C-60 Tuition reimbursement for certain psychiatrists.

2. a. There is established in the Higher Education Student Assistance Authority a tuition reimbursement program for psychiatrists who provide mental health care services in a State underserved area or in a State psychiatric hospital. The program shall provide reimbursement to program participants for a portion of the eligible tuition expenses incurred by the participant in attending medical school.

b. A program participant shall enter into a contract with the authority for a specified number of one-year periods of service, up to four years, in which the participant agrees to engage in the full-time practice of psychiatry in a State underserved area or in a State psychiatric hospital. The agreement shall specify the program participant's dates of required service and the total amount of reimbursement of eligible tuition expenses to be received by the participant in return for service.

c. The tuition reimbursement for a participant under the program shall equal 25 percent of the participant's eligible tuition expenses for the one academic year of medical school attendance in which tuition was the lowest, in return for each full year of service satisfactorily completed by the participant under the program. The total tuition reimbursement amount for a program participant, for four full years of service, shall not exceed 100 percent of the participant's eligible tuition expenses for the one academic year of medical school attendance in which tuition was the lowest.

C.18A:71C-61 Eligibility for program.

3. To be eligible to participate in the program, an applicant shall:

a. be a resident of New Jersey;

b. be a State-licensed physician who has successfully completed all educational and residency training requirements for the practice of psychiatry;

c. apply for the program within one year of completing an accredited residency training program in psychiatry, or within one year of completing an accredited fellowship in child and adolescent psychiatry; and

d. agree to practice full-time as a psychiatrist in a State underserved area or in a State psychiatric hospital for a period of one to four years in return for the tuition reimbursement provided under the program.

C.18A:71C-62 Designation of underserved areas, list of available positions in State psychiatric hospitals.

4. a. The Commissioner of Health, in consultation with the Commissioner of Human Services, shall designate State underserved areas which have a shortage of psychiatrists. In designating State underserved areas, the commissioner shall consider health status criteria and economic indicators including, but not limited to, the financial resources of the population who resides in the area under consideration, and the population's access to mental health care services.

b. The Commissioner of Health shall transmit to the authority a list of the State underserved areas and the projected number of psychiatrists needed in each area.

c. The Commissioner of Human Services shall transmit to the authority a list of the State psychiatric hospitals and the projected number of psychiatrists needed in each hospital.

C.18A:71C-63 Contract for program participant.

5. The contract entered into between a program participant and the authority pursuant to section 2 of this act shall require a program participant to:

a. charge for professional services at the usual and customary rate prevailing in the State underserved area, but allow a patient who is unable to pay that charge to pay at a reduced rate or receive care at no charge;

b. not discriminate against any patient in the provision of mental health care services on the basis of that person's ability to pay or source of payment; and

c. agree not to impose any charge in excess of the limiting fee for a service, as determined by the United States Secretary of Health and Human Services, to a recipient of benefits under the federal Medicare program established pursuant to Pub.L.89-97 (42 U.S.C. s.1395 et seq.).

C.18A:71C-64 Performance standards.

6. A program participant, as a condition of participation, shall be required to adhere to performance standards established by the authority. The standards shall include, but not be limited to, requirements that a program participant:

a. maintain residency in the State;

b. maintain a license to practice medicine in the State;

c. remain current with payments on any student loans;

d. maintain satisfactory performance of services rendered in a State underserved area or in a State psychiatric hospital; and

e. report to the authority, on a form and in a manner prescribed by the authority, on the program participant's performance of services rendered prior to reimbursement of tuition under the program.

C.18A:71C-65 Ineligibility.

7. An individual who is participating in the Primary Care Practitioner Loan Redemption Program, N.J.S.18A:71C-32 et seq., or in the federally administered National Health Service Corps Loan Repayment Program, section 338B of the Public Health Service Act (42 U.S.C. s.254l-1), shall not be eligible to participate simultaneously in the tuition reimbursement program established pursuant to this act.

8. The authority shall promulgate regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the provisions of this act.

9. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 127

AN ACT establishing the Women's Vocational Training Pilot Program and authorizing an allocation of funds therefor.

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

1. a. There is established in the Department of Labor and Workforce Development the Women's Vocational Training Pilot Program, which shall be developed by the commissioner and implemented through current department programs. The purpose of the program is to improve employability of women through education and training to help them and their families become financially empowered and economically self-sufficient. The commissioner shall consult with the Rutgers School of Management and Labor Relations' Center for Women and Work to identify and recruit appropriate and qualified persons to develop and implement the program.

The program will provide women with education, training, and support for success in the workforce, specifically in nontraditional occupations. A nontraditional occupation for women, as defined under the "Carl D. Perkins Career and Technical Education Act of 2006," Pub.L.109-270, is a job sector or field where women account for 25 percent or less of those employed in the field. Nontraditional occupations span all major occupational groups including architects, computer programmers, computer software and hardware engineers, detectives, chefs, barbers, clergy, engineers, computer and office machine repairers, construction and building inspectors, railroad conductors, machinists, truck drivers, fire fighters, aircraft pilots, and construction occupations, as well as certain occupations in the fields of customer service, health care, and tourism.

b. The program shall:

(1) target women with family incomes below the local self-sufficiency standard, when available, or women in families with income of less than 200 percent of the poverty threshold. As used in this section, "self-sufficiency standard" means a measure of how much income families need to cover their basic costs without subsidies, as determined or recognized by the State for an applicable local area using a consistent methodology that calculates the costs of living and working based upon geographic location and family size and composition;

(2) recruit low-income women for careers in nontraditional occupations and provide comprehensive career guidance and counseling, including regional labor market information and projections about nontraditional jobs and salary information;

(3) conduct individual assessments and employment counseling;

(4) assist low-income women to access programs leading to a degree, industry recognized certificate or credential, and apprenticeship programs that will prepare them for high-demand, high-skill occupations;

(5) conduct education and pre-apprenticeship and pre-employment skill development activities including basic skills, education, literacy, including financial literacy, and training;

(6) develop or obtain curricula, handbooks, tools and equipment;

(7) engage in necessary activities for the recruitment, preparation, placement, and retention of participants in registered apprenticeships, post-secondary training programs, and permanent employment;

(8) provide access to pre- and post-placement supportive services such as child care, transportation, tools, application fees, dues, needs-based payments or stipends, and mentorships as may be necessary to complete training and retain employment;

(9) develop incentives for employers and sponsors of registered apprenticeship programs to retain women in nontraditional occupations for more than six months;

(10) provide technical assistance to employers on how to create a safe and healthy workplace environment designed to retain and advance women, including best practices for addressing sexual harassment;

(11) provide post-placement assistance to participants in order to promote employment retention, including exit interviews, mentoring, networking and leadership development for women employed in the field; and

(12) develop and collect data, consistent with the requirements of the "Workforce Innovation and Opportunity Act," Pub.L.113-128, to track women by race, ethnicity, and age throughout the process and establish benchmarks such as numbers contacted through outreach, placement into training and completion rates, and employment outcomes, including earnings progression.

c. The commissioner may allocate for the Women's Vocational Training Pilot Program any sums as may be necessary to effectuate the purposes of the program from annual appropriations as may be made available for those purposes from the Workforce Development Partnership Fund created pursuant to section 9 of P.L.1992, c.43 (C.34:15D-9).

d. The commissioner shall annually submit to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the President of the Senate and the Speaker of the General Assembly a report detailing the progress and results of the pilot program and any recommendations on whether the program should be continued. The report shall include such program enrollment details as the gender, race, and age of participants, the job sec-

tors selected by each participant, the number of participants educated, trained, and hired, and the starting salaries of participants who are hired, among any other essential details, facts, and statistics regarding the program that the commissioner deems relevant.

2. Notwithstanding the provisions of any law or regulation to the contrary, from amounts appropriated from the Workforce Development Partnership Fund, section 9 of P.L.1992, c.43 (C.34:15D-9), the Commissioner of the Department of Labor and Workforce Development shall allocate an amount as the commissioner determines is necessary to effectuate the Women's Vocational Training Pilot Program, subject to the approval of the Director of the Division of Budget and Accounting.

3. This act shall take effect immediately and shall expire after submission of the fifth annual report required to be submitted pursuant to section 1 of this act. The commissioner may recommend to the Legislature and the Governor that the pilot program be extended beyond the expiration date provided in this section.

Approved July 21, 2017.

CHAPTER 128

AN ACT requiring the Director of the Division of Taxation in the Department of the Treasury to promulgate a Property Taxpayer Bill of Rights and supplementing Title 54 of the Revised Statutes.

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

C.54:1-2.1 Property Taxpayer Bill of Rights.

1. The Director of the Division of Taxation shall promulgate a Property Taxpayer Bill of Rights and each county board of taxation and each municipality in the State shall post it on their respective websites, if any.

The Property Taxpayer Bill of Rights shall set forth in simple and nontechnical terms that every property taxpayer has the right to understand their real property assessment and to appeal an assessment that a taxpayer believes is too high. The Property Taxpayer Bill of Rights shall specify that a property taxpayer has the following rights under State law:

The right to understand the real property assessment process and the requirements of the New Jersey Constitution concerning the assessment of real property;

The right to understand the calculation of the assessment on their real property;

The right to detailed information about how to appeal an assessment of real property; and

The right to view the real property assessment of any other parcel of real property in the municipality in which the taxpayer's property is located.

The director shall require that the Property Taxpayer Bill of Rights be posted on the webpage of each county board of taxation and each municipality in the State with an Internet webpage.

2. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 129

AN ACT concerning the New Jersey College Loans to Assist State Students (NJCLASS) Loan Program and supplementing chapter 71C 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:71C-21.1 Annual report on NJCLASS Loan Program.

1. The authority shall annually submit to the Governor and to the President of the Senate and the Speaker of the General Assembly a report on the NJCLASS Loan Program. The report shall be submitted no later than August 1 of each year and shall include, but not be limited to, the following information: the principal amount of bonds issued to finance the NJCLASS Loan Program in the prior year and the interest rates offered on those bonds; the total principal amount of authority bonds that are outstanding, the interest rates on the bonds, and the retirement schedule for those bonds; the total number and principal amount of outstanding NJCLASS loans, and the total number and principal amount of NJCLASS loans contracted in the prior year; the total number of NJCLASS loans that are in

default and the number that entered default in the prior year; the total number of loan collection lawsuits that have been filed under the program, and the number of loan collection lawsuits that were filed in the prior year and the status of those lawsuits; the number of requests filed in the prior year with the authority for the forgiveness of an NJCLASS loan due to the death or total and permanent disability of the borrower, the number of requests that were granted or denied, and the reasons for the denial of requests; the number of requests filed in the prior year with the authority for a loan deferment, the type of deferment requested by the borrower, the number of requests that were granted or denied, and the reasons for the denial of requests; and the number of forbearance requests filed in the prior year with the authority, the number of requests that were granted or denied, and the reasons for the denial of requests.

C.18A:71C-21.2 Development of student loan comparison information document.

2. a. The authority shall develop a student loan comparison information document. The document shall provide information that allows a borrower to compare an NJCLASS loan with loans available under federal student loan programs including the federal PLUS loan program, and shall provide examples of loan repayment under each program. The information provided on the comparison document shall include, but need not be limited to, the following:

(1) loan type, including loan term, interest rate whether fixed or variable, and annual percentage rate (APR);

(2) repayment options, including the availability of income-contingent loan repayment options, and clear information on when repayment would begin and how that may be different from the federal student loan programs;

(3) loan origination, administrative, and other fees over the life of the loan;

(4) estimated cost of borrowing over the life of the loan and estimated monthly payment amounts for each loan type at each of six sample loan disbursement amounts;

(5) availability of loan deferments, loan forbearance, and loan forgiveness, the reasons for which a deferment, a forbearance, or forgiveness may be requested, and the percentage of the requests that are granted;

(6) the average annual default rates under each loan program, the average annual number of loan collection lawsuits filed under each program, and the availability of a loan rehabilitation program; and

(7) the average annual number of wage garnishment orders issued under each program.

b. The comparison information document shall be posted in a prominent location on the authority's website and shall be linked to the online application for an NJCLASS loan. A copy of the document shall be included with a paper NJCLASS loan application. The comparison information document shall be distributed at any financial aid workshop conducted by the authority for high school students or their parents and shall be included in any NJCLASS Loan Program promotional materials distributed by the authority.

3. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 130

AN ACT concerning a Statewide reverse transfer agreement and supplementing chapter 62 of Title 18A of the New Jersey Statutes.

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

C.18A:62-46.1 Collective Statewide reverse transfer agreement.

1. a. Each institution of higher education, in consultation with the Secretary of Higher Education and the New Jersey Presidents' Council, shall establish and enter into a collective Statewide reverse transfer agreement. Under the agreement, a student enrolled in a four-year institution of higher education who has a cumulative total of 66 credits earned between a county college and the four-year institution may be awarded an associate degree by the county college. The reverse transfer agreement shall address the following:

(1) the effective communication between the county college and the four-year institution on student transcripts and course equivalencies;

(2) the process by which a student is notified of potential eligibility, and by which the four-year institution obtains the consent of the student for release of his transcript to the county college;

(3) procedures for advising students on the courses that a student needs to complete to attain an associate degree;

(4) policies and procedures for the annual review and update of the agreement; and

(5) policies and procedures for the collection of data by the secretary to ensure that all institutions are in compliance with this section. The secretary shall annually determine the data to be collected and shall notify each institution in a timely manner.

b. The policies and procedures set forth in the collective Statewide reverse transfer agreement shall be fully operational by September 1, 2018.

c. (1) The annual report prepared by the Secretary of Higher Education pursuant to section 4 of P.L.2007, c.175 (C.18A:62-49) shall include an analysis of each institution's compliance with the provisions of this section.

(2) In the first annual report issued after the effective date of this act, the secretary shall identify the institutions that have entered into a reverse transfer agreement prior to that effective date, and the institutions that enter into an agreement on or after that effective date.

2. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 131

AN ACT concerning terminology referring to persons with certain disabilities or substance use disorders, and revising various parts of statutory law.

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

1. Section 4 of P.L.1975, c.311 (C.2A:18-61.7) is amended to read as follows:

C.2A:18-61.7 Definitions.

4. As used in this act:

a. "Comparable housing or park site" means housing that is (1) decent, safe, sanitary, and in compliance with all local and State housing codes; (2) open to all persons regardless of race, creed, national origin, ancestry, marital status, or sex; and (3) provided with facilities equivalent to that provided by the landlord in the dwelling unit or park site in which the tenant then resides in regard to each of the following: (a) apartment size

including number of rooms or park site size, (b) rent range, (c) apartment's major kitchen and bathroom facilities, and (d) special facilities necessary for a person with a disability, or a person with an infirmity; (4) located in an area not less desirable than the area in which the tenant then resides in regard to each of the following: (a) accessibility to the tenant's place of employment, (b) accessibility of community and commercial facilities, and (c) environmental quality and conditions; and (5) in accordance with additional reasonable criteria which the tenant has requested in writing at the time of making any request under this act.

b. "Condominium" means a condominium as defined in the "Condominium Act," P.L.1969, c.257 (C.46:8B-1 et seq.).

c. "Cooperative" means a housing corporation or association which entitles the holder of a share or membership interest thereof to possess and occupy for dwelling purposes a house, apartment, or other structure owned or leased by said corporation or association, or to lease or purchase a dwelling constructed or to be constructed by said corporation or association.

d. "Mobile home park" means any park, including a trailer park or camp, equipped to handle mobile homes sited on a year-round basis.

2. Section 2 of P.L.2007, c.327 (C.2A:168A-8) is amended to read as follows:

C.2A:168A-8 Issuance of certificate; conditions.

2. A certificate may be issued pursuant to this act as follows:

a. (1) A court, in its discretion, may issue a certificate at the time of sentencing if the applicant:

(a) is a qualified offender, who is being sentenced to a non-incarcerative sentence for a second, third, or fourth degree crime;

(b) has established that a specific licensing or employment disqualification, forfeiture, or bar, will apply to the applicant, and may endanger the applicant's ability to maintain existing public employment or employment for which the applicant has made application, or to engage in a business enterprise for which a license or certification is required;

(c) has no pending criminal charges, and there is no information presented that such a charge is imminent; and

(d) has established that the relief is consistent with the public interest.

(2) A certificate issued under this subsection shall apply only to the specific disability, forfeiture or bar that is affected, which must be specifically described in the certificate document.

b. (1) A supervising authority may issue a certificate in regard to a qualified offender who is, or had previously been, under supervision by the supervising authority if the supervising authority determines that:

(a) the applicant is convicted of a second, third, or fourth degree offense and is eligible for relief under subsection c. of this section;

(b) the applicant has not been convicted of a crime since the conviction for which the offender is under supervision, has no pending criminal charge, and there is no information presented that such a charge is imminent;

(c) issuing the certificate will not pose a substantial risk to public safety; and

(d) issuing the certificate will assist in the successful reintegration of the offender and is consistent with the public interest.

(2) A certificate issued pursuant to this subsection may suspend disabilities, forfeitures, and bars generally within the limits of this act, or only certain disabilities, forfeitures, and bars, specifically named in the certificate document.

c. A qualified offender is eligible for relief under subsection b. of this section if the offender has not been convicted of:

(1) a first degree crime;

(2) an offense to which section 2 of P.L.1997, c.117 (C.2C:43-7.2) applies;

(3) a second degree offense defined in chapters 13, 14, 15, 16, 24, 27, 30, 33, 38 of Title 2C of the New Jersey Statutes;

(4) a violation of subsection a. of N.J.S.2C:24-4 or paragraph (4) of subsection b. of N.J.S.2C:24-4;

(5) a crime requiring registration pursuant to section 2 of P.L.1994, c.133 (C.2C:7-2);

(6) a crime committed against a public entity or against a public officer;

(7) a crime enumerated in subsection b. of section 2 of P.L.2007, c.49 (C.43:1-3.1) committed by a public employee, which involves or touches upon the employee's office, position, or employment, such that the crime was related directly to the person's performance in, or circumstances flowing from, the specific public office or employment held by the person;

(8) any crime committed against a person 16 years of age or younger, or a person with a disability; or

(9) a conspiracy or attempt to commit any of the crimes described in this subsection.

d. (1) A supervising authority may issue a certificate in regard to a qualified offender, when three years have passed since the applicant has

completed the incarcerative or supervisory portion of the applicant's sentence, whichever is later, and the supervising authority finds that:

(a) the applicant is eligible for such relief as defined in subsection e. of this section;

(b) issuing the certificate does not pose a substantial risk to public safety; and

(c) issuing the certificate will assist in the successful reintegration of the offender and is consistent with the public interest.

(2) The certificate issued pursuant to this subsection may suspend disabilities, forfeitures and bars generally within the limits of this act, or only certain disabilities, forfeitures, and bars specifically named in the certificate document.

e. A qualified offender is eligible for relief under subsection d. of this section if the offender has remained without criminal involvement since the offender's conviction, including that the offender has not subsequently been convicted of a crime, has no pending charges for any crime, and there is no information presented that such a charge is imminent; and is applying for relief from a conviction other than:

(1) a first degree crime;

(2) any of the offenses to which section 2 of P.L.1997, c.117 (C.2C:43-7.2) applies;

(3) a violation of subsection a. of N.J.S.2C:24-4 or paragraph (4) of subsection b. of N.J.S.2C:24-4;

(4) a crime requiring registration pursuant to section 2 of P.L.1994, c.133 (C.2C:7-2);

(5) a crime enumerated in subsection b. of section 2 of P.L.2007, c.49 (C.43:1-3.1) committed by a public employee, which involves or touches upon the employee's office, position, or employment, such that the crime was related directly to the person's performance in, or circumstances flowing from, the specific public office or employment held by the person;

(6) a crime committed against a person 16 years of age or younger, or a person with a disability; or

(7) a conspiracy or attempt to commit any offense described in this paragraph.

3. N.J.S.2B:20-10 is amended to read as follows:

Grounds for excuse from jury service.

2B:20-10. An excuse from jury service shall be granted only if:

a. The prospective juror is 75 years of age or older;

b. The prospective juror has served as a juror within the last three years in the county to which the juror is being summoned;

c. Jury service will impose a severe hardship due to circumstances which are not likely to change within the following year. Severe hardship includes the following circumstances:

(1) The prospective juror has a medical inability to serve which is verified by a licensed physician.

(2) The prospective juror will suffer a severe financial hardship which will compromise the juror's ability to support himself, herself, or dependents. In determining whether to excuse the prospective juror, the Assignment Judge shall consider:

(a) the sources of the prospective juror's household income; and

(b) the availability and extent of income reimbursement; and

(c) the expected length of service.

(3) The prospective juror has a personal obligation to care for another, including a dependent who is sick, is elderly, or has an infirmity or a minor child, who requires the prospective juror's personal care and attention, and no alternative care is available without severe financial hardship on the prospective juror or the person requiring care.

(4) The prospective juror provides highly specialized technical health care services for which replacement cannot reasonably be obtained.

(5) The prospective juror is a health care worker directly involved in the care of a person with a mental or physical disability, and the prospective juror's continued presence is essential to the personal treatment of that person.

(6) The prospective juror is a member of the full-time instructional staff of a grammar school or high school, the scheduled jury service is during the school term, and a replacement cannot reasonably be obtained. In determining whether to excuse the prospective juror or grant a deferral of service, the Assignment Judge shall consider:

(a) the impact on the school considering the number and function of teachers called for jury service during the current academic year; and

(b) the special role of certified special education teachers in providing continuity of instruction to students with disabilities;

d. The prospective juror is a member of a volunteer fire department or fire patrol; or

e. The prospective juror is a volunteer member of a first aid or rescue squad.

4. Section 3 of P.L.1977, c.200 (C.5:5-44.4) is amended to read as follows:

C.5:5-44.4 Determination of organizations to receive moneys by Council on Developmental Disabilities.

3. The New Jersey Council on Developmental Disabilities shall determine annually which organizations in New Jersey shall receive the moneys to be distributed pursuant to section 2 of P.L.1977, c.200 (C.5:5-44.3); provided, however, that such organizations shall be nonprofit organizations which expend funds for direct services in full-time programs to New Jersey residents with developmental disabilities, and provided further, however, that each such organization shall be affiliated with a national organization of the same type and purpose. As used herein, "developmental disability" means a disability which (1) is attributable to:

(a) an intellectual disability, cerebral palsy, epilepsy, or autism;

(b) any other condition found to be closely related to an intellectual disability because such condition results in impairment of general intellectual functioning or adaptive behavior similar to impairment resulting from an intellectual disability or which requires treatment and services similar to those required for an intellectual disability; or

(c) dyslexia resulting from a disability described in subparagraphs (a) and (b);

(2) originates before such person attains age 18;

(3) has continued or can be expected to continue indefinitely; and

(4) constitutes a substantial impediment to such person's ability to function in society.

5. Section 134 of P.L.1977, c.110 (C.5:12-134) is amended to read as follows:

C.5:12-134 Equal employment opportunity; requirements for license.

134. a. Each applicant, at the time of submitting architectural plans or site plans to the division for approval of proposed construction, renovation, or reconstruction of any structure or facility to be used as an approved hotel or casino, shall accompany the plans with a written guaranty that all contracts and subcontracts to be awarded in connection therewith shall contain appropriate provisions by which contractors and subcontractors or their assignees agree to afford an equal employment opportunity to all prospective employees and to all actual employees to be employed by the contractor or subcontractor in accordance with an affirmative action program approved by the division and consonant with the provisions of the "Law Against Dis-

crimination," P.L.1945, c.169 (C.10:5-1 et seq.). On and after the effective date of P.L.1979, c.282 an applicant shall also be required to demonstrate that equal employment opportunities in accordance with the aforesaid affirmative-action program in compliance with P.L.1945, c.169 have been afforded to all prospective employees and to all actual employees employed by a contractor or subcontractor in connection with the actual construction, renovation, or reconstruction of any structure or facility to be used as an approved hotel or casino prior to submission of architectural plans or site plans to the commission.

b. No license shall be issued by the commission to any applicant, including a casino service industry enterprise as defined in section 12 of P.L.1977, c.110 (C.5:12-12), who has not agreed to afford an equal employment opportunity to all prospective employees in accordance with an affirmative-action program approved by the commission and consonant with the provisions of the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.).

c. Each applicant shall formulate for division approval and abide by an affirmative-action program of equal opportunity whereby the applicant guarantees to provide equal employment opportunity to rehabilitated offenders eligible under section 91 of P.L.1977, c.110 (C.5:12-91 et seq.) and members of minority groups qualified for licensure in all employment categories, including a person with a disability, in accordance with the provisions of the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.).

d. Any license issued by the commission in violation of this section shall be null and void.

6. Section 136 of P.L.1977, c.110 (C.5:12-136) is amended to read as follows:

C.5:12-136 Facilities for persons with physical disabilities.

136. All hotels and other facilities of a casino licensee, which are public accommodations and are subject to the regulatory powers of the division under P.L.1977, c.110 (C.5:12-1 et seq.), shall be constructed or renovated to conform with the provisions of P.L.1971, c.269, as amended and supplemented (C.52:32-4 et seq.) relating to barrier-free design for providing facilities for persons with physical disabilities in public buildings, and the rules, regulations, and codes thereunder promulgated.

7. Section 1 of P.L.1968, c.230 (C.9:17A-4) is amended to read as follows:

C.9:17A-4 Consent by minor to treatment.

1. a. (1) The consent to the provision of medical or surgical care or services or a forensic sexual assault examination by a hospital or public clinic, or consent to the performance of medical or surgical care or services or a forensic sexual assault examination by a health care professional, when executed by a minor who is or believes that he or she may have a sexually transmitted infection, or who is at least 13 years of age and is or believes that he or she may be infected with the human immunodeficiency virus or have acquired immune deficiency syndrome, or by a minor who, in the judgment of the treating health care professional, appears to have been sexually assaulted, shall be valid and binding as if the minor had achieved the age of majority. Any such consent shall not be subject to later disaffirmance by reason of minority. In the case of a minor who appears to have been sexually assaulted, the minor's parents or guardian shall be notified immediately, unless the treating healthcare professional believes that it is in the best interests of the patient not to do so. Inability of the treating health care professional, hospital, or clinic to locate or notify the parents or guardian shall not preclude the provision of any emergency or medical or surgical care to the minor or the performance of a forensic sexual assault examination on the minor.

(2) As used in this subsection, "health care professional" means a physician, physician assistant, nurse, or other health care professional whose professional practice is regulated pursuant to Title 45 of the Revised Statutes.

b. When a minor believes that he or she is adversely affected by a substance use disorder involving drugs or is a person with a substance use disorder involving drugs as defined in section 2 of P.L.1970, c.226 (C.24:21-2) or is adversely affected by an alcohol use disorder or is a person with an alcohol use disorder as defined in section 2 of P.L.1975, c.305 (C.26:2B-8), the minor's consent to treatment under the supervision of a physician licensed to practice medicine, or an individual licensed or certified to provide treatment for an alcohol use disorder, or in a facility licensed by the State to provide for the treatment of an alcohol use disorder, shall be valid and binding as if the minor had achieved the age of majority. Any such consent shall not be subject to later disaffirmance by reason of minority. Treatment for an alcohol use disorder or a substance use disorder involving drugs that is consented to by a minor shall be considered confidential information between the physician, the treatment provider, or the treatment facility, as appropriate, and the patient, and neither the minor nor the minor's physician, treatment provider, or treatment facility, as appropri-

ate, shall be required to report such treatment when it is the result of voluntary consent, except as may otherwise be required by law.

When a minor who is sixteen years of age or older believes that he or she is in need of behavioral health care services for the treatment of mental illness or emotional disorders, the minor's consent to temporary outpatient treatment, excluding the use or administration of medication, under the supervision of a physician licensed to practice medicine, an advanced practice nurse, or an individual licensed to provide professional counseling under Title 45 of the Revised Statutes, including, but not limited to, a psychiatrist, licensed practicing psychologist, certified social worker, licensed clinical social worker, licensed social worker, licensed marriage and family therapist, certified psychoanalyst, or licensed psychologist, or in an outpatient health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), shall be valid and binding as if the minor had achieved the age of majority. Any such consent shall not be subject to later disaffirmance by reason of minority. Treatment for behavioral health care services for mental illness or emotional disorders that is consented to by a minor shall be considered confidential information between the physician, the individual licensed to provide professional counseling, the advanced practice nurse, or the health care facility, as appropriate, and the patient, and neither the minor nor the minor's physician, professional counselor, nurse, or outpatient health care facility, as appropriate, shall be required to report such treatment when it is the result of voluntary consent.

The consent of no other person or persons, including but not limited to, a spouse, parent, custodian, or guardian, shall be necessary in order to authorize a minor to receive such hospital services, facility, or clinical care or services, medical or surgical care or services, or counseling services from a physician licensed to practice medicine, an individual licensed or certified to provide treatment for an alcohol use disorder, an advanced practice nurse, or an individual licensed to provide professional counseling under Title 45 of the Revised Statutes, as appropriate, except that behavioral health care services for the treatment of mental illness or emotional disorders shall be limited to temporary outpatient services only.

8. Section 5 of P.L.1945, c.169 (C.10:5-5) is amended to read as follows:

C.10:5-5 Definitions relative to discrimination.

5. As used in P.L.1945, c.169 (C.10:5-1 et seq.), unless a different meaning clearly appears from the context:

a. "Person" includes one or more individuals, partnerships, associations, organizations, labor organizations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, and fiduciaries.

b. "Employment agency" includes any person undertaking to procure employees or opportunities for others to work.

c. "Labor organization" includes any organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining, or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment.

d. "Unlawful employment practice" and "unlawful discrimination" include only those unlawful practices and acts specified in section 11 of P.L.1945, c.169 (C.10:5-12).

e. "Employer" includes all persons as defined in subsection a. of this section unless otherwise specifically exempt under another section of P.L.1945, c.169 (C.10:5-1 et seq.), and includes the State, any political or civil subdivision thereof, and all public officers, agencies, boards, or bodies.

f. "Employee" does not include any individual employed in the domestic service of any person.

g. "Liability for service in the Armed Forces of the United States" means subject to being ordered as an individual or member of an organized unit into active service in the Armed Forces of the United States by reason of membership in the National Guard, naval militia or a reserve component of the Armed Forces of the United States, or subject to being inducted into such armed forces through a system of national selective service.

h. "Division" means the "Division on Civil Rights" created by P.L.1945, c.169 (C.10:5-1 et seq.).

i. "Attorney General" means the Attorney General of the State of New Jersey or the Attorney General's representative or designee.

j. "Commission" means the Commission on Civil Rights created by P.L.1945, c.169 (C.10:5-1 et seq.).

k. "Director" means the Director of the Division on Civil Rights.

l. "A place of public accommodation" shall include, but not be limited to: any tavern, roadhouse, hotel, motel, trailer camp, summer camp, day camp, or resort camp, whether for entertainment of transient guests or accommodation of those seeking health, recreation, or rest; any producer, manufacturer, wholesaler, distributor, retail shop, store, establishment, or concession dealing with goods or services of any kind; any restaurant, eating house, or place where food is sold for consumption on the premises; any place maintained for the sale of ice cream, ice and fruit preparations or their

derivatives, soda water or confections, or where any beverages of any kind are retailed for consumption on the premises; any garage, any public conveyance operated on land or water or in the air or any stations and terminals thereof; any bathhouse, boardwalk, or seashore accommodation; any auditorium, meeting place, or hall; any theatre, motion-picture house, music hall, roof garden, skating rink, swimming pool, amusement and recreation park, fair, bowling alley, gymnasium, shooting gallery, billiard and pool parlor, or other place of amusement; any comfort station; any dispensary, clinic, or hospital; any public library; and any kindergarten, primary and secondary school, trade or business school, high school, academy, college and university, or any educational institution under the supervision of the State Board of Education or the Commissioner of Education of the State of New Jersey. Nothing herein contained shall be construed to include or to apply to any institution, bona fide club, or place of accommodation, which is in its nature distinctly private; nor shall anything herein contained apply to any educational facility operated or maintained by a bona fide religious or sectarian institution, and the right of a natural parent or one in loco parentis to direct the education and upbringing of a child under his control is hereby affirmed; nor shall anything herein contained be construed to bar any private secondary or post-secondary school from using in good faith criteria other than race, creed, color, national origin, ancestry, gender identity, or expression or affectional or sexual orientation in the admission of students.

m. "A publicly assisted housing accommodation" shall include all housing built with public funds or public assistance pursuant to P.L.1949, c.300, P.L.1941, c.213, P.L.1944, c.169, P.L.1949, c.303, P.L.1938, c.19, P.L.1938, c.20, P.L.1946, c.52, and P.L.1949, c.184, and all housing financed in whole or in part by a loan, whether or not secured by a mortgage, the repayment of which is guaranteed or insured by the federal government or any agency thereof.

n. The term "real property" includes real estate, lands, tenements and hereditaments, corporeal and incorporeal, and leaseholds, provided, however, that, except as to publicly assisted housing accommodations, the provisions of this act shall not apply to the rental: (1) of a single apartment or flat in a two-family dwelling, the other occupancy unit of which is occupied by the owner as a residence; or (2) of a room or rooms to another person or persons by the owner or occupant of a one-family dwelling occupied by the owner or occupant as a residence at the time of such rental. Nothing herein contained shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised, or controlled by or in con-

nection with a religious organization, in the sale, lease, or rental of real property, from limiting admission to or giving preference to persons of the same religion or denomination or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained. Nor does any provision under this act regarding discrimination on the basis of familial status apply with respect to housing for older persons.

o. "Real estate broker" includes a person, firm, or corporation who, for a fee, commission, or other valuable consideration, or by reason of promise or reasonable expectation thereof, lists for sale, sells, exchanges, buys or rents, or offers or attempts to negotiate a sale, exchange, purchase, or rental of real estate or an interest therein, or collects or offers or attempts to collect rent for the use of real estate, or solicits for prospective purchasers or assists or directs in the procuring of prospects or the negotiation or closing of any transaction which does or is contemplated to result in the sale, exchange, leasing, renting, or auctioning of any real estate, or negotiates, or offers or attempts or agrees to negotiate a loan secured or to be secured by mortgage or other encumbrance upon or transfer of any real estate for others; or any person who, for pecuniary gain or expectation of pecuniary gain conducts a public or private competitive sale of lands or any interest in lands. In the sale of lots, the term "real estate broker" shall also include any person, partnership, association, or corporation employed by or on behalf of the owner or owners of lots or other parcels of real estate, at a stated salary, or upon a commission, or upon a salary and commission or otherwise, to sell such real estate, or any parts thereof, in lots or other parcels, and who shall sell or exchange, or offer or attempt or agree to negotiate the sale or exchange, of any such lot or parcel of real estate.

p. "Real estate salesperson" includes any person who, for compensation, valuable consideration or commission, or other thing of value, or by reason of a promise or reasonable expectation thereof, is employed by and operates under the supervision of a licensed real estate broker to sell or offer to sell, buy or offer to buy or negotiate the purchase, sale, or exchange of real estate, or offers or attempts to negotiate a loan secured or to be secured by a mortgage or other encumbrance upon or transfer of real estate, or to lease or rent, or offer to lease or rent any real estate for others, or to collect rents for the use of real estate, or to solicit for prospective purchasers or lessees of real estate, or who is employed by a licensed real estate broker to sell or offer to sell lots or other parcels of real estate, at a stated salary, or upon a commission, or upon a salary and commission, or otherwise to sell real estate, or any parts thereof, in lots or other parcels.

q. "Disability" means physical or sensory disability, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, or illness including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impairment, deafness or hearing impairment, muteness or speech impairment, or physical reliance on a service or guide dog, wheelchair, or other remedial appliance or device, or any mental, psychological, or developmental disability, including autism spectrum disorders, resulting from anatomical, psychological, physiological, or neurological conditions which prevents the typical exercise of any bodily or mental functions or is demonstrable, medically or psychologically, by accepted clinical or laboratory diagnostic techniques. Disability shall also mean AIDS or HIV infection.

r. "Blind person" or "person who is blind" means any individual whose central visual acuity does not exceed 20/200 in the better eye with correcting lens or whose visual acuity is better than 20/200 if accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees.

s. "Guide dog" means a dog used to assist persons who are deaf, or which is fitted with a special harness so as to be suitable as an aid to the mobility of a person who is blind, and is used by a person who is blind and has satisfactorily completed a specific course of training in the use of such a dog, and has been trained by an organization generally recognized by agencies involved in the rehabilitation of persons with disabilities, including, but not limited to, those persons who are blind or deaf, as reputable and competent to provide dogs with training of this type.

t. "Guide or service dog trainer" means any person who is employed by an organization generally recognized by agencies involved in the rehabilitation of persons with disabilities, including, but not limited to, those persons who are blind, have visual impairments, or are deaf or have hearing impairments, as reputable and competent to provide dogs with training, as defined in this section, and who is actually involved in the training process.

u. "Housing accommodation" means any publicly assisted housing accommodation or any real property, or portion thereof, which is used or occupied, or is intended, arranged, or designed to be used or occupied, as the home, residence, or sleeping place of one or more persons, but shall not include any single family residence the occupants of which rent, lease, or furnish for compensation not more than one room therein.

v. "Public facility" means any place of public accommodation and any street, highway, sidewalk, walkway, public building, and any other

place or structure to which the general public is regularly, normally, or customarily permitted or invited.

w. "Deaf person" or "person who is deaf" means any person whose hearing is so severely impaired that the person is unable to hear and understand conversational speech through the unaided ear alone, and who must depend primarily on an assistive listening device or visual communication such as writing, lip reading, sign language, and gestures.

x. "Atypical hereditary cellular or blood trait" means sickle cell trait, hemoglobin C trait, thalassemia trait, Tay-Sachs trait, or cystic fibrosis trait.

y. "Sickle cell trait" means the condition wherein the major natural hemoglobin components present in the blood of the individual are hemoglobin A (normal) and hemoglobin S (sickle hemoglobin) as defined by standard chemical and physical analytic techniques, including electrophoresis; and the proportion of hemoglobin A is greater than the proportion of hemoglobin S or one natural parent of the individual is shown to have only normal hemoglobin components (hemoglobin A, hemoglobin A2, hemoglobin F) in the normal proportions by standard chemical and physical analytic tests.

z. "Hemoglobin C trait" means the condition wherein the major natural hemoglobin components present in the blood of the individual are hemoglobin A (normal) and hemoglobin C as defined by standard chemical and physical analytic techniques, including electrophoresis; and the proportion of hemoglobin A is greater than the proportion of hemoglobin C or one natural parent of the individual is shown to have only normal hemoglobin components (hemoglobin A, hemoglobin A2, hemoglobin F) in normal proportions by standard chemical and physical analytic tests.

aa. "Thalassemia trait" means the presence of the thalassemia gene which in combination with another similar gene results in the chronic hereditary disease Cooley's anemia.

bb. "Tay-Sachs trait" means the presence of the Tay-Sachs gene which in combination with another similar gene results in the chronic hereditary disease Tay-Sachs.

cc. "Cystic fibrosis trait" means the presence of the cystic fibrosis gene which in combination with another similar gene results in the chronic hereditary disease cystic fibrosis.

dd. "Service dog" means any dog individually trained to the requirements of a person with a disability including, but not limited to minimal protection work, rescue work, pulling a wheelchair or retrieving dropped items. This term shall include a "seizure dog" trained to alert or otherwise assist persons with epilepsy or other seizure disorders.

ee. "Qualified Medicaid applicant" means an individual who is a qualified applicant pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

ff. "AIDS" means acquired immune deficiency syndrome as defined by the Centers for Disease Control and Prevention of the United States Public Health Service.

gg. "HIV infection" means infection with the human immunodeficiency virus or any other related virus identified as a probable causative agent of AIDS.

hh. "Affectional or sexual orientation" means male or female heterosexuality, homosexuality, or bisexuality by inclination, practice, identity, or expression, having a history thereof or being perceived, presumed, or identified by others as having such an orientation.

ii. "Heterosexuality" means affectional, emotional, or physical attraction or behavior which is primarily directed towards persons of the other gender.

jj. "Homosexuality" means affectional, emotional, or physical attraction or behavior which is primarily directed towards persons of the same gender.

kk. "Bisexuality" means affectional, emotional, or physical attraction or behavior which is directed towards persons of either gender.

ll. "Familial status" means being the natural parent of a child, the adoptive parent of a child, the resource family parent of a child, having a "parent and child relationship" with a child as defined by State law, or having sole or joint legal or physical custody, care, guardianship, or visitation with a child, or any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

mm. "Housing for older persons" means housing:

(1) provided under any State program that the Attorney General determines is specifically designed and operated to assist persons who are elderly (as defined in the State program); or provided under any federal program that the United States Department of Housing and Urban Development determines is specifically designed and operated to assist persons who are elderly (as defined in the federal program); or

(2) intended for, and solely occupied by, persons 62 years of age or older; or

(3) intended and operated for occupancy by at least one person 55 years of age or older per unit. In determining whether housing qualifies as housing for older persons under this paragraph, the Attorney General shall adopt regulations which require at least the following factors:

(a) the existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and

(b) that at least 80 percent of the units are occupied by at least one person 55 years of age or older per unit; and

(c) the publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.

Housing shall not fail to meet the requirements for housing for older persons by reason of: persons residing in such housing as of September 13, 1988 not meeting the age requirements of this subsection, provided that new occupants of such housing meet the age requirements of this subsection; or unoccupied units, provided that such units are reserved for occupancy by persons who meet the age requirements of this subsection.

nn. "Genetic characteristic" means any inherited gene or chromosome, or alteration thereof, that is scientifically or medically believed to predispose an individual to a disease, disorder, or syndrome, or to be associated with a statistically significant increased risk of development of a disease, disorder, or syndrome.

oo. "Genetic information" means the information about genes, gene products, or inherited characteristics that may derive from an individual or family member.

pp. "Genetic test" means a test for determining the presence or absence of an inherited genetic characteristic in an individual, including tests of nucleic acids such as DNA, RNA, and mitochondrial DNA, chromosomes, or proteins in order to identify a predisposing genetic characteristic.

qq. "Domestic partnership" means a domestic partnership established pursuant to section 4 of P.L.2003, c.246 (C.26:8A-4).

rr. "Gender identity or expression" means having or being perceived as having a gender related identity or expression whether or not stereotypically associated with a person's assigned sex at birth.

ss. "Civil Union" means a legally recognized union of two eligible individuals established pursuant to R.S.37:1-1 et seq. and P.L.2006, c.103 (C.37:1-28 et al.).

tt. "Premium wages" means additional remuneration for night, weekend, or holiday work, or for standby or irregular duty.

uu. "Premium benefit" means an employment benefit, such as seniority, group life insurance, health insurance, disability insurance, sick leave, annual leave, or an educational or pension benefit that is greater than the em-

ployment benefit due the employee for an equivalent period of work performed during the regular work schedule of the employee.

9. N.J.S.11A:5-11 is amended to read as follows:

Veterans not to be discriminated against because of physical disability.

11A:5-11. A veteran with any physical disability caused by wounds or injuries received in the line of duty in the military or naval forces of the United States during war service set forth in N.J.S.11A:5-1 shall not be discriminated against in an examination, classification or appointment because of the disability, unless this disability, in the opinion of the Civil Service Commission, would incapacitate the veteran from properly performing the duties of the office, position or employment for which applied.

10. N.J.S.11A:7-1 is amended to read as follows:

Equal employment opportunity.

11A:7-1. The head of each State agency shall ensure equality of opportunity for all of its employees and applicants seeking employment. Equal employment opportunity includes, but is not limited to, the following areas: recruitment, selection, hiring, training, promotion, transfer, layoff, return from layoff, compensation, and fringe benefits. Equal employment opportunity further includes policies, procedures, and programs for recruitment, employment, training, promotion, and retention of minorities, women, and persons with disabilities. Equal employment opportunity but not affirmative action is required with respect to persons identified solely by their affectional or sexual orientation.

The head of each State agency shall explore innovative personnel policies in order to enhance these efforts and where appropriate shall implement them to the fullest extent authorized. Where the implementation of those policies is not authorized, an agency head shall recommend implementation to the appropriate State agency.

11. N.J.S.11A:7-3 is amended to read as follows:

Equal employment opportunity and affirmative action program.

11A:7-3. The division shall develop, implement and administer an equal employment opportunity and affirmative action program for all State agencies. The program shall consider the particular personnel requirements that are reasonably related to job performance of each State agency. The director of the division shall ensure that the affirmative action and equal

employment goals of each State agency for minorities, women, and persons with disabilities shall be reasonably related to their population in the relevant surrounding labor market areas. The director, in accordance with applicable federal and State guidelines, shall:

a. Ensure each State agency's compliance with all laws and rules relating to equal employment opportunity and seek correction of discriminatory practices, policies and procedures;

b. Recommend appropriate sanctions for noncompliance to the State Treasurer who, with the concurrence of the Governor, is authorized to implement sanctions;

c. Review State personnel practices, policies, and procedures, inclusive of recruitment, selection, and promotion, in order to identify and eliminate artificial barriers to equal employment opportunity;

d. Act as liaison with federal, State, and local enforcement agencies;

e. Recommend appropriate legislation to the State Treasurer and perform other actions deemed necessary by the State Treasurer to implement this chapter; and

f. Provide, under rules adopted by the Department of the Treasury, for review of equal employment complaints.

12. N.J.S.11A:7-5 is amended to read as follows:

Department responsibilities.

11A:7-5. The department, through the Division of Equal Employment Opportunity and Affirmative Action, shall:

a. Ensure that the pool of applicants for all vacant positions in State agencies includes minorities, women, and persons with disabilities so that affirmative action goals are attainable through agency selection decisions;

b. Undertake a comprehensive review of its rules, regulations, and testing procedures in order to amend or eliminate those which serve to discriminate against minorities, women, and persons with disabilities;

c. Ensure that selection devices do not discriminate against minorities, women, and persons with disabilities;

d. Analyze job specifications to isolate and eliminate prerequisites that are artificial barriers to employment;

e. Review all discrimination complaints under Title VII of the Civil Rights Act of 1964, Pub.L. 88-352 (42 U.S.C. s.2000e et seq.), evaluate trends, and recommend appropriate policy changes; and

f. Receive, analyze and transmit to the Governor, at least semi-annually, progress reports on affirmative action in all State agencies.

13. N.J.S.11A:7-12 is amended to read as follows:

Equal Employment Opportunity Advisory Commission.

11A:7-12. The Equal Employment Opportunity Advisory Commission shall consist of 11 members appointed by the Governor, at least six of whom shall be minorities, women, and persons with disabilities. Consideration shall be given to appropriate representation of each group. The remaining members of the commission may be comprised of State agency heads or their designated representatives. All members of the commission shall be residents of the State. Members shall be appointed for staggered terms of four years. Each member shall hold office for the term of the appointment and until a successor is appointed. Members may not serve more than two consecutive terms. A vacancy in the membership of the commission shall be filled by appointment by the Governor for the remainder of the term. The commission shall meet at least quarterly to review implementation of this chapter. The Director of the Division of Equal Employment Opportunity and Affirmative Action shall serve as executive secretary.

14. N.J.S.11A:7-13 is amended to read as follows:

Accommodation for persons with disabilities; waiver of examination.

11A:7-13. The commission may establish procedures for the reasonable accommodation of persons with disabilities in the employee selection process for the State and the political subdivisions covered by this title. Pursuant to rules adopted by the Civil Service Commission, the commission may waive an examination for an applicant who has a physical, mental, or emotional injury, impairment, or disability which:

a. Makes it physically or psychologically not practicable for that person to undergo the testing procedure for the title for which applied, but

b. Does not prevent that person from satisfactorily performing the responsibilities of the title under conditions of actual service; and

c. In making such determination, the commission may require the submission of sufficient and appropriate medical documentation.

15. Section 3 of P.L.1999, c.152 (C.13:8C-3) is amended to read as follows:

C.13:8C-3 Definitions relative to open space, farmland, and historical preservation.

3. As used in sections 1 through 42 of this act:

"Acquisition" or "acquire" means the obtaining of a fee simple or lesser interest in land, including but not limited to a development easement, a

conservation restriction or easement, or any other restriction or easement permanently restricting development, by purchase, installment purchase agreement, gift, donation, eminent domain by the State or a local government unit, or devise; except that any acquisition of lands by the State for recreation and conservation purposes by eminent domain shall be only as authorized pursuant to section 28 of P.L.1999, c.152 (C.13:8C-28);

"Bonds" means bonds issued by the trust pursuant to this act;

"Commissioner" means the Commissioner of Environmental Protection;

"Committee" means the State Agriculture Development Committee established pursuant to section 4 of P.L.1983, c.31 (C.4:1C-4);

"Constitutionally dedicated moneys" means any moneys made available pursuant to Article VIII, Section II, paragraph 7 of the State Constitution or through the issuance of bonds, notes, or other obligations by the trust, as prescribed by Article VIII, Section II, paragraph 7 of the State Constitution and P.L.1999, c.152 (C.13:8C-1 et seq.), or any moneys from other sources deposited in the trust funds established pursuant to sections 19, 20, and 21 of P.L.1999, c.152 (C.13:8C-19, C.13:8C-20, and C.13:8C-21), and appropriated by law, for any of the purposes set forth in Article VIII, Section II, paragraph 7 of the State Constitution or this act;

"Convey" or "conveyance" means to sell, donate, exchange, transfer, or lease for a term of 25 years or more;

"Cost" means the expenses incurred in connection with: all things deemed necessary or useful and convenient for the acquisition or development of lands for recreation and conservation purposes, the acquisition of development easements or fee simple titles to farmland, or the preservation of historic properties, as the case may be; the execution of any agreements or franchises deemed by the Department of Environmental Protection, State Agriculture Development Committee, or New Jersey Historic Trust, as the case may be, to be necessary or useful and convenient in connection with any project funded in whole or in part using constitutionally dedicated moneys; the procurement or provision of appraisal, archaeological, architectural, conservation, design, engineering, financial, geological, historic research, hydrological, inspection, legal, planning, relocation, surveying, or other professional advice, estimates, reports, services, or studies; the purchase of title insurance; the undertaking of feasibility studies; the establishment of a reserve fund or funds for working capital, operating, maintenance, or replacement expenses and for the payment or security of principal or interest on bonds, as the Director of the Office of Management and Budget in the Department of the Treasury may determine; and reimbursement to any fund of the State of moneys that may have been transferred or

advanced therefrom to any fund established by this act, or any moneys that may have been expended therefrom for, or in connection with, this act;

"Department" means the Department of Environmental Protection;

"Development" or "develop" means, except as used in the definitions of "acquisition" and "development easement" in this section, any improvement made to a land or water area designed to expand and enhance its utilization for recreation and conservation purposes, and shall include the construction, renovation, or repair of any such improvement, but shall not mean shore protection or beach nourishment or replenishment activities;

"Development easement" means an interest in land, less than fee simple title thereto, which interest represents the right to develop that land for all nonagricultural purposes and which interest may be transferred under laws authorizing the transfer of development potential;

"Farmland" means land identified as having prime or unique soils as classified by the Natural Resources Conservation Service in the United States Department of Agriculture, having soils of Statewide importance according to criteria adopted by the State Soil Conservation Committee, established pursuant to R.S.4:24-3, or having soils of local importance as identified by local soil conservation districts, and which land qualifies for differential property taxation pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), and any other land on the farm that is necessary to accommodate farm practices as determined by the State Agriculture Development Committee;

"Farmland preservation," "farmland preservation purposes," or "preservation of farmland" means the permanent preservation of farmland to support agricultural or horticultural production as the first priority use of that land;

"Garden State Farmland Preservation Trust Fund" means the Garden State Farmland Preservation Trust Fund established pursuant to section 20 of P.L.1999, c.152 (C.13:8C-20);

"Garden State Green Acres Preservation Trust Fund" means the Garden State Green Acres Preservation Trust Fund established pursuant to section 19 of P.L.1999, c.152 (C.13:8C-19);

"Garden State Historic Preservation Trust Fund" means the Garden State Historic Preservation Trust Fund established pursuant to section 21 of P.L.1999, c.152 (C.13:8C-21);

"Green Acres bond act" means: P.L.1961, c.46; P.L.1971, c.165; P.L.1974, c.102; P.L.1978, c.118; P.L.1983, c.354; P.L.1987, c.265; P.L.1989, c.183; P.L.1992, c.88; P.L.1995, c.204; and any State general obligation bond act that may be approved after the date of enactment of this

act for the purpose of providing funding for the acquisition or development of lands for recreation and conservation purposes or for farmland preservation purposes;

"Historic preservation," "historic preservation purposes," or "preservation of historic properties" means any work relating to the conservation, improvement, interpretation, preservation, protection, rehabilitation, renovation, repair, restoration, or stabilization of any historic property, and shall include any work related to providing access thereto for persons with disabilities;

"Historic property" means any area, building, facility, object, property, site, or structure approved for inclusion, or which meets the criteria for inclusion, in the New Jersey Register of Historic Places pursuant to P.L.1970, c.268 (C.13:1B-15.128 et seq.);

"Indoor recreation" means active recreation that otherwise is or may be pursued outdoors but, for reasons of extending the season or avoiding inclement weather, is or may be pursued indoors within a fully or partially enclosed building or other structure, and includes basketball, ice skating, racquet sports, roller skating, swimming, and similar recreational activities and sports as determined by the Department of Environmental Protection;

"Land" or "lands" means real property, including improvements thereof or thereon, rights-of-way, water, lakes, riparian and other rights, easements, privileges, and all other rights or interests of any kind or description in, relating to, or connected with real property;

"Local government unit" means a county, municipality, or other political subdivision of the State, or any agency, authority, or other entity thereof; except, with respect to the acquisition and development of lands for recreation and conservation purposes, "local government unit" means a county, municipality, or other political subdivision of the State, or any agency, authority, or other entity thereof the primary purpose of which is to administer, protect, acquire, develop, or maintain lands for recreation and conservation purposes;

"New Jersey Historic Trust" means the entity established pursuant to section 4 of P.L.1967, c.124 (C.13:1B-15.111);

"Notes" means the notes issued by the trust pursuant to this act;

"Permitted investments" means any of the following securities:

(1) Bonds, debentures, notes, or other evidences of indebtedness issued by any agency or instrumentality of the United States to the extent such obligations are guaranteed by the United States or by another such agency the obligations (including guarantees) of which are guaranteed by the United States;

(2) Bonds, debentures, notes, or other evidences of indebtedness issued by any corporation chartered by the United States, including, but not limited to, Governmental National Mortgage Association, Federal Land Banks, Federal Home Loan Mortgage Corporation, Federal National Mortgage Association, Federal Home Loan Banks, Federal Intermediate Credit Banks, Banks for Cooperatives, Tennessee Valley Authority, United States Postal Service, Farmers Home Administration, Resolution Funding Corporation, Export-Import Bank, Federal Financing Bank, and Student Loan Marketing Association;

(3) Bonds, debentures, notes, or commercial paper rated in the highest two rating categories without regard to rating subcategories (derogation) by all nationally recognized investment rating agencies or by a nationally recognized investment rating agency if rated by only one nationally recognized investment rating agency;

(4) Repurchase agreements or investment agreements issued by (i) a commercial bank or trust company or a national banking association, each having a capital stock and surplus of more than $100,000,000, or (ii) an insurance company with the highest rating provided by a nationally recognized insurance company rating agency, or (iii) a broker/dealer, or (iv) a corporation; provided that the credit of such commercial bank or trust company or national banking association or insurance company or broker/dealer or corporation, as the case may be, is rated (or, in the case of a broker/dealer or corporation, whose obligations thereunder are guaranteed by a commercial bank or trust company or a national banking association or insurance company with the highest rating provided by a nationally recognized insurance company rating agency or corporation whose credit is rated) not lower than the "AA" category without regard to rating subcategories (derogation) of any two nationally recognized investment rating agencies then rating the State; provided that any such agreement shall provide for the investment of funds and shall be collateralized by obligations described in paragraph 1 or paragraph 2 or paragraph 3 above at a level of at least one hundred and two (102) percent in principal amount of those obligations;

"Pinelands area" means the pinelands area as defined pursuant to section 3 of P.L.1979, c.111 (C.13:18A-3);

"Pinelands regional growth area" means a regional growth area established pursuant to the pinelands comprehensive management plan adopted pursuant to P.L.1979, c.111 (C.13:18A-1 et seq.);

"Project" means all things deemed necessary or useful and convenient in connection with the acquisition or development of lands for recreation and conservation purposes, the acquisition of development easements or fee

simple titles to farmland, or the preservation of historic properties, as the case may be;

"Qualifying open space referendum county" means any county that has: (1) approved and implemented, and is collecting and expending the revenue from, an annual levy authorized pursuant to P.L.1997, c.24 (C.40:12-15.1 et seq.) for an amount or at a rate equivalent to at least one half of one cent per $100 of assessed value of real property, or for an amount or at a rate established by the county and in effect as of April 1, 1999, whichever is greater; or (2) adopted an alternative means of funding for the same or similar purposes as an annual levy, which the Department of Environmental Protection, in consultation with the committee and the New Jersey Historic Trust, approves to be stable and reasonably equivalent in effect to an annual levy;

"Qualifying open space referendum municipality" means any municipality that has: (1) approved and implemented, and is collecting and expending the revenue from, an annual levy authorized pursuant to P.L.1997, c.24 (C.40:12-15.1 et seq.) for an amount or at a rate equivalent to at least one half of one cent per $100 of assessed value of real property, or for an amount or at a rate established by the municipality and in effect as of April 1, 1999, whichever is greater; or (2) adopted an alternative means of funding for the same or similar purposes as an annual levy, which the Department of Environmental Protection, in consultation with the committee and the New Jersey Historic Trust, approves to be stable and reasonably equivalent in effect to an annual levy;

"Qualifying tax exempt nonprofit organization" means a nonprofit organization that is exempt from federal taxation pursuant to section 501 (c)(3) of the federal Internal Revenue Code, 26 U.S.C. s.501 (c)(3), and which qualifies for a grant pursuant to section 27, 39, or 41 of P.L.1999, c.152 (C.13:8C-27, 13:8C-39, or 13:8C-41);

"Recreation and conservation purposes" means the use of lands for beaches, biological or ecological study, boating, camping, fishing, forests, greenways, hunting, natural areas, parks, playgrounds, protecting historic properties, water reserves, watershed protection, wildlife preserves, active sports, or a similar use for either public outdoor recreation or conservation of natural resources, or both; and

"Trust" means the Garden State Preservation Trust established pursuant to section 4 of P.L.1999, c.152 (C.13:8C-4).

16. N.J.S.18A:4-35 is amended to read as follows:

Directors, inspectors, and assistants.

18A:4-35. The commissioner may assign an assistant commissioner or, subject to approval of the State board, may appoint and fix the compensation of directors, inspectors, and assistants to act as secretary of the State board of examiners and to act in connection with the issuance of qualifying academic certificates and, so far as they relate to the public school system of the State, to perform one or more of the following services:

a. Inspection of buildings;
b. Inspection of accounts;
c. Research;
d. Supervision of health education;
e. Supervision of adult education;
f. Supervision of classes for children with disabilities; and
g. Such other special services as the State board may deem necessary.

17. Section 6 of P.L.1978, c.58 (C.18A:6-100) is amended to read as follows:

C.18A:6-100 Powers and duties.

6. The board of directors of the educational information and resource center, within the general rules and regulations set by the State Board of Education, shall have the general supervision over and be vested with the conduct of the center. It shall have the power and duty to:

a. Adopt and use a corporate seal;

b. Determine policies for the organization, administration, and development of the center;

c. Sue or be sued by its corporate name;

d. (Deleted by amendment, P.L.1983, c.186);

e. Prepare an annual budget, as determined by the board of directors, to carry out the programs and services described in P.L.1978, c.58 (C.18A:6-96 et seq.), and present the annual budget to the Governor and the Legislature;

f. Disburse all monies appropriated to the center by the State and all monies received from grants, fees, auxiliary services and other sources;

g. Direct and control expenditures of the center pursuant to all provisions of law governing local school districts, as set forth in Title 18A, and in accordance with the terms of any applicable trusts, bequests, or other special provisions. A system of bookkeeping and accounting shall be adopted and instituted as prescribed by the State board. The board shall cause an annual audit of the center's accounts and financial transactions in

the manner provided by N.J.S.18A:23-1 et seq. All accounts of the center shall be subject to audit by the State at any time;

h. Appoint and fix compensation, terms, and conditions of employment of an executive director. The executive director shall be secretary to the board of directors and shall serve at the pleasure of the board of directors;

i. Upon nomination by the executive director, appoint, remove, promote, and transfer such other staff as may be required to carry out the provisions of the chapter, assign their duties, determine their salaries, and prescribe qualifications for all positions;

j. Enter into contracts and agreements with the State or any of its political subdivisions or with the United States, or any public body, department, or any agency of the State or the United States, or with any individual, firm, or corporation, subject to the bidding requirements set forth in the "Public School Contracts Law," N.J.S.18A:18A-1 et seq., which are deemed necessary or advisable by the board for carrying out the provisions of this chapter;

k. Accept from any governmental department, agency, or other public or private body, or from any other source, grants or contributions of money or property which the board may use for any of its purposes;

l. Acquire, own, lease, use and operate property, subject to the provisions regarding facilities for persons with disabilities set forth in N.J.S.18A:18A-17 and P.L.1975, c.221 (C.52:32-11 et seq.), whether real, personal or mixed, or any interest therein, which is necessary or desirable for center purposes;

m. Determine that any property owned by the center is no longer necessary for center purposes and to sell the same at such price and in such manner and upon such terms and conditions as deemed appropriate;

n. Adopt bylaws, make and promulgate such rules, regulations, and orders, not inconsistent with the provisions of this chapter or rules and regulations of the State Board of Education, as are necessary and proper for the administration and operation of the center and to implement the provisions of this act;

o. Appoint and regulate the duties, functions, powers, and procedures of committees, standing or special, from its members and such advisory committees or bodies, as it may deem necessary or conducive to the efficient management and operation of the center, consistent with this act and other applicable statutes;

p. Cause a report of the condition of the center and the center's property under its control and an itemized account of the condition of the fi-

nances of the center to be printed and submitted to the Legislature as soon as practicable after the close of the fiscal year;

and it may:

q. Utilize all available programs, services, and resources of other social agencies, including institutions of higher education and local school districts, to meet the center's plans and objectives.

18. Section 8 of P.L.2000, c.72 (C.18A:7G-8) is amended to read as follows:

C.18A:7G-8 Calculation of number of unhoused students.

8. a. The number of unhoused students shall be calculated as the number of FTE students who are projected to be enrolled in preschool for children with disabilities, preschool, kindergarten, grades 1 through 12, and special education services pupil educational programs provided in a district within five years, which are in excess of the functional capacity of the district's current school facilities or the functional capacity of the school facilities which will be available within five years other than the school facilities for which the preliminary eligible costs are determined, based upon the district's long-range facilities plan. The determination of unhoused capacity shall separately consider projected enrollments and functional capacities at the early childhood and elementary (preschool through grade 5), middle (grades 6 through 8), and high school (grades 9 through 12) levels. For the purpose of calculating the district's unhoused students, special education services students shall be considered part of the grade level to which the students' chronological age corresponds. In the event that the commissioner approves a school facilities project which involves the construction of a new school facility to replace an existing school facility, which shall accommodate both the unhoused students and the students in the existing school facility, the calculation of the number of unhoused students shall include the number of students currently attending the existing facility which is to be replaced.

b. Approved area for unhoused students (AU) shall be determined according to the following formula:

AU = (UEC x SEC) + (UE x SE) + (UM x SM) + (UH x SH) where

UEC, UE, UM, UH are the numbers of unhoused students in the early childhood, elementary, middle, and high school enrollment categories, respectively; and

SEC, SE, SM, SH are the area allowances per FTE student in preschool and kindergarten, grades 1 through 5, grades 6 through 8, and grades 9

through 12, respectively. Area allowances shall be determined based on the grade level of a student regardless of the grade configurations used in the school buildings of the district.

The minimum area allowance per FTE student shall be as follows:

Preschool through grade 5	125 sq. ft.
Grades 6 through 8	134 sq. ft.
Grades 9 through 12	151 sq. ft.

The commissioner, in consultation with the State Treasurer and the Commissioner of Community Affairs, shall adopt regulations that establish a process for the consideration of special circumstances, in addition to those provided in section 5 of P.L.2010, c.72 (C.18A:7G-5), in which the area allowances per FTE student established pursuant to this subsection may be adjusted. Any decision made by the commissioner pursuant to those regulations shall be made in consultation with the State Treasurer and the Commissioner of Community Affairs.

19. N.J.S.18A:18A-17 is amended to read as follows:

Facilities for persons with physical disabilities.

18A:18A-17. Every board of education shall require that all plans and specifications for bids on any contract with the board for the construction, remodeling, or renovation of any public building shall provide facilities for persons with physical disabilities.

As used in this section, "remodeling or renovation" shall mean to construct an addition to, or alter the design or layout of a public building so that a change or modification of the entrance facilities, toilet facilities, or vertical access is achieved, or makes substantial repairs or alterations. As used herein, "substantial repairs or alterations" shall mean that if the costs of making such repairs or alterations:

a. Shall exceed 60% of the value of the building, the entire building shall be made to comply with the requirements of this section;

b. Shall be between 30% and 60% of the value of the building, only those portions of the building repaired or altered shall be made to comply with the requirements of this section; or

c. Shall be under 30% of the value of the building, such repairs or alterations shall be either in accordance with the requirement of this section, or in compliance with their previously required condition and with the same or equivalent material or equipment, provided the general safety and public welfare are not thereby endangered.

The value of such public buildings shall be determined by every board of education in accordance with a formula which shall be established by the State Board of Education. The formula may take into account the size, age, type of construction, original building cost, and replacement cost of any such building.

The State Board of Education, by rules and regulations, shall prescribe the kinds, types, and quality of the aforementioned facilities for persons with physical disabilities.

20. N.J.S.18A:18A-17.1 is amended to read as follows:

Commissioner of Education authorized to withhold State aid.

18A:18A-17.1. The Commissioner of Education is hereby authorized to withhold all or part of any State aid paid to any school district pursuant to chapter 58 of Title 18A of the New Jersey Statutes or any other law, unless and until said school district shall comply with the provisions of N.J.S.18A:18A-17 with respect to facilities for persons with physical disabilities.

21. Section 1 of P.L.1990, c.35 (C.18A:20-9.2) is amended to read as follows:

C.18A:20-9.2 Sale of school property to nonprofit private school for students with disabilities.

1. Except as otherwise provided pursuant to section 14 of P.L.2007, c.137 (C.18A:7G-45), whenever any board of education shall by resolution determine that any tract of land is no longer desirable or necessary for public school purposes it may authorize the conveyance thereof, at no less than the fair market price, whether there is a building thereon or not, to a nonprofit private school for students with disabilities duly incorporated under the laws of the State of New Jersey. As used in this section, market price shall equal the median of two or more appraisals conducted by qualified real estate appraisers. The president and secretary of the board shall be authorized to execute and deliver a conveyance for the same in the name and under the seal of the board, which conveyance may, in the discretion of the board, be made subject to a condition or limitation that said land shall be used by such nonprofit private school for students with disabilities and in the event that the property shall cease to be used for the purposes contemplated by this section, such property shall first be offered for resale to the board of education making the conveyance thereof hereunder at the market price current at the time of resale.

22. N.J.S.18A:22-8 is amended to read as follows:

Contents of budget; format.

18A:22-8. The budget shall be prepared in such detail and upon such forms as shall be prescribed by the commissioner and to it shall be annexed a statement so itemized as to make the same readily understandable, in which shall be shown:

a. In tabular form there shall be set forth the following:

(1) The total expenditure for each item for the preceding school year, the amount appropriated for the current school year adjusted for transfers as of February 1 of the current school year, and the amount estimated to be necessary to be appropriated for the ensuing school year, indicated separately for each item as determined by the commissioner;

(2) The amount of the surplus account available at the beginning of the preceding school year, at the beginning of the current school year, and the amount anticipated to be available for the ensuing school year;

(3) The amount of revenue available for budget purposes for the preceding school year, the amount available for the current school year as of February 1 of the current school year, and the amount anticipated to be available for the ensuing school year in the following categories:

(a) Total to be raised by local property taxes

(b) Total State aid

(i) Equalization aid

(ii) Special education categorical aid

(iii) Transportation aid

(iv) Preschool education aid

(v) Security aid

(vi) Adjustment aid

(vii) Other (detailed at the discretion of the commissioner)

(c) Total federal aid

(i) Elementary and Secondary Education Act of 1965 (20 U.S.C.s.2701 et seq.)

(ii) Students with disabilities

(iii) Impact Aid

(iv) Vocational

(v) Other (detailed at the discretion of the commissioner)

(d) Other sources (detailed at the discretion of the commissioner).

b. (Deleted by amendment, P.L.1993, c.117).

c. In the event that the total expenditure for any item of appropriation is equal to $0.00 for: (1) the preceding school year, (2) the current school

year, and (3) the amount estimated to be necessary to be appropriated for the ensuing school year, that item shall not be required to be published pursuant to N.J.S.18A:22-11.

d. The instruction function of the budget shall be divided at a minimum into elementary (K-5), middle school (6-8), and high school (9-12) cost centers, each of which shall be further divided by the core curriculum content areas. The commissioner shall phase in these requirements as soon as practicable.

e. The budget as adopted for the school year pursuant to section 5 of P.L.1996, c.138 (C.18A:7F-5) shall be provided for public inspection on the school district's Internet site, if one exists, and made available in print in a "user-friendly" format using plain language. The Commissioner of Education shall promulgate a "user-friendly," plain language budget summary format for the use of school districts for this purpose.

23. Section 3 of P.L.1979, c.428 (C.18A:35-4.8) is amended to read as follows:

C.18A:35-4.8 Medical treatment or examination; objection of parent or guardian.

3. No pupil whose parent or guardian objects to such pupil receiving medical treatment or medical examination or physical examination shall be compelled to receive such treatment or examination; provided, however, that no objection shall be made to a physical or medical examination of any child with a disability for the purpose of determining whether such child shall be admitted to any class or school for children with disabilities or of any pupil to determine whether the pupil is ill or infected with a communicable disease or of any person who appears to be under the influence of a drug.

24. Section 1 of P.L.1991, c.488 (C.18A:35-5.1) is amended to read as follows:

C.18A:35-5.1 Lyme Disease curriculum guidelines.

1. The Commissioner of Education, in consultation with the Commissioner of Health, shall develop curriculum guidelines for the teaching of information on the prevention of Lyme Disease within the public school health curriculum. The guidelines shall emphasize disease prevention and sensitivity for persons with the disease. The Commissioner of Education shall periodically review and update the guidelines to insure that the curriculum reflects the most current information available.

25. Section 2 of P.L.1995, c.104 (C.18A:36-5) is amended to read as follows:

C.18A:36-5 "Special Education Week" designated.

2. The week beginning with the second Sunday in May of each year is designated as "Special Education Week" in the State of New Jersey in order to give the citizens of this State the opportunity to recognize the contribution of public school board members, schools, and agencies for students with disabilities, educators, parents, and the students themselves, and to commend them for their dedication to ensuring quality education for students with disabilities in this State.

26. Section 7 of P.L.1995, c.426 (C.18A:36A-7) is amended to read as follows:

C.18A:36A-7 Student admissions to charter school.

7. A charter school shall be open to all students on a space available basis and shall not discriminate in its admission policies or practices on the basis of intellectual or athletic ability, measures of achievement or aptitude, status as a person with a disability, proficiency in the English language, or any other basis that would be illegal if used by a school district; however, a charter school may limit admission to a particular grade level or to areas of concentration of the school, such as mathematics, science, or the arts. A charter school may establish reasonable criteria to evaluate prospective students which shall be outlined in the school's charter.

27. Section 11 of P.L.1995, c.426 (C.18A:36A-11) is amended to read as follows:

C.18A:36A-11 Operation of charter school.

11. a. A charter school shall operate in accordance with its charter and the provisions of law and regulation which govern other public schools; except that, upon the request of the board of trustees of a charter school, the commissioner may exempt the school from State regulations concerning public schools, except those pertaining to assessment, testing, civil rights and student health and safety, if the board of trustees satisfactorily demonstrates to the commissioner that the exemption will advance the educational goals and objectives of the school.

b. A charter school shall comply with the provisions of chapter 46 of Title 18A of the New Jersey Statutes concerning the provision of services to students with disabilities; except that the fiscal responsibility for any stu-

dent currently enrolled in or determined to require a private day or residential school shall remain with the district of residence.

Within 15 days of the signing of the individualized education plan, a charter school shall provide notice to the resident district of any individualized education plan which results in a private day or residential placement. The resident district may challenge the placement within 30 days in accordance with the procedures established by law.

c. A charter school shall comply with applicable State and federal anti-discrimination statutes.

28. Section 7 of P.L.2010, c.65 (C.18A:36B-20) is amended to read as follows:

C.18A:36B-20 Applications by student to choice district.

7. a. The parents or guardian of a student shall notify the sending district of the student's intention to participate in the choice program and shall submit an application to the choice district, indicating the school the student wishes to attend, no later than the date specified by the commissioner. To be eligible to participate in the program, a student shall be enrolled at the time of application in grades preschool through 12 in a school of the sending district and have attended school in the sending district for at least one full year immediately preceding enrollment in the choice district, provided that a "sending district" includes any school district that a student in a particular district of residence is required by law to attend. The one-year requirement shall not apply to a student enrolling in preschool or kindergarten in the choice district, if that student has a sibling enrolled in the choice district. Openings in a designated school of a choice district shall be on a space-available basis, and if more applications are received for a designated school than there are spaces available, a lottery shall be held to determine the selection of students. Preference for enrollment may be given to siblings of students who are enrolled in a designated school.

If there is an opening in a designated school of a choice district and there is no student who is enrolled in a sending district who meets the attendance requirements of this subsection, including a student who has been placed on a waiting list based on a lottery held in the choice district, then the choice district may fill that opening with a public school student who does not meet the attendance requirements of this subsection or a nonpublic school student.

b. A choice district may evaluate a prospective student on the student's interest in the program offered by a designated school. The district

shall not discriminate in its admission policies or practices on the basis of athletic ability, intellectual aptitude, English language proficiency, status as a person with a disability, or any basis prohibited by State or federal law.

c. A choice district shall not prohibit the enrollment of a student based upon a determination that the additional cost of educating the student would exceed the amount of additional State aid received as a result of the student's enrollment. A choice district may reject the application for enrollment of a student who has been classified as eligible for special education services pursuant to chapter 46 of Title 18A of the New Jersey Statutes if that student's individualized education program could not be implemented in the district, or if the enrollment of that student would require the district to fundamentally alter the nature of its educational program, or would create an undue financial or administrative burden on the district.

d. A student whose application is rejected by a choice district shall be provided with a reason for the rejection in the letter of notice. The appeal of a rejection notice may be made to the commissioner.

e. Once a student is enrolled in a designated school, the student shall not be required to reapply each school year for enrollment in any designated school of the choice district and shall continue to be permitted to be enrolled until graduation. A student shall be permitted to transfer back to a school of the sending district or may apply to a different choice district during the next application period.

f. A choice district shall accept all of the credits earned toward graduation by a student in the schools of the sending district.

g. A choice district shall notify a sending district upon the enrollment of a choice student resident in that district.

29. Section 8 of P.L.2011, c.176 (C.18A:36C-8) is amended to read as follows:

C.18A:36C-8 Enrollment to renaissance school.

8. a. (1) In the case of a renaissance school project built on land owned by the New Jersey Schools Development Authority or the renaissance school district, students residing in the attendance area established by the renaissance school district for that property shall be automatically enrolled in the renaissance school project, except as otherwise provided in paragraph (2) of this subsection. The parent or guardian of the student may determine not to enroll the student in the renaissance school project, and in that case the student shall be eligible for enrollment in another school in the renaissance school district. If spaces remain available in the renaissance school

project, students shall be selected for the remaining spaces through a lottery system. The first lottery shall include students who reside in the renaissance school district but outside the attendance area of the renaissance school. If space remains available, a second lottery shall be conducted that may include students who reside outside of the renaissance school district.

(2) A renaissance school project built on land owned by the New Jersey Schools Development Authority or the renaissance school district, shall allow any student who was enrolled in the renaissance school project in the immediately preceding school year to enroll in the renaissance school project in the appropriate grade unless the appropriate grade is not offered; and if a grade is at capacity, a student enrolled in the immediately preceding school year shall have priority for enrollment in that grade over a student who would otherwise be eligible for initial enrollment in the renaissance school project automatically based on the fact that he resides in the attendance area established by the renaissance school project for that property.

b. (1) In the case of a renaissance school project which is not built on land owned by the New Jersey Schools Development Authority or the renaissance school district, preference for enrollment in the renaissance school project shall be given to students who reside in the attendance area identified in the application submitted by the nonprofit entity and approved by the commissioner for the renaissance school project. In no case may an attendance area include an area outside of the renaissance school district. If spaces remain available in the renaissance school project, then the renaissance school project may select students for the remaining spaces through a lottery system. The first lottery shall include students who reside in the renaissance school district but outside the attendance area identified in the application approved by the commissioner for the renaissance school project. If space remains available, a second lottery shall be conducted that may include students who reside outside of the renaissance school district.

(2) A renaissance school project which is not built on land owned by the New Jersey Schools Development Authority or the renaissance school district shall allow any student who was enrolled in the renaissance school project in the immediately preceding school year to enroll in the renaissance school project in the appropriate grade unless the appropriate grade is not offered.

In developing and executing its selection process, the nonprofit entity shall not discriminate on the basis of intellectual or athletic ability, measures of achievement or aptitude, status as a person with a disability, proficiency in the English language, or any other basis that would be illegal if used by a school district. A nonprofit entity may, however, limit admis-

sion to a particular grade level or levels consistent with its organizational document.

30. N.J.S.18A:39-1.2 is amended to read as follows:

Provision of transportation for certain pupils; contracts; charges, method of collection.

18A:39-1.2. Whenever the governing body of a municipality finds that for safety reasons it is desirable to provide transportation to and from a school for pupils living within the municipality, other than those living remote from the school or those with a physical or intellectual disability, the governing body and the board of education of the district are authorized to enter into a contract pursuant to P.L.2007, c.63 (C.40A:65-1 et al.), under the terms of which the board shall provide such transportation. Any funds required to be paid by the municipality to the board of education under such a contract shall be appropriated by the governing body and paid to the secretary or treasurer of school moneys, as appropriate, of the district. The governing body of the municipality may charge the parents or guardians of children who are transported for safety reasons in order to help defray expenses, provided that no charge shall be imposed on the parent or guardian of any child who meets the Statewide eligibility standards established by the State Board of Education for free and reduced price meals under the State school lunch program. The amount of any charges and the method of collection shall be specified in the contract between the municipal governing body and the board of education. Nothing in this section shall prevent a board of education from providing transportation at its own expense.

31. Section 1 of P.L.1977, c.5 (C.18A:39-22) is amended to read as follows:

C.18A:39-22 Use of school buses for recreation, other programs.

1. The board of education of any district may, pursuant to rules adopted by it, permit the use of school buses owned or leased by the school district for the purpose of transporting senior citizens' groups to and from events within its district or in any contiguous district, for transporting citizens with disabilities in any district, and for transporting children and adults participating in a recreation or other program operated by the municipality or municipalities in which the district is located or the municipality in which any constituent district of a regional school district is located; provided that each use of school buses for these purposes is approved by the board; provided that such use of school buses shall not interfere with the transportation of school pupils; and provided that school buses so used

shall be operated only by persons licensed as bus drivers. The board shall require groups seeking such use of school buses to pay all or part of any costs incurred by the district in permitting such use, including but not limited to the costs of fuel, driver salaries, insurance, and depreciation.

32. Section 1 of P.L.1994, c.172 (C.18A:39-22.1) is amended to read as follows:

C.18A:39-22.1 Use of school buses for transporting adults with disabilities, certain circumstances.

1. The board of education of a school district may, pursuant to rules adopted by it, permit the use of school buses owned, leased, or contracted by the school district for the purpose of transporting an adult with a disability who is a client of the Division of Developmental Disabilities in the Department of Human Services and who is continuing the person's education and training following graduation from secondary school. Transportation pursuant to this section will be limited to space availability on vehicles engaged in the transportation of school-age pupils along established routes. The board shall require that the individual transported, or the person's parent or guardian, pay all or part of any costs incurred by the district in providing the transportation, including but not limited to, the costs of fuel, driver salaries, insurance, and depreciation.

33. N.J.S.18A:43A-5 is amended to read as follows:

Services that may be provided or administered.

18A:43A-5. The bureau may, subject to the approval of the board of education, provide for or administer any or all of the following services:

(a) Take, keep and maintain a census of all children residing in the district pursuant to the provisions of N.J.S.18A:11-2;

(b) Supervise and maintain a school attendance service to carry out the provisions of article 3 of chapter 38 of this title, Compulsory Education;

(c) Maintain a register and classification of children with disabilities pursuant to the provisions of chapter 46 of this title;

(d) Supervise the issuance of employment certificates, age certificates and special permits pursuant to the provisions of P.L.1940, c.153 (C.34:2-21.1 et seq.), the law limiting and regulating child labor;

(e) Establish and maintain group and individual child guidance and counseling programs;

(f) Establish and operate speech and remedial reading clinics and such other clinics as will promote the educational development of the children of the district;

(g) Arrange with the respective county and municipal authorities concerned with proper juvenile development and particularly with those concerned with juvenile delinquency for mutual cooperation and assistance including service of the children's bureau as a receiving center for juvenile delinquents;

(h) Carry out, under guidance, the recommendations of mental health and diagnostic centers and clinics and of family psychiatrists and physicians;

(i) Counsel with parent and child;

(j) Cooperate in providing long- or short-term supervision of any child in connection with any of the services authorized by this section;

(k) Assist in the promotion of the development of youth and their proper adjustment in society.

34. N.J.S.18A:46-1 is amended to read as follows:

Definitions.

18A:46-1. As used in this chapter, a child with a disability shall mean and include any child who has: an intellectual disability, a visual impairment, an auditory impairment, a communication impairment, a neurological or perceptual impairment, an orthopedic impairment, a chronic illness, an emotional disturbance impairment, multiple disabilities, autism spectrum disorder, a traumatic brain injury, other health impairments, a specific learning disability, or is deaf-blind, or a pre-schooler with a disability.

35. N.J.S.18A:46-2 is amended to read as follows:

Coordination, administration of special educational services.

18A:46-2. The commissioner shall be responsible for the coordination of the work of the county departments of child study and the general administration of special educational services in the public schools of this State.

In order to carry out the provisions of this chapter, the commissioner shall appoint staff persons qualified to administer educational services in the general field of education for children with disabilities pursuant to N.J.S.18A:46-1, including each of the disability groups identified in N.J.S.18A:46-1, and a consultant experienced in child psychiatry, and specialists in school psychology, health service, school social work, learning disabilities and special education and such other qualified personnel as the

commissioner shall deem necessary and the commissioner shall fix their compensation with the approval of the State board.

The commissioner shall appoint biannually an advisory council with the approval of the State board which will consist of not less than seven nor more than 15 members representative of public and private professional and lay interests. The advisory council shall advise in the promulgation of rules, regulations, and the implementation of this chapter and the establishment of standards and qualifications for the professional personnel. The council shall serve without remuneration.

36. Section 2 of P.L.1981, c.351 (C.18A:46-2.2) is amended to read as follows:

C.18A:46-2.2 Coordinator for persons who are deaf or have a hearing impairment.

2. The Commissioner of Education shall appoint a coordinator of education for persons who are deaf or have a hearing impairment.

37. Section 3 of P.L.1981, c.351 (C.18A:46-2.3) is amended to read as follows:

C.18A:46-2.3 Duties.

3. The duties of the coordinator of education for persons who are deaf or have a hearing impairment shall include evaluating, coordinating and developing local, county, regional, and State-operated educational programs and services for children who are deaf or have a hearing impairment.

38. N.J.S.18A:46-3 is amended to read as follows:

Establishment of department of child study.

18A:46-3. When the results of a survey of children with disabilities in any county, in the opinion of the commissioner warrants it, the commissioner shall, with the approval of the State board, establish a department of child study which shall be charged with the duty of performing the services required to be performed at the county level under this chapter. The commissioner shall appoint for each county department of child study or, with the approval of the State board, for one or more county departments of child study, a supervisor, whose duties shall include the coordination of the special education services in the county, and such additional personnel, constituting a child study team as the commissioner deems necessary to perform such services for children with disabilities.

In addition to the supervisor of child study, the members of each child study team shall include personnel qualified to administer, supervise, or otherwise perform the special education services required under this chapter.

The county superintendent of the county, or the county superintendents of the counties served by one child study team jointly, shall, with the approval of the commissioner, designate a member of the child study team to serve as chair. In the event that the superintendents cannot agree, the chair shall be designated by the commissioner.

39. Section 1 of P.L.1981, c.350 (C.18A:46-3.1) is amended to read as follows:

C.18A:46-3.1 Regional consultants for children who are deaf or have a hearing impairment.

1. The Commissioner of Education shall appoint four regional consultants for children who are deaf or have a hearing impairment. The duties of these consultants shall include assisting the child study teams in the educational evaluation and placement of children who are deaf or have a hearing impairment and the development of appropriate individual educational programs, for each child with a disability and significant hearing loss.

40. N.J.S.18A:46-5 is amended to read as follows:

Functions of child study teams.

18A:46-5. Each county child study team shall function in consultation with the local boards of education in the county or the local boards of education in the counties served by it in the fields pertaining to:

a. identification and diagnosis of children needing special educational services,

b. development and approval of public school programs for pupils with disabilities,

c. supervision and coordination of public school programs for pupils with disabilities,

d. reporting and referral of children with disabilities of such severity as to indicate the necessity of residential placement, medical or psychological treatment, or care, to the appropriate agency for such purpose,

e. social case work and psychological evaluation,

f. remedial instruction,

g. cooperative action with other state and county departments and lay professional organizations, and

h. additional responsibilities as determined by the commissioner with the approval of the State board.

41. N.J.S.18A:46-6 is amended to read as follows:

Identification of children with disabilities.

18A:46-6. Each board of education, according to uniform rules prescribed by the commissioner with the approval of the State board, shall provide for the identification of any children between the ages of five and 21 residing in the district and enrolled in the public schools of the State or in a nonpublic school located in the district, who cannot be properly accommodated through the school facilities usually provided, because of disabilities.

For the purposes of N.J.S.18A:46-1 et seq., a child who boards at a school in a district in which the child's parents do not maintain a residence shall not be considered a resident of the district.

In addition, each board of education shall also identify and ascertain, according to rules promulgated by the commissioner with the approval of the State board, those children between the ages of three and five years who require and who would be benefited by special education programs and services, which may prevent their disabilities from becoming more debilitating.

Each board of education shall provide information to parents of children with disabilities who are below the age of three regarding available services and programs provided by other State, county, or local agencies, which may prevent their disabilities from becoming more debilitating.

42. Section 2 of P.L.1981, c.415 (C.18A:46-6.1) is amended to read as follows:

C.18A:46-6.1 Providers of services for children with disabilities aged 3 through 5.

2. The programs and services required pursuant to N.J.S.18A:46-1 et seq. for children with disabilities between the ages of 3 and 5 shall be provided by one or more of the following:

a. Parent training and counseling;

b. Special programs and services in the district including programs in hospitals, homes or other institutions;

c. Special programs and services offered by other districts as provided by agreement between one or more districts;

d. A Jointure Commission;

e. A county special services school district; and

f. Such other methods as shall be approved by the commissioner with the approval of the State board.

43. N.J.S.18A:46-7 is amended to read as follows:

Reports of children with disabilities.

18A:46-7. Each board of education shall report annually to the county superintendent of schools of the county in which the school district is situate, who shall report to the commissioner, the names of all children who are in special education instructional programs and the names and addresses of their parents or persons having control or custody of them, together with the category into which they have been classified. Included in this report shall be the names and addresses of any known children with disabilities who are not attending school. The commissioner shall make the information in the reports available to any State agency charged with providing care and rehabilitation services for children with disabilities.

44. Section 1 of P.L.1973, c.3 (C.18A:46-7.1) is amended to read as follows:

C.18A:46-7.1 Copies of chapter 46 of title 18A, guidelines, distributed annually to parents of children with disabilities.

1. In every school district having children who have been classified as children with disabilities pursuant to the provisions of chapter 46 of Title 18A of the New Jersey Statutes, the board of education of the district shall, annually, cause copies of chapter 46, as amended and supplemented, together with all current rules and regulations of the commissioner relating thereto, to be prepared for distribution to parents of children classified as children with disabilities or the persons having control or custody of such children who request copies thereof.

Persons requesting copies shall be required to pay a reasonable fee as fixed by the board, to cover the cost of preparing the copies.

45. N.J.S.18A:46-8 is amended to read as follows:

Examination, classification of children residing in the district.

18A:46-8. Each board of education shall provide for the examination and classification of each child residing in the district and identified pursuant to N.J.S.18A:46-6, except that the board of education of a county vocational school district shall provide for the examination and classification of each child who is attending the county vocational school on a full-time basis and is identified pursuant to N.J.S.18A:46-6. Such examination and classification shall be accomplished according to procedures prescribed by the commissioner and approved by the State board, under one of the categories identified in N.J.S.18A:46-1. The examination and classification of

such nonpublic school children shall be in a location determined by the local board of education of the district in which the nonpublic school is located and approved by the commissioner pursuant to rules and regulations promulgated by the State board.

The classification of a child with a communication impairment shall be made by the basic child study team and an approved speech correctionist or speech pathologist, without child study consultation. Such children shall be reported to the basic child study team. The proposed classification shall be reported to the parent or guardian of the child and an opportunity provided, prior to implementation of the classification, for consultation by such parent or guardian with the appropriate special educational services personnel of the district. Pursuant to rules of the State board, the parent or guardian shall also be provided an opportunity for further review of the classification in the Department of Education.

46. N.J.S.18A:46-10 is amended to read as follows:

Classification of children needing special education services.

18A:46-10. Pupils identified as needing special education services to ameliorate or to prevent the development of learning disabilities shall be classified according to their ability to benefit from specified types of educational service, and such educational service shall be conducted according to rules and regulations prescribed by the commissioner, with the approval of the State board, and may include, but need not be limited to:

a. case work with the pupil at home or school;

b. counseling or guidance;

c. remedial instruction;

d. special scheduling of a school program including part-time attendance in special or general groups;

e. referral to other agencies or institutions for special services;

f. special grouping in school for children whose prognosis is favorable for return to the general program; and

g. arrangement through the commissioner for direct services through the county department of child study.

47. N.J.S.18A:46-13 is amended to read as follows:

Types of facilities and programs.

18A:46-13. It shall be the duty of each board of education to provide suitable facilities and programs of education for all the children who are classified as children with disabilities under this chapter. The absence or

unavailability of a special class facility in any district shall not be construed as relieving a board of education of the responsibility for providing education for any child who qualifies under this chapter.

The Department of Human Services, and the Department of Children and Families, as applicable, shall provide transportation for all children who attend day training centers operated by the department.

A board of education is not required to provide any further educational program for children who have been admitted to the New Jersey School for the Deaf, Katzenbach Campus, but shall be required to furnish necessary daily transportation Monday through Friday to and from the school for nonboarding pupils when such transportation is approved by the county superintendent of schools in accordance with such rules and regulations as the State board shall promulgate for such transportation. Any special education facility or program authorized and provided for a child attaining age 20 during a school year shall be continued for the remainder of that school year.

48. N.J.S.18A:46-14 is amended to read as follows:

Enumeration of facilities and programs.

18A:46-14. The facilities and programs of education required under this chapter shall be provided by one or more of the following:

a. A special class or classes in the district, including a class or classes in hospitals, convalescent homes, or other institutions;

b. A special class in the public schools of another district in this State or any other state in the United States;

c. Joint facilities including a class or classes in hospitals, convalescent homes, or other institutions to be provided by agreement between one or more school districts;

d. A jointure commission program;

e. A State of New Jersey operated program;

f. Instruction at school supplementary to the other programs in the school, whenever, in the judgment of the board of education with the consent of the commissioner, the pupil with a disability will be best served thereby;

g. Sending children capable of benefiting from a day school instructional program to privately operated day classes, in New Jersey or, with the approval of the commissioner to meet particular circumstances, in any other state in the United States, the services of which are nonsectarian whenever, in the judgment of the board of education with the consent of the commis-

sioner, it is impractical to provide services pursuant to subsection a., b., c., d., e., or f. otherwise;

h. Individual instruction at home or in school whenever, in the judgment of the board of education with the consent of the commissioner, it is impracticable to provide a suitable special education program for a child pursuant to subsection a., b., c., d., e., f., or g. otherwise.

Whenever a child study team determines that a suitable special education program for a child cannot be provided pursuant to subsection a., b., c., d., e., f., g., or h. of this section, and that the most appropriate placement for that child is in an academic program in an accredited nonpublic school within the State or, to meet particular circumstances, in any other state in the United States, the services of which are nonsectarian, and which is not specifically approved for the education of pupils with disabilities, that child may be placed in that academic program by the board of education, with the consent of the commissioner, or by order of a court of competent jurisdiction. An academic program which meets the requirements of the child's Individual Education Plan as determined by the child study team and which provides the child with a thorough and efficient education, shall be considered an approved placement for the purposes of chapter 46 of this Title, and the board of education shall be entitled to receive State aid for that child as provided pursuant to P.L.2007, c.260 (C.18A:7F-43 et al.), and all other pertinent statutes.

Whenever any child shall be confined to a hospital, convalescent home, or other institution in New Jersey or in any other state in the United States and is enrolled in an education program approved under this article, or shall be placed in any other State facility as defined in section 3 of P.L.2007, c.260 (C.18A:7F-45), the board of education of the district in which the child resides shall pay the tuition of that child. The board of education may also furnish (a) the facilities or programs provided in this article to any person over the age of 20 who does not hold a diploma of a high school approved in this State or in any other state in the United States, and (b) suitable approved facilities and programs for children under the age of five.

49. N.J.S.18A:46-15 is amended to read as follows:

Approval of special facilities and education programs.

18A:46-15. a. The commissioner with the consent of the State board shall, according to the rules and regulations prescribed by the commissioner and approved by the State board, approve all special facilities and education programs which meet the requirements of this chapter. The commissioner

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shall, by the use of available staff members, by the publication of bulletins, and by any other means available, assist boards of education in formulating programs required under this chapter.

b. The commissioner shall continually review the operation of the programs of special education required under this chapter and whenever in any area or region of this State, in the commissioner's judgment, children of one or more disability groups, as identified in N.J.S.18A:46-1, are not receiving satisfactory education programs, despite the operation of facilities and programs approved by the commissioner pursuant to subsection a. of this section, the commissioner shall, with the consent of the State board, order the establishment of a special class or classes for such group or groups in such area or region, either using the facilities to be provided by one or more boards of education, pursuant to subsection b. of N.J.S.18A:46-20, or the facilities of one or more jointure commissions by directing one or more boards of education not members to become contracting districts of any thereof under P.L.2007, c.63 (C.40A:65-1 et al.).

c. The commissioner shall continually review the operation of such class or classes, and in case the operation of any of such classes is not satisfactory, the commissioner shall, with the consent of the State board, take such steps available under this chapter as may seem necessary to improve such operation including the use of different receiving districts and sending districts and the use of different jointure commissions or the addition or withdrawal of districts to or from existing jointure commissions.

50. Section 2 of P.L.1986, c.32 (C.18A:46-18.3) is amended to read as follows:

C.18A:46-18.3 Notice to parents, guardians.

2. a. The multidisciplinary treatment team at a State facility shall provide written notice to the parent or legal guardian of a child who is placed in the facility, when the child attains the age of 18, or, if the child is over the age of 18 when placed in the facility, at the time of placement, that the child is not entitled to receive tuition free educational services after the age of 21.

b. Written notice given pursuant to this section shall describe in detail the parent's or guardian's opportunity to consent to having the child's name or other relevant information forwarded in a report to the Commissioner of Human Services, the Commissioner of Children and Families, or the Commissioner of Corrections, as appropriate, for the purposes of determining whether the child will likely need services after the age of 21 and, if so, recommending possible adult educational services. For the purposes of this

subsection, "relevant information" means that information in the possession of and used by the multidisciplinary treatment team to ascertain the physical, mental, emotional, and cultural-educational factors which contribute to the child's disability, including but not limited to: (1) results of physical and psychological examinations performed by private and school district physicians and psychologists; (2) relevant information presented by the parent or legal guardian and teacher; (3) school data which bear on the child's progress, including the child's most recent individualized educational program; (4) results of the most recent examinations and evaluations performed; and (5) results of other suitable evaluations and examinations possessed by the team. Nothing in this subsection shall be construed to require a multidisciplinary treatment team to perform any examination or evaluation not otherwise required by law.

c. Upon the written consent of the parent or legal guardian, the multidisciplinary treatment team shall forward the child's name and other relevant information in a report to the Commissioner of Human Services, the Commissioner of Children and Families, or the Commissioner of Corrections, as appropriate, for the development of a recommendation for adult educational services. A copy of the report shall also be submitted to the Commissioner of Education at the same time that the report is submitted to the Commissioner of Human Services, the Commissioner of Children and Families, or the Commissioner of Corrections, as applicable.

51. N.J.S.18A:46-21 is amended to read as follows:

Tuition for pupils with disabilities.

18A:46-21. Any board of education, jointure commission, or private school for pupils with disabilities which receives pupils from a sending district under this chapter shall determine a tuition rate to be paid by the sending board of education, but in no case shall the tuition rate exceed the actual cost per pupil as determined under rules prescribed by the commissioner and approved by the State Board of Education.

52. N.J.S.18A:46-22 is amended to read as follows:

Withdrawal of pupils by sending districts.

18A:46-22. Any board of education which has entered or hereafter shall enter its pupils with disabilities in the schools of a receiving district may not withdraw such pupils for the purpose of entering them in the schools of another district unless good and sufficient reason exists for such a change and unless an application therefor is made and approved by the

commissioner. Either the receiving or sending board of education, if dissatisfied with the determination of the commissioner on any such application, may appeal to the state board, and, in its discretion, that body may affirm, reverse, or modify the commissioner's determination.

53. N.J.S.18A:46-23 is amended to read as follows:

Transportation of children with disabilities, State aid.

18A:46-23. The board of education shall furnish transportation to all children with disabilities identified pursuant to this chapter who shall qualify therefor pursuant to law and it shall furnish the transportation for a lesser distance also to any child with a disability, if the board finds upon the advice of the examiner, that the disability makes transportation necessary or advisable.

The board of education shall furnish transportation to all children being sent by local boards of education to an approved 12-month program pursuant to N.J.S.18A:46-14, or any other program approved pursuant to N.J.S.18A:46-14 and who qualify therefor pursuant to law, during the entire time the child is attending the program. The board shall furnish transportation for a lesser distance also to a child with a disability, if the board finds upon the advice of the examiner that the disability makes the transportation necessary or advisable.

The school district shall be entitled to State aid for the transportation pursuant to section 15 of P.L.2007, c.260 (C.18A:7F-57) when the necessity for the transportation and the cost and method thereof have been approved by the executive county superintendent of the county in which the district paying the cost of the transportation is situated.

54. Section 1 of P.L.1971, c.271 (C.18A:46-29) is amended to read as follows:

C.18A:46-29 County special services school district.

1. The board of chosen freeholders of any county may establish a county special services school district for the education and treatment of children with disabilities, pursuant to N.J.S.18A:46-1, upon its finding that the need for such county special services school district exists. Before making any finding as to the existence of such need, the board shall hold at least one public hearing thereon upon not less than 10 days' notice of the time and place thereof published in a newspaper of general circulation in the county. If the board of freeholders, by resolution, authorizes the establishment of such a school district for the county, schools shall be forthwith

established and maintained in the county and shall be known as the "schools for special services in the county of" (here insert the name of the county in which the schools are located).

55. Section 3 of P.L.1978, c.74 (C.18A:58-33.24) is amended to read as follows:

C.18A:58-33.24 Additional State school building aid.

3. Additional State school building aid shall be made available to school districts, county special services school districts and county vocational school districts in accordance with the provisions of this act for the payment of debt service (interest and principal) on bonds and notes (as hereinafter defined) entitled to the benefits of this act, provided that the amount of bonds entitled to the benefits of this act shall not exceed $100,000,000, and provided further that of the total principal amount of the bonds, no more than $80,000,000 shall be allocated to the renovation or replacement of aged and deteriorated school buildings and construction of new facilities in districts with financial need and no more than $40,000,000 shall be allocated to the expansion and establishment of secondary vocational educational facilities to serve students with disabilities between the ages of 13 and 21 who would benefit from vocational education in local school districts, county special services school districts, and county vocational school districts with financial need. The amount of aid payable to any local school district for the renovation or replacement of aged and deteriorated school buildings and construction of new facilities shall not exceed an amount equal to 20 percent of the total aid allocated to this program and in any year such aid shall not exceed an amount equal to $25 per pupil in resident enrollment in such school district on September 30, 1976. The amount of aid payable in any year to any local school district, county special services school districts, or county vocational school district for the expansion and construction of secondary vocational education facilities to serve students with disabilities between the ages of 13 and 21 shall be no more than 75 percent of the total debt service of bonds and notes for secondary vocational education projects constructed under the provisions of this act and shall not exceed an amount equal to the number of pupils with disabilities between the ages of 13 and 21 enrolled in such school district whose vocational education needs were not met due to the lack of suitable facilities prior to any application date for funds under this act, multiplied by a standard per student construction cost, established pursuant to guidelines promulgated by the Commissioner of Education.

56. Section 4 of P.L.1978, c.74 (C.18A:58-33.25) is amended to read as follows:

C.18A:58-33.25 Resolution of need; application by board of education; investigation; report.

4. a. Whenever the board of education of a local school district shall determine by resolution that it is unable to provide suitable general purpose educational facilities to comply with the provisions of N.J.S.18A:33-1, it may file an application with the Commissioner of Education for additional State school building aid under this act. Upon the receipt of such application, the Commissioner of Education shall cause an investigation to be made of the conditions in the district, taking into consideration the number of unhoused pupils, number of years on split or curtailed sessions, the rate of pupil population increase, the total tax rate of the municipalities in the district, the school tax rate of the district, the net debt of such municipalities and the school debt, the density of population, the equalized valuations allocable with respect to each child in the school district, the number of children on welfare rolls, effects of judicial determinations prior to the enactment hereof concerning constitutional requirements of equal educational opportunity, existing and proposed educational facilities and all such other factors as said commissioner or the State Board of Education may deem necessary for the purpose of P.L.1978, c.74 (C.18A:58-33.22 et seq.). The Commissioner of Education shall report the results of such investigation to the State Board of Education and may include therein an evaluation of the ability of such school district to provide suitable educational facilities to comply with the provisions of N.J.S.18A:33-1, and of the need of such school district for additional State school building aid under P.L.1978, c.74 (C.18A:58-33.22 et seq.), advice as to the resident enrollment in such school district as of September 30, 1976 as shown by records with respect thereto on file in the commissioner's office, recommendation as to the amount (if any) of entitlement (as hereinafter defined) proposed with respect to said school district, and such further information with respect to such school district as requested or required by said board.

b. Whenever the board of education of a local school district, county special services school district, or county vocational school district shall determine by resolution that there are students with disabilities between the ages of 13 and 21 who would benefit from vocational education but are not enrolled in such a program and that the board is unable to provide suitable facilities for such pupils, the board may file an application with the Commissioner of Education for additional State school building aid under

P.L.1978, c.74 (C.18A:58-33.22 et seq.) and forward its plan to provide secondary vocational facilities for pupils with disabilities to the County Career Education Coordinating Council. Upon the receipt of such application, the County Career Education Coordinating Council shall review the facilities plan as soon as possible and forward its recommendations to the Commissioner of Education forthwith. Upon the receipt of such application from a local school district, the Commissioner of Education shall cause an investigation to be made of the conditions of the district, taking into consideration the number of pupils with disabilities between the ages of 13 and 21 who would benefit from such a program and are not presently enrolled in vocational programs due to the lack of facilities, the projected increase or decrease of such pupils in future years, the total tax rate of the municipalities in the district, the school tax rate of the district, the net debt of such municipalities and the school debt, the equalized valuations allocable with respect to each child in the school district, effects of judicial determinations prior to the enactment hereof concerning constitutional requirements of equal educational opportunity, existing and proposed education facilities, the recommendations of the County Career Education Coordinating Council, and all such other factors as said commissioner or State Board of Education may deem necessary for the purpose of P.L.1978, c.74 (C.18A:58-33.22 et seq.). Upon the receipt of such application from a county special services school district or a county vocational school district, the Commissioner of Education shall cause an investigation to be made of the conditions of the district, taking into consideration the number of pupils with disabilities between the ages of 13 and 21 who would benefit from such a program and are not presently enrolled in vocational programs due to the lack of facilities, the projected increase of such pupils in future years, the county vocational school debt, the county debt, the total tax rate of the county, the county average equalized valuations per pupil, existing and proposed educational facilities, the recommendations of the County Career Education Coordinating Council, and all such factors as said commissioner or State Board of Education may deem necessary for the purpose of P.L.1978, c.74 (C.18A:58-33.22 et seq.). The Commissioner of Education shall report the results of such investigations to the State Board of Education and may include therein an evaluation of the ability of such school district to provide suitable secondary vocational educational facilities for pupils with disabilities, and of the need of such school district for additional State school building aid under this act, advice as to the enrollment of pupils with disabilities in such school as of the effective date of this act as shown by records with respect thereto on file in the commissioner's office,

recommendation as to the amount (if any) of entitlement (as hereinafter defined) proposed with respect to said school district, and such further information with respect to such school district as requested or required by said board.

57. N.J.S.18A:71B-3 is amended to read as follows:

Discrimination forbidden.

18A:71B-3. Financial aid under this chapter shall be awarded without regard to race, religion, creed, age, sex, national origin, or disability.

58. Section 3 of P.L.1985, c.493 (C.18A:72H-3) is amended to read as follows:

C.18A:72H-3 Definitions.

3. As used in this act:

a. "Auditory impairment" means an inability to hear within normal limits due to a physical impairment or dysfunction of auditory mechanisms characterized by: (i) deafness, (ii) hearing impairment, (iii) hardness of hearing, or (iv) deaf-blindness. "Deaf" means an auditory impairment is so severe that the individual does not process linguistic information through hearing, with or without amplification, and the student's educational performance is adversely affected. "Hearing impairment" means an impairment in hearing, whether permanent or fluctuating, which adversely affects the individual's educational performance. "Deaf-blind" means concomitant hearing and visual disabilities, the combination of which causes such severe communication and other developmental and educational needs that the child cannot be accommodated in special education programs solely for children with deafness or children with blindness.

b. "Competent authority" means any doctor of medicine or any doctor of osteopathy licensed to practice medicine and surgery in this State.

c. (Deleted by amendment, P.L.1994, c.48).

d. "Eligible student" means any student admitted to a public or independent institution of higher education who has a visual impairment, auditory impairment or specific learning disability within guidelines established by the Commission on Higher Education pursuant to regulations promulgated under P.L.1985, c.493 (C.18A:72H-1 et seq.).

e. "Independent institution of higher education" means a college or university incorporated and located in New Jersey, which by virtue of law or character or license is a nonprofit educational institution authorized to grant academic degrees and which provides a level of education which is

equivalent to the education provided by the State's public institutions of higher education, as attested by the receipt of and continuation of regional accreditation by the Middle States Association of Colleges and Schools, and which is eligible to receive State aid under the provisions of the Constitution of the United States and the Constitution of the State of New Jersey, but does not include any educational institution dedicated primarily to the education or training of ministers, priests, rabbis or other professional persons in the field of religion.

f. "Learning disability" means a significant barrier to learning caused by a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself as a disability that affects the ability to listen, think, speak, read, write, spell, or do mathematical calculations. The disorder includes conditions such as perceptual disability, brain injury, attention deficit hyperactivity disorder, dyslexia, and developmental aphasia. This term shall not include learning problems which are primarily the result of visual, hearing, or motor disabilities, intellectual disabilities, emotional disturbances, or environmental, cultural, or economic disadvantage.

g. "Program" means the Higher Education Services Program for Students with Visual Impairments, Auditory Impairments, and Learning Disabilities established pursuant to this act.

h. "Public institution of higher education" means Rutgers, The State University, the New Jersey Institute of Technology, Rowan University, the State colleges and the county colleges.

i. "Support services" or "supportive services" means services that assist eligible students in obtaining a college education and include, but are not limited to, interpreters, note takers, and tutors.

j. "Visual impairment" means when an individual's better eye with correction does not exceed 20/200 or where there is a field defect in the better eye in which the diameter of the field is no greater than 20 degrees.

59. Section 6 of P.L.1985, c.493 (C.18A:72H-6) is amended to read as follows:

C.18A:72H-6 Duties of commission.

6. The Commission on Higher Education shall:

a. Enter into agreements with any individual, agency, or public or independent institution of higher education in this State, under which the individual, agency, or institution shall undertake to provide direct support

services to eligible students, provided these services do not duplicate or replace any services for which these students are currently eligible.

b. Enter into contractual agreements with any public or independent institution of higher education to establish and maintain within that institution offices to facilitate the provision and coordination of support services to eligible students.

c. Authorize the payment to those individuals, agencies, and institutions as set forth in subsections a. and b. of this section of funds appropriated or otherwise made available to the department under this act or any other law, or from any other lawful source.

d. Assess, evaluate, and review the extent of the visual or auditory impairments or the learning disabilities which shall qualify students for eligibility for services pursuant to the regulations promulgated under this act.

e. Develop and coordinate a comprehensive support plan for eligible students specifying the needs of the eligible students.

f. Provide the supportive services outlined in the support plan, directly or through contractual agreements with individuals, institutions, agencies, and others, as appropriate.

g. Foster awareness of, and sensitivity to, the students' disabilities through seminars, presentations, bulletins, and other activities for instructional, administrative and other staff of public and independent higher educational institutions.

h. Encourage and facilitate the use of a variety of instructional materials and methods by disseminating to professional staff of public and independent institutions of higher education information on techniques, materials, and sources relating to curricular specialities.

i. Annually review and report to the Governor and the State Legislature on the services and activities funded by the department each year under this act.

60. Section 7 of P.L.1985, c.493 (C.18A:72H-7) is amended to read as follows:

C.18A:72H-7 Advisory board.

7. To assist in fulfilling the duties and responsibilities relating to this act, the commission shall appoint an advisory board, which shall be broadly representative of those individuals and organizations having an active interest in, and academic or practical knowledge and experience in, the abilities and needs of students with visual impairments, auditory impairments, and learning disabilities; the methods and techniques of evaluation of the disa-

bling conditions and curricular support development, including, without limitation, representatives from professional organizations, parent/student organizations, institutional administrations, academic personnel, student personnel services staff, and students. A representative from the Departments of Labor and Workforce Development and Human Services shall serve on the advisory board.

61. Section 20 of P.L.1969, c.158 (C.18A:73-35) is amended to read as follows:

C.18A:73-35 Duties of State Library.

20. The State Library shall:

(a) Maintain library resources and information services over a broad range of subjects which affect the educational, intellectual, cultural, economic, and political life of the State;

(b) Provide special library services for the legislative, executive and judicial branches of State Government, supplemental library service for New Jersey libraries and citizens and direct library service for persons with disabilities;

(c) Purchase or otherwise acquire, and maintain a general collection of books, periodicals, newspapers, maps, slides, films and other library materials for the use of State and local governments, libraries, and the public generally; and exchange, discard, sell, or otherwise dispose of books and library materials as required within the purposes stated herein and all moneys to be secured from such sales shall be paid into the treasury to be used for the benefit of the State Library when appropriated to that purpose;

(d) Maintain as part of the State Library, a general reference service; a legislative reference service; a law library service; a documents depository service; an archival service for New Jersey materials; a records management service for State and local governments; a deposit and exchange service for library materials; an interlibrary loan service; an advisory service for public libraries, school libraries, libraries of institutions of higher education, industrial, commercial and other special libraries, State department and agency libraries, and the libraries the State maintains within the institutions carrying out its health, welfare and correctional programs; and a library service for persons with disabilities; and provide such other services as may be required by law;

(e) Preserve the records of the history of New Jersey through its official archives and other materials and promote interest and research in the history of the State;

(f) Coordinate a Statewide system of libraries in New Jersey, and administer State and federal programs for the development of libraries, library facilities, library resources and library services in New Jersey, and require such reports as are necessary for the proper administration of its duties and for the gathering and publishing of annual and occasional statistics on libraries in the State;

(g) Promote and demonstrate library service throughout the State, and study library problems and needs in New Jersey and make the resultant findings known generally.

62. Section 8 of P.L.1973, c.381 (C.18A:74-21) is amended to read as follows:

C.18A:74-21 Projects to be accessible, usable by persons with disabilities.

8. The President shall require that projects constructed with the use of State funds under this act shall, to the extent appropriate, be accessible to and usable by persons with disabilities.

63. R.S.23:3-4 is amended to read as follows:

Types of licenses; fees.

23:3-4. The licenses issued under this article shall include, among others authorized by law, the following:

a. A license issued to a person above 16 years of age, or in the case of an apprentice firearm hunting license or an apprentice bow and arrow license, a license issued to a person above 14 years of age, who has an actual and bona fide domicile in this State at the time of the application for the license and who has had an actual and bona fide domicile in this State for at least six months immediately prior thereto, provided that for a resident's trapping license the person shall be above 12 years of age. These licenses shall be designated as the resident's firearm hunting license, the resident's bow and arrow license, the resident's trapping license, the resident's fishing license, the resident's apprentice firearm hunting license, and the resident's apprentice bow and arrow license.

(1) (a) The resident's firearm hunting license shall authorize its holder to hunt with hounds and firearms only, and a fee of $26.50 and an issuance fee of $1.00 shall be charged therefor, except that a person above the age of 65 years shall be charged a fee of $14.50 and an issuance fee of $1.00.

(b) The resident's apprentice firearm hunting license shall authorize its holder to hunt only with hounds and firearms and only when accompanied by a holder, above 21 years of age, of a regular resident's or nonresident's

firearm hunting license. A fee of $26.50 and an issuance fee of $1.00 shall be charged for a resident's apprentice firearm hunting license, except that a person above the age of 65 years shall be charged a fee of $14.50 and an issuance fee of $1.00. The resident's apprentice firearm hunting license may be issued to a person only twice during the lifetime of the person.

(2) (a) The resident's bow and arrow license shall authorize its holder to hunt with bow and arrow only, and a fee of $30.50 and an issuance fee of $1.00 shall be charged therefor, except that a person above the age of 65 years shall be charged a fee of $15.50 and an issuance fee of $1.00.

(b) The resident's apprentice bow and arrow license shall authorize its holder to hunt only with bow and arrow and only when accompanied by a holder, above 21 years of age, of a regular resident's or nonresident's bow and arrow license. A fee of $30.50 and an issuance fee of $1.00 shall be charged for a resident's apprentice bow and arrow license, except that a person above the age of 65 years shall be charged a fee of $15.50 and an issuance fee of $1.00. The resident's apprentice bow and arrow license may be issued to a person only twice during the lifetime of the person.

(3) The resident's trapping license shall authorize its holder to trap only, and a fee of $31.50 and an issuance fee of $1.00 shall be charged therefor, except that a person above 12 years and under 16 years of age shall be charged no fee.

(4) The resident's fishing license shall authorize its holder to fish only, and a fee of $21.50 and an issuance fee of $1.00 shall be charged therefor, except (a) in any case where the applicant is above 70 years of age and is otherwise qualified, no license shall be required, (b) a person above 65 years and under 70 years of age shall be charged a fee of $11.50 and an issuance fee of $1.00, and (c) as otherwise provided in paragraph (5) of this subsection, paragraph (2) of subsection c. of this section, or paragraph (2) of subsection d. of section 11 of P.L.1982, c.180 (C.23:3-1.1).

(5) The resident's fishing buddy license shall authorize its holder to fish only, and can only be obtained through application at the same time with: (a) another resident of this State who applies for a resident's fishing license, is above 16 years of age and below 65 years of age, and has not bought a resident's fishing license after 2010, or (b) a nonresident who applies for a nonresident's annual fishing license, is above 16 years of age, and has not bought a nonresident's annual fishing license after 2010. The fee for a resident's fishing buddy license and for a resident's fishing license issued pursuant to this paragraph shall each be $10.75 and an issuance fee of $1.00. The fee for a nonresident's annual fishing license issued pursuant to this paragraph shall be $16.50 and an issuance fee of $1.00.

(6) Any resident of this State who is totally blind, upon application to the division, shall be entitled to a resident's fishing license without fee or charge.

b. A license issued to a person above 16 years of age, or in the case of an apprentice firearm hunting license or an apprentice bow and arrow license, a license issued to a person above 14 years of age, not entitled to a resident's license, authorizing the person to trap or to hunt, as applicable, except that a nonresident's two-day small game firearm hunting license shall not permit the taking, hunting, or killing of deer or turkey. These licenses shall be designated as the nonresident's firearm hunting license, the nonresident's apprentice firearm hunting license, the nonresident's bow and arrow license, the nonresident's apprentice bow and arrow license, the nonresident's trapping license, and the nonresident's two-day small game firearm hunting license.

A nonresident's apprentice firearm hunting license shall authorize its holder to hunt only with hounds and firearms and only when accompanied by a holder, above 21 years of age, of a regular resident's or nonresident's firearm hunting license. A nonresident's apprentice bow and arrow license shall authorize its holder to hunt with bow and arrow only and only when accompanied by a holder, above 21 years of age, of a regular resident's or nonresident's bow and arrow license. The nonresident's apprentice firearm hunting license and the nonresident's apprentice bow and arrow license may each be issued to a person only twice during the lifetime of the person.

(1) The fees for the nonresident's firearm hunting license, the nonresident's apprentice firearm hunting license, the nonresident's bow and arrow license, and the nonresident's apprentice bow and arrow license shall each be $134.50 and an issuance fee of $1.00.

(2) The fee for the nonresident's trapping license shall be $199.50 and an issuance fee of $1.00.

(3) The fee for a nonresident's two-day small game firearm hunting license shall be $35.50 and an issuance fee of $1.00.

c. A license issued to a person above 16 years of age not entitled to a resident's license, authorizing the person to fish only. These licenses shall be designated as the nonresident's annual fishing license, the nonresident's annual fishing buddy license, the nonresident's two-day fishing license, valid for a period of two consecutive days, and the nonresident's seven-day vacation fishing license, valid for a period of seven consecutive days.

The nonresident's annual fishing buddy license can only be obtained through application at the same time with: a resident of this State who applies for a resident's fishing license, is above 16 years of age and below 65

years of age, and has not bought a resident's fishing license after 2010; or a nonresident who applies for a nonresident's annual fishing license, is above 16 years of age, and has not bought a nonresident's annual fishing license after 2010.

(1) The fee for the nonresident's annual fishing license shall be $33.00 and an issuance fee of $1.00, except as otherwise provided pursuant to paragraph (2) of this subsection, paragraph (5) of subsection a. of this section, or paragraph (2) of subsection d. of section 11 of P.L.1982, c.180 (C.23:3-1.1).

(2) The fee for a nonresident's annual fishing buddy license shall be $16.50 and an issuance fee of $1.00. The fee for a resident's fishing license obtained through application at the same time with an application for a nonresident's annual fishing buddy license in accordance with this subsection shall be $10.75 and an issuance fee of $1.00, and the fee for a nonresident's annual fishing license obtained through application at the same time with an application for a nonresident's annual fishing buddy license in accordance with this subsection shall be $16.50 and an issuance fee of $1.00.

(3) The fee for the nonresident's two-day fishing license shall be $8.00 and an issuance fee of $1.00.

(4) The fee for the nonresident's seven-day fishing license shall be $18.50 and an issuance fee of $1.00.

d. Every license issued hereunder shall be void after December 31 next succeeding its issuance, except the one-day hunting license, which shall expire on the date of issuance; the nonresident's seven-day fishing license, which is valid only for seven consecutive days after date of issuance; the nonresident's two-day fishing license, which shall expire on the day after the date of issuance; and the nonresident's two-day small game firearm hunting license, which shall expire on the day after the date of issuance.

Any license issued hereunder to a person under 16 years of age shall be void after December 31 of the year in which the licensee becomes 16 years of age.

e. The fees for licenses set forth in this section may be adjusted by the Fish and Game Council pursuant to section 12 of P.L.1982, c.180 (C.23:3-1a).

64. Section 1 of P.L.2006, c.7 (C.23:4-24.5) is amended to read as follows:

C.23:4-24.5 Prohibition of computer-assisted remote hunting; definitions.

1. a. No person shall engage in computer-assisted remote hunting or provide or operate facilities for computer-assisted remote hunting in the State.

b. As used in this act, "computer-assisted remote hunting" means the use of a computer via an Internet connection or any other device or equipment capable of establishing an Internet connection, or equipment or software capable of being used with an Internet connection, to remotely access and control the aiming and discharge of a firearm, bow and arrow, or any other weapon to hunt any game bird, game animal, or fur-bearing animal in the State, and "facilities for computer-assisted remote hunting" means real property and improvements on the property associated with hunting, including hunting blinds, offices, and rooms equipped to facilitate computer-assisted remote hunting via an Internet connection.

c. No provision of this section shall be construed to restrict the use of equipment or devices, approved by the Fish and Game Council, by properly licensed hunters in the act of hunting in the field who require, because of a disability or other physical condition, the assistance of certain equipment or devices that may or may not employ a computer or computerized parts in order to hunt in the field.

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

C.24:21-2 Definitions.

2. As used in this act:

"Administer" means the direct application of a controlled dangerous substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by: (1) a practitioner (or, in the practitioner's presence, by the practitioner's lawfully authorized agent), or (2) the patient or research subject at the lawful direction and in the presence of the practitioner.

"Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser but does not include a common or contract carrier, public warehouseman, or employee thereof.

"Commissioner" means the Commissioner of Health.

"Controlled dangerous substance" means a drug, substance, or immediate precursor in Schedules I through V of article 2 of P.L.1970, c.226 (C.24:21-1 et seq.). The term shall not include distilled spirits, wine, malt beverages, as those terms are defined or used in R.S.33:1-1 et seq., or tobacco and tobacco products.

"Counterfeit substance" means a controlled dangerous substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or

device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person or persons who in fact manufactured, distributed, or dispensed such substance and which thereby falsely purports or is represented to be the product of, or to have been distributed by, such other manufacturer, distributor, or dispenser.

"Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a controlled dangerous substance, whether or not there is an agency relationship.

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

"Dispense" means to deliver a controlled dangerous substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

"Dispenser" means a practitioner who dispenses.

"Distribute" means to deliver other than by administering or dispensing a controlled dangerous substance.

"Distributor" means a person who distributes.

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

"Drug Enforcement Administration" means the Drug Enforcement Administration in the United States Department of Justice.

"Drugs" means (a) substances recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; and (b) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (c) substances (other than food) intended to affect the structure or any function of the body of man or other animals; and (d) substances intended for use as a component of any article specified in subsections (a), (b), and (c) of this section; but does not include devices or their components, parts or accessories.

"Hashish" means the resin extracted from any part of the plant genus Cannabis and any compound, manufacture, salt, derivative, mixture, or preparation of such resin.

"Marihuana" means all parts of the plant genus Cannabis, whether growing or not; the seeds thereof; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant; but shall not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mix-

ture, or preparation of such mature stalks, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

"Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled dangerous substance, either directly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled dangerous substance by an individual for the individual's own use or the preparation, compounding, packaging, or labeling of a controlled dangerous substance: (1) by a practitioner as an incident to the practitioner's administering or dispensing of a controlled dangerous substance in the course of the practitioner's professional practice, or (2) by a practitioner (or under the practitioner's supervision) for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

"Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(a) Opium, coca leaves, and opiates;

(b) A compound, manufacture, salt, derivative, or preparation of opium, coca leaves, or opiates;

(c) A substance (and any compound, manufacture, salt, derivative, or preparation thereof) which is chemically identical with any of the substances referred to in subsections (a) and (b), except that the words "narcotic drug" as used in this act shall not include decocainized coca leaves or extracts of coca leaves, which extracts do not contain cocaine or ecgonine.

"Official written order" means an order written on a form provided for that purpose by the Attorney General of the United States or his delegate, under any laws of the United States making provisions therefor, if such order forms are authorized and required by the federal law, and if no such form is provided, then on an official form provided for that purpose by the division. If authorized by the Attorney General of the United States or the division, the term shall also include an order transmitted by electronic means.

"Opiate" means any dangerous substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as

controlled under section 3 of this act, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

"Opium poppy" means the plant of the species Papaver somniferum L., except the seeds thereof.

"Person" means any corporation, association, partnership, trust, other institution or entity, or one or more individuals.

"Pharmacist" means a registered pharmacist of this State.

"Pharmacy owner" means the owner of a store or other place of business where controlled dangerous substances are compounded or dispensed by a registered pharmacist; but nothing in this chapter contained shall be construed as conferring on a person who is not registered or licensed as a pharmacist any authority, right, or privilege that is not granted to the person by the pharmacy laws of this State.

"Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

"Practitioner" means a physician, dentist, veterinarian, scientific investigator, laboratory, pharmacy, hospital, or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled dangerous substance in the course of professional practice or research in this State.

(a) "Physician" means a physician authorized by law to practice medicine in this or any other state.

(b) "Veterinarian" means a veterinarian authorized by law to practice veterinary medicine in this State.

(c) "Dentist" means a dentist authorized by law to practice dentistry in this State.

(d) "Hospital" means any federal institution, or any institution for the care and treatment of the sick and injured, operated or approved by the appropriate State department as proper to be entrusted with the custody and professional use of controlled dangerous substances.

(e) "Laboratory" means a laboratory to be entrusted with the custody of narcotic drugs and the use of controlled dangerous substances for scientific, experimental, and medical purposes and for purposes of instruction approved by the Department of Health.

"Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled dangerous substance.

"Immediate precursor" means a substance which the division has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate

chemical intermediary used or likely to be used in the manufacture of a controlled dangerous substance, the control of which is necessary to prevent, curtail, or limit such manufacture.

"Substance use disorder involving drugs" means taking or using a drug or controlled dangerous substance, as defined in this chapter, in association with a state of psychic or physical dependence, or both, arising from the use of that drug or controlled dangerous substance on a continuous basis. A substance use disorder is characterized by behavioral and other responses, including, but not limited to, a strong compulsion to take the substance on a recurring basis in order to experience its psychic effects, or to avoid the discomfort of its absence.

"Ultimate user" means a person who lawfully possesses a controlled dangerous substance for the person's own use or for the use of a member of the person's household or for administration to an animal owned by the person or by a member of the person's household.

66. Section 4 of P.L.1985, c.5 (C.26:2-127) is amended to read as follows:

C.26:2-127 Components of community program.

4. A community based high blood pressure control program shall provide:

a. Hypertension screening;

b. Treatment referral;

c. Counseling for persons with high blood pressure as to proper diet, weight control, and appropriate care and treatment of the condition; and

d. Patient follow-up and evaluation of treatment methods.

67. Section 5 of P.L.1985, c.5 (C.26:2-128) is amended to read as follows:

C.26:2-128 Authority of commissioner.

5. The commissioner is authorized to:

a. Enter into necessary contracts and agreements with counties, municipalities and other units of government, colleges, universities, associations, agencies, corporations, and individuals for the development and expansion of community hypertension programs;

b. Gather data relative to the detection of high blood pressure and the incidence of heart disease, kidney disease and stroke;

c. Promote programs of professional education for physicians, dentists, nurses, pharmacists, and public health professionals relative to the

prevention, detection and control of high blood pressure and the rehabilitation of persons with heart disease, stroke, and kidney disease which result from uncontrolled hypertension;

d. Conduct scientific investigation into the prevention, cause, detection, and control of high blood pressure;

e. Develop more effective methods for the screening, evaluation and control of hypertension; and

f. Apply for and accept any grant of money from the federal government or any other source available for the purposes of P.L.1985, c.5 (C.26:2-124 et seq.).

68. Section 4 of P.L.1987, c.10 (C.26:2-141) is amended to read as follows:

C.26:2-141 Duties, powers.

4. The commissioner is authorized to:

a. Gather data relative to the occurrence of diabetes and its associated complications;

b. Enter into necessary contracts and agreements with counties, municipalities, and other units of government, colleges, universities, associations, and agencies;

c. Conduct a scientific investigation into the prevention, cause, and control of diabetes and its associated morbidity;

d. Develop more effective methods for evaluating diabetes control strategies;

e. Promote programs of education for persons with diabetes in order to improve their quality of life and reduce the burdens of the disease and its complications;

f. Promote programs of professional education for physicians, nurses, dietitians, podiatrists, dentists, physical therapists, pharmacists, and public health professionals relative to the prevention and control of diabetes and the rehabilitation of persons with the complications of diabetes; and

g. Apply for and accept any grant of money from the federal government or any other source available for the purposes of P.L.1987, c.10 (C.26:2-138 et seq.).

69. Section 1 of P.L.1975, c.305 (C.26:2B-7) is amended to read as follows:

C.26:2B-7 Public policy.

1. It is the policy of the State of New Jersey that persons with an alcohol use disorder and intoxicated persons may not be subjected to criminal prosecution because of their consumption of alcoholic beverages, but rather should be afforded a continuum of treatment in order that they may lead lives as productive members of society.

70. Section 2 of P.L.1975, c.305 (C.26:2B-8) is amended to read as follows:

C.26:2B-8 Definitions.

2. The following words as used in P.L.1975, c.305 (C.26:2B-7 et seq.) shall, unless the context requires otherwise, have the following meanings:

"Administrator" means the person in charge of the operation of a facility, or his designee.

"Admitted" means accepted for treatment at a facility.

"Alcoholic" means a person with an alcohol use disorder, as defined in this section.

"Authorized persons" means persons who serve as volunteer first aid or ambulance squad members, para-professional medical personnel, and rehabilitated persons with alcohol use disorder.

"Commissioner" means the Commissioner of Health.

"Department" means the Department of Health.

"Director" means the Director of the Division of Alcoholism.

"Division" means the Division of Alcoholism.

"Facility" means any public, private place, or portion thereof providing services especially designed for the treatment of intoxicated persons or persons with alcohol use disorder; including, but not limited to intoxication treatment centers, inpatient treatment facilities, outpatient facilities, and residential aftercare facilities.

"Incapacitated" means the condition of a person who is: a. as a result of the use of alcohol, unconscious or has judgment so impaired that the person is incapable of realizing and making a rational decision with respect to the person's need for treatment, b. in need of substantial medical attention, or c. likely to suffer substantial physical harm.

"Independent physician" means a physician other than one holding an office or appointment in any department, board or agency of the State or in any public facility.

"Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcoholic beverages.

"Patient" means any person admitted to a facility.

"Person with an alcohol use disorder" means any person who chronically, habitually, or periodically consumes alcoholic beverages to the extent that: a. such use substantially injures the person's health or substantially interferes with the person's social or economic functioning in the community on a continuing basis, or b. the person has lost the power of self-control with respect to the use of such beverages.

"Private facility" means a facility other than one operated by the federal government, the State of New Jersey, or any political subdivision thereof.

"Public facility" means a facility operated by the State of New Jersey or any political subdivision thereof.

"Treatment" means services and programs for the care or rehabilitation of intoxicated persons and persons with alcohol use disorder, including, but not limited to, medical, psychiatric, psychological, vocational, educational, recreational, and social services and programs.

71. Section 3 of P.L.1975, c.305 (C.26:2B-9) is amended to read as follows:

C.26:2B-9 Division of alcoholism.

3. There is hereby established in the Department of Health a Division of Alcoholism under the direction of a division director. The director shall be an individual with training and experience in such areas as public administration or public health or rehabilitation and training in the social sciences or a qualified professional with training or experience in the treatment of behavioral disorders or medical-social problems, or in the organization or administration of treatment services for persons with behavioral disorders or medical-social problems.

There shall be an assistant to the director, who shall have experience in the field of alcohol use disorder.

The director and the director's assistant shall be appointed by the commissioner, with the consent of the public health council.

The commissioner shall appoint and may remove such officers and employees of the division as the commissioner may deem necessary. There shall be an administrator of each facility operated by the department pursuant to this act. Each such administrator shall be a person qualified by training and experience to operate a facility for the treatment of persons with alcohol

use disorder or intoxicated persons. The commissioner may establish such other positions in the division and employ such consultants as the commissioner may deem appropriate. Except as otherwise provided by law, all offices and positions in the division shall be subject to the provisions of Title 11A, Civil Service; provided, however, that the provisions of said title shall not apply to the director, physicians, and psychiatrists who have full medical-psychiatric, as opposed to administrative, responsibility; and provided, further, and notwithstanding the preceding proviso or any other provision of law, that all offices and positions, which as a condition of receiving federal grants for programs and activities to which federal standards for a merit system of personnel administration relate and make necessary the application of provisions of the Civil Service law, shall be subject to the provisions of Title 11A, Civil Service, if such federal standards are uniform in all states.

72. Section 5 of P.L.1975, c.305 (C.26:2B-11) is amended to read as follows:

C.26:2B-11 Comprehensive State plan for treatment.

5. The department shall prepare and submit to the Governor, and from time to time shall amend, a comprehensive State plan for the treatment of intoxicated persons and persons with an alcohol use disorder, including juveniles and young adults. The department, in developing such plan, shall consult and cooperate with the advisory council, officials of appropriate departments or agencies of the federal government and the State and its political subdivisions, and private organizations and individuals with a view toward providing for coordinated and integrated services on the community level. The plan may provide for services in federal, public and private facilities. The plan shall include a detailed projection of immediate and long-term need for facilities and personnel and a detailed estimate of the cost thereof, as well as an estimate of the extent to which funds, property, or services may be available from the State or any of its political subdivisions, the federal government or any private source and is to be coordinated with the State Comprehensive Health Planning Agency.

73. Section 6 of P.L.1975, c.305 (C.26:2B-12) is amended to read as follows:

C.26:2B-12 Program for treatment; facilities; services; annual list; publication.

6. The department shall take cognizance of all matters affecting alcohol use disorder in the State and shall establish and conduct a program for

the treatment of intoxicated persons and persons with an alcohol use disorder.

The program may encourage regionalization of services and, if not otherwise available, provide for the following facilities, which need not be separately located:

a. Intoxication treatment centers, which centers shall render emergency medical care, including detoxification, shall be open 24 hours every day, and shall be located conveniently near population centers. Services shall be provided for the immediate physical and social needs, including the needs for medication and shelter, of intoxicated persons, and shall also provide for initial examination, diagnosis and referral. To the extent possible, such treatment centers shall be affiliated with a general or other hospital.

b. Inpatient facilities, for treatment of persons with an alcohol use disorder, which shall, to the extent possible, be affiliated with the medical service of a general hospital, mental hospital, community mental health center, or other hospital.

c. Outpatient facilities.

d. Residential aftercare facilities, such as halfway houses.

The department shall maintain, supervise and control all facilities operated by it pursuant to P.L.1975, c.305 (C.26:2B-7 et seq.) and all such facilities shall be staffed with an adequate number of qualified and trained personnel. The administrator of each such facility shall make an annual report of its activities to the director in such manner and form as the director may deem appropriate. All appropriate resources, particularly community mental health centers, shall whenever possible be utilized in and coordinated with the program.

Services delivered by the department pursuant to P.L.1975, c.305 (C.26:2B-7 et seq.) may be administered on the premises of institutions operated in whole or in part by the department of institutions and agencies. Such services shall be administered as such services are administered in the other facilities of the department and shall in all respects be therapeutic in nature rather than penal or correctional.

The department shall prepare and publish annually a list of all services operating in accordance with P.L.1975, c.305 (C.26:2B-7 et seq.) and shall make the list available upon request to members of the public. The department shall notify all law enforcement agencies and judges in the State of the location and capacity of intoxication treatment centers and other services operating in accordance with this act situated in or near their jurisdictions.

74. Section 7 of P.L.1975, c.305 (C.26:2B-13) is amended to read as follows:

C.26:2B-13 Powers of department.

7. The department is hereby authorized, empowered and directed under this act to:

a. Plan, construct, cause to be established, and maintain such facilities as may be necessary or desirable for the conduct of its program;

b. Acquire, hold, and dispose of real property;

c. Acquire by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the power of eminent domain in accordance with the provisions of Title 20 of the Revised Statutes, and lease, hold and dispose of, real property or any interest therein, for the purposes of this act;

d. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under P.L.1975, c.305 (C.26:2B-7 et seq.); including, but not limited to, contracts with government departments and public and private agencies and facilities to pay them for services actually rendered or furnished to persons with an alcohol use disorder or intoxicated persons, at rates to be established pursuant to law;

e. Solicit and accept for use in relation to the purposes of this act any gift of money or property made by will or otherwise, and any grant or loan of money, services or property from the federal government, the State or any political subdivision thereof, or any private source, and do all things necessary to cooperate with the federal government or any of its agencies in connection with the application for any such grant or loan; provided, however, that any money received under this subsection shall be deposited with the State Treasurer to be kept in a separate fund in the treasury for expenditure by the department in accordance with the conditions of the gift, loan or grant without specific appropriation;

f. Develop, encourage and foster Statewide, regional and local plans and programs for the prevention, detection, and treatment of alcohol use disorder in cooperation with interested public agencies and private organizations and individuals and provide technical assistance and consultation services for these purposes;

g. Coordinate the efforts and enlist the assistance of all public agencies and private organizations and individuals interested in the prevention, detection, and treatment of alcohol use disorder;

h. Cooperate with the Department of Human Services in establishing and conducting a program for the prevention and treatment of alcohol use disorder in penal institutions;

i. Cooperate with police academies, nursing and medical schools, public agencies and private organizations and individuals in establishing programs for the prevention and treatment of intoxication and alcohol use disorder among juveniles and young adults;

j. Prepare, publish and disseminate educational materials dealing with the prevention, nature and effects of alcohol use disorder and the benefits of treatment;

k. Develop and implement an ongoing system of collecting, analyzing and distributing statistics on the incidence and prevalence of alcohol use disorder, alcohol-related problems and alcohol consumption among the citizens of New Jersey, with special emphasis on youth. This system shall include, but is not limited to, studies, surveys, random samplings and assessments, and use as its sources the variety of public agencies and private organizations concerned and connected with the subject, including the New Jersey Motor Vehicle Commission, the Superior Court, Chancery Division, Family Part, the youth bureaus, alcohol treatment programs, hospitals and mental health centers, the schools, the police departments, and the Division of Alcoholic Beverage Control. Special attention shall be given to the relationship of alcohol to automobile accidents, crime, delinquency and other social problems;

l. Encourage alcohol use disorder prevention, detection, and treatment programs in government and industry;

m. Organize and foster training programs for professional and paraprofessional workers in the treatment of intoxicated persons and persons with alcohol use disorder;

n. Approve and license public and private facilities in accordance with section 8 of P.L.1975, c.305 (C.26:2B-14);

o. Promulgate rules and regulations for the exercise of its powers and the performance of its duties under P.L.1975, c.305 (C.26:2B-7 et seq.);

p. Do all other acts and things necessary or convenient to carry out the powers expressly granted in P.L.1975, c.305 (C.26:2B-7 et seq.).

75. Section 9 of P.L.1975, c.305 (C.26:2B-15) is amended to read as follows:

C.26:2B-15 Procedures for admission, treatment at a facility.

9. Any person who is intoxicated and who voluntarily applies for treatment or is brought to a facility by a police officer or other authorized

person in accordance with section 10 of P.L.1975, c.305 (C.26:2B-16) may be afforded treatment at an intoxication treatment center or other facility. Any person who is a person with an alcohol use disorder and who voluntarily applies for treatment may be afforded treatment at an intoxication center or other facility.

As soon as possible after the admission of any person, the administrator of the facility shall cause such person to be examined by a physician or by a medically competent individual designated by the department and under the supervision of a physician. If, upon examination, a determination is made that the person is intoxicated or is a person with an alcohol use disorder, and adequate and appropriate treatment is available, the person shall be admitted. If any person is not admitted for the reason that adequate and appropriate treatment is not available at the facility, the administrator of the facility, acting whenever possible with the assistance of the director, shall refer the person to a facility at which adequate and appropriate treatment is available. In the event that a person is not admitted to a facility, and has no funds, the administrator shall arrange for the person to be assisted to the person's residence, or, if the person has no residence, to a place where shelter will be provided.

Any person admitted to a facility may receive treatment at the facility for as long as the person wishes to remain at the facility or until the administrator determines that treatment will no longer benefit the person; provided, however, that any person who at the time of admission is intoxicated and is incapacitated, shall remain at the facility until the person is no longer incapacitated, but in no event shall he be required to remain for a period greater than 48 hours.

When a person is admitted to a facility, the facility shall provide notice of admission to the person's spouse, parent, legal guardian, designated next of kin, or other designated emergency contact, as soon thereafter as possible, provided that: (1) such notice is provided in a manner that is consistent with federal requirements under 42 CFR Part 2 and federal HIPAA requirements under 45 CFR Parts 160 and 164; and (2) the patient, if an adult, has not withheld consent for such notice or expressly requested that notification not be given. If a patient who is not incapacitated withholds consent for such notice, or expressly requests that notification not be given, the patient's wishes shall be respected unless the patient is a minor child or adolescent, in which case, the minor's parent, legal guardian, designated next of kin, or other designated emergency contact shall be notified, provided that such notification is not inconsistent with, and would not violate,

federal requirements under 42 CFR Part 2 and federal HIPAA requirements under 45 CFR Parts 160 and 164.

The manner in which any person is transported from one facility to another, or from a facility to the person's residence, and the financing thereof, shall be determined by the director in accordance with rules and regulations promulgated by the department.

When a patient is discharged or otherwise released from treatment at a facility, the patient shall be encouraged to consent to appropriate outpatient or residential aftercare treatment.

When a patient voluntarily withdraws, or is involuntarily evicted from a transitional sober living home, halfway house, or other residential aftercare facility, the facility shall provide notice of the patient's release from care to the patient's spouse, parent, legal guardian, designated next of kin, or other designated emergency contact, provided that: (1) such notice is provided in a manner that is consistent with federal requirements under 42 CFR Part 2 and federal HIPAA requirements under 45 CFR Parts 160 and 164; and (2) the patient, if an adult, has not withheld consent for such notice, or expressly requested that notification not be given. If a patient who is not incapacitated withholds consent for such notice, or expressly requests that notification not be given, the patient's wishes shall be respected unless the patient is a minor child or adolescent, in which case, the minor's parent, legal guardian, designated next of kin, or other designated emergency contact shall be notified, provided that such notification is not inconsistent with, and would not violate, federal requirements under 42 CFR Part 2 and federal HIPAA requirements under 45 CFR Parts 160 and 164.

76. Section 11 of P.L.1975, c.305 (C.26:2B-17) is amended to read as follows:

C.26:2B-17 Procedure for individuals arrested for violation of municipal ordinance, disorderly persons offense.

11. Any person who is arrested for a violation of a municipal ordinance, or for a disorderly persons offense, and who is not also arrested for a misdemeanor, and who the arresting police officer has reasonable cause to believe is intoxicated, may be taken by a police officer directly to an intoxication treatment center or other appropriate facility. To determine whether or not such person is intoxicated, the police officer may request the person to submit to any reasonable test, including, but not limited to, tests of his coordination, coherency of speech, and breath.

The administrator of any intoxication treatment center, or of any other facility, shall cause any such person to be examined by a physician or by a medically competent individual designated by the department and under the supervision of a physician. If the physician or any other medically competent individual designated by the department determines upon examination that such person is intoxicated, and the administrator determines that adequate and appropriate treatment is available, the person shall be admitted. Any such person may be detained at the center or other facility until the person is no longer intoxicated, but in any event, not longer than 48 hours from the date of admission. At such time as the person is to be discharged from the facility, the person shall be informed by the administrator that if the person is a person with an alcohol use disorder who would benefit by treatment the person may, in the discretion of the court, be afforded treatment in lieu of prosecution, and that if the person so chooses the person may be examined at the facility for the purpose of determining whether the person is a person with an alcohol use disorder who would benefit by treatment. If the person requests an examination, the person shall be examined by a physician at the facility during a period of time not to exceed 48 hours. The police shall maintain such security conditions as may be necessary. Prior to releasing the person from the center or other facility, the administrator shall notify the police who shall transport the person therefrom for proceedings in the case.

When a person who is arrested for a violation of a municipal ordinance, or disorderly persons offense, and who is not also arrested for a misdemeanor, is brought before the court on such charge, the court shall inform the person that the person is entitled to request a medical examination to determine whether or not the person has alcohol use disorder if the person has been admitted to a facility pursuant to the provisions of the preceding paragraph and has not received a medical examination by a physician. The court shall further inform the defendant of the consequences which follow a determination by a physician that the person is a person with an alcohol use disorder who would benefit by treatment. Any request for an examination shall be in writing. If the person makes such request, the proceedings shall be stayed for the period during which the request is under consideration by the court. If the defendant requests an examination, the court shall appoint a physician to conduct the examination at an appropriate location designated by it.

In no event shall a request for an examination, any statement made by the defendant during the course of an examination or any finding of a physician pursuant to the provisions of this section be admissible against the defendant in any proceeding.

A physician who conducts an examination pursuant to the provisions of this section, shall determine whether or not the defendant is a person with an alcohol use disorder who would benefit by treatment. The physician shall report the findings to the court together with the facts upon which the findings are based and the reasons therefor as soon as possible but in any event not longer than three days after the completion of the examination.

If the physician reports that the defendant is a person with an alcohol use disorder who would benefit by treatment, the court shall inform the defendant that the defendant may request commitment to the division and advise the person of the consequences of the commitment.

If the defendant requests commitment, and if the court finds that the defendant is a person with an alcohol use disorder who would benefit by treatment, the court may stay the criminal proceeding and commit the defendant to the division as an inpatient or as an outpatient, whichever the court deems appropriate, for a specified period. The term of inpatient treatment shall not exceed 30 days, the term of outpatient treatment shall not exceed 60 days, and the total combined period of commitment, including both inpatient and outpatient treatment, if both are ordered, shall not exceed 90 days. The court shall inform the defendant that if he is committed the proceeding will be stayed for the term of the commitment.

In determining whether or not to grant the request for commitment, the court shall consider the report of the physician, the nature of the offense with which the defendant is charged, the past criminal record, if any, of the defendant, and any other relevant evidence.

If the court decides that the defendant's request for commitment should be granted, the court shall commit the defendant to the division if the division reports that adequate and appropriate treatment is available at a facility; provided, however, that if the court determines that commitment should be granted and the defendant is charged with a first offense, the proceedings shall be stayed until adequate and appropriate treatment is available at a facility. In cases where the defendant is not charged with a first offense and the division reports that adequate and appropriate treatment is not available, the court may, in its discretion, order that the stay of the proceeding remain outstanding until such time as adequate and appropriate treatment is available.

As a condition to the issuance of any commitment order by the court pursuant to the provisions of this section, the defendant shall consent in writing to the terms of the commitment.

If the physician reports that the defendant is not a person with an alcohol use disorder who would benefit by treatment, the defendant shall be entitled to request a hearing to determine whether the person is a person

with an alcohol use disorder who would benefit by treatment. Thereupon the court may, of its own motion, or shall upon the request of the defendant or the person's counsel, appoint an independent physician to examine the defendant and to testify at the hearing. If the court determines that the defendant is a person with an alcohol use disorder who would benefit by treatment, the procedures and standards applicable to a defendant who is determined by the court, following the report of the first examining physician to be a person with an alcohol use disorder who would benefit by treatment, shall apply to the defendant.

If the court does not order that the defendant shall be afforded treatment in lieu of prosecution pursuant to the provisions of this section, the stay of the proceedings shall be vacated.

At any time during the term of commitment, the administrator may transfer any inpatient to an outpatient program if the administrator finds that the patient is a proper subject for outpatient treatment; provided, however, that the administrator may retransfer the patient to an inpatient program if the administrator finds that the person is not suitable for outpatient treatment.

Any patient committed to the division pursuant to this section shall be discharged from the facility to which the division has caused the patient to be admitted if at any time the administrator determines that treatment will no longer benefit the patient; provided, however, that such patient shall in any event be discharged at the termination of the period of commitment specified in the court order.

At the end of the commitment period, when the patient is discharged, or when the patient terminates treatment at the facility, whichever first occurs, the director shall report to the court on whether or not the defendant successfully completed the treatment program, together with a statement of the reasons for the director's conclusion. In reaching the determination of whether or not the defendant successfully completed the treatment program, the director shall consider, but shall not be limited to, whether the defendant cooperated with the administrator and complied with the terms and conditions imposed on the defendant during the commitment. If the report states that the defendant successfully completed the treatment program, the court shall dismiss the charges pending against the defendant. If the report does not so state, or if the defendant has not completed the term of commitment ordered by the court, then, based on the report and any other relevant evidence, the court may take such action as it deems appropriate, including the dismissal of the charges or the revocation of the stay of the proceedings. In the event that the court convicts a defendant who has been

committed in lieu of prosecution pursuant to the provisions of this section and sentences the defendant to a term of incarceration, the court shall reduce the term of incarceration by the period during which the defendant was afforded treatment in lieu of prosecution pursuant to this section.

The State, municipal and local police shall, in cooperation with the department, provide temporary security at facilities to which persons are taken pursuant to this section, where it is necessary that such security be provided for the person arrested.

77. Section 15 of P.L.1975, c.305 (C.26:2B-21) is amended to read as follows:

C.26:2B-21 Rights of person who received treatment at facility; person with an alcohol use disorder.

15. No person who has received treatment at a facility in accordance with the provisions of P.L.1975, c.305 (C.26:2B-7 et seq.) or person who is a person with an alcohol use disorder shall be denied any right or privilege under the Constitution of the United States or of the State for the reason that the person has received treatment at a facility or that the person is a person with an alcohol use disorder.

78. Section 17 of P.L.1975, c.305 (C.26:2B-23) is amended to read as follows:

C.26:2B-23 Program of education; services of division.

17. The division shall establish and maintain, in cooperation with the office of the Attorney General, the State, municipal and local police, the courts, the Department of Corrections, the Department of Human Services, and other public and private agencies, a program for the education of police officers, prosecuting attorneys, court personnel, judges of the Superior Court, probation and parole officers, correctional personnel, other law enforcement personnel, and State welfare and vocational rehabilitation personnel, with respect to the causes, effects, and treatment of intoxication and alcohol use disorder.

The division shall serve in a consulting capacity to such public and private agencies and shall foster and coordinate a full range of services which will be available for diagnosis, counseling and treatment for alcohol use disorder.

79. Section 18 of P.L.1975, c.305 (C.26:2B-24) is amended to read as follows:

C.26:2B-24 Tests for alcohol; written manual; collection of data.

18. The division shall, in cooperation with the State, municipal and local police, and the New Jersey Motor Vehicle Commission, conduct tests for alcohol in the bodies of automobile drivers and pedestrians who die as a result of and within four hours of a traffic accident, and in automobile drivers who survive traffic accidents fatal to others. The division shall promulgate a written manual to govern the conducting of tests made pursuant to this section, which shall specify the qualifications of personnel to conduct such tests, the methods and related details of specimen selection, collection, preservation and analysis, and the methods of tabulation and reporting of this test data.

If a test conducted pursuant to this section discloses alcohol, the division shall insofar as is practicable make a determination whether or not alcohol use disorder was a probable factor in the drinking of the tested individual.

Test data collected and determinations made pursuant to this section shall be tabulated, compiled, and published by the division at least semiannually.

The division in cooperation with the office of the Attorney General and other interested State departments and agencies shall undertake a detailed and comprehensive review of State and local laws and regulations governing driving under the influence of alcohol. This review shall include, but need not be limited to, consideration of the relation of these laws and regulations to the legislative policies and purposes of this act, and what programs and punishments are appropriate for individuals convicted of drunk driving.

Within one year from the date of enactment of P.L.1975, c.305 (C.26:2B-7 et seq.), the division shall transmit to the Legislature a report on this review. This report shall include specific recommendations for any changes in the present laws and regulations the division deems appropriate.

80. Section 21 of P.L.1975, c.305 (C.26:2B-27) is amended to read as follows:

C.26:2B-27 Department of Health designated.

21. The Department of Health shall be the single State agency designated by the State as the agency primarily responsible for the treatment of intoxicated persons and persons with alcohol use disorder. All activities, projects or programs for alcohol use disorder treatment and rehabilitation, funded or carried out by any department or political subdivision of the State

shall be in compliance with the comprehensive State plan required by section 5 of P.L.1975, c.305 (C.26:2B-11).

81. Section 4 of P.L.1983, c.531 (C.26:2B-33) is amended to read as follows:

C.26:2B-33 Plan for community services.

4. a. The governing body of each county, in conjunction with the county agency or individual designated by the county with the responsibility for planning services and programs for the care or rehabilitation of persons with alcohol use disorder and persons with a substance use disorder involving drugs, shall submit to the Deputy Commissioner for the Division of Mental Health and Addiction Services and the Governor's Council on Alcoholism and Drug Abuse an annual comprehensive plan for the provision of community services to meet the needs of persons with alcohol use disorder and persons with a substance use disorder involving drugs.

b. The annual comprehensive plan shall address the needs of urban areas with a population of 100,000 or over and shall demonstrate linkage with existing resources which serve persons with alcohol use disorder and persons with a substance use disorder and their families. Special attention in the plan shall be given to alcohol use disorder and substance use disorder and youth; intoxicated drivers and drivers with substance use disorder; women and alcohol use disorder and substance use disorder; persons with disabilities and alcohol use disorder and substance use disorder; alcohol use disorder and substance use disorder on the job; alcohol use disorder and substance use disorder and crime; public information; and educational programs as defined in subsection c. of this section. Each county shall identify, within its annual comprehensive plan, the Intoxicated Driver Resource Center which shall service its population, as is required under subsection (f) of R.S.39:4-50. The plan may involve the provision of programs and services by the county, by an agreement with a State agency, by private organizations, including volunteer groups, or by some specified combination of the above.

If the State in any year fails to deposit the amount of tax receipts as is required under section 3 of P.L.1983, c.531 (C.26:2B-32), a county may reduce or eliminate, or both, the operation of existing programs currently being funded from the proceeds deposited in the Alcohol Education, Rehabilitation and Enforcement Fund.

c. Programs established with the funding for education from the fund shall include all courses in the public schools required pursuant to P.L.1987, c.389 (C.18A:40A-1 et seq.), programs for students included in

the annual comprehensive plan for each county, and in-service training programs for teachers and administrative support staff including nurses, guidance counselors, child study team members, and librarians. All moneys dedicated to education from the fund shall be allocated through the designated county alcohol use disorder and substance use disorder agency and all programs shall be consistent with the annual comprehensive county plan submitted to the Deputy Commissioner for the Division of Mental Health and Addiction Services and the Governor's Council on Alcoholism and Drug Abuse pursuant to this section. Moneys dedicated to education from the fund shall be first allocated in an amount not to exceed 20 percent of the annual education allotment for the in-service training programs, which shall be conducted in each county through the office of the county alcohol use disorder and substance use disorder coordinator in consultation with the county superintendent of schools, local boards of education, local councils on alcohol use disorder and substance use disorder and institutions of higher learning, including the Rutgers University Center of Alcohol Studies. The remaining money in the education allotment shall be assigned to offset the costs of programs such as those which assist employees, provide intervention for staff members, assist and provide intervention for students and focus on research and education concerning youth and alcohol use disorder and substance use disorder. These funds shall not replace any funds being currently spent on education and training by the county.

d. The governing body of each county, in conjunction with the county agency, or individual, designated by the county with responsibility for services and programs for the care or rehabilitation of persons with alcohol use disorder and persons with substance use disorder, shall establish a Local Advisory Committee on Alcohol Use Disorder and Substance Use Disorder to assist the governing body in development of the annual comprehensive plan. The advisory committee shall consist of no less than 10 nor more than 16 members and shall be appointed by the governing body. At least two of the members shall be persons recovering from alcohol use disorder and at least two of the members shall be persons recovering from substance use disorder. The committee shall include the county prosecutor or his designee, a wide range of public and private organizations involved in the treatment of alcohol use disorders and substance use disorder-related problems and other individuals with interest or experience in issues concerning alcohol substance use disorder and substance use disorder. Each committee shall, to the maximum extent feasible, represent the various socioeconomic, racial and ethnic groups of the county in which it serves.

Within 60 days of the effective date of P.L.1989, c.51 (C.26:2BB-1 et al.), the Local Advisory Committee on Alcohol Use Disorder and Substance Use Disorder shall organize and elect a chairman from among its members.

e. The Deputy Commissioner for the Division of Mental Health and Addiction Services shall review the county plan pursuant to a procedure developed by the deputy commissioner. In determining whether to approve an annual comprehensive plan under this act, the deputy commissioner shall consider whether the plan is designed to meet the goals and objectives of the "Alcoholism Treatment and Rehabilitation Act," P.L.1975, c.305 (C.26:2B-7 et seq.) and the "Narcotic and Drug Abuse Control Act of 1969," P.L.1969, c.152 (C.26:2G-1 et seq.) and whether implementation of the plan is feasible. Each county plan submitted to the deputy commissioner shall be presumed valid; provided it is in substantial compliance with the provisions of this act. Where the department fails to approve a county plan, the county may request a court hearing on that determination.

82. Section 3 of P.L.1995, c.318 (C.26:2B-38) is amended to read as follows:

C.26:2B-38 Program contents.

3. The program shall include, but not be limited to: providing public awareness of, and developing advocacy efforts for the deaf, persons with hearing impairments, and other persons with disabilities who are in need of treatment services for alcohol use disorder and substance use disorder, and developing treatment modalities and specialized training programs for this population. The commissioner shall incorporate the services of community-based agencies to develop and implement this program.

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

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

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

(1) A municipality that establishes a sterile syringe access program, at a fixed location or through a mobile access component, may operate the program directly or contract with one or more of the following entities to operate the program: a hospital or other health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), a federally qualified health cen-

ter, a public health agency, a substance abuse treatment program, an AIDS service organization, or another nonprofit entity designated by the municipality. These entities shall also be authorized to contract directly with the commissioner in any municipality in which the governing body has authorized the operation of sterile syringe access programs by ordinance pursuant to paragraph (2) of this subsection. The municipality or entity under contract shall implement the sterile syringe access program in consultation with a federally qualified health center and the New Jersey Office on Minority and Multicultural Health in the Department of Health, and in a culturally competent manner.

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

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

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

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

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

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

(4) The program shall provide information and referrals to consumers, including HIV testing options, access to medication-assisted substance use

disorder treatment programs and other substance use disorder treatment programs, and available health and social service options relevant to the consumer's needs. The program shall encourage consumers to receive an HIV test, and shall, when appropriate, develop an individualized substance use disorder treatment plan for each participating consumer;

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

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

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

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

(8) The program shall maintain the confidentiality of consumers by the use of confidential identifiers, which shall consist of the first two letters of the first name of the consumer's mother and the two-digit day of birth and two-digit year of birth of the consumer, or by the use of such other uniform Statewide mechanism as may be approved by the commissioner for this purpose;

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

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

(11) The program shall establish and implement accurate data collection methods and procedures as required by the commissioner for the pur-

pose of evaluating the sterile syringe access programs, including the monitoring and evaluation on a quarterly basis of:

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

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

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

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

84. Section 11 of P.L.1981, c.295 (C.26:2D-34) is amended to read as follows:

C.26:2D-34 Suspension, revocation, censure, or other discipline.

11. a. The license of a radiologic technologist may be suspended for a fixed period, or may be revoked, or the technologist may be censured, reprimanded, or otherwise disciplined, in accordance with the provisions and procedures defined in P.L.1981, c.295 (C.26:2D-25 et seq.), if after due hearing it is determined that the technologist:

(1) Is guilty of any fraud or deceit in the person's activities as a radiologic technologist or has been guilty of any fraud or deceit in procuring a license;

(2) Has been convicted in a court of competent jurisdiction, either within or without this State, of a crime involving moral turpitude, except that if the conviction has been reversed and the holder of the license discharged or acquitted, or if the person has been pardoned or the person's civil rights restored, the license may be restored;

(3) Has or had any medical problem, disability, or substance use disorder which, in the opinion of the board, would impair the person's professional competence;

(4) Has aided and abetted a person who is not a licensed radiologic technologist or otherwise authorized pursuant to section 4 of P.L.1981, c.295 (C.26:2D-27) in engaging in the activities of a radiologic technologist;

(5) Has undertaken or engaged in any practice beyond the scope of the authorized activities of a radiologic technologist pursuant to P.L.1981, c.295 (C.26:2D-24 et seq.);

(6) Has falsely impersonated a duly licensed or former duly licensed radiologic technologist or is engaging in the activities of a radiologic technologist under an assumed name;

(7) Has been guilty of unethical conduct as defined by rules promulgated by the commission;

(8) Has continued to practice without obtaining a license renewal as required by P.L.1981, c.295 (C.26:2D-24 et seq.);

(9) Has applied ionizing radiation to a human being without the specific direction of a duly licensed practitioner as defined herein; or to any person or part of the human body outside the scope of the specific authorization;

(10) Has acted or is acting as an owner, co-owner, or employer in any enterprise engaged in the application of ionizing radiation to human beings for the purpose of diagnostic interpretation, chiropractic analysis, or the treatment of disease;

(11) Has expressed to a member of the public an interpretation of a diagnostic x-ray film or fluorescent image;

(12) Has used or is using the prefix "Dr.," unless entitled to do so pursuant to a degree granted, the word "doctor" or any suffix or affix to indicate or imply that the radiologic technologist is a duly licensed practitioner as defined herein when not so licensed; or

(13) Is or has been guilty of incompetence or negligence in the person's activities as a radiologic technologist.

b. Proceedings against any radiologic technologist under this section shall be instituted by filing with the board a written charge or charges under oath against the radiologic technologist. The charges may be preferred by any person, corporation, association or public officer, or by the board in the first instance. A copy thereof, together with a report of the investigation as the board shall deem proper, shall be referred to the commission for its recommendation to the commissioner. If the commissioner determines the matter to be a contested case, the commissioner shall either designate three or more members of the board as a committee to hear and report on the charges and shall set a time and place for the hearing or shall refer the matter to the Office of Administrative Law for hearing before an administrative law judge, pursuant to the "Administrative Procedure Act," P.L.1968, c.410

(C.52:14B-1 et seq.). For the purpose of this section, the board, its committee, or the administrative law judge shall have power to issue subpenas for the appearance of witnesses, and to take testimony under oath. Upon review of the record of the hearing, the commissioner may affirm, modify, or reject the written report and recommendation of the committee or the administrative law judge. If the commissioner finds that the charges have not been proved, the commissioner shall order them dismissed. If the charges are found to be true, the commissioner may, in the commissioner's discretion, issue an order suspending or revoking the license of the accused, or otherwise disciplining the accused.

c. When the license of any person has been revoked or annulled, as herein provided, the board may, after the expiration of two years, accept an application for restoration of the license.

85. Section 1 of P.L.1969, c.152 (C.26:2G-1) is amended to read as follows:

C.26:2G-1 Short title; purpose.

1. The act shall be known and may be cited as the "Narcotic and Drug Abuse Control Act of 1969." It shall be the purpose and intent of this act to establish a single agency capable of unifying all efforts in a comprehensive program to control drugs, the use of which may cause a substance use disorder, and to combat the effects of substance use disorders involving drugs.

86. Section 3 of P.L.1969, c.152 (C.26:2G-3) is amended to read as follows:

C.26:2G-3 Certain functions, powers, duties transferred.

3. All the functions, powers, and duties of the Commissioner of Human Services and the Commissioner of Community Affairs, in regard to the prevention and control of substance use disorders and the diagnosis, treatment, rehabilitation, and aftercare of persons with substance use disorders are hereby transferred to and vested in the Director of the Division of Mental Health and Addiction Services in the Department of Human Services. All functions, powers, and duties of the Commissioner of Health in regard to the manufacture, sale, distribution, possession, and use of narcotic, depressant, and stimulant drugs are hereby delegated to the Director of the Division of Mental Health and Addiction Services in the Department of Human Services.

87. Section 5 of P.L.1969, c.152 (C.26:2G-5) is amended to read as follows:

C.26:2G-5 Additional powers of director.

5. The director, as head of the division, shall have all of the functions, powers and duties heretofore vested in the Commissioner of Human Services, and the Commissioner of Community Affairs when either commissioner was acting with regard to the prevention and control of substance use disorders involving drugs and the treatment of persons with substance use disorders involving drugs and also, all the functions, powers and duties vested in the Commissioner of Health by the "New Jersey Controlled Dangerous Substance Act," P.L.1970, c.226 (C.24:21-1 et seq.); and shall, in addition to the functions, powers, and duties vested in the commissioner by this act or by any other law:

a. To survey and analyze the State's need and formulate a comprehensive plan for the long-range development, through the utilization of federal, State, local, and private resources, of adequate services and facilities for the prevention and control of substance use disorders involving drugs and the diagnosis, treatment, and rehabilitation of persons with substance use disorders involving drugs, and from time to time to revise such plan.

b. To promote, develop, establish, co-ordinate, and conduct unified programs for education, prevention, diagnosis, treatment, aftercare, community referral, rehabilitation, and control in the field of substance use disorders involving drugs, based on the comprehensive plan formulated under paragraph a. of this section, and, in co-operation with such other Federal, State, local, and private agencies as are necessary and within the amount made available by appropriation therefor implement and administer such programs.

c. To direct and carry on basic, clinical, epidemiological, social science, and statistical research in substance use disorders involving drugs either individually or in conjunction with other agencies, public or private and, within the amount made available by appropriation therefor, develop pilot programs. In pursuance of the foregoing and notwithstanding any other provision of law, the director is empowered to establish, direct, and carry on experimental pilot clinic programs for the treatment of substance use disorders involving drugs and of the condition of persons with substance use disorders involving drugs.

d. To provide education and training in prevention, diagnosis, treatment, rehabilitation, and control of substance use disorders involving drugs for medical students, physicians, nurses, teachers, social workers, and oth-

ers with responsibilities for persons with substance use disorders involving drugs, either alone or in conjunction with other agencies, public or private.

e. To provide public education on the nature and results of substance use disorders involving drugs and on the potentialities of prevention and rehabilitation in order to promote public understanding, interest, and support.

f. To disseminate information relating to public and private services and facilities in the State available for the assistance of persons with substance use disorders involving drugs and persons with potential substance use disorders involving drugs.

g. To gather information and maintain statistical and other records relating to persons with substance use disorders involving drugs and substance use disorders involving drugs in the State. It shall be the duty of every physician, dentist, veterinarian, or other person who is authorized to administer or professionally use narcotic, depressant, or stimulant drugs, or hospitals, clinics, dispensaries, or persons authorized to dispense narcotic, depressant, or stimulant drugs and all public officials having duties to perform with respect to such drugs or users of such drugs to report and supply such information in relation thereto as the director shall by rule, regulation, or order require.

h. To submit to the Governor, the Legislature and the Commissioner of Health an annual report of the division's operations and specific recommendations pertaining to matters within the scope of its jurisdiction in proper bill form not later than January 15 of each year.

i. To provide psychiatric, medical and psychological services to the Department of Human Services and similar agencies of the political subdivisions of the State with respect to prisoners and parolees who have or had at any time a substance use disorder involving drugs.

j. With the approval of the Governor, to accept as agent of the State any gift, grant, devise, or bequest, whether conditional or unconditional, for any of the purposes of P.L.1969, c.152 (C.26:2G-1 et seq.). Any moneys so received may be expended by the director to effectuate any purpose of P.L.1969, c.152 (C.26:2G-1 et seq.) subject to the same limitations as to approval of expenditures and audit as are prescribed for State moneys appropriated for the purposes of P.L.1969, c.152 (C.26:2G-1 et seq.).

k. To make agreements with the federal government, political subdivisions, public agencies or private agencies to do or cause to be done that which may be necessary, desirable or proper to carry out the purposes and objectives of this article within the amounts made available therefor by appropriation, gift, grant, devise, or bequest.

l. To control and regulate the manufacture, sale, distribution, possession, and use of narcotic, depressant, and stimulant drugs in accordance with the provisions of this act and chapter 18 of Title 24 of the Revised Statutes.

m. To prescribe, amend, and rescind rules and regulations to effectuate the purposes of P.L.1969, c.152 (C.26:2G-1 et seq.).

88. Section 2 of P.L.1970, c.334 (C.26:2G-22) is amended to read as follows:

C.26:2G-22 Definitions.

2. As used in this act:

"Narcotic and substance use disorder treatment center" means any establishment, facility or institution, public or private, whether operated for profit or not, which primarily offers, or purports to offer, maintain, or operate facilities for the residential or outpatient diagnosis, care, treatment, or rehabilitation of two or more nonrelated individuals, who are patients as defined herein, excluding, however, any hospital or mental hospital otherwise licensed by Title 30 of the Revised Statutes.

"Patient" means a person who is addicted to, or otherwise has a physical or mental impairment from the use of narcotic drugs and who requires continuing care of a narcotic and substance use disorder treatment center.

"Narcotic drug" means any narcotic, drug, or dangerous controlled substance, as defined in any law of the State of New Jersey or of the United States.

"Commissioner" means the Commissioner of Health.

89. Section 3 of P.L.1970, c.334 (C.26:2G-23) is amended to read as follows:

C.26:2G-23 Certificate of approval; application.

3. No narcotic and substance use disorder treatment center shall operate within this State except pursuant to a certificate of approval obtained from the commissioner, upon application made therefor. Such application shall be made upon forms furnished by the commissioner, shall set forth the location of the narcotic and substance use disorder treatment center, the person in charge thereof, and the facilities for caring for patients who may seek treatment therein. The applicant shall be required to furnish evidence of its ability to comply with minimum standards established hereunder and of the good moral character of the applicant and the person in charge of the narcotic and substance use disorder treatment center. Any change in the facts set forth in the application shall be reported to the commissioner within 10 days after the occurrence thereof.

90. Section 4 of P.L.1970, c.334 (C.26:2G-24) is amended to read as follows:

C.26:2G-24 Investigation of applicant, facilities; issuance of certificate.

4. Upon receipt of an application for a certificate of approval, the commissioner shall cause an investigation to be made of the applicant and the facilities, and shall issue a certificate of approval if it is found that the applicant is of good moral character and that the facilities comply with the provisions of this act and with the regulations and standards required by the commissioner pursuant hereto. The certificate of approval shall not be transferable or assignable or applicable to any premises or proprietor other than those specified therein. The certificate shall be conspicuously displayed within the narcotic and substance use disorder treatment center at all times.

91. Section 5 of P.L.1970, c.334 (C.26:2G-25) is amended to read as follows:

C.26:2G-25 Rules, regulations, minimum standards for treatment.

5. The commissioner shall adopt, amend, promulgate and enforce such rules, regulations and minimum standards for the treatment of patients of narcotic and substance use disorder treatment centers as may be reasonably necessary to accomplish the purposes of P.L.1970, c.334 (C.26:2G-21 et seq.). Such narcotic and substance use disorder treatment centers may be classified into two or more classes with appropriate rules, regulations and minimum standards for each such class.

The rules and regulations adopted pursuant to this section shall, at a minimum, require a transitional sober living home, halfway house, or other residential aftercare facility to provide notice to a patient's spouse, parent, legal guardian, designated next of kin, or other designated emergency contact, whenever the patient voluntarily withdraws, or is involuntarily evicted from, such facility, provided that: (1) such notice is provided in a manner that is consistent with federal requirements under 42 CFR Part 2 and federal HIPAA requirements under 45 CFR Parts 160 and 164; and (2) the patient, if an adult, has not withheld consent for such notice or expressly requested that notification not be given. If a patient who is not incapacitated withholds consent for such notice, or expressly requests that notification not be given, the department shall require the patient's wishes to be respected unless the patient is a minor child or adolescent, in which case, the department shall require the minor's parent, legal guardian, designated next of kin, or other designated emergency contact to be notified, provided that such notification is not inconsistent with, and would not violate, federal

requirements under 42 CFR Part 2 and federal HIPAA requirements under 45 CFR Parts 160 and 164.

92. Section 8 of P.L.1970, c.334 (C.26:2G-28) is amended to read as follows:

C.26:2G-28 Unauthorized operation of treatment center; penalties; action to recover penalty.

8. Any person, firm, corporation, partnership, society or association who shall operate or conduct a narcotic and substance use disorder treatment center without first obtaining the certificate of approval required by this act, or who shall operate such establishment after revocation or suspension of a certificate of approval, shall be liable to a penalty of $25 for each day of operation in violation hereof for the first offense and for any subsequent offense shall be liable to a penalty of $50 for each day of operation in violation hereof.

The penalties authorized by this section shall be recovered in a summary proceeding instituted by the Attorney General, at the request of the commissioner, pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). Money penalties, when recovered, shall be payable to the General State Fund.

93. Section 9 of P.L.1970, c.34 (C.26:2G-29) is amended to read as follows:

C.26:2G-29 Unauthorized operation of treatment center; injunction.

9. The commissioner may, in the manner provided by law, maintain an action in the name of the State of New Jersey for injunctive relief against any person, firm, corporation, partnership, society or association, continuing to conduct, manage, or operate a narcotic and substance use disorder treatment center without a certificate of approval, or after suspension or revocation of such certificate.

94. Section 1 of P.L.1971, c.128 (C.26:2G-31) is amended to read as follows:

C.26:2G-31 Public policy.

1. It is declared to be the public policy of this State that the prevention of substance use, substance use disorders and the treatment and rehabilitation of persons with substance use disorders is a matter of grave concern to the people of the State and requires that a comprehensive program be established to provide the broadest spectrum of medical and community services

possible for local treatment and counseling facilities on a Statewide basis. Further, this Statewide effort must avoid divisiveness, organizational uncertainty, unnecessary duplication of efforts and unproductive controversy and, therefore, will require coordination and supervision of local operations through strategically placed regional centers, all to be administered through the Division of Mental Health and Addiction Services in the Department of Human Services.

95. Section 4 of P.L.1971, c.128 (C.26:2G-34) is amended to read as follows:

C.26:2G-34 Program of medical and community services.

4. The clinics, regional centers, and outreach offices established hereunder shall provide a complete program of medical and community services in connection with all aspects of substance use, substance use disorder, and related problems, including, but not by way of limitation, the following:

educational programs;

confidential drug counseling;

vocational guidance and job placement;

psychiatric, psychological, and social case work services;

induction and outreach services;

24-hour telephone emergency capability;

urine monitoring;

detoxification;

methadone maintenance;

individual and community prevention program;

individual self-help and group therapy;

referral services for in-patient treatment;

all areas of treatment and rehabilitation of persons with substance use disorder;

aftercare treatment; and

probation services for the courts and correctional systems.

96. Section 1 of P.L.1987, c.49 (C.26:2H-12.6) is amended to read as follows:

C.26:2H-12.6 Care of newborn children.

1. The governing body of a health care facility licensed in this State pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) which provides health care services to newborn children shall adopt policies and procedures which ensure that newborn children, including newborn children with disabilities,

receive a level of nourishment and medical care consistent with accepted medical standards.

If a federal statute or regulation requires that the State submit its regulations and policy to the federal government for approval in order to qualify for federal funding, then the Department of Health shall so comply.

97. Section 1 of P.L.1977, c.237 (C.26:2H-32) is amended to read as follows:

C.26:2H-32 Definitions.

1. The following words or phrases, as used in P.L.1977, c.237 (C.26:2H-32 et seq.), shall have the following meanings, unless the context otherwise requires:

a. "Nursing home" means a facility providing therein nursing care to persons who are sick, invalid, convalescing, or who have disabilities, in addition to providing lodging and board or health-related service, or any combination of the foregoing and in addition thereto, providing nursing care and health-related service, or either of them, to persons who are not occupants of the facility.

b. "Affiliate" means (1) with respect to a partnership, each partner thereof; (2) with respect to a corporation, each officer, director, principal stockholder, or controlling person thereof; (3) with respect to a natural person, (a) each member of said person's immediate family, (b) each partnership and each partner thereof of which said person or any affiliate of said person is a partner, and (c) each corporation in which said person or any affiliate of said person is an officer, director, principal stockholder, or controlling person.

c. "Controlling person" of any corporation, partnership, or other entity means any person who has the ability, directly or indirectly, to direct or cause the direction of the management or policies of said corporation, partnership, or other entity.

d. "Immediate family" of any person includes each parent, child, spouse, brother, sister, first cousin, aunt and uncle of such person, whether such relationship arises by birth, marriage or adoption, as well as the person's domestic partner or partner in civil union of that person as defined in section 3 of P.L.2003, c.246 (C.26:8A-3) or section 2 of P.L.2006, c.103, (C.37:1-29) and the partner's parent and adult child.

e. "Principal stockholder" of a corporation means any person who beneficially owns, holds or has the power to vote, 10% or more of any class of securities issued by said corporation.

98. Section 3 of P.L.2001, c.357 (C.26:2T-7) is amended to read as follows:

C.26:2T-7 Hepatitis C education, prevention and screening program.

3. In consultation with the hepatitis C advisory board established pursuant to section 4 of P.L.2001, c.357 (C.26:2T-8), the Commissioner of Health shall establish a hepatitis C education, prevention, and screening program that includes, but is not limited to, measures directed to physicians and other health care workers, police officers, correctional officers, firefighters, emergency services personnel, employees of the State's developmental centers, and the general public. The program shall be established in accordance with accepted public health practice and recommendations of the federal Centers for Disease Control and Prevention, the Surgeon General of the United States, the American Association for the Study of Liver Diseases, the National Institutes of Health and the American Liver Foundation and within the limits of resources available for the purposes thereof.

a. For the purposes of this program, the commissioner shall develop and implement the following:

(1) public education and outreach to raise awareness of hepatitis C among persons at high risk for hepatitis C as described in section 2 of P.L.1998, c.116 (C.26:2T-2), which includes police officers, firefighters, persons employed by correctional facilities, emergency response personnel, and other high-risk groups, including, but not limited to, health care professionals and persons employed in primary care settings or health care facilities, which shall include, at a minimum, information on risk factors, the value of early detection and the options available for treating hepatitis C;

(2) measures to promote public awareness about the availability of hepatitis C screening, prevention and treatment services among persons at high risk for hepatitis C as determined by the commissioner based upon data provided by the federal Centers for Disease Control and Prevention, the Surgeon General of the United States, the American Association for the Study of Liver Diseases, the National Institutes of Health and the American Liver Foundation, and any other nationally recognized liver societies;

(3) educational activities for health care professionals in regard to the epidemiology, natural history, detection, and treatment of hepatitis C, which shall include information about coinfection with HCV and HIV and the implications of coinfection for HIV or AIDS treatment;

(4) educational and informational measures targeted at specific groups, including, but not limited to, activities designed to educate youth about the long-term consequences of infection with HCV;

(5) measures to prevent further transmission of HCV and to prevent onset of chronic liver disease caused by hepatitis C through outreach to detect and treat chronic HCV infection; and

(6) a collaborative effort with the Department of Corrections to develop screening services to identify inmates at risk for hepatitis C upon admission, and to provide education and counseling about treatment options to reduce the potential health risk to the community from these persons.

b. The commissioner shall evaluate existing hepatitis C support services in the community and assess the need for improving the quality and accessibility of these services.

c. The commissioner shall seek to establish public-private partnerships to promote outreach and increase awareness for the purposes of this act among employers, organized labor, health care providers, health insurers, and community-based organizations, and coalitions.

d. The commissioner shall take such actions as are reasonably necessary to ensure that the program established pursuant to this act provides clear, complete, and accurate hepatitis C education, information, and referral services in a multiculturally competent manner that is designed to provide appropriate linkages to health care services for persons in need thereof.

e. The commissioner shall seek to secure the use of such funds or other resources from private nonprofit or for-profit sources or the federal government to effectuate the purposes of this act as may be available therefor, which shall be used to supplement and shall not supplant State funds used to carry out the purposes of this act.

f. The commissioner shall seek, to the maximum extent practicable, to coordinate the activities of the program, as applicable, with services provided separately to specific populations, including, but not limited to, veterans of the United States armed forces, persons participating in private or public substance or alcohol use disorder treatment programs, and persons with HIV.

99. Section 2 of P.L.1989, c.51 (C.26:2BB-2) is amended to read as follows:

C.26:2BB-2 Governor's Council on Alcoholism and Drug Abuse.

2. There is created a 26-member council in, but not of, the Department of the Treasury which shall be designated as the Governor's Council on Alcoholism and Drug Abuse. For the purposes of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the Governor's Council on Alcoholism and Drug Abuse is allocated to

the Department of the Treasury, but, notwithstanding the allocation, the office shall be independent of any supervision or control by the department or by any board or officer thereof.

The council shall consist of 12 ex officio members and 14 public members.

a. The ex officio members of the council shall be: the Attorney General, the Commissioners of Labor and Workforce Development, Education, Human Services, Health, Children and Families, Community Affairs, Personnel and Corrections, the chair of the executive board of the New Jersey Presidents' Council, the Administrative Director of the Administrative Office of the Courts and the Adjutant General. An ex officio member may designate an officer or employee of the department or office which he heads to serve as his alternate and exercise his functions and duties as a member of the Governor's Council on Alcoholism and Drug Abuse.

b. The 14 public members shall be residents of the State who are selected for their knowledge, competence, experience or interest in connection with alcohol or substance use disorder. They shall be appointed as follows: two shall be appointed by the President of the Senate, two shall be appointed by the Speaker of the General Assembly and 10 shall be appointed by the Governor, with the advice and consent of the Senate. At least two of the public members appointed by the Governor shall be persons rehabilitated from alcohol use disorder and at least two of the public members appointed by the Governor shall be persons rehabilitated from substance use disorders involving drugs.

c. The term of office of each public member shall be three years; except that of the first members appointed, four shall be appointed for a term of one year, five shall be appointed for a term of two years and five shall be appointed for a term of three years. Each member shall serve until his successor has been appointed and qualified, and vacancies shall be filled in the same manner as the original appointments for the remainder of the unexpired term. A public member is eligible for reappointment to the council.

d. The chairman of the council shall be appointed by the Governor from among the public members of the council and shall serve at the pleasure of the Governor during the Governor's term of office and until the appointment and qualification of the chairman's successor. The members of the council shall elect a vice-chairman from among the members of the council. The Governor may remove any public member for cause, upon notice and opportunity to be heard.

e. The council shall meet at least monthly and at such other times as designated by the chairman. Fourteen members of the council shall consti-

tute a quorum. The council may establish any advisory committees it deems advisable and feasible.

f. The chairman shall be the request officer for the council within the meaning of such term as defined in section 6 of article 3 of P.L.1944, c.112 (C.52:27B-15).

g. The public members of the council shall receive no compensation for their services, but shall be reimbursed for their expenses incurred in the discharge of their duties within the limits of funds appropriated or otherwise made available for this purpose.

100. R.S.26:4-30 is amended to read as follows:

Examination upon report from director.

26:4-30. When a local board or health officer receives a report from the director or from any person authorized by the director to make such report, that a person within the jurisdiction of the local board or health officer is, or is suspected to be, a person with a sexually transmitted infection, the board or health officer may cause a medical examination to be made of the person for the purpose of ascertaining whether or not such person is in fact a person with a sexually transmitted infection.

101. R.S.26:4-35 is amended to read as follows:

Examination and quarantine of infected person failing to report to attending physician.

26:4-35. If a person in the infectious stage of a sexually transmitted infection shall fail to report as directed to the physician in attendance for treatment, the physician shall report such failure to the local board, or to the Department of Health, which shall forward the information to the local board.

The local board may require such person to be examined as provided in sections 26:4-30 and 26:4-31 of this title. If upon examination the person is found to have a sexually transmitted infection in its infectious stage and does not present evidence to show that the person is being regularly treated by a licensed physician for the disease, the person shall be quarantined as described in sections 26:4-36 and 26:4-37 of this title.

102. R.S.26:4-39 is amended to read as follows:

Report of institutional cases to DOH.

26:4-39. The physician, superintendent, or other person having control or supervision over any State, county, or municipal hospital, or other public

or private institution shall report the following cases to the Department of Health immediately after they are received into the institution:

a. A person with a sexually transmitted infection, who enters the institution to receive care or treatment for the infection.

b. A person with any other disease, who enters the institution to receive care or treatment for that disease, but who is found also to be a person with a sexually transmitted infection.

103. Section 3 of P.L.1949, c.196 (C.26:4-71.3) is amended to read as follows:

C.26:4-71.3 Person with communicable tuberculosis leaving hospital against medical advice; report.

3. If any person who has tuberculosis in a communicable form shall leave any hospital against medical advice, the administrator shall report such person to the local board of health of the municipality in which such patient was residing when admitted to the hospital and to the Commissioner of Health within 12 hours. Such report shall be in writing and shall state whether the person has tuberculosis in a communicable form.

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

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

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

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

and Multicultural Health in the Department of Health, and in a culturally competent manner.

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

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

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

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

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

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

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

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

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

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

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

(8) The program shall maintain the confidentiality of consumers by the use of confidential identifiers, which shall consist of the first two letters of the first name of the consumer's mother and the two-digit day of birth and two-digit year of birth of the consumer, or by the use of such other uniform Statewide mechanism as may be approved by the commissioner for this purpose;

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

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

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

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

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

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

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

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

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

5. a. (1) The Commissioner of Health shall report to the Governor and, pursuant to section 2 of P.L.1991, 164 (C.52:14-19.1), the Legislature, no later than one year after the effective date of P.L.2006, c.99 (C.26:5C-25 et seq.) and biennially thereafter, on the status of sterile syringe access programs established pursuant to sections 3 and 4 of P.L.2006, c.99 (C.26:5C-27 and C.26:5C-28), as amended by P.L.2016, c.36, and shall include in that report the data provided to the commissioner by each sterile syringe access program pursuant to paragraph (11) of subsection b. of section 4 of P.L.2006, c.99 (C.26:5C-28), as amended by P.L.2016, c.36.

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

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

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

b. (Deleted by amendment, P.L.2016, c.36)

c. The commissioner shall prepare a detailed analysis of the sterile syringe access programs, and report on the results of that analysis to the Governor, the Governor's Advisory Council on HIV/AIDS and Related Blood-Borne Pathogens, and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature annually. The analysis shall include, but not be limited to:

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

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

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

(4) the number of consumers in the sterile syringe access programs who participated in substance use disorder treatment programs; and

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

d. (Deleted by amendment, P.L.2016, c.36)

106. Section 2 of P.L.2008, c.50 (C.26:6-78) is amended to read as follows:

C.26:6-78 Definitions relative to anatomical gifts.

2. As used in this act:

"Adult" means a person who is at least 18 years of age.

"Advance directive for health care" means an advance directive for health care that is executed pursuant to P.L.1991, c.201 (C.26:2H-53 et seq.).

"Agent" means a person who is authorized to act as a health care representative by an advance directive for health care or is expressly authorized to make an anatomical gift on a donor's behalf by any other record signed by the donor.

"Anatomical gift" means a donation of all or part of a human body to take effect after the donor's death for the purpose of transplantation, therapy, research, or education.

"Civil union partner" means one partner in a civil union couple as defined in section 2 of P.L.2006, c.103 (C.37:1-29).

"Decedent" means a deceased person whose body or part is or may be the source of an anatomical gift, and includes a stillborn infant or fetus.

"Designated requester" means a hospital employee who has completed a course offered or approved by an organ procurement organization.

"Disinterested witness" means a witness other than: the spouse, civil union partner, domestic partner, child, parent, sibling, grandchild, grandparent, or guardian of the person who makes, amends, revokes, or refuses to make an anatomical gift; another adult who exhibited special care and con-

cern for the decedent; or a person to whom an anatomical gift may pass pursuant to section 10 of P.L.2008, c.50 (C.26:6-86).

"Document of gift" means a donor card or other record used to make an anatomical gift, and includes a statement or symbol on a driver's license, identification card, or donor registry.

"Domestic partner" means a domestic partner as defined in section 3 of P.L.2003, c.246 (C.26:8A-3).

"Donor" means a person whose body or part is the subject of an anatomical gift.

"Donor registry" means a database that contains records of anatomical gifts.

"Driver's license" means a license or permit issued by the New Jersey Motor Vehicle Commission to operate a vehicle, whether or not conditions are attached to the license or permit.

"Eye bank" means an entity that is licensed, accredited, or regulated under federal or State law to engage in the recovery, screening, testing, processing, storage, or distribution of human eyes or portions of human eyes.

"Guardian" means a person appointed by a court to make decisions regarding the support, care, education, health, or welfare of another individual, but does not include a guardian ad litem.

"Hospital" means an institution, whether operated for profit or not, whether maintained, supervised, or controlled by an agency of State government or a county or municipality or not, which maintains and operates facilities for the diagnosis, treatment, or care of two or more non-related individuals with an illness, injury, or disability, and where emergency, outpatient, surgical, obstetrical, convalescent, or other medical and nursing care is rendered for periods exceeding 24 hours.

"Identification card" means an identification card issued by the New Jersey Motor Vehicle Commission.

"Medical examiner" means the State Medical Examiner, a county medical examiner, or another person performing the duties of a medical examiner pursuant to P.L.1967, c.234 (C.52:17B-78 et seq.).

"Minor" means a person who is under 18 years of age.

"Organ procurement organization" means an entity designated by the United States Secretary of Health and Human Services as an organ procurement organization.

"Parent" means a parent whose parental rights have not been terminated.

"Part" means an organ, eye, or tissue of a human being, but does not include the whole body.

"Physician" means a person authorized to practice medicine or osteopathy under the laws of any state.

"Procurement organization" means an eye bank, organ procurement organization, or tissue bank.

"Prospective donor" means a person who is dead or whose death is imminent and has been determined by a procurement organization to have a part that could be medically suitable for transplantation, therapy, research, or education, but does not include an individual who has made a refusal.

"Reasonably available" means able to be contacted by a procurement organization without undue effort and willing and able to act in a timely manner consistent with existing medical criteria necessary for the making of an anatomical gift.

"Recipient" means a person into whose body a decedent's part has been or is intended to be transplanted.

"Record" means information that is inscribed on a tangible medium or stored in an electronic or other medium and is retrievable in perceivable form.

"Refusal" means a record created pursuant to P.L.2008, c.50 (C.26:6-77 et seq.) that expressly states an intent to bar other persons from making an anatomical gift of a person's body or part.

"Sign" means, with the present intent to authenticate or adopt a record, to execute or adopt a tangible symbol, or to attach to or logically associate with the record an electronic symbol, sound, or process.

"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

"Technician" means a person who is determined to be qualified to remove or process parts by an appropriate organization that is licensed, accredited, or regulated under federal or State law, and includes an enucleator.

"Tissue" means a portion of the human body other than an organ or an eye, but does not include blood unless it is needed to facilitate the use of other parts or is donated for the purpose of research or education.

"Tissue bank" means an entity that is licensed, accredited, or regulated under federal or State law to engage in the recovery, screening, testing, processing, storage, or distribution of tissue.

"Transplant hospital" means a hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of transplant patients.

107. Section 2 of P.L.1973, c.126 (C.27:1A-65) is amended to read as follows:

C.27:1A-65 Definitions.

2. For the purposes of P.L.1973, c.126 (C.27:1A-64 et seq.), unless the context clearly indicates otherwise:

"Carrier" means any individual, copartnership, association, corporation, joint stock company, public agency, trustee, or receiver operating motor buses or rail passenger service on established routes within this State or between points in this State and points in adjacent states.

"Commissioner" means the Commissioner of Transportation; provided, however, that the commissioner may delegate any of the commissioner's powers or duties under P.L.1973, c.126 (C.27:1A-64 et seq.) to any subordinate division, agency, or employee of the Department of Transportation or to the New Jersey Transit Corporation.

"Disabled veteran" means "disabled veteran" as defined in N.J.S.11A:5-1.

"Motor bus" means "autobus" as defined in R.S.48:4-1, and includes those autobuses, commonly called jitneys, as defined in R.S.48:16-23.

"Offpeak times" means the hours from 9:30 a.m. to 4 p.m. and from 7 p.m. to 6 a.m. during the weekdays, and all day on Saturdays, Sundays, and holidays.

"Person with disabilities" means any individual who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, is unable without special facilities or special planning or design to utilize mass transportation facilities and services as effectively as persons who are not so affected.

"Senior citizen" means any individual 62 years of age or over.

108. Section 3 of P.L.1973, c.126 (C.27:1A-66) is amended to read as follows:

C.27:1A-66 Program to provide motor bus and rail passenger service at reduced rates for certain individuals.

3. The Commissioner of Transportation is hereby authorized and directed to establish and implement a program to provide motor bus and rail passenger service for senior citizens during offpeak times and to provide motor bus and rail passenger service for senior citizens age 65 and older, persons with disabilities, and all disabled veterans at all times bus or rail service is offered, on regular routes of carriers within the State or between

points in this State and points in adjacent states at one-half of the regular adult rates of fare, except that the reduced fare shall not be available to senior citizens, persons with disabilities, or disabled veterans traveling on commuter railroad trains operated during peak times which have been designated by the New Jersey Transit Corporation as ineligible for round trip excursion fares. The commissioner may take any action that the commissioner deems necessary to implement this program, including contracts with carriers for the provision of transportation services under this program, purchase of regular tickets and resale to senior citizens, persons with disabilities, and disabled veterans at one-half the ordinary fare, or direct payments to carriers for services provided to senior citizens, persons with disabilities, and disabled veterans under this program. Where carriers may be entitled to receive or do receive funds from sources other than the Department of Transportation for the provision of service to senior citizens, persons with disabilities, and disabled veterans, reimbursement payments which may be made by the Department of Transportation to the carriers may be adjusted accordingly.

109. Section 4 of P.L.1973, c.126 (C.27:1A-67) is amended to read as follows:

C.27:1A-67 Establishment of program.

4. In establishing this program, the commissioner shall, after consulting with the Commissioner of Community Affairs, the Deputy Commissioner of the Division of Aging Services in the Department of Human Services, and the Board of Public Utilities, establish uniform procedures for:

a. Determining the eligibility of persons to receive the reduced fares provided pursuant to P.L.1973, c.126 (C.27:1A-64 et seq.);

b. Making reduced fares available to eligible persons; and

c. Auditing and accounting to insure that no carrier receives payments in excess of the value of services actually rendered to senior citizens, persons with disabilities, and disabled veterans pursuant to P.L.1973, c.126 (C.27:1A-64 et seq.).

110. Section 7 of P.L.1973, c.126 (C.27:1A-70) is amended to read as follows:

C.27:1A-70 Provision of further fare reductions.

7. Nothing in P.L.1973, c.126 (C.27:1A-64 et seq.) shall preclude any carrier from providing further fare reductions for senior citizens, persons

with disabilities, and disabled veterans or preclude any municipality from contracting for further reductions pursuant to P.L.1973, c.67 (C.40:48-4.1 et seq.), or any other law.

111. Section 8 of P.L.1973, c.126 (C.27:1A-71) is amended to read as follows:

C.27:1A-71 Employees, advertisement of program.

8. The commissioner is hereby authorized to hire, employ, or assign secretarial, clerical, and other personnel as shall be required for complying with the provisions of P.L.1973, c.126 (C.27:1A-64 et seq.). The commissioner may also expend a reasonable sum, not to exceed $50,000 annually, for advertising to make senior citizens, persons with disabilities, and disabled veterans aware of the program and the availability of the reduced fares thereunder.

112. Section 9 of P.L.1973, c.126 (C.27:1A-72) is amended to read as follows:

C.27:1A-72 Transportation at reduced fare.

9. Notwithstanding any of the provisions of chapter 3 of Title 48 of the Revised Statutes or of any other law to the contrary, any eligible senior citizen, person with disabilities, or disabled veteran may be transported by any motor bus carrier at less than the usual and ordinary fare charged to one person.

113. Section 1 of P.L.1987, c.99 (C.27:1A-73) is amended to read as follows:

C.27:1A-73 Reduced fare for travel attendant, guide.

1. Notwithstanding the provisions of P.L.1973, c.126 (C.27:1A-64 et seq.) or any other law to the contrary, a person with disabilities and the person's travel attendant shall be transported by any motorbus or rail carrier operated pursuant to the "New Jersey Public Transportation Act of 1979," P.L.1979, c.150 (C.27:25-1 et seq.) at the fare charged to one person with disabilities during peak or offpeak times, as the case may be. For the purposes of this section, a "person with disabilities" is one defined pursuant to section 2 of P.L.1973, c.126 (C.27:1A-65) who requires the assistance of a travel attendant in order to use public transportation.

114. Section 2 of P.L.1987, c.99 (C.27:1A-74) is amended to read as follows:

C.27:1A-74 Regulations.

2. The Commissioner of Transportation shall, after consulting with other relevant departments and agencies, adopt reasonable regulations necessary to carry out the purposes of P.L.1987, c.99 (C.27:1A-73 et seq.) pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The regulations shall include a procedure by which the commissioner shall issue an identification card, upon certification of a physician or upon certification of another person as prescribed by the commissioner, that a person with disabilities requires the assistance of a travel attendant in order to use public transportation.

115. R.S.30:4-24 is amended to read as follows:

General principles, applicability.

30:4-24. The provisions of Title 30 of the Revised Statutes shall govern the admission and commitment of persons with mental illness, tuberculosis, and developmental disabilities to the several institutions designated therefor and govern and control all phases of the relationship between such patients and such institutions including payments, maintenance, custody, treatment, parole, and discharge as though each provision of Title 30 of the Revised Statutes has been specifically enacted, unless otherwise specified in law, with relation to each institution, its board of managers and officials, and to all other officials, boards, and authorities.

Title 30 of the Revised Statutes is to be administered in accordance with the general principles laid down in this section, which are declared to be the public policy of this State that:

(1) adequate residential and nonresidential facilities be provided for the prompt and effective diagnosis, care, treatment, training and rehabilitation of individuals with diseases and disorders of the brain, mind, and nervous system, including the various forms of mental illness and developmental disability;

(2) such facilities be closely integrated with other community health, welfare, and social resources;

(3) the human dignity and the moral and constitutional rights of such individuals be upheld and protected by appropriate statutes;

(4) family and community ties and mutual responsibilities be reinforced;

(5) inasmuch as such mental disorders may in some cases substantially impair the individual's ability to guide the individual's actions in the individual's own best interests or with due regard for the rights of others, provision be made for the due process of law by which such an individual may be placed under protection, treatment, or restraint in the individual's own or the public interest;

(6) the primary responsibility for the costs of services provided to an individual rests with the individual and the individual's responsible relatives;

(7) it is in the public interest that facilities be available to all persons without limitation because of economic circumstances, and that extraordinary hardships to any individual or the individual's relatives which may result from severe or prolonged disability be mitigated;

(8) means and facilities be provided by the State for scientific studies directed toward expanding knowledge of the causes, prevention, control, management, and cure of diseases and disorders of the brain, mind, and nervous system; and

(9) as an intrinsic part of the program established by the State, provision be made for the instruction of professional and nonprofessional personnel in the skills required for the proper diagnosis, care, training, treatment, and rehabilitation of persons with impairments of the brain, mind, and nervous system, and for the pursuit of relevant research.

116. Section 11 of P.L.1951, c.138 (C.30:4C-11) is amended to read as follows:

C.30:4C-11 Application for care and custody; verification, investigation.

11. Whenever it shall appear that any child within this State is of such circumstances that the child's safety or welfare will be endangered unless proper care or custody is provided, an application setting forth the facts in the case may be filed with the Division of Child Protection and Permanency by a parent or other relative of the child, by a person standing in loco parentis to the child, by a person or association or agency or public official having a special interest in the child, or by the child himself or herself, seeking that the division accept and provide care or custody of the child as the circumstances may require. The application shall be in writing, and shall contain a statement of the relationship to or special interest in the child which justifies the filing of the application. The provisions of this section shall be deemed to include an application on behalf of an unborn child

when the prospective mother is within this State at the time of application for services.

Upon receipt of an application as provided in this section, the division shall verify the statements set forth in the application and shall investigate all the matters pertaining to the circumstances of the child. If upon such verification and investigation it shall appear (a) that the safety or welfare of the child will be endangered unless proper care or custody is provided; (b) that the needs of the child cannot properly be provided for by financial assistance as made available by the laws of this State; (c) that there is no person legally responsible for the support of the child whose identity and whereabouts are known and who is willing and able to provide for the care and support required by the child; and (d) that the child, if the child has a mental or physical disability requiring institutional care, is not immediately admissible to any public institution providing care; then the division may accept and provide care or custody as the circumstances of the child may require.

117. Section 6 of P.L.1968, c.413 (C.30:4D-6) is amended to read as follows:

C.30:4D-6 Basic medical care and services.

6. a. Subject to the requirements of Title XIX of the federal Social Security Act, the limitations imposed by this act and by the rules and regulations promulgated pursuant thereto, the department shall provide medical assistance to qualified applicants, including authorized services within each of the following classifications:

(1) Inpatient hospital services;

(2) Outpatient hospital services;

(3) Other laboratory and X-ray services;

(4) (a) Skilled nursing or intermediate care facility services;

(b) Early and periodic screening and diagnosis of individuals who are eligible under the program and are under age 21, to ascertain their physical or mental health status and the health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby, as may be provided in regulations of the Secretary of the federal Department of Health and Human Services and approved by the commissioner;

(5) Physician's services furnished in the office, the patient's home, a hospital, a skilled nursing, or intermediate care facility or elsewhere.

As used in this subsection, "laboratory and X-ray services" includes HIV drug resistance testing, including, but not limited to, genotype assays

that have been cleared or approved by the federal Food and Drug Administration, laboratory developed genotype assays, phenotype assays, and other assays using phenotype prediction with genotype comparison, for persons diagnosed with HIV infection or AIDS.

b. Subject to the limitations imposed by federal law, by this act, and by the rules and regulations promulgated pursuant thereto, the medical assistance program may be expanded to include authorized services within each of the following classifications:

(1) Medical care not included in subsection a.(5) above, or any other type of remedial care recognized under State law, furnished by licensed practitioners within the scope of their practice, as defined by State law;

(2) Home health care services;

(3) Clinic services;

(4) Dental services;

(5) Physical therapy and related services;

(6) Prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select;

(7) Optometric services;

(8) Podiatric services;

(9) Chiropractic services;

(10) Psychological services;

(11) Inpatient psychiatric hospital services for individuals under 21 years of age, or under age 22 if they are receiving such services immediately before attaining age 21;

(12) Other diagnostic, screening, preventive, and rehabilitative services, and other remedial care;

(13) Inpatient hospital services, nursing facility services, and intermediate care facility services for individuals 65 years of age or over in an institution for mental diseases;

(14) Intermediate care facility services;

(15) Transportation services;

(16) Services in connection with the inpatient or outpatient treatment or care of substance use disorder, when the treatment is prescribed by a physician and provided in a licensed hospital or in a narcotic and substance use disorder treatment center approved by the Department of Health pursuant to P.L.1970, c.334 (C.26:2G-21 et seq.) and whose staff includes a medical director, and limited to those services eligible for federal financial participation under Title XIX of the federal Social Security Act;

(17) Any other medical care and any other type of remedial care recognized under State law, specified by the Secretary of the federal Department of Health and Human Services, and approved by the commissioner;

(18) Comprehensive maternity care, which may include: the basic number of prenatal and postpartum visits recommended by the American College of Obstetrics and Gynecology; additional prenatal and postpartum visits that are medically necessary; necessary laboratory, nutritional assessment and counseling, health education, personal counseling, managed care, outreach, and follow-up services; treatment of conditions which may complicate pregnancy; and physician or certified nurse-midwife delivery services;

(19) Comprehensive pediatric care, which may include: ambulatory, preventive, and primary care health services. The preventive services shall include, at a minimum, the basic number of preventive visits recommended by the American Academy of Pediatrics;

(20) Services provided by a hospice which is participating in the Medicare program established pursuant to Title XVIII of the Social Security Act, Pub.L.89-97 (42 U.S.C. s.1395 et seq.). Hospice services shall be provided subject to approval of the Secretary of the federal Department of Health and Human Services for federal reimbursement;

(21) Mammograms, subject to approval of the Secretary of the federal Department of Health and Human Services for federal reimbursement, including one baseline mammogram for women who are at least 35 but less than 40 years of age; one mammogram examination every two years or more frequently, if recommended by a physician, for women who are at least 40 but less than 50 years of age; and one mammogram examination every year for women age 50 and over.

c. Payments for the foregoing services, goods, and supplies furnished pursuant to this act shall be made to the extent authorized by this act, the rules and regulations promulgated pursuant thereto and, where applicable, subject to the agreement of insurance provided for under this act. The payments shall constitute payment in full to the provider on behalf of the recipient. Every provider making a claim for payment pursuant to this act shall certify in writing on the claim submitted that no additional amount will be charged to the recipient, the recipient's family, the recipient's representative or others on the recipient's behalf for the services, goods, and supplies furnished pursuant to this act.

No provider whose claim for payment pursuant to this act has been denied because the services, goods, or supplies were determined to be medically unnecessary shall seek reimbursement from the recipient, his family,

his representative or others on his behalf for such services, goods, and supplies provided pursuant to this act; provided, however, a provider may seek reimbursement from a recipient for services, goods, or supplies not authorized by this act, if the recipient elected to receive the services, goods or supplies with the knowledge that they were not authorized.

d. Any individual eligible for medical assistance (including drugs) may obtain such assistance from any person qualified to perform the service or services required (including an organization which provides such services, or arranges for their availability on a prepayment basis), who undertakes to provide the individual such services.

No copayment or other form of cost-sharing shall be imposed on any individual eligible for medical assistance, except as mandated by federal law as a condition of federal financial participation.

e. Anything in this act to the contrary notwithstanding, no payments for medical assistance shall be made under this act with respect to care or services for any individual who:

(1) Is an inmate of a public institution (except as a patient in a medical institution); provided, however, that an individual who is otherwise eligible may continue to receive services for the month in which he becomes an inmate, should the commissioner determine to expand the scope of Medicaid eligibility to include such an individual, subject to the limitations imposed by federal law and regulations, or

(2) Has not attained 65 years of age and who is a patient in an institution for mental diseases, or

(3) Is over 21 years of age and who is receiving inpatient psychiatric hospital services in a psychiatric facility; provided, however, that an individual who was receiving such services immediately prior to attaining age 21 may continue to receive such services until the individual reaches age 22. Nothing in this subsection shall prohibit the commissioner from extending medical assistance to all eligible persons receiving inpatient psychiatric services; provided that there is federal financial participation available.

f. (1) A third party as defined in section 3 of P.L.1968, c.413 (C.30:4D-3) shall not consider a person's eligibility for Medicaid in this or another state when determining the person's eligibility for enrollment or the provision of benefits by that third party.

(2) In addition, any provision in a contract of insurance, health benefits plan, or other health care coverage document, will, trust, agreement, court order, or other instrument which reduces or excludes coverage or payment for health care-related goods and services to or for an individual because of that individual's actual or potential eligibility for or receipt of Medicaid

benefits shall be null and void, and no payments shall be made under this act as a result of any such provision.

(3) Notwithstanding any provision of law to the contrary, the provisions of paragraph (2) of this subsection shall not apply to a trust agreement that is established pursuant to 42 U.S.C. s.1396p(d)(4)(A) or (C) to supplement and augment assistance provided by government entities to a person who is disabled as defined in section 1614(a)(3) of the federal Social Security Act (42 U.S.C. s.1382c (a)(3)).

g. The following services shall be provided to eligible medically needy individuals as follows:

(1) Pregnant women shall be provided prenatal care and delivery services and postpartum care, including the services cited in subsection a.(1), (3), and (5) of this section and subsection b.(1)-(10), (12), (15), and (17) of this section, and nursing facility services cited in subsection b.(13) of this section.

(2) Dependent children shall be provided with services cited in subsection a.(3) and (5) of this section and subsection b.(1), (2), (3), (4), (5), (6), (7), (10), (12), (15), and (17) of this section, and nursing facility services cited in subsection b.(13) of this section.

(3) Individuals who are 65 years of age or older shall be provided with services cited in subsection a.(3) and (5) of this section and subsection b.(1)-(5), (6) excluding prescribed drugs, (7), (8), (10), (12), (15), and (17) of this section, and nursing facility services cited in subsection b.(13) of this section.

(4) Individuals who are blind or disabled shall be provided with services cited in subsection a.(3) and (5) of this section and subsection b.(1)-(5), (6) excluding prescribed drugs, (7), (8), (10), (12), (15), and (17) of this section, and nursing facility services cited in subsection b.(13) of this section.

(5) (a) Inpatient hospital services, subsection a.(1) of this section, shall only be provided to eligible medically needy individuals, other than pregnant women, if the federal Department of Health and Human Services discontinues the State's waiver to establish inpatient hospital reimbursement rates for the Medicare and Medicaid programs under the authority of section 601(c)(3) of the Social Security Act Amendments of 1983, Pub.L.98-21 (42 U.S.C. s.1395ww(c)(5)). Inpatient hospital services may be extended to other eligible medically needy individuals if the federal Department of Health and Human Services directs that these services be included.

(b) Outpatient hospital services, subsection a.(2) of this section, shall only be provided to eligible medically needy individuals if the federal Department of Health and Human Services discontinues the State's waiver to

establish outpatient hospital reimbursement rates for the Medicare and Medicaid programs under the authority of section 601(c)(3) of the Social Security Amendments of 1983, Pub.L.98-21 (42 U.S.C. s.1395ww(c)(5)). Outpatient hospital services may be extended to all or to certain medically needy individuals if the federal Department of Health and Human Services directs that these services be included. However, the use of outpatient hospital services shall be limited to clinic services and to emergency room services for injuries and significant acute medical conditions.

(c) The division shall monitor the use of inpatient and outpatient hospital services by medically needy persons.

h. In the case of a qualified disabled and working individual pursuant to section 6408 of Pub.L.101-239 (42 U.S.C. s.1396d), the only medical assistance provided under this act shall be the payment of premiums for Medicare part A under 42 U.S.C. ss.1395i-2 and 1395r.

i. In the case of a specified low-income Medicare beneficiary pursuant to 42 U.S.C. s.1396a(a)10(E)iii, the only medical assistance provided under this act shall be the payment of premiums for Medicare part B under 42 U.S.C. s.1395r as provided for in 42 U.S.C. s.1396d(p)(3)(A)(ii).

j. In the case of a qualified individual pursuant to 42 U.S.C. s.1396a(aa), the only medical assistance provided under this act shall be payment for authorized services provided during the period in which the individual requires treatment for breast or cervical cancer, in accordance with criteria established by the commissioner.

118. Section 1 of P.L.1981, c.134 (C.30:4D-6.2) is amended to read as follows:

C.30:4D-6.2 Definitions.

1. For the purposes of this act:

a. "Certified trained personnel" means one or more individuals directly providing mobility assistance vehicle services possessing and carrying upon their persons a current certificate of completion of an advanced medical training course, as determined by the Commissioner of Health.

b. "Division" means the Division of Medical Assistance and Health Services in the Department of Human Services.

c. "Mobility assistance vehicle service" means the provision of nonemergency health care transportation, supervised by certified trained personnel, for Medicaid recipients who are sick, have an infirmity, or have a disability, and who are under the care and supervision of a physician and whose medical condition is not of sufficient magnitude or gravity to require

transportation by ambulance, but does require transportation from place to place for medical care and whose use of an alternate form of transportation, such as taxicab, bus, other public conveyance or private vehicle might create a serious risk to life and health.

d. "Medicaid recipient" means any person who is determined to be eligible to receive mobility assistance vehicle services as provided under P.L.1981, c.134 (C.30:4D-6.2 et seq.) and meets the eligibility requirements pursuant to the "New Jersey Medical Assistance and Health Services Act," P.L.1968, c. 413.

e. "Provider" means any person, public or private institution, agency or business concern lawfully providing mobility assistance vehicle services authorized under P.L.1981, c.134 (C.30:4D-6.2).

119. Section 2 of P.L.2010, c.74 (C.30:4D-17.34) is amended to read as follows:

C.30:4D-17.34 Annual evaluation.

2. The Director of the Division of Medical Assistance and Health Services shall evaluate the demonstration project annually to assess: whether cost savings are achieved through implementation of the medical home project; the rates of health screening; and the outcomes and hospitalization rates for persons with chronic illnesses, and the hospitalization and readmission rates for persons who are frail and elderly.

120. Section 2 of P.L.1987, c.119 (C.30:4F-8) is amended to read as follows:

C.30:4F-8 Definitions.

2. As used in this act:

a. "Caregiver" means a spouse, parent, child, relative or other person who is 18 years of age or older and who has the primary responsibility of providing daily care for the eligible person and who does not receive financial remuneration for the care.

b. "Commissioner" means the Commissioner of the Department of Human Services.

c. "Co-payment" means financial participation in service costs by the eligible person according to a sliding fee schedule promulgated by the commissioner.

d. "Department" means the Department of Human Services.

e. "Eligible person" means a person 18 years of age or older with a functional impairment who would become at risk of long-term institutional placement if the individual's regular caregiver could not continue in that role without the assistance of temporary home and community support services, including respite care. The term includes an eligible veteran as defined in this section.

f. "Functional impairment" means the presence of a chronic physical or mental disease, illness, or disability as certified by the physician or a sponsor-provided assessment team, which causes physical dependence on others, and which leaves a person unable to attend to his or her basic daily needs without the substantial assistance or continuous supervision of a caregiver.

g. "Provider" means a person, public agency, private nonprofit agency or proprietary agency which is licensed, certified, or otherwise approved by the commissioner to supply any service or combination of services described in subsection h. of this section.

h. "Respite" or "respite care" means the provision of temporary, short-term care for, or the supervision of, an eligible person on behalf of the caregiver, in emergencies or on an intermittent basis to relieve the daily stresses and demands of caring for an adult with a functional impairment. Respite may be provided hourly, daily, overnight, or on weekends, may be paid or volunteer, but may not exceed service and cost limitations as determined by the commissioner. Respite includes, but is not limited to, the following services:

(1) companion or sitter services;

(2) homemaker and personal care services;

(3) adult day care;

(4) short-term inpatient care in a facility meeting standards which the commissioner determines to be appropriate to provide the care;

(5) emergency care; and

(6) peer support and training for caregivers.

i. "Service plan" means a written document agreed upon by the eligible person, the caregiver, and the sponsor. The service plan shall take into account other services and resources available to the eligible person and his caregiver. Services provided pursuant to P.L.1987, c.119 (C.30:4F-7 et seq.) shall not be used to duplicate or supplant existing services or resources available to the eligible person and the person's caregiver. The plan shall:

(1) Document the needs of the eligible person and caregiver for respite care services, using a needs assessment procedure provided or approved by the department;

(2) Identify the outcomes to be achieved and the specific respite care services to be provided to the eligible person and the caregiver to meet their identified needs;

(3) Estimate the frequency and duration of the respite care services;

(4) Estimate the total cost of the plan and the co-payment an eligible person is required to contribute toward the cost of services provided under the plan.

j. "Sponsor" means the county or regional agency, either public or private nonprofit, which contracts with the department to administer the local respite program, and which is responsible for the recruitment of and payment to providers, the general supervision of the local programs, and the submission of information or reports which may be required by the commissioner. Sponsors shall be selected according to criteria established by the commissioner which shall include demonstrated support from the county government. Criteria shall also include the potential sponsor's demonstrated ability to coordinate the funds available for this program with other funding sources and to obtain matching or in kind contributions.

k. "Eligible veteran" means a person with a functional impairment arising out of service in the active military or naval service of the United States in any war or conflict on or after September 11, 2001 who has been honorably discharged or released from that service under conditions other than dishonorable, and meets the requirements for total disability ratings for compensation based upon unemployability of the individual as determined by the United States Department of Veterans Affairs.

121. Section 3 of P.L.1987, c.119 (C.30:4F-9) is amended to read as follows:

C.30:4F-9 Statewide Respite Care Program.

3. The commissioner shall establish a Statewide Respite Care Program within the Department of Human Services to be administered by sponsors designated by the commissioner. Allocations of funds for respite services pursuant to P.L.1987, c.119 (C.30:4F-7 et seq.) to each county or region shall be based on its share of the targeted population according to the following formula:

$$\text{County Allocation} = \frac{C \times (A + B)}{(D + E)}$$

where, A equals the county population of persons age 75 years or older; B equals the county population of adults with functional impairments under the age of 75 according to the most recent data available to the commissioner; C equals the annual amount of funds appropriated for the purpose of this act, minus those funds retained for State administration; D equals the State population of persons age 75 years or older; and E equals the State population of adults with functional impairments under the age of 75.

122. Section 3 of P.L.1983, c.492 (C.30:5B-3) is amended to read as follows:

C.30:5B-3 Definitions.

3. As used in P.L.1983, c.492 (C.30:5B-1 et seq.):

a. "Child" means any person under the age of 13.

b. "Child care center" or "center" means any facility which is maintained for the care, development, or supervision of six or more children who attend the facility for less than 24 hours a day. In the case of a center operating in a sponsor's home, children who reside in the home shall not be included when counting the number of children being served. This term shall include, but shall not be limited to, day care centers, drop-in centers, nighttime centers, recreation centers sponsored and operated by a county or municipal government recreation or park department or agency, day nurseries, nursery and play schools, cooperative child centers, centers for children with special needs, centers serving sick children, infant-toddler programs, school age child care programs, employer supported centers, centers that had been licensed by the Department of Human Services prior to the enactment of the "Child Care Center Licensing Act," P.L.1983, c.492 (C.30:5B-1 et seq.), and kindergartens that are not an integral part of a private educational institution or system offering elementary education in grades kindergarten through sixth, seventh, or eighth. This term shall not include:

(1) (Deleted by amendment, P.L.1992, c.95).

(2) A program operated by a private school which is run solely for educational purposes. This exclusion shall include kindergartens, prekindergarten programs and child care centers that are an integral part of a private educational institution or system offering elementary education in grades kindergarten through sixth, seventh, or eighth;

(3) Centers or special classes operated primarily for religious instruction or for the temporary care of children while persons responsible for such children are attending religious services;

(4) A program of specialized activity or instruction for children that is not designed or intended for child care purposes, including, but not limited to, Boy Scouts, Girl Scouts, 4-H clubs, and Junior Achievement, and single activity programs such as athletics, gymnastics, hobbies, art, music, and dance and craft instruction, which are supervised by an adult, agency, or institution;

(5) Youth camps required to be licensed under the "New Jersey Youth Camp Safety Act," P.L.1973, c.375 (C.26:12-1 et seq.). To qualify for an exemption from licensing under this provision, a program must have a valid and current license as a youth camp issued by the Department of Health. A youth camp sponsor who also operates a child care center shall secure a license from the Department of Children and Families for the center;

(6) Day training centers operated by or under contract with the Division of Developmental Disabilities within the Department of Human Services;

(7) Programs operated by the board of education of the local public school district that is responsible for their implementation and management;

(8) A program such as that located in a bowling alley, health spa, or other facility in which each child attends for a limited time period while the parent is present and using the facility;

(9) A child care program operating within a geographical area, enclave, or facility that is owned or operated by the federal government;

(10) A family day care home that is registered pursuant to the "Family Day Care Provider Registration Act," P.L.1987, c.27 (C.30:5B-16 et seq.); and

(11) Privately operated infant and preschool programs that are approved by the Department of Education to provide services exclusively to local school districts for children with disabilities, pursuant to N.J.S.18A:46-1 et seq.

c. "Commissioner" means the Commissioner of Children and Families.

d. "Department" means the Department of Children and Families.

e. "Parent" means a natural or adoptive parent, guardian, or any other person having responsibility for, or custody of, a child.

f. "Person" means any individual, corporation, company, association, organization, society, firm, partnership, joint stock company, or the State or any political subdivision thereof.

g. "Sponsor" means any person owning or operating a child care center.

123. Section 1 of P.L.1981, c.488 (C.30:6-23) is amended to read as follows:

C.30:6-23 Purpose.

1. The purpose of P.L.1981, c.488 (C.30:6-23 et seq.) is to further the policy of the State to encourage and assist persons who are blind or have a severe disability to achieve maximum personal independence through productive employment by assuring a continuous market for their commodities and services, thereby enhancing their dignity and capacity for self-support and minimizing their dependence on welfare and the need for costly institutionalization.

124. Section 2 of P.L.1981, c.488 (C.30:6-24) is amended to read as follows:

C.30:6-24 Definitions.

2. As used in this act:

a. "Blind person" or "person who is blind" means a person whose vision in the better eye with proper correction does not exceed 20/200 or who has a field defect in the better eye with proper correction which contracts the peripheral field so that the diameter of the visual field subtends an angle no greater than 20 degrees.

b. "Central Nonprofit Agency" means the agency designated by the commissioner pursuant to section 6 of P.L.1981, c.488 (C.30:6-28).

c. "Commissioner" means the Commissioner of Human Services.

d. "Rehabilitation facility" means a rehabilitation facility located in this State which qualifies as a charitable organization or institution under the provisions of section 501(c)(3) of the Internal Revenue Code and is conducted on a nonprofit basis for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental disability or injury and of providing these individuals with remunerative employment or other occupational rehabilitative activity of an educational or therapeutic nature as defined in section 525.1 et seq. of the regulations adopted pursuant to the federal "Fair Labor Standards Act of 1938," 29 U.S.C. s. 201 et seq. and related codes, and which is engaged in the production of commodities or the provision of services in connection with which not less than 75 percent of the total hours of direct labor is performed by persons who are blind or who have a severe disability, excluding any hours of supervision, administration, inspection, or shipping.

e. "Person with a severe disability" means a person with a physical, mental, or emotional disability, other than blindness but including a visual impairment, which substantially impairs employment and prevents that person from currently engaging in typical competitive employment.

f. "State agency" means an agency of State government.

125. Section 3 of P.L.1981, c.488 (C.30:6-25) is amended to read as follows:

C.30:6-25 Commodities and Services Council established.

3. There is established in the Department of Human Services, the Commodities and Services Council for persons who are blind or who have a severe disability. The council shall consist of the Director of the Division of Vocational Rehabilitation Services; the Director of the Division of Purchase and Property; the Chief of the Bureau of State Use Industries; the Director of the Division of Developmental Disabilities in the Department of Human Services; the Executive Director of the Commission for the Blind and Visually Impaired; the President of the New Jersey Association for Choices in Community Supports and Employment Services; or their designees; three citizens as at-large members, at least one of whom shall be a person who is blind, and at least one of whom shall represent the private business sector. The at-large members shall be appointed by the Governor, with the advice and consent of the Senate, for terms of three years, except that of the first at-large members appointed, one shall be appointed for a term of three years, one for a term of two years, and one for a term of one year.

126. Section 5 of P.L.1981, c.488 (C.30:6-27) is amended to read as follows:

C.30:6-27 Duties of the council.

5. The duties of the council shall include:

a. Developing through the Central Nonprofit Agency a list of commodities and services which shall be set aside for purchase through approved rehabilitation facilities and establishing a fair market price for those commodities and services.

b. Recommending to the commissioner an agency to be designated as the Central Nonprofit Agency.

c. Encouraging the purchase of commodities and services of persons who are blind or who have a severe disability by political subdivisions of the State.

127. Section 5 of P.L.1964, c.226 (C.30:6C-5) is amended to read as follows:

C.30:6C-5 Admission for treatment; application; discharge.

5. A person over the age of 21 years believing himself or herself to be a person with a substance use disorder involving drugs may be admitted to any State or county institution, hospital, or facility certified by the commissioner as having special facilities for the care and treatment of persons with substance use disorders involving drugs and may receive treatment therein. An application for voluntary admission may be made on behalf of a person who believes himself or herself to be a person with a substance use disorder involving drugs, if the person is under the age of 21 years and unmarried, by a parent, guardian, next of kin, person standing in loco parentis, or by any person having care, custody, and control of such individual. If the superintendent or physician in charge of such hospital or facility certifies that it is in the best interest of the person with a substance use disorder involving drugs, the person may be retained therein for a period not exceeding 30 days for the purpose of care and treatment and thereafter until 15 days after receipt of notice in writing from such person, if the person is over the age of 21 years, or if the person is under such age, from the individual who applied on the person's behalf for admission, of intention to leave such hospital or facility. At any time prior thereto the superintendent or physician in charge upon filing a written certificate with the commissioner, may discharge the person with a substance use disorder involving drugs who is recovered, or for whom treatment in such facility or hospital is no longer suitable.

128. Section 9 of P.L.1964, c.226 (C.30:6C-9) is amended to read as follows:

C.30:6C-9 Habeas corpus; effect of act on use of writ.

9. Nothing herein contained shall be deemed to restrict the use of the writ of habeas corpus. If a writ of habeas corpus is obtained on behalf of any person confined in a hospital or facility who is receiving treatment for a substance use disorder involving drugs, and if it appears at the hearing on the return of the writ that the condition of the person is such as to require further treatment for a substance use disorder involving drugs, then the person shall be remanded to the care and custody of a hospital or facility until such time as it appears that the person is no longer in need of institutional

care or treatment for a substance use disorder involving drugs as provided in P.L.1964, c.226 (C.30:6C-1 et seq.) and may properly be discharged.

129. Section 10 of P.L.1968, c.356 (C.30:11-20) is amended to read as follows:

C.30:11-20 Nursing Home Administrator's Licensing Board.

10. The Commissioner of Health, subject to the approval of the Governor, shall appoint a Nursing Home Administrator's Licensing Board which shall consist of the Commissioner of the Department of Human Services; the Commissioner of the Department of Health, and seven nursing home administrators of recognized ability, two of whom shall be registered nurses who are graduates of accredited schools of nursing, licensed by the New Jersey State Board of Nursing to practice nursing in this State, one of whom shall be a fellow of the American College of Health Care Administrators, one of whom shall be a member of the American College of Health Care Administrators, one of whom shall be an administrator of a governmentally operated nursing home, one of whom shall be an administrator of a nonprofit home for the aged with a licensed infirmary, and one of whom shall be an administrator of a proprietary nursing home. There shall be appointed six additional members who shall be representative of the professions and institutions concerned with the care and treatment of patients who are elderly and who have a chronic illness or infirmity other than nursing home administrators or persons associated with nursing homes, one of whom shall be a physician licensed to practice medicine in this State, but in no event shall a majority of the board be representative of a single professional or institutional category. Any noninstitutional member of the board, which does not include nursing home administrators, shall have no direct financial interest in nursing homes. Each member of the board who is a nursing home administrator shall have a minimum of not less than five years' experience as an administrator in the supervision of a convalescent home or private nursing home and shall at all times be licensed as a nursing home administrator pursuant to the terms of this act. The board shall be appointed for terms of four years, except when appointed to complete an unexpired term. Members whose terms shall expire shall hold office until appointment of their successors. Members may be reappointed for one additional term. They shall serve without compensation, but shall be reimbursed for actual expenses incurred in the performance of their official duties.

130. R.S.30:12-2 is amended to read as follows:

Consent of municipality to location of communicable disease institution for profit.

30:12-2. No person, corporation, or association, except municipal corporations or corporations not organized for pecuniary profit, shall establish or maintain for profit any hospital or other institution for persons who have communicable diseases without first having obtained the consent by resolution or ordinance of the governing board or body of the municipality within which the institution is to be established.

Notice of application for such consent, setting forth the time and place at which the application will be presented, the name of the applicant, and the exact location of the proposed institution shall be given by publication for at least two weeks in one or more newspapers published and circulated in the municipality, or if none be published therein, by posting in ten of the most public places in such municipality at least 14 days before the meeting at which the application will be presented.

131. Section 2 of P.L.1976, c.120 (C.30:13-2) is amended to read as follows:

C.30:13-2 Definitions.

2. For the purposes of this act:

a. "Administrator" means any individual who is charged with the general administration or supervision of a nursing home whether or not such individual has an ownership interest in such home and whether or not the individual's function and duties are shared with one or more other individuals.

b. "Guardian" means a person, appointed by a court of competent jurisdiction, who shall have the right to manage the financial affairs and protect the rights of any nursing home resident who has been declared an incapacitated person. In no case shall the guardian of a nursing home resident be affiliated with a nursing home, its operations, its staff personnel, or a nursing home administrator in any manner whatsoever.

c. "Nursing home" means any institution, whether operated for profit or not, which maintains and operates facilities for extended medical and nursing treatment or care for two or more nonrelated individuals with acute or chronic illness or injury, or a physical disability, or who are convalescing, or who are in need of assistance in bathing, dressing, or some other type of supervision, and are in need of such treatment or care on a continuing basis.

d. "Reasonable hour" means any time between the hours of 8 a.m. and 8 p.m. daily.

e. "Resident" means any individual receiving extended medical or nursing treatment or care at a nursing home.

132. Section 1 of P.L.1962, c.91 (C.34:2-21.57) is amended to read as follows:

C.34:2-21.57 Definitions.

1. As used in this act:

a. "Professional employment" means employment for pay as an actor or performer in a theatrical production.

b. "Theatrical production" means and includes stage, motion picture and television performances and rehearsals therefor.

c. "Prohibited performance" means and includes appearances as a rope or wire walker or rider, gymnast, wrestler, boxer, contortionist, acrobat, rider of a horse or other animal unless the minor is trained to safely ride such horse or animal, or rider of any vehicle other than that generally used by a minor of the same age, or appearance in any illegal, indecent, or immoral exhibition, practice, or theatrical production or in any practice, exhibition, or theatrical production dangerous to the life, limb, health or morals of a minor, or appearance or exhibition of a minor with a physical or mental disability.

133. Section 1 of P.L.1955, c.64 (C.34:16-20) is amended to read as follows:

C.34:16-20 Definitions.

1. As used in this chapter:

"Division" means the Division of Vocational Rehabilitation Services in the Department of Labor and Workforce Development, for the rehabilitation of persons with disabilities.

"Maintenance" means payments to cover the basic living expenses of a person with a disability, such as: food, shelter, clothing, health maintenance, and other subsistence expenses essential to achievement of the individual's vocational rehabilitation or independent living rehabilitation objective.

"Individual with a disability" means, for the purpose of vocational rehabilitation services, any individual who has a physical or mental disability which constitutes a substantial impediment to employment, but which is of such a nature that vocational rehabilitation services may reasonably be expected to give the individual suitable skills to achieve gainful employment outcomes.

"Individual with a severe disability" means, for the purpose of independent living rehabilitation services, an individual who has a physical or mental disability, as defined by rules and regulations of the division, as to require institutional care or nursing home care or attendance in the individ-

ual's household continuously or for a substantial portion of the time, but who reasonably can be expected as a result of independent living rehabilitation services to achieve an independent living status.

"Independent living status" means that degree of independence for individuals with severe disabilities which will eliminate the need for institutional care or nursing home care or eliminate or substantially reduce the need for an attendant's care at home and which may in many instances make such persons capable of achieving vocational rehabilitation.

"Prosthetic device" means any appliance designed to support or take the place of a part of the body, or to increase the acuity of a sensory organ.

"Vocational rehabilitation services" means diagnostic and related services (including transportation) incidental to the determination of eligibility for and the nature and scope of services to be provided; training, books, and training material, including necessary small tools, such prosthetic devices as are essential to obtaining or retaining employment, occupational licenses, guidance and placement services for individuals with disabilities; and in the case of an individual found to require financial assistance with respect to these services, after full consideration of the individual's eligibility for any similar benefit by way of pension, compensation, and insurance, any other goods and services necessary to give the individual suitable skills to achieve gainful employment outcomes (including gainful homebound work), including but not limited to the following physical rehabilitation and other goods and services:

(1) Corrective surgery or therapeutic treatment to correct or improve a physical or mental condition which constitutes a substantial impediment to employment;

(2) Necessary hospitalization in connection with surgery or treatment specified in paragraph (1);

(3) Maintenance, not exceeding the estimated cost of subsistence, during rehabilitation;

(4) Tools, equipment, initial stocks, and supplies, including equipment and initial stocks and supplies for vending stands;

(5) Transportation (except where necessary in connection with determination of eligibility or nature and scope of services);

(6) Acquisition of vending stands or other equipment, and initial stocks and supplies for small business enterprises conducted by individuals with severe disabilities under the supervision of the State agency;

(7) The establishment of public and other nonprofit rehabilitation facilities to provide services for individuals with disabilities and the establish-

ment of public and other nonprofit workshops for individuals with severe disabilities.

"Vocational rehabilitation services" (for purposes of the determination of rehabilitation potential) also means: diagnosis and related services (including transportation), training, books, and training material, including necessary small tools, prosthetic devices, and guidance, which are provided to an individual who has a physical or mental disability which constitutes a substantial impediment to employment, during the period specified to be necessary for and which are provided for the purpose of ascertaining whether it may be reasonably expected that the individual will be able to achieve gainful employment through the provision of goods and services described in the preceding paragraph; and in the case of any such individual found to require financial assistance with respect thereto, after full consideration of the individual's eligibility for any similar benefit by way of pension, compensation, and insurance, any other goods and services necessary to the determination of a rehabilitation potential, including but not limited to physical rehabilitation and other goods and services.

"Independent living rehabilitation service" means counseling, diagnostic, and related services (including transportation) provided to individuals with severe disabilities, and needed prosthetic appliances, books training materials, and other devices which will contribute to independent living, training in the use of these devices, and in the case of any individual found to require financial assistance with respect thereto, after full consideration of the individual's eligibility for any similar benefits by way of pension, compensation, and insurance, such term shall include but shall not be limited to the following: (1) physical rehabilitation and related services, including corrective surgery, therapeutic treatment, and hospitalization; (2) maintenance needed to assure the availability of such services, not exceeding the estimated cost of subsistence; (3) such rehabilitation services necessary for the achievement of independent living status.

"Rehabilitation facility" means a facility operated for the primary purpose of assisting in the vocational rehabilitation and independent living rehabilitation of individuals with disabilities and individuals with severe disabilities, (1) which provides one or more of the following types of service: testing, fitting, or training in the use of prosthetic devices; prevocational or conditioning therapy; physical or occupational therapy, adjustment training, evaluation, treatment, or control of disabilities; or (2) through which is provided an integrated program of medical, psychological, social and vocational evaluation and services under competent professional supervision; provided, that the major portion of such evaluation and service is furnished

within the facility, and that all medical and related health services are prescribed by, or under the formal supervision of, persons licensed to practice medicine or surgery in the State.

"Workshop" means a place where any manufacture or handiwork is carried on, and which is operated for the primary purpose of providing gainful employment to individuals with disabilities (1) as an interim step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market; or (2) during such time as employment opportunities for individuals with disabilities in the competitive labor market do not exist.

"Gainful employment" includes employment in the competitive labor market; practice of a profession; self-employment; homemaking, farm, or family work (including work for which payment is in kind rather than cash); sheltered employment; and home industries or other homebound work of a gainful nature.

134. Section 8 of P.L.1955, c.64 (C.34:16-27) is amended to read as follows:

C.34:16-27 Powers of division.

8. The division shall be authorized to:

(a) Adopt and promulgate such rules and regulations as may be necessary to carry out the provisions of P.L.1955, c.64 (C.34:16-20 et seq.).

(b) Provide vocational rehabilitation and independent living rehabilitation services, directly or through public or private instrumentalities, to eligible individuals with disabilities without discrimination as to sex, race, color, creed, or national origin, except that the division shall not duplicate services provided for persons who are blind through the Commission for the Blind and Visually Impaired and persons who are deaf or hard of hearing through the New Jersey School for the Deaf, Katzenbach Campus, nor shall the division provide services for persons who in its judgment will not benefit from rehabilitation. In case vocational rehabilitation and independent living rehabilitation services cannot be provided to all eligible individuals with disabilities who apply for such services, the division shall provide, by regulation, the order to be followed in selecting those to whom such services will be provided.

(c) Construct or establish and operate rehabilitation facilities and workshops, which may include residential accommodations related to the rehabilitation of individuals with disabilities and make grants to public and other nonprofit organizations for such purposes.

(d) Establish and supervise the operation of vending stands and other small businesses established pursuant to P.L.1955, c.64 (C.34:16-20 et seq.) to be conducted by individuals with severe disabilities.

(e) Make studies, investigations, demonstrations, and reports, and provide training and instruction (including the establishment and maintenance of such research fellowships and traineeships with such stipends and allowances as may be deemed necessary) in matters relating to vocational rehabilitation and independent living rehabilitation.

(f) Enter into reciprocal agreements with other states to provide for the vocational rehabilitation and independent living rehabilitation of residents of the states concerned.

(g) Accept and use gifts made, by will or otherwise, for carrying out the purposes of this chapter. Gifts made under such conditions as in the judgment of the division are proper and consistent with the provisions of this chapter, may be accepted, held, invested, reinvested, or used in accordance with the conditions, if any, of the gift.

(h) Take such action as it deems necessary or appropriate to carry out the purposes of P.L.1955, c.64 (C.34:16-20 et seq.).

135. Section 2 of P.L.1971, c.272 (C.34:16-40) is amended to read as follows:

C.34:16-40 Definitions.

2. As used in P.L.1971, c.272 (C.34:16-39 et seq.):

a. "Sheltered workshop" means an occupation oriented facility operated by a nonprofit agency, public or private, which except for its staff, employs only persons with disabilities;

b. "Division" means the Division of Vocational Rehabilitation Services in the Department of Labor and Workforce Development;

c. "Commission" means the New Jersey Commission for the Blind and Visually Impaired in the Department of Human Services;

d. "Extended employee" means a person with a severe disability who meets the following requirements: (1) shall have completed a prescribed workshop program; (2) shall have been found, due to the nature and severity of the person's disability to be incapable of competing in the open or customary labor market; and (3) shall have been certified as being an extended employee by the staff of the division or the commission; or (4) shall have been certified by the division or the commission as an extended employee qualified to perform industrial homework under the supervision of a sheltered workshop;

e. "Extended employment program" means a program designed for those persons with disabilities whose disabilities make sheltered employment in a sheltered workshop or in performance of industrial homework under the supervision of a sheltered workshop, after completion of a certified program of vocational evaluation and training the only suitable form of employment, or for those persons with severe disabilities who were not eligible for vocational rehabilitation services under laws and regulations in effect at the date of enactment of this act and who could benefit from the provisions of this act.

136. Section 4 of P.L.1971, c.272 (C.34:16-42) is amended to read as follows:

C.34:16-42 Contracts with approved sheltered workshops; amount payable.

4. The division is hereby authorized to contract with an approved sheltered workshop for the furnishing of extended employment programs to persons with severe disabilities when it shall appear to the satisfaction of the division, or upon certification to the division by the commission, that a person with a severe disability could reasonably be expected to benefit from, or reasonably requires, extended rehabilitation services. The division is authorized to contract for the payment of a sum for each person with a severe disability not exceeding the amount appropriated for the purposes of P.L.1971, c.272 (C.34:16-39 et seq.) toward the cost of providing an extended employment program pursuant to this act.

137. Section 5 of P.L.1971, c.272 (C.34:16-43) is amended to read as follows:

C.34:16-43 Authority of division and commission.

5. The division and the commission are hereby vested with the authority:

a. to determine the eligibility of persons with severe disabilities for the extended employment program in consultation with the sheltered workshops providing the program;

b. to establish standards of staffing, physical plant and services required for the operation of facilities of sheltered workshops furnishing services under P.L.1971, c.272 (C.34:16-39 et seq.) by contract with the State; and

c. to require an appropriate progress report on each individual participating in the extended employment program.

138. Section 1 of P.L.1975, c.350 (C.34:16-45) is amended to read as follows:

C.34:16-45 State policy relative to persons with disabilities.

1. It is the policy of the State to assist persons with disabilities and organizations established to aid persons with disabilities in the sale of goods or articles which are the product of the labor of persons with disabilities by providing a means of authenticating the source of such goods and articles and by preventing misrepresentation as to items offered for sale as the product of persons with disabilities.

139. Section 2 of P.L.1975, c.350 (C.34:16-46) is amended to read as follows:

C.34:16-46 Definitions.

2. As used in this act:

a. "Person with a disability" means any individual who is unable to engage in any substantial gainful employment by reason of any medically determinable physical or mental impairment which is of a long-continued or indefinite duration or which can be expected to result in death.

b. "Direct labor" means all work required for the preparation, processing, and assembling of goods or articles including the packaging and packing thereof, but not including time spent in the supervision, administration, inspection, and shipping of such operations, or in the production of component materials by other than persons with disabilities.

140. Section 3 of P.L.1975, c.350 (C.34:16-47) is amended to read as follows:

C.34:16-47 Registration, authorization to identify goods, articles made by persons with disabilities.

3. To facilitate ready and authoritative identification of goods or articles made by persons with disabilities, any person with a disability and any public or private institution or agency, firm, association, or corporation engaged in the manufacture or distribution of goods or articles made by persons with disabilities shall apply to the division for registration and authorization to use an official imprint, stamp, symbol, or label, designed or approved by the division, to identify goods and articles as made by persons with disabilities. Nothing in P.L.1975, c.350 (C.34:16-45 et seq.) shall authorize the identification of goods or articles as made by persons with disabilities when the direct labor performed by persons with disabilities in connection therewith shall consist solely of the packaging or packing thereof as

distinguished from the preparation, processing, or assembling of such goods or articles. The division shall investigate each application, under rules and regulations it shall adopt for the administration of P.L.1975, c.350 (C.34:16-45 et seq.), to assure that such person or organization is actually engaged in the manufacture or distribution of goods or articles made by persons with disabilities. The division may register without investigation nonresident individuals and out-of-state agencies, firms, associations, or corporations upon proof that they are recognized and approved by the state of their residence or organized pursuant to a law of such state imposing requirements substantially similar to those prescribed pursuant to P.L.1975, c.350 (C.34:16-45 et seq.).

No fee shall be charged for registration of an individual person with a disability who manufactures and sells products of the person's own labor. A fee of $25 shall be charged and collected for registration of any other person, firm, or corporation. All registrations shall be valid for one year from date of issue.

141. Section 4 of P.L.1975, c.350 (C.34:16-48) is amended to read as follows:

C.34:16-48 Sale of goods by persons with disabilities; identification.

4. No goods or articles made in this or any other state may be displayed, advertised, solicited for sale by telephone, mail or otherwise, offered for sale, or sold in this State upon a representation that such goods or articles are made by persons with disabilities unless they are identified as such by label, imprint, stamp, or symbol and no such goods or articles may be so identified unless at least 75 percent of the total hours of direct labor of producing such goods or articles shall have been performed by one or more persons with a disability.

142. Section 5 of P.L.1975, c.350 (C.34:16-49) is amended to read as follows:

C.34:16-49 Labels or stamps; contents.

5. Any worker with a disability, or any public or private institution or agency, corporation, firm, or association, registered with the division pursuant to P.L.1975, c.350 (C.34:16-45 et seq.), engaged in the manufacture or distribution of articles of merchandise, made or manufactured by a person or persons with a disability, shall imprint or stamp upon such articles of merchandise or affix thereto labels containing the words, "made by a worker with a disability," to which shall be added the name of the manufacturer,

the place of manufacture, and such other information as the division may prescribe.

143. Section 6 of P.L.1975, c.350 (C.34:16-50) is amended to read as follows:

C.34:16-50 Violations.

6. Any person, firm, corporation, institution, or association who (a) shall use or employ an imprint, stamp, or symbol or label issued or approved by the division or an imitation thereof without having registered with the division, or (b) who shall directly or indirectly by any means indicate or tend to indicate or represent that the goods or articles were made by a person or persons with a disability when in fact such goods or articles were not so made, or (c) who shall directly or indirectly by any means indicate or tend to indicate or represent that the goods or articles were sold by or for the benefit of persons with disabilities when in fact such sale was not by or of substantial benefit to a person or persons with a disability is a disorderly person.

144. Section 2 of P.L.1987, c.455 (C.34:16-52) is amended to read as follows:

C.34:16-52 Definitions.

2. As used in this act:

a. "Division" means the Division of Vocational Rehabilitation Services in the Department of Labor and Workforce Development.

b. "Citizen with a disability" means any individual who, by reason of illness, injury, age, congenital condition, or other permanent or temporary incapacity or disability, is unable without special facilities or special planning or design to utilize mass transportation facilities and services as effectively as persons who are not so affected.

c. "Paratransit" means and includes any service, other than motorbus regular route service and charter services, including, but not limited to, dial-a-ride, nonregular route, jitney or community minibus, and shared-ride services such as vanpools, limousines, or taxicabs which are regularly available to the public. Paratransit shall not include limousine or taxicab service reserved for the private and exclusive use of individual passengers.

d. "Public transportation" means all rail passenger service operated by the New Jersey Transit Corporation, and all motorbus regular route service operated pursuant to P.L.1979, c.150 (C.27:25-1 et seq.) or operated pursuant to R.S.48:4-3.

e. "Sheltered (extended) employment programs" means those programs established pursuant to regulations adopted pursuant to section 8 of P.L.1955, c.64 (C.34:16-27).

f. "Sheltered workshop" means a facility possessing a valid certificate to vend services to the division issued by the director thereof, in compliance with the rules and regulations governing vocational rehabilitation facilities.

145. Section 3 of P.L.1987, c.455 (C.34:16-53) is amended to read as follows:

C.34:16-53 Transportation expense program.

3. The Commissioner of Labor and Workforce Development is directed to establish and implement within 120 days of the effective date of this act a program to be administered by the division to defray the public transportation or paratransit expenses of citizens with disabilities enrolled in sheltered (extended) employment programs at sheltered workshops. The program may provide for the defraying of these expenses by the purchase of bus cards or other appropriate methods as prescribed by the commissioner.

146. Section 2 of P.L.1947, c.263 (C.38:18A-2) is amended to read as follows:

C.38:18A-2 Compensation to certain disabled veterans, spouses.

2. A veteran who served in the active military or naval forces of the United States and who has paraplegia and permanent paralysis of both legs and lower parts of the body, or who has osteochondritis and permanent loss of the use of both legs, or who has hemiplegia and permanent paralysis of one leg and one arm or either side of the body, resulting from injury to the spinal cord, skeletal structure, or brain, or who has had both hands, both feet, or one hand and one foot amputated, or who has lost the use of both feet or both legs, due to multiple sclerosis, sustained through enemy action, or accident, or resulting from disease contracted while in active military or naval service, shall be paid for the term of the veteran's life, and upon the veteran's death the surviving spouse, domestic partner, or partner in civil union shall be paid, the sum of $750 annually in monthly payments. Such payments shall be due and payable from the date of discharge or release of the veteran if application therefor shall be made within one year from the date of such discharge or release. If the application shall be made after one year from the date of discharge or release of the veteran, such payment

shall be due and payable from the date of such application. Accrued payments to the date of certification shall be paid in one lump sum.

Nothing in P.L.1947, c.263 (C.38:18A-1 et seq.) shall be intended to include paraplegia or hemiplegia resulting from locomotor ataxia or other forms of syphilis of the central nervous system or from chronic alcohol use disorder, or to include other forms of disease resulting from the veteran's own misconduct which may produce signs and symptoms similar to those resulting from paraplegia, osteochondritis, hemiplegia, or multiple sclerosis.

147. Section 14 of P.L.1987, c.444 (C.38A:3-13) is amended to read as follows:

C.38A:3-13 Quota; disabled veterans.

14. The plan of veterans' preference in private employment shall provide for the fixing of a quota of veterans by the Adjutant General for all participating employers, but may not require any employed worker to be discharged. The plan shall also provide for the classification of disabled veterans in suitable occupations, and for first preference in such occupations.

148. Section 110 of P.L.2003, c.13 (C.39:2A-38) is amended to read as follows:

C.39:2A-38 Additional fees as security surcharge; commission revenue.

110. In addition to the vehicle registration fees imposed pursuant to the provisions of chapters 3, 4, and 8 of Title 39 of the Revised Statutes, the commission shall impose and collect an additional $7 for each new and renewal vehicle registration as a security surcharge, which surcharge shall take effect on the enactment of P.L.2003, c.13 (C.39:2A-1 et al.). The security surcharges collected pursuant to this section shall be revenues of the commission and shall not 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 security surcharge shall not be imposed on the registration of passenger vehicles registered to persons possessing a valid identification card for a person with a disability issued pursuant to section 2 of P.L.1949, c.280 (C.39:4-205) or to persons aged 65 years of age or older at the time of registration or registration renewal. Revenues of the commission shall not be subject to appropriation as direct State services by the Legislature. In addition, the revenues of the commission shall not be restricted from use by the commission in any manner except as provided by law. Revenues of the commission may be used in the furtherance of any purpose of the commission or as otherwise provided for in law.

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

Registration fee for passenger automobile; other vehicles.

39:3-8. The applicant for registration for any passenger automobile manufactured in any model year prior to the 1971 model year shall pay to the chief administrator for each registration a fee of $14 for each such vehicle having a manufacturer's shipping weight of less than 2,700 pounds, a fee of $23 for each such vehicle having a manufacturer's shipping weight of 2,700 pounds or more, but not greater than 3,800 pounds, and a fee of $44 for each vehicle having a manufacturer's shipping weight in excess of 3,800 pounds; provided, however, an applicant who has been issued an identification card for a person with a disability pursuant to section 2 of P.L.1949, c.280 (C.39:4-205) and is registering a private passenger van manufactured in any model year prior to the 1971 model year which has been equipped with a wheelchair lift, or any other specially designed mechanical device for persons with disabilities as designated by the chief administrator that specifically requires installation only in a private passenger van because of the device's dimensions, operating characteristics, or manufacturer's installation requirements, shall pay a fee of $14 for that vehicle. The applicant for registration for any passenger automobile manufactured in model year 1971 and thereafter, except as determined hereinafter, shall pay to the chief administrator for each registration a fee of $17 for each such vehicle having a manufacturer's shipping weight of less than 2,700 pounds, a fee of $28 for each such vehicle having a manufacturer's shipping weight of 2,700 pounds or more, but not greater than 3,800 pounds, and a fee of $51 for each such vehicle having a manufacturer's shipping weight in excess of 3,800 pounds; provided, however, an applicant who has been issued an identification card for a person with a disability pursuant to section 2 of P.L.1949, c.280 (C.39:4-205) and is registering a private passenger van manufactured in model year 1971 or thereafter, except as determined hereinafter, which has been equipped with a wheelchair lift, or any other specially designed mechanical device for persons with disabilities as designated by the chief administrator that specifically requires installation only in a private passenger van because of the device's dimensions, operating characteristics, or manufacturer's installation requirements, shall pay a fee of $17 for that vehicle. The applicant for registration for any 1980 or thereafter model year passenger automobile registered on or after March 1, 1979 shall pay to the chief administrator for each registration a fee of $25 for each such vehicle having a manufacturer's shipping weight not greater than 3,500 pounds and a fee of $50 for each vehicle having a manufacturer's shipping weight in excess of

3,500 pounds; provided, however, an applicant who has been issued an identification card for a person with a disability pursuant to section 2 of P.L.1949, c.280 (C.39:4-205) and is registering any 1980 or thereafter model year private passenger van which has been equipped with a wheelchair lift, or any other specially designed mechanical device for persons with disabilities as designated by the chief administrator that specifically requires installation only in a private passenger van because of the device's dimensions, operating characteristics, or manufacturer's installation requirements, shall pay a fee of $25 for that vehicle. Notwithstanding any other provision of law to the contrary, the applicant for registration for any new passenger automobile, for which the registration will expire on the last day of the 48th calendar month following the calendar month in which it was first issued, or for the term of the lease if the new passenger automobile is a leased motor vehicle subject to an extended registration period pursuant to R.S.39:3-4, shall prepay to the chief administrator the full amount due for the 48-month term, or the full amount due based upon the term of the lease if the new passenger automobile is a leased motor vehicle, upon the initial registration. The portion of that prepayment that is dedicated to specific purposes in accordance with section 110 of P.L.2003, c.13 (C.39:2A-38) and subsections a. and b. of section 1 of P.L.1992, c.87 (C.39:3-8.2) shall be deposited in their respective dedicated accounts. The chief administrator shall determine the manufacturer's shipping weight and model year for each passenger automobile on the basis of the information contained in the certificate of origin, the application for registration or for renewal of registration, or the records of the division, or any or all of these; and any case in which the manufacturer's shipping weight of any particular passenger automobile is unavailable, or in doubt or dispute, the chief administrator may require that such automobile be weighed on a scale designated by the chief administrator, and such actual weight shall be considered the manufacturer's shipping weight for the purposes of this section; but in all cases the chief administrator's determination of the manufacturer's shipping weight of any such automobile shall be final. The applicant for registration for passenger automobile shall also pay to the chief administrator the inspection fee fixed in R.S.39:8-2 in addition to the fees described hereinabove.

The chief administrator may also license private utility and house type semitrailers and trailers with a gross load not in excess of 2,000 pounds at a fee of $4 per annum and all other such utility and house-type semitrailers and trailers at $9 per annum. Application for such registration shall be made on a blank to be furnished by the commission, and the application shall contain a statement to the effect that the vehicle so registered will not

be used for the commercial transportation of goods, wares, and merchandise, or for hire.

Except as provided in R.S.39:3-84 for recreation vehicles, no private utility or house type semitrailer or trailer with an outside width of more than 96 inches, a maximum height of 13 feet 6 inches, a maximum length for a single vehicle of more than 35 feet, a maximum length for a semitrailer and its towing vehicle of more than 45 feet, and a maximum length for a trailer and its towing vehicle of more than 50 feet, shall be operated on any highway in this State, except that a vehicle exceeding the above limitations may be operated when a special permit so to operate is secured in advance from the chief administrator. A house type semitrailer or trailer with an outside width of no more than 16 feet shall be entitled to operate with such a special permit if the vehicle is a manufactured home on a transportation system that is designed in accordance with the "Manufactured Home Construction and Safety Standards," 24 CFR section 3280.901 et seq., promulgated by the United States Department of Housing and Urban Development, as amended and supplemented, provided that the operator complies with the provisions of this Title and the rules and regulations issued thereunder. If such a vehicle has an outside width of more than 16 feet, it shall be entitled to operate with such a special permit if it is transported on a commercial type low-bed trailer, semitrailer, or properly registered dolly wheels pursuant to rules and regulations established by the chief administrator. The application for such permit shall be accompanied by a fee fixed by the chief administrator. A special permit issued by the chief administrator shall be in the possession of the operator of the vehicle for which such permit was issued. In computing any dimensions of a vehicle, for the purposes of this section, there shall not be included in the dimensional limitations safety equipment such as mirrors or lights, provided such appliances do not exceed the overall limitations established by the chief administrator by rule or regulation.

150. Section 2 of P.L.1968, c.439 (C.39:3-8.1) is amended to read as follows:

C.39:3-8.1 Licensing of noncommercial trucks.

2. The director may license noncommercial trucks at the same weight fees set forth in R.S.39:3-20; provided, however, applicants for registration who have been issued identification cards for persons with disabilities pursuant to section 2 of P.L.1949, c.280 (C.39:4-205) and are registering a noncommercial truck which has been equipped with a wheelchair lift, or

any other specially designed mechanical device for persons with disabilities as designated by the director that specifically requires installation only in a noncommercial truck or van because of the device's dimensions, operating characteristics, or manufacturer's installation requirements, shall pay the same weight fees set forth in R.S.39:3-8 for similarly modified passenger automobiles of the same model year. Application for such registration shall be made on a form to be furnished by the division and the application shall contain a statement to the effect that the vehicle so registered will not be used for the commercial transportation of goods, wares, and merchandise, or for hire, and that vehicles so registered will not contain any advertising, signs, lettering, names, or addresses on its exterior, excepting trademarks and labels of the manufacturer and dealer.

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

Examination permits.

39:3-13. The chief administrator may, in the chief administrator's discretion, issue to a person over 17 years of age an examination permit, under the hand and seal of the chief administrator, allowing such person, for the purpose of fitting the person to become a licensed driver, to operate a designated class of motor vehicles other than passenger automobiles and motorcycles for a specified period of not more than 90 days, while in the company and under the supervision of a driver licensed to operate such designated class of motor vehicles.

The chief administrator, in the chief administrator's discretion, may issue for a specified period of not less than one year a passenger automobile or motorcycle-only examination permit to a person over 17 years of age regardless of whether a person has completed a course of behind-the-wheel automobile driving education pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1). An examination permit applicant who is under 18 years of age shall obtain the signature of a parent or guardian for submission to the commission on a form prescribed by the chief administrator. The chief administrator shall postpone for six months the driving privileges of any person who submits a fraudulent signature for a parent or guardian.

For six months immediately following the validation of an examination permit, and until the holder passes the road test, the holder who is less than 21 years of age shall operate the passenger automobile only when accompanied by, and under the supervision of, a New Jersey licensed driver who is at least 21 years of age and has been licensed to drive a passenger automobile for not less than three years. The holder of an examination permit

who is at least 21 years of age shall operate the passenger automobile for the first three months under such supervision and until the holder passes the road test. The supervising driver of the passenger automobile shall sit in the front seat of the vehicle. Whenever operating a vehicle while in possession of an examination permit, the holder of the permit shall operate the passenger automobile with only one additional passenger in the vehicle excluding dependents of the permit holder, except that this passenger restriction shall not apply when the permit holder is at least 21 years of age or when the permit holder is accompanied by a parent or guardian. Further, the holder of the passenger automobile permit who is less than 21 years of age shall not drive during the hours between 11:01 p.m. and 5 a.m.; provided, however, that this condition may be waived for an emergency which, in the judgment of local police, is of sufficient severity and magnitude to substantially endanger the health, safety, welfare, or property of a person, or for any bona fide employment or religion-related activity if the employer or appropriate religious authority provides written verification of such activity in a manner provided for by the chief administrator. The holder of the examination permit shall not use any hand-held or hands-free interactive wireless communication device, except in an emergency, while operating a moving passenger automobile on a public road or highway. "Use" shall include, but not be limited to, talking or listening on any hand-held or hands-free interactive wireless communication device or operating its keys, buttons, or other controls. The passenger automobile permit holder shall ensure that all occupants of the vehicle are secured in a properly adjusted and fastened seat belt or child restraint system.

The holder of an examination permit subject to the provisions of section 1 of P.L.1977, c.23 (C.39:3-10b) shall not operate a motorcycle at any time from a half-hour after sunset to a half-hour before sunrise. A motorcycle operated by the holder of an examination permit shall carry only the operator and shall not be operated on any toll road over which the New Jersey Turnpike Authority or the South Jersey Transportation Authority has jurisdiction or on any limited-access interstate highway.

The holder of any examination permit shall not operate a motorcycle having a motor with a maximum piston displacement that is less than 50 cubic centimeters or a motor that is rated at no more than 1.5 brake horsepower with a maximum speed of no more than 35 miles per hour on a flat surface at anytime from a half-hour after sunset to a half-hour before sunrise and shall not operate the motorcycle with any other passenger. The holder of any examination permit shall not operate such a motorcycle upon

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limited-access interstate highways or public roads or highways with a posted speed limit greater than 35 miles per hour.

An applicant for an examination permit subject to the provisions of section 1 of P.L.1977, c.23 (C.39:3-10b), who is less than 18 years of age, shall be required to successfully complete a motorcycle safety education course established pursuant to the provisions of section 1 of P.L.1991, c.452 (C.27:5F-36) as a condition for obtaining a motorcycle license or endorsement.

The chief administrator shall provide the holder of an examination permit with two removable, transferable, highly visible, reflective decals indicating that the driver of the vehicle may be the holder of an examination permit. The decals shall be designed by the chief administrator, in consultation with the Division of Highway Traffic Safety in the Department of Law and Public Safety. The chief administrator may charge a fee for the decals not to exceed the actual cost of producing and distributing the decals. The decals shall be displayed in a manner prescribed by the chief administrator, in consultation with the Division of Highway Traffic Safety in the Department of Law and Public Safety, and shall be clearly visible to law enforcement officers. The holder of an examination permit shall not operate a vehicle unless the decals are displayed. The decal shall be removed once the driver's examination permit period has ended.

When notified by a court of competent jurisdiction that an examination permit holder has been convicted of a violation which causes the permit holder to accumulate more than two motor vehicle points or has been convicted of a violation of R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1; or any other motor vehicle-related law the chief administrator deems significant and applicable pursuant to regulation, in addition to any other penalty that may be imposed, the chief administrator shall, without the exercise of discretion or a hearing, suspend the examination permit holder's examination permit for 90 days. The chief administrator shall restore the permit following the term of the permit suspension if the permit holder satisfactorily completes a remedial training course of not less than four hours which may be given by the commission, a driving school licensed by the chief administrator pursuant to section 2 of P.L.1951, c.216 (C.39:12-2), or any Statewide safety organization approved by the chief administrator. The course shall be subject to oversight by the commission according to its guidelines. The permit holder shall also remit a course fee prior to the commencement of the course. The chief administrator also shall postpone without the exercise of discretion or a hearing the issuance of a basic license for 90 days if the chief administrator is notified

by a court of competent jurisdiction that the examination permit holder, after completion of the remedial training course, has been convicted of any motor vehicle violation which results in the imposition of any motor vehicle points or has been convicted of a violation of R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5, subsection c. of N.J.S.2C:12-1; or any other motor vehicle-related law the chief administrator deems significant and applicable pursuant to regulation. When the chief administrator is notified by a court of competent jurisdiction that an examination permit holder has been convicted of any alcohol or drug-related offense unrelated to the operation of a motor vehicle and is not otherwise subject to any other suspension penalty therefor, the chief administrator shall, without the exercise of discretion or a hearing, suspend the examination permit for six months.

An examination permit for a motorcycle or a commercial motor vehicle issued to a person with a disability, as determined by the New Jersey Motor Vehicle Commission after consultation with the Department of Education, shall be valid for nine months or until the completion of the road test portion of the license examination, whichever period is shorter.

Each permit shall be sufficient license for the person to operate such designated class of motor vehicles in this State during the period specified, while in the company of and under the control of a driver licensed by this State to operate such designated class of motor vehicles, or, in the case of a commercial driver license permit, while in the company of and under the control of a holder of a valid commercial driver license for the appropriate license class and with the appropriate endorsements issued by this or any other state. Such person, as well as the licensed driver, except for a motor vehicle examiner administering a driving skills test, shall be held accountable for all violations of this subtitle committed by such person while in the presence of the licensed driver. In addition to requiring an applicant for an examination permit to submit satisfactory proof of identity and age, the chief administrator also shall require the applicant to provide, as a condition for obtaining the permit, satisfactory proof that the applicant's presence in the United States is authorized under federal law. If the chief administrator has reasonable cause to suspect that any document presented by an applicant as proof of identity, age, or legal residency is altered, false, or otherwise invalid, the chief administrator shall refuse to grant the permit until such time as the document may be verified by the issuing agency to the chief administrator's satisfaction.

The holder of an examination permit shall be required to take a road test in order to obtain a probationary license. No road test for any person who

has been issued an examination permit to operate a passenger vehicle shall be given unless the person has met the requirements of this section. No road test for a probationary license shall be given unless the applicant has first secured an examination permit and no such road test shall be scheduled for an applicant who has secured an examination permit for a passenger vehicle or a motorcycle for which an endorsement is not required until at least six months for an applicant under 21 years of age or three months for an applicant 21 years of age or older shall have elapsed following the validation of the examination permit for practice driving or, in the case of an examination permit for other vehicles, until 20 days have elapsed. In the case of an omnibus endorsement or school bus, no road test shall be scheduled until at least 10 days shall have elapsed. Every applicant for an examination permit to qualify for an omnibus endorsement or an articulated vehicle endorsement shall be a holder of a valid basic driver's license.

The required fees for special learner's permits and examination permits shall be as follows:

Basic driver's license.....up to $10
Motorcycle license or endorsement.....$ 5
Omnibus or school bus endorsement.....$25

The chief administrator shall waive the payment of fees for issuance of examination permits for omnibus endorsements whenever the applicant establishes to the chief administrator's satisfaction that said applicant will use the omnibus endorsement exclusively for operating omnibuses owned by a nonprofit organization duly incorporated under Title 15 or 16 of the Revised Statutes or Title 15A of the New Jersey Statutes.

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

As a condition for the issuance of an examination permit under this section, the chief administrator shall secure a digitized picture of the applicant. The picture shall be stored in a manner prescribed by the chief administrator and may be displayed on the examination permit.

The chief administrator may require that whenever a person to whom an examination permit has been issued has reconstructive or cosmetic surgery which significantly alters the person's facial features, the person shall notify the chief administrator who may require the picture of the person to be updated.

Specific use of the examination permit and any information stored or encoded, electronically or otherwise, in relation thereto shall be in accordance with P.L.1997, c.188 (C.39:2-3.3 et seq.) and the federal "Driver's Privacy Protection Act of 1994," Pub.L.103-322. Notwithstanding the provisions of any other law to the contrary, the digitized picture or any access thereto or any use thereof shall not be sold, leased, or exchanged for value.

152. Section 2 of P.L.1980, c.47 (C.39:3-29.3) is amended to read as follows:

C.39:3-29.3 Identification cards, issuance; contents.

2. a. The New Jersey Motor Vehicle Commission shall issue an identification card to any resident of the State who is 14 years of age or older and who is not the holder of a valid permit or basic driver's license. The identification card shall attest to the true name, correct age, and veteran status, upon submission of satisfactory proof, by any veteran, and shall contain other identifying data as certified by the applicant for such identification card. Every application for an identification card shall be signed and verified by the applicant and shall be accompanied by the written consent of at least one parent or the person's legal guardian if the person is under 17 years of age and shall be supported by such documentary evidence of the age, identity, and veteran status, or blindness or disability, of such person as the chief administrator may require. In addition to requiring an applicant for an identification card to submit satisfactory proof of identity, age, and, if appropriate, veteran status, the chief administrator also shall require the applicant to provide, as a condition for obtaining the card, satisfactory proof that the applicant's presence in the United States is authorized under federal law. If the chief administrator has reasonable cause to suspect that any document presented by an applicant as proof of identity, age, veteran status, or legal residency is altered, false or otherwise invalid, the chief administrator shall refuse to grant the identification card until such time as the document may be verified by the issuing agency to the chief administrator's satisfaction.

b. The designation of veteran status on an identification card shall not be deemed sufficient valid proof of veteran status for official governmental purposes when any other statute, or any regulation or other directive of a governmental entity, requires documentation of veteran status.

c. For the purpose of this section:

"Veteran" means a person who has been honorably discharged from the active military service of the United States; and

"Satisfactory proof" means a copy of form DD-214 or federal activation orders showing service under Title 10, section 672 or section 12301, of the United States Code, or a county veteran identification card only if issuance of the card requires a copy of form DD-214 discharge papers or approved separation forms as outlined by all branches of the military and duly recorded by the county clerk's office.

153. Section 4 of P.L.1980, c.47 (C.39:3-29.5) is amended to read as follows:

C.39:3-29.5 Expiration of card; certain cards valid for life; authorized presence in U.S. required for renewal.

4. a. Except as provided in subsection b. of this section, each original identification card authorized by section 2 of P.L.1980, c.47 (C.39:3-29.3) shall, unless canceled earlier or otherwise provided, expire during the fourth calendar year following its date of issuance and on the same calendar day as the person's date of birth. If the date of birth of the bearer of the identification card does not correspond to a calendar day of the fourth calendar year, the identification card shall expire on the last day of the birth month of the bearer of the card.

The identification card shall be renewable upon the request of the bearer of the card, pursuant to terms of license renewal established by the New Jersey Motor Vehicle Commission, and upon payment of a fee as required by section 6 of P.L.1980, c.47 (C.39:3-29.7). An identification card issued pursuant to P.L.1980, c.47 (C.39:3-29.2 et seq.) to an applicant who is blind or who has a disability shall be valid for the life of the holder unless canceled by the holder. Cards issued prior to October 16, 1989 and valid upon the effective date of P.L.1990, c.30 shall be valid for the life of the holder unless canceled by the holder. Cards issued to persons with blindness or disabilities between October 16, 1989 and the effective date of P.L.1990, c.30, and which are valid on the effective date of P.L.1980, c.47 (C.39:3-29.2 et seq.), shall be made valid for the life of the holder unless canceled by the holder, upon presentation of proof that the person's blindness or disability existed at the time of the original application. The chief administrator is authorized to require periodic verification of information included on any identification card issued for or valid for the life of the holder. Nothing in this section shall be construed to alter or change any expiration date on any New Jersey identification card issued prior to the operative date of P.L.2001, c.391 (C.39:3-10f4 et al.) and any such identification card shall remain valid until its expiration date.

b. If the chief administrator issues an identification card to a person who has demonstrated authorization to be present in the United States for a period of time shorter than the standard periods of identification cards, the chief administrator shall fix the expiration date of the identification card at a date based on the period in which the person is authorized to be present in the United States under federal immigration laws. The chief administrator may renew such an identification card only if it is demonstrated that the person's continued presence in the United States is authorized under federal law.

154. Section 2 of P.L.1980, c.148 (C.39:3B-9) is amended to read as follows:

C.39:3B-9 Identification lettering, color and warning lights.

2. In addition to owner identification, lettering shall be permitted on van type II school vehicles to identify the vehicles as school vehicles and all such vehicles shall be painted school bus yellow and equipped with warning lights.

With respect to any such vehicle transporting pupils with disabilities, the International Symbol of Access may also be imprinted on the lower right side of the rear door.

155. Section 1 of P.L.1991, c.285 (C.39:4-8.1) is amended to read as follows:

C.39:4-8.1 Approval of parking spaces for persons with disabilities, signs.

1. Any municipality, which pursuant to the provisions of R.S.39:4-8, R.S.39:4-197, section 1 of P.L.1977, c.202 (C.39:4-197.5) or section 1 of P.L.1977, c.309 (C.39:4-197.6) designates restricted parking spaces for use by persons with disabilities, may, in lieu of having the Department of Transportation inspect those parking spaces and any signs erected in association therewith, designate the municipal engineer to determine whether or not those parking spaces and signs conform to the current standards prescribed by the Manual of Uniform Traffic Control Devices for Streets and Highways, adopted by the Commissioner of Transportation, and any other Department of Transportation rules and regulations governing such parking spaces and signs.

Any such parking spaces and signs shall be deemed approved and operational, and in need of no additional inspection by the Department of Transportation, when the municipal engineer, under the engineer's seal as a licensed professional engineer, shall certify to the commissioner that the parking spaces and signs:

a. have been approved by the municipal engineer as a licensed professional engineer after investigation; and

b. conform to the current standards prescribed by the Manual of Uniform Traffic Control Devices for Streets and Highways, as adopted by the commissioner, and any other Department of Transportation rules and regulations governing such parking spaces and signs.

The municipal engineer shall submit to the commissioner, together with the engineer's certification, detailed information as to the location and number of parking spaces, a certified copy of the ordinance, resolution or regulation designating the restricted parking spaces, and such other information as the commissioner shall deem necessary.

156. Section 2 of P.L.2007, c.21 (C.39:4-14.15) is amended to read as follows:

C.39:4-14.15 Issuance of placard, sticker for persons with disabilities to operator of motorized scooter.

2. a. Upon request, the Chief Administrator of the New Jersey Motor Vehicle Commission shall issue to any holder of an identification card for persons with disabilities, a placard or sticker of such size and design as shall be determined by the chief administrator in consultation with the Division of Vocational Rehabilitation Services in the Department of Labor and Workforce Development and the Division of Disability Services in the Department of Human Services, indicating that an identification card for persons with disabilities has been issued to the person designated therein and that the person so designated may operate the motorized scooter on public streets as provided in subsection e. of this section. The placard or sticker shall be displayed in such manner as the chief administrator shall determine on the motorized scooter used by the named individual with a mobility-related disability.

b. Any motorized scooter operated by a person with a mobility-related disability shall be registered with the municipality in which the operator resides. As a condition for such registration, the owner or operator shall produce or display appropriate proof that a policy of liability insurance is in effect for that motorized scooter. The municipality or county may impose a reasonable fee to cover the costs of registration.

c. Any person with a mobility-related disability who operates a motorized scooter shall wear a properly fitted and fastened helmet which meets the Consumer Product Safety Commission standard or such other standard, as appropriate.

d. Any motorized scooter operated by a person with a mobility-related disability shall be equipped with a brake that will enable the operator to stop the scooter in a safe and effective manner.

e. A properly registered motorized scooter may be operated by a properly designated person with a mobility-related disability on any public street with a posted speed limit not exceeding 25 miles per hour. If the authority having jurisdiction over the public street determines that a properly registered motorized scooter operated by a properly designated person with a mobility-related disability may be operated on a public street with a posted speed limit in excess of 25 miles per hour, but not exceeding 35 miles per hour, or any portion thereof, without posing a danger to the safety and well-being of the operator of the motorized scooter or impeding the safe flow and operation of traffic, a properly registered motorized scooter may be operated on that designated public street, or designated portion thereof, by a properly designated person. A municipality or county may make such a determination by ordinance or resolution, as appropriate, but such ordinance or resolution shall not require the approval of the Commissioner of Transportation.

f. No motorized scooter that is capable of a maximum speed of more than 15 miles per hour shall be registered or operated on a public street under the provisions of this section.

g. Neither the State nor any municipality or county, nor any agency, official, or employee thereof, shall assume responsibility for or incur liability for any injury to person or property caused by any act of a person with a mobility-related disability who operates a motorized scooter upon its designated municipal, county, or State property.

h. For the purposes of this section, "motorized scooter" shall mean a gas or electric powered scooter or mini scooter which is capable of a maximum speed of not more than 15 miles per hour on a flat surface. Nothing in this section shall be construed to authorize or permit the registration or operation of any pocket bike, super pocket bike, sport scooter, mini chopper, mini motorcycle, or motorized skateboard on any public street by a person with a mobility-related disability.

157. R.S.39:4-138 is amended to read as follows:

Places where parking prohibited, exceptions; moving vehicle not under one's control into prohibited area.

39:4-138. Except when necessary to avoid conflict with other traffic or in compliance with the directions of a traffic or police officer or traffic sign

or signal, no operator of a vehicle shall stand or park the vehicle in any of the following places:

a. Within an intersection;

b. On a crosswalk;

c. Between a safety zone and the adjacent curb or within at least 20 feet of a point on the curb immediately opposite the end of a safety zone;

d. In front of a public or private driveway;

e. (1) Within 25 feet of the nearest crosswalk or side line of a street or intersecting highway, except at alleys and as provided in section 2 of P.L.2009, c.257 (C.39:4-138.6); or

(2) Within 10 feet of the nearest crosswalk or side line of a street or intersecting highway, if a curb extension or bulbout has been constructed at that crosswalk;

f. On a sidewalk;

g. In any appropriately marked "No Parking" space established pursuant to the duly promulgated regulations of the Commissioner of Transportation;

h. Within 50 feet of a "stop" sign except as provided in section 2 of P.L.2009, c.257 (C.39:4-138.6);

i. Within 10 feet of a fire hydrant;

j. Within 50 feet of the nearest rail of a railroad crossing;

k. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance, when properly signposted;

l. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic, when properly signposted;

m. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

n. Upon any bridge or other elevated structure upon a highway, or within a highway tunnel or underpass, or on the immediate approaches thereto except where space for parking is provided;

o. In any space on public or private property appropriately marked for vehicles for persons with disabilities pursuant to P.L.1977, c.202 (C.39:4-197.5), P.L.1975, c.217 (C.52:27D-119 et seq.) or any other applicable law unless the vehicle is authorized by law to be parked therein and a person with a disability is either the driver or a passenger in that vehicle. State, county, or municipal law enforcement officers or parking enforcement authority officers shall enforce the parking restrictions on spaces appropriate-

ly marked for vehicles for persons with disabilities on both public and private property.

No person shall move a vehicle not lawfully under the person's control into any such prohibited area or away from a curb such distance as is unlawful.

158. Section 1 of P.L.1977, c.309 (C.39:4-197.6) is amended to read as follows:

C.39:4-197.6 Restricted parking zone, residence of person with disability.

1. Any municipality may, by ordinance, establish a restricted parking zone in front of a residence occupied by a person with a disability if a windshield placard or wheelchair symbol license plates have been issued for a vehicle owned by the person with a disability, or by another occupant of the residence who is a member of the immediate family of the person with a disability, by the New Jersey Motor Vehicle Commission pursuant to the provisions of P.L.1949, c.280 (C.39:4-204 et seq.), provided such parking is not otherwise prohibited and the permitting thereof would not interfere with the normal flow of traffic.

159. Section 1 of P.L.1991, c.442 (C.39:4-197.9) is amended to read as follows:

C.39:4-197.9 Parking enforcement unit for persons with disabilities.

1. In order to implement the enforcement of P.L.1977, c.202 (C.39:4-197.5) subject to R.S.39:4-138, and of P.L.1975, c.221 (C.52:32-11 et seq.) and spaces established pursuant to P.L.1975, c.217 (C.52:27D-119 et seq.) within its jurisdiction, a municipality may establish a parking enforcement unit for persons with disabilities under the supervision of the chief law enforcement officer of the municipality. The municipality may, by ordinance or resolution, provide procedures and other guidelines for the program consistent with P.L.1991, c.442 (C.39:4-197.9 et seq.) which may give persons selected and trained for the unit the full power and authority to issue warnings or summonses for violations of any provision of any law, regulation, ordinance, or resolution pertaining to illegal parking in restricted parking spaces for persons with disabilities. The unit shall concentrate its enforcement activity at any shopping centers or malls in the municipality.

160. Section 2 of P.L.1991, c.442 (C.39:4-197.10) is amended to read as follows:

C.39:4-197.10 Qualifications for appointment to unit.

2. No person shall be appointed to or continue to be eligible for participation in the parking enforcement unit for persons with disabilities unless the person:

a. Evidences no criminal record as a result of a State criminal history record background check through the State Bureau of Identification in the Division of State Police in the Department of Law and Public Safety;

b. Is a resident of the municipality in which the unit is established; and

c. Is at least 18 years of age.

161. Section 3 of P.L.1991, c.442 (C.39:4-197.11) is amended to read as follows:

C.39:4-197.11 Preference for persons with disabilities.

3. Preference for participation in this program may be given to persons with disabilities as defined in P.L.1949, c.280 (C.39:4-204 et seq.).

162. Section 4 of P.L.1991, c.442 (C.39:4-197.12) is amended to read as follows:

C.39:4-197.12 Reimbursement for mileage.

4. Any person appointed to the municipality's parking enforcement unit for persons with disabilities shall be reimbursed for actual expenses of transportation incurred in the course of the person's work at a rate at least equal to the rate established by the State and adjusted pursuant to section 2 of P.L.1980, c.19 (C.52:14-17.1a).

163. Section 6 of P.L.1991, c.442 (C.39:4-197.14) is amended to read as follows:

C.39:4-197.14 Permissive benefits.

6. The governing body of a municipality, by ordinance, may appropriate annually sums of money as it shall deem necessary for the purpose of compensating any such person for the person's services. The governing body of a municipality may provide the members of the parking enforcement unit for persons with disabilities with coverage under chapter 15 of Title 34 of the Revised Statutes (Workers' Compensation) or if the governing body chooses not to provide such coverage, it may appropriate annually sums of money as it shall deem necessary for the purpose of compensating such persons for any losses which would otherwise be compensable under chapter 15 of Title 34 of the Revised Statutes (Workers' Compensation).

However, neither the municipality nor the State shall be required to provide any benefits thereto whatsoever.

164. Section 7 of P.L.1991, c.442 (C.39:4-197.15) is amended to read as follows:

C.39:4-197.15 Uniform and maintenance allowance.

7. Any person who is selected for the parking enforcement unit for persons with disabilities shall be provided, at the expense of the municipality, with a distinctive uniform on which is affixed a special patch designating the person's function and shall be provided with reasonable maintenance thereof.

165. R.S.39:4-198 is amended to read as follows:

Notice of ordinance, resolution or regulation by signs.

39:4-198. No ordinance, resolution or regulation enacted, passed, or adopted by local authorities nor any regulation adopted by the Commissioner of Transportation under any power given by this chapter or any supplement thereto shall be effective unless due notice thereof is given to the public by placing a sign at the places where the ordinance, resolution, or regulation is effective, and by briefing its provisions on signs according to specifications contained in this chapter or as specified by the current Manual on Uniform Traffic Control Devices for streets and highways. These signs shall be so placed as to be easily read by pedestrians or operators of vehicles. Except, in the case of "No Passing" zones, in lieu of or in addition to signs, notice shall be given to the public by highway pavement markings which conform to the current Manual on Uniform Traffic Control Devices for streets and highways.

In addition to the specifications in the Manual on Uniform Traffic Control Devices, any sign erected after the effective date of P.L.1989, c.201 to notify the public that parking in a space is reserved for persons with disabilities shall also state the penalties set forth in paragraph c. of subsection (3) of R.S.39:4-197 which may be imposed for a violation. Signs which were erected prior to the effective date shall be modified within 12 months after the effective date to include the penalty information.

It shall not be a defense to the unauthorized use of a parking space reserved for persons with disabilities pursuant to R.S.39:4-138 that the penalties set forth in paragraph c. of subsection (3) of R.S.39:4-197 were not posted or were improperly posted.

166. R.S.39:4-201 is amended to read as follows:

Resolutions, ordinances, regulations pertaining to traffic on county roads; notice; penalties.

39:4-201. Except as otherwise provided in R.S.39:4-8, no governing body of any county in this State may adopt resolutions, ordinances, or regulations on a matter covered by or which alters or in any way nullifies the provisions of this chapter or of any supplement thereto, except that, without the approval of the commissioner, and consistent with the current standards prescribed by the Manual on Uniform Traffic Control Devices for streets and highways, ordinances, resolutions, or regulations may be passed by a governing body for the supervision and regulation of traffic on any county roads of the county upon the subject matter and within the limitations prescribed in R.S.39:4-197, and the governing body may prescribe penalties for violations of the resolutions, ordinances, or regulations; provided, however, that a fine of not less than $50 be imposed upon the violator of an ordinance, resolution, or regulation, as the case may be, establishing parking spaces for persons with disabilities.

Matters pertaining to the supervision and regulation of traffic, to be established by ordinance, resolution, or regulation pursuant to R.S.39:4-197, shall in counties operating under the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.) be established by ordinance.

No ordinance, resolution, or regulation adopted pursuant to this section shall be effective unless due notice to the public is given as provided in R.S.39:4-198.

The penalties may be enforced by the proper method of procedure before a magistrate. In default of the payment of the penalty, the magistrate may commit the offender to the county jail for a period not exceeding five days.

167. Section 2 of P.L.1974, c.120 (C.40:9B-4) is amended to read as follows:

C.40:9B-4 Counties or municipalities; annual appropriation for private centers.

2. The governing body of any county or municipality may annually appropriate funds to any approved, privately operated, nonprofit narcotic and substance use disorder treatment center certified by the Commissioner of Health pursuant to P.L.1970, c.334 (C.26:2G-21 et seq.), for the purpose of helping to defray expenses incurred in the provision of facilities to prevent and control substance use disorder, and to provide diagnosis, treatment, rehabilitation and aftercare to persons with substance use disorders

who are residents of any county or municipality making such appropriations.

168. Section 2 of P.L.1985, c.199 (C.40:48-4.11) is amended to read as follows:

C.40:48-4.11 "Senior citizen," "citizen with a disability" defined.

2. For the purposes of P.L.1985, c.199 (C.40:48-4.10 et seq.), unless the context clearly indicates otherwise:

a. "Senior citizen" means any individual 62 years of age or over.

b. "Citizen with a disability" means any individual who, by reason of illness, injury, age, congenital condition, or other permanent or temporary incapacity or disability, is unable without special facilities or special planning or design to utilize mass transportation facilities and services as effectively as persons who are not so affected.

169. Section 3 of P.L.1985, c.199 (C.40:48-4.12) is amended to read as follows:

C.40:48-4.12 Municipalities to provide service.

3. Notwithstanding any provision of law to the contrary, any municipality may purchase buses, vans or other motor vehicles for the purpose of providing transportation to senior citizens or citizens with disabilities. The municipality may also provide drivers for the motor vehicles and pay all costs of maintenance, including insurance. The transportation shall be provided free of charge or for a nominal fee not to exceed $0.25 per ride. No transportation service shall be provided pursuant to P.L.1985, c.199 (C.40:48-4.10 et seq.) which duplicates available public transportation service.

170. Section 4 of P.L.1985, c.199 (C.40:48-4.13) is amended to read as follows:

C.40:48-4.13 Not used for hire.

4. The use of municipally owned buses, vans or other motor vehicles for transportation of senior citizens and citizens with disabilities pursuant to P.L.1985, c.199 (C.40:48-4.10 et seq.) shall not be construed or used for hire and shall not be subject to regulation by or the jurisdiction of the Department of Transportation.

171. Section 1 of P.L.1975, c.141 (C.40:48-9.4a) is amended to read as follows:

C.40:48-9.4a Annual appropriation to nonprofit organizations for treatment and rehabilitation of certain persons.

1. The governing body of any municipality may appropriate annually to any approved, privately operated, nonprofit organization whose services are nonsectarian, funds for the purpose of defraying the necessary expense incident to the diagnosis, treatment, training, and rehabilitation of persons with intellectual disabilities, persons with a brain injury, persons with mental illness, or persons with other mental or physical disabilities who are residents of the municipality, at suitable homes, schools, hospitals, day-care centers, residential treatment centers, rehabilitation centers, or sheltered workshops anywhere in the State supported by public funds or private charity, including the cost of transporting such persons to and from, and their support and maintenance at, such homes, schools, hospitals, day-care centers, residential treatment centers, rehabilitation centers, or sheltered workshops for the purpose of diagnosis or while undergoing treatment, training, and rehabilitation, or for the purpose of maintaining an extended employment program.

172. Section 1 of P.L.1978, c.159 (C.40:55D-66.1) is amended to read as follows:

C.40:55D-66.1 Community residences, permitted use in residential districts.

1. Community residences for persons with developmental disabilities, community shelters for victims of domestic violence, community residences for persons with terminal illnesses, community residences for persons with head injuries, and adult family care homes for persons who are elderly and adults with physical disabilities shall be a permitted use in all residential districts of a municipality, and the requirements therefor shall be the same as for single family dwelling units located within such districts.

173. Section 2 of P.L.1978, c.159 (C.40:55D-66.2) is amended to read as follows:

C.40:55D-66.2 Definitions.

2. As used in P.L.1978, c.159 (C.40:55D-66.1 et seq.):

a. "Community residence for persons with developmental disabilities" means any community residential facility licensed pursuant to P.L.1977, c.448 (C.30:11B-1 et seq.) providing food, shelter, and personal guidance, under such supervision as required, to not more than 15 persons with developmental disabilities or with mental illnesses, who require assistance, temporarily or permanently, in order to live in the community, and shall

include, but not be limited to: group homes, halfway houses, intermediate care facilities, supervised apartment living arrangements, and hostels. Such a residence shall not be considered a health care facility within the meaning of the "Health Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et al.). In the case of such a community residence housing persons with mental illness, the residence shall have been approved for a purchase of service contract or an affiliation agreement pursuant to procedures as shall be established by regulation of the Division of Mental Health and Addiction Services in the Department of Human Services. As used in P.L.1978, c.159 (C.40:55D-66.1 et seq.), " person with a developmental disability" means a person with a developmental disability as defined in section 2 of P.L.1977, c.448 (C.30:11B-2), and " person with a mental illness" means a person with a mental illness as defined in section 2 of P.L.1987, c.116 (C.30:4-27.2), but shall not include a person who has been committed after having been found not guilty of a criminal offense by reason of insanity or having been found unfit to be tried on a criminal charge.

b. "Community shelter for victims of domestic violence" means any shelter approved for a purchase of service contract and certified pursuant to standards and procedures established by regulation of the Department of Human Services pursuant to P.L.1979, c.337 (C.30:14-1 et seq.), providing food, shelter, medical care, legal assistance, personal guidance, and other services to not more than 15 persons who have been victims of domestic violence, including any children of such victims, who temporarily require shelter and assistance in order to protect their physical or psychological welfare.

c. "Community residence for persons with head injuries" means a community residential facility licensed pursuant to P.L.1977, c.448 (C.30:11B-1 et seq.) providing food, shelter, and personal guidance, under such supervision as required, to not more than 15 persons with head injuries, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, halfway houses, supervised apartment living arrangements, and hostels. Such a residence shall not be considered a health care facility within the meaning of the "Health Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et al.).

d. "Person with head injury" means a person who has sustained an injury, illness, or traumatic changes to the skull, the brain contents, or its coverings which results in a temporary or permanent physiobiological decrease of mental, cognitive, behavioral, social, or physical functioning which causes the person to have a partial or total disability, but excluding a

person with Alzheimer's disease and related disorders or other forms of dementia.

e. "Community residence for persons with terminal illnesses" means any community residential facility operated as a hospice program providing food, shelter, personal guidance, and health care services, under such supervision as required, to not more than 15 persons with terminal illnesses.

f. "Alzheimer's disease and related disorders" means a form of dementia characterized by a general loss of intellectual abilities of sufficient severity to interfere with social or occupational functioning.

g. "Dementia" means a chronic or persistent disorder of the mental processes due to organic brain disease, for which no curative treatment is available, and marked by memory disorders, changes in personality, deterioration in personal care, impaired reasoning ability, and disorientation.

174. Section 5 of P.L.1971, c.198 (C.40A:11-5) is amended to read as follows:

C.40A:11-5 Exceptions.

5. Any contract the amount of which exceeds the bid threshold, may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor and shall be awarded by resolution of the governing body if:

(1) The subject matter thereof consists of:

(a) (i) Professional services. The governing body shall in each instance state supporting reasons for its action in the resolution awarding each contract and shall forthwith cause to be printed once, in the official newspaper, a brief notice stating the nature, duration, service and amount of the contract, and that the resolution and contract are on file and available for public inspection in the office of the clerk of the county or municipality, or, in the case of a contracting unit created by more than one county or municipality, of the counties or municipalities creating the contracting unit; or (ii) Extraordinary unspecifiable services. The application of this exception shall be construed narrowly in favor of open competitive bidding, whenever possible, and the Division of Local Government Services is authorized to adopt and promulgate rules and regulations after consultation with the Commissioner of Education limiting the use of this exception in accordance with the intention herein expressed. The governing body shall in each instance state supporting reasons for its action in the resolution awarding each contract and shall forthwith cause to be printed, in the manner set forth

in subsection (1) (a) (i) of this section, a brief notice of the award of the contract;

(b) The doing of any work by employees of the contracting unit;

(c) The printing of legal briefs, records, and appendices to be used in any legal proceeding in which the contracting unit may be a party;

(d) The furnishing of a tax map or maps for the contracting unit;

(e) The purchase of perishable foods as a subsistence supply;

(f) The supplying of any product or the rendering of any service by a public utility, which is subject to the jurisdiction of the Board of Public Utilities or the Federal Energy Regulatory Commission or its successor, in accordance with tariffs and schedules of charges made, charged or exacted, filed with the board or commission;

(g) The acquisition, subject to prior approval of the Attorney General, of special equipment for confidential investigation;

(h) The printing of bonds and documents necessary to the issuance and sale thereof by a contracting unit;

(i) Equipment repair service if in the nature of an extraordinary unspecifiable service and necessary parts furnished in connection with the service, which exception shall be in accordance with the requirements for extraordinary unspecifiable services;

(j) The publishing of legal notices in newspapers as required by law;

(k) The acquisition of artifacts or other items of unique intrinsic, artistic or historical character;

(l) Those goods and services necessary or required to prepare and conduct an election;

(m)Insurance, including the purchase of insurance coverage and consultant services, which exception shall be in accordance with the requirements for extraordinary unspecifiable services;

(n) The doing of any work by persons with disabilities employed by a sheltered workshop;

(o) The provision of any goods or services including those of a commercial nature, attendant upon the operation of a restaurant by any nonprofit, duly incorporated, historical society at or on any historical preservation site;

(p) (Deleted by amendment, P.L.1999, c.440.)

(q) Library and educational goods and services;

(r) (Deleted by amendment, P.L.2005, c.212).

(s) The marketing of recyclable materials recovered through a recycling program, or the marketing of any product intentionally produced or derived from solid waste received at a resource recovery facility or recov-

ered through a resource recovery program, including, but not limited to, refuse-derived fuel, compost materials, methane gas, and other similar products;

(t) (Deleted by amendment, P.L.1999, c.440.)

(u) Contracting unit towing and storage contracts, provided that all of the contracts shall be pursuant to reasonable non-exclusionary and non-discriminatory terms and conditions, which may include the provision of the services on a rotating basis, at the rates and charges set by the municipality pursuant to section 1 of P.L.1979, c.101 (C.40:48-2.49). All contracting unit towing and storage contracts for services to be provided at rates and charges other than those established pursuant to the terms of this paragraph shall only be awarded to the lowest responsible bidder in accordance with the provisions of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.) and without regard for the value of the contract therefor;

(v) The purchase of steam or electricity from, or the rendering of services directly related to the purchase of steam or electricity from a qualifying small power production facility or a qualifying cogeneration facility as defined pursuant to 16 U.S.C. s.796;

(w) The purchase of electricity or administrative or dispatching services directly related to the transmission of purchased electricity by a contracting unit engaged in the generation of electricity;

(x) The printing of municipal ordinances or other services necessarily incurred in connection with the revision and codification of municipal ordinances;

(y) An agreement for the purchase of an equitable interest in a water supply facility or for the provision of water supply services entered into pursuant to section 2 of P.L.1993, c.381 (C.58:28-2), or an agreement entered into pursuant to N.J.S.40A:31-1 et al., so long as the agreement is entered into no later than six months after the effective date of P.L.1993, c.381;

(z) A contract for the provision of water supply services entered into pursuant to P.L.1995, c.101 (C.58:26-19 et al.);

(aa) The cooperative marketing of recyclable materials recovered through a recycling program;

(bb) A contract for the provision of wastewater treatment services entered into pursuant to P.L.1995, c.216 (C.58:27-19 et al.);

(cc) Expenses for travel and conferences;

(dd) The provision or performance of goods or services for the support or maintenance of proprietary computer hardware and software, except that this provision shall not be utilized to acquire or upgrade non-proprietary hardware or to acquire or update non-proprietary software;

(ee) The management or operation of an airport owned by the contracting unit pursuant to R.S.40:8-1 et seq.;

(ff) Purchases of goods and services at rates set by the Universal Service Fund administered by the Federal Communications Commission;

(gg) A contract for the provision of water supply services or wastewater treatment services entered into pursuant to section 2 of P.L.2002, c.47 (C.40A:11-5.1), or the designing, financing, construction, operation, or maintenance, or any combination thereof, of a water supply facility as defined in subsection (16) of section 15 of P.L.1971, c.198 (C.40A:11-15) or a wastewater treatment system as defined in subsection (19) of section 15 of P.L.1971, c.198 (C.40A:11-15), or any component part or parts thereof, including a water filtration system as defined in subsection (16) of section 15 of P.L.1971, c.198 (C.40A:11-15); or

(hh) The purchase of electricity generated from a power production facility that is fueled by methane gas extracted from a landfill in the county of the contracting unit.

(2) It is to be made or entered into with the United States of America, the State of New Jersey, county, or municipality, or any board, body, officer, agency, or authority thereof, or any other state or subdivision thereof.

(3) Bids have been advertised pursuant to section 4 of P.L.1971, c.198 (C.40A:11-4) on two occasions and (a) no bids have been received on both occasions in response to the advertisement, or (b) the governing body has rejected the bids on two occasions because it has determined that they are not reasonable as to price, on the basis of cost estimates prepared for or by the contracting agent prior to the advertising therefor, or have not been independently arrived at in open competition, or (c) on one occasion no bids were received pursuant to (a) and on one occasion all bids were rejected pursuant to (b), in whatever sequence; a contract may then be negotiated and may be awarded upon adoption of a resolution by a two-thirds affirmative vote of the authorized membership of the governing body authorizing the contract; provided, however, that:

(i) A reasonable effort is first made by the contracting agent to determine that the same or equivalent goods or services, at a cost which is lower than the negotiated price, are not available from an agency or authority of the United States, the State of New Jersey or of the county in which the contracting unit is located, or any municipality in close proximity to the contracting unit;

(ii) The terms, conditions, restrictions, and specifications set forth in the negotiated contract are not substantially different from those which

were the subject of competitive bidding pursuant to section 4 of P.L.1971, c.198 (C.40A:11-4); and

(iii) Any minor amendment or modification of any of the terms, conditions, restrictions, and specifications, which were the subject of competitive bidding pursuant to section 4 of P.L.1971, c.198 (C.40A:11-4), shall be stated in the resolution awarding the contract; provided further, however, that if on the second occasion the bids received are rejected as unreasonable as to price, the contracting agent shall notify each responsible bidder submitting bids on the second occasion of its intention to negotiate, and afford each bidder a reasonable opportunity to negotiate, but the governing body shall not award the contract unless the negotiated price is lower than the lowest rejected bid price submitted on the second occasion by a responsible bidder, is the lowest negotiated price offered by any responsible vendor, and is a reasonable price for goods or services.

Whenever a contracting unit shall determine that a bid was not arrived at independently in open competition pursuant to subsection (3) of this section it shall thereupon notify the county prosecutor of the county in which the contracting unit is located and the Attorney General of the facts upon which its determination is based, and when appropriate, it may institute appropriate proceedings in any State or federal court of competent jurisdiction for a violation of any State or federal antitrust law or laws relating to the unlawful restraint of trade.

(4) The contracting unit has solicited and received at least three quotations on materials, supplies, or equipment for which a State contract has been issued pursuant to section 12 of P.L.1971, c.198 (C.40A:11-12), and the lowest responsible quotation is at least 10 percent less than the price the contracting unit would be charged for the identical materials, supplies, or equipment, in the same quantities, under the State contract. A contract entered into pursuant to this subsection may be awarded only upon adoption of a resolution by the affirmative vote of two-thirds of the full membership of the governing body of the contracting unit at a meeting thereof authorizing the contract. A copy of the purchase order relating to the contract, the requisition for purchase order, if applicable, and documentation identifying the price of the materials, supplies or equipment under the State contract and the State contract number shall be filed with the director within five working days of the award of the contract by the contracting unit. The director shall notify the contracting unit of receipt of the material and shall make the material available to the State Treasurer. The contracting unit shall make available to the director upon request any other documents relating to the solicitation and award of the contract, including, but not limited

to, quotations, requests for quotations, and resolutions. The director periodically shall review material submitted by contracting units to determine the impact of the contracts on local contracting and shall consult with the State Treasurer on the impact of the contracts on the State procurement process. The director may, after consultation with the State Treasurer, adopt rules in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to limit the use of this subsection, after considering the impact of contracts awarded under this subsection on State and local contracting, or after considering the extent to which the award of contracts pursuant to this subsection is consistent with and in furtherance of the purposes of the public contracting laws.

(5) Notwithstanding any provision of law, rule, or regulation to the contrary, the subject matter consists of the combined collection and marketing, or the cooperative combined collection and marketing of recycled material recovered through a recycling program, or any product intentionally produced or derived from solid waste received at a resource recovery facility or recovered through a resource recovery program including, but not limited to, refuse-derived fuel, compost materials, methane gas, and other similar products, provided that in lieu of engaging in public advertising for bids and the bidding therefor, the contracting unit shall, prior to commencing the procurement process, submit for approval to the Director of the Division of Local Government Services, a written detailed description of the process to be followed in securing the services. Within 30 days after receipt of the written description the director shall, if the director finds that the process provides for fair competition and integrity in the negotiation process, approve, in writing, the description submitted by the contracting unit. If the director finds that the process does not provide for fair competition and integrity in the negotiation process, the director shall advise the contracting unit of the deficiencies that must be remedied. If the director fails to respond in writing to the contracting unit within 30 days, the procurement process as described shall be deemed approved. As used in this section, "collection" means the physical removal of recyclable materials from curbside or any other location selected by the contracting unit.

(6) Notwithstanding any provision of law, rule, or regulation to the contrary, the contract is for the provision of electricity by a contracting unit engaged in the distribution of electricity for retail sale, for the provision of wholesale electricity by a municipal shared services energy authority as defined pursuant to section 3 of P.L.2015, c.129 (C.40A:66-3), or for the provision of administrative or dispatching services related to the transmission of electricity, provided that in lieu of engaging in public advertising for

bids and the bidding therefor, the contracting unit shall, prior to commencing the procurement process, submit for approval to the Director of the Division of Local Government Services, a written detailed description of the process to be followed in securing these services. The process shall be designed in a way that is appropriate to and commensurate with industry practices, and the integrity of the government contracting process. Within 30 days after receipt of the written description, the director shall, if the director finds that the process provides for fair competition and integrity in the negotiation process, approve, in writing, the description submitted by the contracting unit. If the director finds that the process does not provide for fair competition and integrity in the negotiation process, the director shall advise the contracting unit of the deficiencies that must be remedied. If the director fails to respond in writing to the contracting unit within 30 days, the procurement process, as submitted to the director pursuant to this section, shall be deemed approved.

175. Section 21 of P.L.1971, c.199 (C.40A:12-21) is amended to read as follows:

C.40A:12-21 Private sales to certain organizations upon nominal consideration.

21. When the governing body of any county or municipality shall determine that all or any part of a tract of land, with or without improvements, owned by the county or municipality, is not then needed for county or municipal purposes, as the case may be, said governing body, by resolution or ordinance, may authorize a private sale and conveyance of the same, or any part thereof without compliance with any other law governing disposal of lands by counties and municipalities, for a consideration, which may be nominal, and containing a limitation that such lands or buildings shall be used only for the purposes of such organization or association, and to render such services or to provide such facilities as may be agreed upon, and except as provided in subsection (n) of this section not for commercial business, trade or manufacture, and that, unless waived, released, modified, or subordinated pursuant to P.L.1943, c.33 (C.40:60-51.2), if said lands or buildings are not used in accordance with said limitation, title thereto shall revert to the county or municipality without any entry or reentry made thereon on behalf of such county or municipality, to

(a) A duly incorporated volunteer fire company or board of fire commissioners or first aid and emergency or volunteer ambulance or rescue squad association of a municipality within the county, in the case of a county, or of the municipality, in the case of a municipality, for the construction

thereon of a firehouse or fire school or a first aid and emergency or volunteer ambulance or rescue squad building or for the use of any existing building for any or all of said purposes and any such land or building sold to any duly incorporated volunteer fire company may be leased by such fire company to any volunteer firemen's association for the use thereof for fire school purposes for the benefit of the members of such association, or

(b) Any nationally chartered organization or association of veterans of any war, in which the United States has or shall have been engaged, by a conveyance for consideration, a part of which may be an agreement by the organization or association to render service or to provide facilities for the general public of the county or municipality, of a kind which the county or municipality may furnish to its citizens and to the general public, or

(c) A duly incorporated nonprofit hospital association for the construction or maintenance thereon of a general hospital, or

(d) Any veteran with paraplegia, that is to say, any officer, soldier, sailor, marine, nurse or other person, regularly enlisted or inducted, who was or shall have been in the active military or naval forces of the United States in any war in which the United States was engaged, including any member of the American Merchant Marine during World War II who is declared by the United States Department of Defense to be eligible for federal veterans' benefits, and who, at the time the veteran was commissioned, enlisted, inducted, appointed or mustered into such military or naval service, was a resident of and who continues to reside in this State, and who has paraplegia and permanent paralysis of both legs or the lower parts of the body resulting from injuries sustained through enemy action or accident while in such active military or naval service, for the construction of a home to domicile the veteran, or to any organization or association of veterans, for the construction of a home or homes to domicile veterans with paraplegia, with powers to convey said lands and premises to the veteran or veterans with paraplegia on whose behalf said organization or association shall acquire title to said land, or

(e) Any duly incorporated nonprofit association or any regional commission or authority composed of one or more municipalities or one or more counties for the construction or maintenance thereon of an animal shelter, or

(f) Any duly incorporated nonprofit historical society for the acquisition of publicly owned historic sites for their restoration, preservation, improvement, and utilization for the benefit of the general public, or

(g) Any duly incorporated nonprofit cemetery organization or association serving the residents of the municipality or county, or

(h) Any duly incorporated nonprofit organization for the principal purpose of the education or treatment of persons with developmental disabilities including cerebral palsy, or

(i) Any county or municipal sewerage authority serving the residents of the county or municipality, for the use thereof for sewerage authority purposes, or

(j) Any duly incorporated nonprofit organization for the purpose of building or rehabilitating residential property for resale. Any profits from the resale of the property shall be applied by the nonprofit organization to the costs of acquiring and rehabilitating other residential property in need of rehabilitation owned by the county or municipality, or

(k) Any duly incorporated nonprofit organization or association, other than a political, partisan, sectarian, denominational, or religious organization or association, which includes among its principal purposes the provision of educational, gardening, recreational, medical, or social services to the general public, including residents of the county or municipality, or

(l) Any duly incorporated urban renewal corporation organized pursuant to P.L.1991, c.431 (C.40A:20-1 et seq.) for the purpose of constructing housing for low or moderate income persons or families or persons with disabilities, or

(m) Any duly incorporated nonprofit hospice organization whose principal purpose is to provide hospice services to persons with terminal illnesses, or

(n) Any duly incorporated nonprofit organization or association for the cultivation and sale of fresh fruits and vegetables on a tract of land of less than five acres within a municipality, provided that the nonprofit organization or association is not controlled, directly or indirectly, by any agricultural, commercial, or other business. The nonprofit organization or association shall be authorized to sell fresh fruits and vegetables either on the land that was conveyed, off that land, or both, provided, that the sales are related and incidental to the non-profit purposes of the organization or association and the net proceeds received by the nonprofit organization or association are used to further the non-profit purposes of the organization or association.

Whenever a sale of property is proposed pursuant to subsection (k), for gardening, or subsection (n) of this section, the county or municipality shall comply with all notice requirements for an application for development under section 7.1 of P.L.1975, c.291 (C.40:55D-12).

176. Section 16 of P.L.1992, c.79 (C.40A:12A-16) is amended to read as follows:

C.40A:12A-16 Powers of municipality, county, housing authority.

16. a. In order to carry out the housing purposes of this act, a municipality, county, or housing authority may exercise the following powers, in addition to those set forth in section 22 of P.L.1992, c.79 (C.40A:12A-22):

(1) Plan, construct, own, and operate housing projects; maintain, reconstruct, improve, alter, or repair any housing project or any part thereof; and for these purposes, receive and accept from the State or federal government, or any other source, funds or other financial assistance;

(2) Lease or rent any dwelling house, accommodations, lands, buildings, structures or facilities embraced in any housing project; and pursuant to the provisions of this act, establish and revise the rents and charges therefor;

(3) Acquire property pursuant to subsection i. of section 22 of P.L.1992, c.79 (C.40A:12A-22);

(4) Acquire, by condemnation, any land or building which is necessary for the housing project, pursuant to the provisions of the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.);

(5) Issue bonds in accordance with the provisions of section 29 of P.L.1992, c.79 (C.40A:12A-29);

(6) Cooperate with any other municipality, private, county, State or federal entity to provide funds to the municipality or other governmental entity and to homeowners, tenant associations, nonprofit or private developers to acquire, construct, rehabilitate or operate publicly assisted housing, and to provide rent subsidies for persons of low and moderate income, including the elderly, pursuant to applicable State or federal programs;

(7) Encourage the use of demand side subsidy programs such as certificates and vouchers for low-income families and promote the use of project based certificates which provide subsidies for units in newly constructed and substantially rehabilitated structures, and of tenant based certificates which subsidize rent in existing units;

(8) Cooperate with any State or federal entity to secure mortgage assistance for any person of low or moderate income;

(9) Provide technical assistance and support to nonprofit organizations and private developers interested in constructing low and moderate income housing;

(10) If it owns and operates public housing units, provide to the tenants public safety services, including protection against substance use disorder,

and social services, including counseling and financial management, in cooperation with other agencies;

(11) Provide emergency shelters, transitional housing and supporting services to homeless families and individuals.

b. All housing projects, programs and actions undertaken pursuant to this act shall accord with the housing element of the master plan of the municipality within which undertaken, and with any fair share housing plan filed by the municipality with the Council on Affordable Housing, based upon the council's criteria and guidelines, pursuant to the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), whether or not the municipality has petitioned for substantive certification of the plan.

177. Section 6 of P.L.1980, c.86 (C.43:22-15) is amended to read as follows:

C.43:22-15 Grants-in-aid and other revenue from State utilized to pay employer's contributions; types of aid.

6. a. All State political subdivisions receiving financial aid, who provide Social Security coverage for their employees pursuant to the provisions of P.L.1951, c.253 (C.43:22-1 et seq.), and any amendments or supplements thereto, and the provisions of the statutes governing the several State-administered retirement systems as authorized by law, shall, in addition to other purposes, utilize all grants-in-aid and other revenue received from the State to pay the employer's share of Social Security contributions; provided, however, that this shall not apply to employees who are enrolled in the Teachers' Pension and Annuity Fund.

b. The grants-in-aid and other revenue referred to in subsection a. of this section specifically include, but are not limited to, general formula aid to local school districts (including general assistance programs for public schools, programs for persons with disabilities, the disadvantaged, teacher training, adult education, school nutrition, career development), aid for school and public libraries, aid for higher education, including county colleges, aid to counties and municipalities (for local highway systems, including county and municipal roads for purposes of construction, operation, and maintenance, aid for medical assistance, old age assistance, general assistance, disability assistance, dependent children assistance, medical assistance for persons who are elderly, persons who are blind, families of the working poor, child care, county psychiatric hospitals, community mental health services), aid to political subdivisions of the State (programs of economic opportunity, training, youth employment, model cities, housing and

urban renewal projects, continuing planning assistance, parental and child health services, other local health services, inland waterways, shore protection, and grade crossing elimination), and aid pertaining to tax collections, including a proportion of inheritance taxes, aid in lieu of railroad property taxes, net sales taxes, and reimbursement for senior citizens' tax deductions.

178. R.S.44:1-126 is amended to read as follows:

Appointment of officers and employees.

44:1-126. No person shall furnish a non-resident who is sick, elderly, injured, or who has a physical disability, with transportation at the cost of the municipality until the municipal welfare director has ascertained the legal residence of the person applying. Transportation furnished to a person shall be to the person's legal residence unless it shall appear that the person has some valid claim for support or some means of support in some other place to which the person shall ask to be sent.

179. R.S.44:4-81 is amended to read as follows:

Furnishing transportation to nonresidents.

44:4-81. No person shall furnish a nonresident who is sick, elderly, injured, or who has a physical disability, with transportation at the cost of the county until the director of welfare of the county has ascertained the legal residence of the person applying. Any transportation furnished to such person shall be to the person's legal residence unless it shall appear that the person has some valid claim for support or some means of support in some other place to which the person shall ask to be sent.

180. Section 9 of P.L.1997, c.331 (C.45:2D-9) is amended to read as follows:

C.45:2D-9 Construction of act.

9. a. Nothing in P.L.1997, c.331 (C.45:2D-1 et seq.) shall be construed to prevent a person from engaging in or offering services for alcohol use disorder and substance use disorder involving drugs, such as self-help, sponsorship through alcoholics and narcotics anonymous groups or other uncompensated counseling assistance for alcohol use disorder and substance use disorder involving drugs.

b. Nothing in P.L.1997, c.331 (C.45:2D-1 et seq.) shall be construed to apply to the activities and services of a designated employee or other agent of a private employer who has been designated to be involved in the evaluation or referral for counseling of employees of the private employer,

or an employee or other agent of a recognized academic institution, a federal, State, county, or local government institution, agency, or facility, or a school district, if the individual is performing these activities solely within the company or agency, as the case may be, or under the jurisdiction of that company or agency and if a license granted under P.L.1997, c.331 (C.45:2D-1 et seq.) is not a requirement for employment.

c. Nothing in P.L.1997, c.331 (C.45:2D-1 et seq.) shall be construed to apply to the activities and services of a rabbi, priest, minister, Christian Science practitioner or member of the clergy of any religious denomination or sect, when engaging in activities which are within the scope of the performance of the person's regular or specialized ministerial duties and for which no separate charge is made, or when these activities are performed, with or without charge, for or under the auspices or sponsorship, individually or in conjunction with others, of an established and legally cognizable church, denomination, or sect, and when the person rendering services remains accountable to the established authority thereof.

d. Nothing in P.L.1997, c.331 (C.45:2D-1 et seq.) shall be construed to apply to the activities and services of a student, intern or trainee in counseling for alcohol use disorder and substance use disorder involving drugs pursuing a course of study in counseling in a regionally accredited institution of higher education or training institution, if these activities are performed under supervision and constitute a part of the supervised course of study.

e. Nothing in P.L.1997, c.331 (C.45:2D-1 et seq.) shall be construed to prevent a person from doing work of an alcohol or drug counseling nature, or advertising those services, when acting within the scope of the person's profession or occupation and doing work consistent with the person's training, including physicians, clinical social workers, psychologists, nurses, or any other profession or occupation licensed by the State, or students within accredited programs of these professions, if the person does not hold himself or herself out to the public as possessing a license or certification issued pursuant to P.L.1997, c.331 (C.45:2D-1 et seq.).

181. Section 2 of P.L.1983, c.420 (C.45:3B-2) is amended to read as follows:

C.45:3B-2 Definitions.

2. As used in this act:

a. "Audiologist" means any individual who practices audiology and who represents himself or herself to the public by title or by description of services, under any title incorporating such terms as "audiology," "audiolo-

gist," "audiological," "audiologic," "hearing clinic," "hearing clinician," "hearing therapist," or any similar title or descriptions of services, provided that the individual has met the eligibility requirements contained in section 8 of P.L.1983, c.420 (C.45:3B-8) and has been duly licensed under this act.

b. "Committee" means the Audiology and Speech-Language Pathology Advisory Committee.

c. "Person" means any individual, corporation, partnership, trust, association or other organization, except that only individuals may be licensed under P.L.1983, c.420 (C.45:3B-1 et seq.).

d. "Practice of audiology" means the nonmedical and nonsurgical application of principles, methods, and procedures of measurement, testing, evaluation, consultation, counseling, instruction, and habilitation or rehabilitation related to hearing, its disorders, and related communication impairments for the purpose of nonmedical diagnosis, prevention, identification, amelioration, or modification of these disorders and conditions in individuals or groups of individuals with speech, language, or hearing disabilities, or to individuals or groups of individuals for whom these conditions must be ruled out.

e. "Practice of speech-language pathology" means the nonmedical and nonsurgical application of principles, methods, and procedures of measurement, prediction, nonmedical diagnosis, testing, counseling, consultation, habilitation, and rehabilitation and instruction related to the development and disorders of speech, voice, and language for the purpose of preventing, ameliorating, and modifying these disorders and conditions in individuals or groups of individuals with speech, language, or hearing disabilities, or to individuals or groups of individuals for whom these conditions must be ruled out.

f. "Speech-language pathologist" means an individual who practices speech-language pathology and who represents himself or herself to the public by title or by description of services under any title incorporating such terms as "speech-language pathology," "speech-language pathologist," "speech pathology," "speech pathologist," "speech correction," "speech correctionist," "speech therapy," "speech therapist," "speech clinic," "speech clinician," "logopedist," "communicologist," "language therapist," "communication disorders specialist," "communication therapist," or any similar titles of description of services, provided that the individual has met the eligibility requirements contained in section 8 of P.L.1983, c.420 (C.45:3B-8) and has been duly licensed under P.L.1983, c.420 (C.45:3B-1 et seq.).

182. Section 3 of P.L.1993, c.85 (C.45:9-37.53) is amended to read as follows:

C.45:9-37.53 Definitions.

3. As used in P.L.1993, c.85 (C.45:9-37.51 et seq.):

"Council" means the Occupational Therapy Advisory Council established pursuant to section 4 of P.L.1993, c.85 (C.45:9-37.54).

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

"Occupational therapist" means a person licensed to practice occupational therapy pursuant to the provisions of P.L.1993, c.85 (C.45:9-37.51 et seq.).

"Occupational therapy" means the evaluation, planning, and implementation of a program of purposeful activities to develop or maintain functional skills necessary to achieve the maximal physical or mental functioning, or both, of the individual in the person's daily occupational performance. The tasks of daily living may be threatened or impaired by physical injury or illness, developmental disability, sensorimotor disability, psychological and social disability, the aging process, poverty, or cultural deprivation. Occupational therapy utilizes task oriented activities adapted to prevent or correct physical or emotional disabilities as well as to minimize the disabling effects of those disabilities on the life of the individual. Occupational therapy services include the use of specific techniques which enhance functional performance and include, but are not limited to, the evaluation and assessment of an individual's self-care, lifestyle performance patterns, work skills, performance related cognitive, sensory, motor, perceptual, affective, interpersonal and social functioning, vocational, and prevocational capacities, the design, fabrication, and application of adaptive equipment or prosthetic or orthotic devices, excluding dental devices, the administration of standardized and nonstandardized assessments, and consultation concerning the adaptation of physical environments for persons with disabilities. These services are provided to individuals or groups through medical, health, educational and social systems.

"Occupational therapy assistant" means a person licensed pursuant to the provisions of this act to assist in the practice of occupational therapy under the supervision of or in collaboration with an occupational therapist on a regularly scheduled basis for the purpose of the planning, review, or evaluation of occupational therapy services.

"Purposeful activities" means acts and occupations of craftsmanship and workmanship, as well as creative, educational, or other activities, which in whole or in part are used to correct, compensate for, or prevent

dysfunction in the tasks and activities of everyday living, and which simultaneously incorporate personally and culturally relevant biological, psychological, and social elements that produce positive adaptation and motivational behavior.

"Supervision" means the responsible and direct involvement of a licensed occupational therapist with an occupational therapy assistant for the development of an occupational therapy treatment plan and the periodic review of the implementation of that plan. The form and extent of the supervision shall be determined by the council.

"Task oriented activities" means purposeful activities having an explicit, observable, and measurable short-term goal which contributes to the well-being of self or others.

183. Section 7 of P.L.1966, c.282 (C.45:14B-7) is amended to read as follows:

C.45:14B-7 Exceptions not available to certain persons.

7. The exceptions specified in subsections (d), (e) and (f) of section 6 of P.L.1966, c.282 (C.45:14B-6) shall not be available to any person who has been found by a court of this or any other state of the United States to have been guilty of and who fails to present satisfactory evidence of recovery from or correction of gross immorality, alcohol use disorder or substance use disorder involving drugs, criminality involving felonious action or moral turpitude, or dishonorable or unprofessional conduct. An action to determine whether any person asserting an exemption under subsection (d), (e) or (f) of section 6 of P.L.1966, c.282 (C.45:14B-6) has committed one or more of the acts listed in this section may be brought by the Attorney General on behalf of the board.

184. R.S.48:3-33 is amended to read as follows:

Service dogs permitted on bus, public utility.

48:3-33. Any person who is blind or deaf-blind, accompanied by a dog, known and described as a "seeing-eye dog," any person who is deaf or hard of hearing, accompanied by a dog, known and described as a "hearing ear dog," any person with a disability, accompanied by a dog, known and described as a "service dog," or any person who is blind or deaf-blind, deaf or hard of hearing, or with a disability accompanied by a service dog trained by a recognized training agency or school, when riding on any bus or other public utility, as defined in R.S.48:2-13, engaged in transportation of passengers, may keep such animal in his or her immediate custody. The Board

of Public Utilities shall prescribe rules and regulations concerning such custody.

185. R.S.48:3-34 is amended to read as follows:

Transportation as one fare.

48:3-34. Any person who is totally blind and that person's attendant may be transported by any form of public transit or transportation at the usual and ordinary fare charged to one person, under such reasonable regulations as may be established by the carrier, anything in this Title to the contrary notwithstanding.

186. Section 1 of P.L.1985, c.356 (C.48:5A-11.1) is amended to read as follows:

C.48:5A-11.1 Public purpose.

1. It is declared that many persons who are elderly or who have a disability reside in the State whose annual net income from all sources is less than the amount necessary to enable them to maintain decent living conditions and whose income is fixed in whole or in part so as to be not adjusted to increases in the cost of living; that the provision of the service of public utilities, and cable television, at rates reduced or discounted from inflationary levels is a necessity of life for these persons because cable television is a principal source of recreation and entertainment for persons who are elderly or have an infirmity; that a public exigency exists which makes the provision of reduced or discounted rate services to qualified persons who are elderly or who have a disability by cable television companies a public necessity; and that the provision of reduced rates will promote their health and welfare, thereby prolonging their productivity in the interest of the State and nation, and therefore constitutes and is declared to be a public purpose necessary for the preservation of the public convenience.

187. Section 1 of P.L.2007, c.146 (C.52:17B-9.8d) is amended to read as follows:

C.52:17B-9.8d Establishment of guidelines for missing persons cases involving Alzheimer's Disease or juveniles.

1. a. Within 180 days of the effective date of P.L.2007, c.146 (C.52:17B-9.8d), the Missing Persons and Child Exploitation Unit established in the Division of State Police within the Department of Law and Public Safety pursuant to section 2 of P.L.1983, c.467 (C.52:17B-9.7) shall

establish minimum uniform guidelines concerning the handling of missing persons cases involving:

(1) persons known to have Alzheimer's disease, and

(2) juveniles, as defined in section 3 of P.L.1982, c.77 (C.2A:4A-22).

b. The Missing Persons and Child Exploitation Unit shall consult with Alzheimer's support and child welfare groups in developing these guidelines.

c. All State or local law enforcement entities shall adhere to the guidelines established pursuant to this section.

188. Section 1 of P.L.2009, c.167 (C.52:17B-194.4) is amended to read as follows:

C.52:17B-194.4 "Silver Alert System" established.

1. a. The Attorney General shall establish a "Silver Alert System" which shall provide a Statewide system for the rapid dissemination of information regarding a missing person who is believed to have dementia or other cognitive impairment. The program shall be a voluntary, cooperative effort between State and local law enforcement agencies and the media, including but not limited to print, radio, and television media outlets.

b. (1) The Attorney General shall notify the media serving the State of New Jersey of the establishment of the Silver Alert System, and invite their voluntary participation.

(2) The Attorney General, in consultation with the Division of State Police, shall develop and establish a plan to disseminate Silver Alert information through social media accounts maintained by the Division of State Police. The Silver Alert information required to be disseminated shall include, but not be limited to, a description of the missing person, any known details of the disappearance, and a recognizable photograph of the missing person. The Office of the Governor, the Department of Children and Families, the Department of Health, and the Department of Human Services shall, and any other appropriate State, county, or municipal entity may, disseminate Silver Alert information made available by the Division of State Police on their respective social media accounts.

c. The Missing Persons Investigative Best Practices Protocol Unidentified Deceased Persons Investigative Guidelines, promulgated by the Missing Persons and Child Exploitation Unit in the Division of State Police, shall be revised to incorporate procedures for issuing an alert regarding missing persons believed to have dementia or other cognitive impairment.

The guidelines and procedures shall ensure that specific health information about the missing person is not made public through the alert or otherwise.

189. Section 2 of P.L.2009, c.167 (C.52:17B-194.5) is amended to read as follows:

C.52:17B-194.5 Activation of Silver Alert; requirements.

2. A Silver Alert authorized under this section may be activated in accordance with the following requirements, which shall be incorporated into the guidelines required by subsection c. of section 1 of P.L.2009, c.167 (C.52:17B-194.4).

a. The law enforcement agency receiving the missing persons report shall be the lead law enforcement agency.

b. The Missing Persons and Child Exploitation Unit in the Division of State Police, upon request, shall assist the lead law enforcement agency in the investigation of a Silver Alert.

c. Each of the following criteria shall be met before a Silver Alert may be issued:

(1) the person believed to be missing is believed to have dementia or another cognitive impairment regardless of age;

(2) a missing person's report has been submitted to the local law enforcement agency where the person went missing;

(3) the person believed to be missing may be in danger of death or serious bodily injury;

(4) there is sufficient information available to indicate that a Silver Alert would assist in locating the missing person; and

(5) sufficient information is available to disseminate to the public that could assist in locating the person.

190. Section 3 of P.L.1979, c.125 (C.52:27D-43.20) is amended to read as follows:

C.52:27D-43.20 Displaced homemaker programs, duties of division.

3. The Division on Women in the Department of Children and Families shall identify existing displaced homemaker programs and provide technical assistance and encouragement for the expansion of other multipurpose programs which provide:

a. Job counseling services which are specifically designed for displaced homemakers, and which aid them in acquiring knowledge of their talents and skills in relation to existing jobs, and which counsel displaced homemakers with respect to appropriate job opportunities.

b. Job training and job placement services which develop, by working with State and local government agencies and private employers, training and placement programs for jobs in the public and private sectors, which assist participants in gaining admission to existing public and private job training programs and opportunities, and which identify community needs and encourage the creation of new jobs in the public and private sectors.

c. Health education and counseling services which cooperate with existing health programs to provide counseling on preventive health care, health care consumer education, family health care and nutrition, alcohol use disorder and substance use disorder involving drugs, and overcoming health barriers to employment.

d. Financial management services which provide information and assistance with respect to credit, insurance, taxes, estate and probate problems, mortgages, loans, and other related financial matters.

e. Educational services, including outreach and information about courses offering credit through secondary or post-secondary education programs, and including bilingual programs where appropriate, as well as information about other programs which are determined to be of interest and benefit to displaced homemakers in developing employable skills.

f. Legal counseling and referral services.

g. Outreach and information services with respect to federal and State employment, education, health, public assistance, and unemployment assistance programs.

191. Section 5 of P.L.1975, c.217 (C.52:27D-123) is amended to read as follows:

C.52:27D-123 State Uniform Construction Code; adoption.

5. a. The commissioner shall after public hearing pursuant to section 4 of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-4) adopt a State Uniform Construction Code for the purpose of regulating the structural design, construction, maintenance, and use of buildings or structures to be erected and alteration, renovation, rehabilitation, repair, maintenance, removal, or demolition of buildings or structures already erected. Prior to the adoption of said code, the commissioner shall consult with the code advisory board and other departments, divisions, bureaus, boards, councils, or other agencies of State Government heretofore authorized to establish or administer construction regulations.

Such prior consultations with departments, divisions, bureaus, boards, councils, or other agencies of State Government shall include but not be

limited to consultation with the Commissioner of Health and the Public Health Council prior to adoption of a plumbing subcode pursuant to paragraph b. of this section. Said code shall include any code, rule, or regulation incorporated therein by reference.

b. The code shall be divided into subcodes which may be adopted individually by the commissioner as the commissioner may from time to time consider appropriate. These subcodes shall include but not be limited to a building code, a plumbing code, an electrical code, an energy code, a fire prevention code, a manufactured or mobile home code, and a mechanical code.

These subcodes, except for the energy subcode, shall be adoptions of the model codes of the Building Officials and Code Administrators International, Inc., the National Electrical Code, and the National Standard Plumbing Code, provided that for good reasons, the commissioner may adopt as a subcode, a model code or standard of some other nationally recognized organization upon a finding that such model code or standard promotes the purposes of P.L.1975, c.217 (C.52:27D-119 et seq.). The initial adoption of a model code or standard as a subcode shall constitute adoption of subsequent edition year publications of the model code or standard of such other nationally recognized organization, except as provided for in paragraphs (1) through (4) of this subsection. Adoption of publications shall not occur more frequently than once every three years; provided, however, that a revision or amendment may be adopted at any time in the event that the commissioner finds that there exists an imminent peril to the public health, safety, or welfare.

The energy subcode shall be based upon the model codes cited under this subsection or the International Energy Conservation Code. It may be amended or supplemented by the commissioner once before 2012 without regard to intervals between the adoption of the energy subcode in effect on the effective date of P.L.2009, c.106 (C.52:27D-122.2 et al.) and subsequent year revisions of that subcode. In amending or supplementing the energy subcode, the commissioner shall rely upon 10-year energy price projections provided by an institution of higher education within one year following the effective date of P.L.2009, c.106 (C.52:27D-122.2 et al.), and thereafter at three-year intervals. In developing the energy price projections, the institution of higher education shall consult with the Board of Public Utilities. The commissioner shall be authorized to amend the energy subcode to establish enhanced energy conservation construction requirements, the added cost of each of which may reasonably be recovered through energy conservation over a period of not more than seven years. Such requirements shall include provisions to ensure that, in all parts of the

State the anticipated energy savings shall be similarly proportionate to the additional costs of energy subcode compliance.

(1) Except as otherwise provided in this subsection, the edition of a model code or standard in effect as a subcode as of July 1, 1995 shall continue in effect regardless of any publication of a subsequent edition of that model code or standard. Prior to establishing the effective date for any subsequent revision or amendment of any model code or standard adopted as a subcode, the commissioner shall review, in consultation with the code advisory board, the text of the revised or amended model code or standard and determine whether the amended or revised provisions of the model code are essential to carry out the intent and purpose of P.L.1975, c.217 (C.52:27D-119 et seq.) as viewed in contrast to the corresponding provisions of the subcode then currently in effect.

(2) In the event that the commissioner, pursuant to paragraph (1) of this subsection, determines that any amended or revised provision of a model code is essential to carry out the intent and purpose of this act as viewed in contrast to any corresponding provision of the subcode then currently in effect, the commissioner may then adopt that provision of the amended or revised model code.

(3) The commissioner, in consultation with the code advisory board, shall have the authority to review any model code or standard currently in effect as a subcode of the State Uniform Construction Code and compare it with previously adopted editions of the same model code or standard in order to determine if the subcode currently in effect is at least as consistent with the intent and purpose of this act as were previously adopted editions of the same model code or standard.

(4) In the event that the commissioner, after consultation with the code advisory board, determines pursuant to this subsection that a provision of a model code or standard currently in effect as a subcode of the State Uniform Construction Code is less consistent with the intent and purpose of P.L.1975, c.217 (C.52:27D-119 et seq.) than was the corresponding provision of a previously adopted edition of the same model code or standard, the commissioner may delete the provision in effect and substitute in its place the corresponding provision of the previously adopted edition of the same model code or standard determined to be more consistent with the intent and purpose of P.L.1975, c.217 (C.52:27D-119 et seq.).

(5) The commissioner shall be authorized to adopt a barrier free subcode or to supplement or revise any model code adopted hereunder, for the purpose of insuring that adequate and sufficient features are available in buildings or structures so as to make them accessible to and usable by per-

sons with physical disabilities. Multi-family residential buildings with four or more dwelling units in a single structure shall be constructed in accordance with the barrier free subcode; for the purposes of this subsection the term "multi-family residential buildings with four or more dwelling units in a single structure" shall not include buildings constructed as townhouses, which are single dwelling units with two or more stories of living space, exclusive of basement or attic, with most or all of the sleeping areas on one story and with most of the remaining habitable space, such as kitchen, living, and dining areas, on another story, and with an independent entrance at or near grade level.

c. Any municipality through its construction official, and any State agency or political subdivision of the State, may submit an application recommending to the commissioner that a State sponsored code change proposal be adopted. Such application shall contain such technical justification and shall be submitted in accordance with such rules of procedure as the commissioner may deem appropriate, except that whenever the State Board of Education shall determine that enhancements to the code are essential to the maintenance of a thorough and efficient system of education, the enhancements shall be made part of the code; provided that the amendments do not result in standards that fall below the adopted subcodes. The Commissioner of Education shall consult with the Commissioner of Community Affairs prior to publishing the intent of the State Board to adopt any amendments to the Uniform Construction Code. Upon adoption of any amendments by the State Board of Education they shall be transmitted forthwith to the Commissioner of Community Affairs who shall publish and incorporate the amendments as part of the Uniform Construction Code and the amendments shall be enforceable as if they had been adopted by the commissioner.

At least 45 days prior to the final date for the submission of amendments or code change proposals to the National Model Code Adoption Agency, the code of which has been adopted as a subcode under P.L.1975, c.217 (C.52:27D-119 et seq.), the commissioner shall hold a public hearing in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), at which testimony on any application recommending a State sponsored code change proposal will be heard.

The commissioner shall maintain a file of such applications, which shall be made available to the public upon request and upon payment of a fee to cover the cost of copying and mailing.

After public hearing, the code advisory board shall review any such applications and testimony and shall within 20 days of such hearing present its own recommendations to the commissioner.

The commissioner may adopt, reject, or return such recommendations to the code advisory board for further deliberation. If adopted, any such proposal shall be presented to the subsequent meeting of the National Model Code Agency by the commissioner or by persons designated by the commissioner as a State sponsored code change proposal. Nothing herein, however, shall limit the right of any municipality, the department, or any other person from presenting amendments to the National Model Code Agency on its own initiative.

The commissioner may adopt further rules and regulations pursuant to this subsection and may modify the procedures herein described when a model code change hearing has been scheduled so as not to permit adequate time to meet such procedures.

d. (Deleted by amendment, P.L.1983, c.496.)

192. Section 7 of P.L.1975, c.217 (C.52:27D-125) is amended to read as follows:

C.52:27D-125 Code advisory board.

7. a. To assist and advise the commissioner in the administration of P.L.1975, c.217 (C.52:27D-119 et seq.) there is hereby created in the Department of Community Affairs a code advisory board to consist of 15 citizens to be appointed by the commissioner for a term of 4 years. The board shall consist of: one architect registered in the State of New Jersey; two professional engineers licensed by the State of New Jersey, one of whom shall be a mechanical engineer and one of whom shall be a structural engineer; one municipal building official; one member of the building industry in the State; one public health official in the State; one licensed plumbing inspector in the State; one licensed electrical inspector in the State; one fire prevention inspector in the State; and six members of the public, two of whom shall be experienced in representing consumers and one of whom shall be a representative of persons with disabilities who shall serve as chair of the subcode committee on persons with disabilities. The initial appointment of the representative of persons with disabilities shall be used to fill the first vacancy among the public members of the code advisory board occurring on or after the effective date of P.L.1981, c.35. Of the 13 members first appointed the commissioner shall designate the appointees' terms so that three shall be appointed for terms of 1 year, three for terms of two

years, three for terms of three years and four for terms of four years, and that the two additional members first appointed by the commissioner pursuant to P.L.1976, c.117 shall be appointed for two years and three years respectively with such terms to be computed from February 4, 1976. Thereafter, members of the code advisory board shall be appointed for terms of four years.

b. Code advisory board members shall serve without compensation but shall be entitled to reimbursement for expenses incurred in performance of their duties. Vacancies on the advisory board shall be filled for the unexpired term. Members may be removed by the commissioner for cause.

c. The code advisory board shall appoint a committee for each subcode and, should a subcode therefor not be adopted, for supplements to or revisions of the barrier free design provisions of any model code adopted pursuant to section 5 of P.L.1975, c.217 (C.52:27D-123). Each such committee shall consist of one member of the code advisory board, who shall be chair, and at least four citizens who are experienced and knowledgeable in matters related to the particular subcode. Each committee shall advise and assist the code advisory board in the performance of its responsibilities under P.L.1975, c.217 (C.52:27D-119 et seq.) for the subcode in question. Committee members shall serve without compensation and at the pleasure of the code advisory board.

193. Section 1 of P.L.1989, c.223 (C.52:27D-126e) is amended to read as follows:

C.52:27D-126e Waiving of construction permit, enforcing agency fees for certain construction projects to benefit persons with disabilities.

1. a. Notwithstanding the provisions of the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), or any rules, regulations, or standards adopted pursuant thereto to the contrary, the governing body of any municipality which has appointed an enforcing agency pursuant to the provisions of section 8 of P.L.1975, c.217 (C.52:27D-126) may, by ordinance, provide that no person shall be charged a construction permit surcharge fee or enforcing agency fee for any construction, reconstruction, alteration or improvement designed and undertaken solely to promote accessibility by persons with disabilities to an existing public or private structure or any of the facilities contained therein.

The ordinance may further provide that a person with a disability, or a parent or sibling of a person with a disability, shall not be required to pay any municipal fee or charge in order to secure a construction permit for any

construction, reconstruction, alteration or improvement which promotes accessibility to the person's own living unit.

For the purposes of this subsection, " person with a disability" means a person who has the total and permanent inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental disability, including blindness, and shall include, but not be limited to, any resident of this State who has a disability as defined pursuant to the federal Social Security Act (42 U.S.C. s.416), or the federal Railroad Retirement Act of 1974 (45 U.S.C. s.231 et seq.), or is rated as having a 60 percent disability or higher pursuant to any federal law administered by the United States Veterans' Administration. For purposes of this paragraph "blindness" means central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered as having a central visual acuity of 20/200 or less.

b. (1) Notwithstanding the provisions of the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) or any rules, regulations or standards adopted pursuant thereto to the contrary, the governing body of any municipality which has appointed an enforcing agency pursuant to the provisions of section 8 of P.L.1975, c.217 (C.52:27D-126) shall not charge a person who has a service-connected disability declared by the United States Department of Veterans Affairs, or its successor, to be a total or 100 percent permanent disability that would entitle them to a property tax exemption under section 1 of P.L.1948, c.259 (C.54:4-3.30) or a spouse, parent, sibling, or guardian of the veteran with a disability, a construction permit surcharge fee or enforcing agency fee for any construction, reconstruction, alteration, or improvement designed and undertaken solely to promote accessibility by the veteran with a disability to the veteran's own living unit.

(2) A municipality that has granted an exemption from a construction permit surcharge fee or enforcing agency fee pursuant to paragraph (1) of this subsection may apply to the Department of Community Affairs, in accordance with rules and regulations promulgated by the Commissioner of Community Affairs for this purpose, for reimbursement of those exempt fees.

194. Section 2 of P.L.1977, c.379 (C.52:27D-171) is amended to read as follows:

C.52:27D-171 Public policy.

2. It is hereby declared to be public policy of the State of New Jersey to encourage and support as hereinafter provided the promotion, planning, development, implementation, and maintenance of comprehensive recreation services, by municipalities, counties and nonprofit agencies for persons with disabilities.

195. Section 3 of P.L.1977, c.379 (C.52:27D-172) is amended to read as follows:

C.52:27D-172 Definitions.

3. For the purposes of this act, P.L.1977, c.379 (C.52:27D-170 et seq.):

a. "Commissioner" means the Commissioner of Community Affairs.

b. " Persons with disabilities" means persons who have intellectual disabilities or who have a visual impairment, an auditory impairment, a communication impairment, a neurological or perceptual impairment, an orthopedic impairment, a chronic illness, an emotional disturbance, a social impairment, multiple disabilities, or a developmental disability.

196. Section 4 of P.L.1977, c.379 (C.52:27D-173) is amended to read as follows:

C.52:27D-173 Comprehensive program; development; rules and regulations.

4. The commissioner shall, after consultation with experts in the area of recreation, develop a comprehensive program for furnishing recreation for persons with disabilities, and shall promulgate rules and regulations for the administration of this program pursuant to the Administrative Procedure Act, P.L.1968, c. 410 (C.52:14B-1 et seq.).

197. Section 5 of P.L.1977, c.379 (C.52:27D-174) is amended to read as follows:

C.52:27D-174 Application by municipality or county, payment upon approval.

5. a. Any municipality or county planning to provide or to contract with private nonprofit agencies for the provision of recreation services for persons with disabilities under P.L.1977, c.379 (C.52:27D-170 et seq.), shall apply to the commissioner for approval. Such application shall be in accordance with rules and regulations promulgated by the commissioner herewith.

b. Upon approval of said application by the commissioner, there shall be apportioned and paid annually to each municipality or county a sum not to exceed $5.00 for each $1.00 appropriated by said municipality or county

for implementation of the provisions of P.L.1977, c.379 (C.52:27D-170 et seq.).

198. Section 6 of P.L.1977, c.379 (C.52:27D-175) is amended to read as follows:

C.52:27D-175 Special events for participation by people with disabilities.

6. a. The commissioner shall prepare a list of special events deemed appropriate for participation by persons with disabilities, such as the Special Olympics and the Tournament of Champions, and shall make this list available to municipalities and counties. Municipalities or counties wishing to operate or participate in a special event listed by the commissioner shall apply to the commissioner for funds for such special events. Such application shall be in accordance with rules and regulations promulgated by the commissioner herewith.

b. Upon the approval of such application for special events, there may be apportioned and paid to municipalities and counties sums sufficient to provide training, transportation, and supervision for persons with disabilities participating in special recreation events. In no case shall the annual amount appropriated to any one approved municipality exceed $1,000 or to any one approved county exceed $2,500.

c. No more than a total of $25,000 of the funds appropriated for P.L.1977, c.379 (C.52:27D-170 et seq.) shall be apportioned to support such special recreational events in any one year.

199. Section 4 of P.L.1985, c.222 (C.52:27D-304) is amended to read as follows:

C.52:27D-304 Definitions.

4. As used in P.L.1985, c.222 (C.52:27D-301 et al.):

a. "Council" means the Council on Affordable Housing established in P.L.1985, c.222 (C.52:27D-301 et al.), which shall have primary jurisdiction for the administration of housing obligations in accordance with sound regional planning considerations in this State.

b. "Housing region" means a geographic area of not less than two nor more than four contiguous, whole counties which exhibit significant social, economic and income similarities, and which constitute to the greatest extent practicable the primary metropolitan statistical areas as last defined by the United States Census Bureau prior to the effective date of P.L.1985, c.222 (C.52:27D-301 et al.).

c. "Low income housing" means housing affordable according to federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 50 percent or less of the median gross household income for households of the same size within the housing region in which the housing is located.

d. "Moderate income housing" means housing affordable according to federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to more than 50% but less than 80 percent of the median gross household income for households of the same size within the housing region in which the housing is located.

e. "Resolution of participation" means a resolution adopted by a municipality in which the municipality chooses to prepare a fair share plan and housing element in accordance with P.L.1985, c.222 (C.52:27D-301 et al.).

f. "Inclusionary development" means a residential housing development in which a substantial percentage of the housing units are provided for a reasonable income range of low and moderate income households.

g. "Conversion" means the conversion of existing commercial, industrial, or residential structures for low and moderate income housing purposes where a substantial percentage of the housing units are provided for a reasonable income range of low and moderate income households.

h. "Development" means any development for which permission may be required pursuant to the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).

i. "Agency" means the New Jersey Housing and Mortgage Finance Agency established by P.L.1983, c.530 (C.55:14K-1 et seq.).

j. "Prospective need" means a projection of housing needs based on development and growth which is reasonably likely to occur in a region or a municipality, as the case may be, as a result of actual determination of public and private entities. In determining prospective need, consideration shall be given to approvals of development applications, real property transfers, and economic projections prepared by the State Planning Commission established by sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.).

k. " Person with a disability" means a person with a physical disability, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, aging, or illness including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of pa-

ralysis, amputation, lack of physical coordination, blindness or visual impairment, deafness or hearing impairment, the inability to speak or a speech impairment, or physical reliance on a service animal, wheelchair, or other remedial appliance or device.

l. "Adaptable" means constructed in compliance with the technical design standards of the barrier free subcode adopted by the Commissioner of Community Affairs pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and in accordance with the provisions of section 5 of P.L.2005, c.350 (C.52:27D-123.15).

m. "Very low income housing" means housing affordable according to federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 30 percent or less of the median gross household income for households of the same size within the housing region in which the housing is located.

200. Section 20 of P.L.1985, c.222 (C.52:27D-320) is amended to read as follows:

C.52:27D-320 "New Jersey Affordable Housing Trust Fund."

20. There is established in the Department of Community Affairs a separate trust fund, to be used for the exclusive purposes as provided in this section, and which shall be known as the "New Jersey Affordable Housing Trust Fund." The fund shall be a non-lapsing, revolving trust fund, and all monies deposited or received for purposes of the fund shall be accounted for separately, by source and amount, and remain in the fund until appropriated for such purposes. The fund shall be the repository of all State funds appropriated for affordable housing purposes, including, but not limited to, the proceeds from the receipts of the additional fee collected pursuant to paragraph (2) of subsection a. of section 3 of P.L.1968, c.49 (C.46:15-7), proceeds from available receipts of the Statewide non-residential development fees collected pursuant to section 35 of P.L.2008, c.46 (C.40:55D-8.4), monies lapsing or reverting from municipal development trust funds, or other monies as may be dedicated, earmarked, or appropriated by the Legislature for the purposes of the fund. All references in any law, order, rule, regulation, contract, loan, document, or otherwise, to the "Neighborhood Preservation Nonlapsing Revolving Fund" shall mean the "New Jersey Affordable Housing Trust Fund." The department shall be permitted to utilize annually up to 7.5 percent of the monies available in the fund for the payment of any necessary administrative costs related to the administration

of the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), or any costs related to administration of P.L.2008, c.46 (C.52:27D-329.1 et al.).

a. Except as permitted pursuant to subsection g. of this section, and by section 41 of P.L.2009, c.90 (C.52:27D-320.1), the commissioner shall award grants or loans from this fund for housing projects and programs in municipalities whose housing elements have received substantive certification from the council, in municipalities receiving State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.), in municipalities subject to a builder's remedy as defined in section 28 of P.L.1985, c.222 (C.52:27D-328), or in receiving municipalities in cases where the council has approved a regional contribution agreement and a project plan developed by the receiving municipality.

Of those monies deposited into the "New Jersey Affordable Housing Trust Fund" that are derived from municipal development fee trust funds, or from available collections of Statewide non-residential development fees, a priority for funding shall be established for projects in municipalities that have petitioned the council for substantive certification.

Programs and projects in any municipality shall be funded only after receipt by the commissioner of a written statement in support of the program or project from the municipal governing body.

b. The commissioner shall establish rules and regulations governing the qualifications of applicants, the application procedures, and the criteria for awarding grants and loans and the standards for establishing the amount, terms, and conditions of each grant or loan.

c. For any period which the council may approve, the commissioner may assist affordable housing programs which are not located in municipalities whose housing elements have been granted substantive certification or which are not in furtherance of a regional contribution agreement; provided that the affordable housing program will meet all or part of a municipal low and moderate income housing obligation.

d. Amounts deposited in the "New Jersey Affordable Housing Trust Fund" shall be targeted to regions based on the region's percentage of the State's low and moderate income housing need as determined by the council. Amounts in the fund shall be applied for the following purposes in designated neighborhoods:

(1) Rehabilitation of substandard housing units occupied or to be occupied by low and moderate income households;

(2) Creation of accessory apartments to be occupied by low and moderate income households;

(3) Conversion of non-residential space to residential purposes; provided a substantial percentage of the resulting housing units are to be occupied by low and moderate income households;

(4) Acquisition of real property, demolition and removal of buildings, or construction of new housing that will be occupied by low and moderate income households, or any combination thereof;

(5) Grants of assistance to eligible municipalities for costs of necessary studies, surveys, plans, and permits; engineering, architectural, and other technical services; costs of land acquisition and any buildings thereon; and costs of site preparation, demolition, and infrastructure development for projects undertaken pursuant to an approved regional contribution agreement;

(6) Assistance to a local housing authority, nonprofit or limited dividend housing corporation, or association or a qualified entity acting as a receiver under P.L.2003, c.295 (C.2A:42-114 et al.) for rehabilitation or restoration of housing units which it administers which: (a) are unusable or in a serious state of disrepair; (b) can be restored in an economically feasible and sound manner; and (c) can be retained in a safe, decent, and sanitary manner, upon completion of rehabilitation or restoration; and

(7) Other housing programs for low and moderate income housing, including, without limitation, (a) infrastructure projects directly facilitating the construction of low and moderate income housing not to exceed a reasonable percentage of the construction costs of the low and moderate income housing to be provided and (b) alteration of dwelling units occupied or to be occupied by households of low or moderate income and the common areas of the premises in which they are located in order to make them accessible to persons with disabilities.

e. Any grant or loan agreement entered into pursuant to this section shall incorporate contractual guarantees and procedures by which the division will ensure that any unit of housing provided for low and moderate income households shall continue to be occupied by low and moderate income households for at least 20 years following the award of the loan or grant, except that the division may approve a guarantee for a period of less than 20 years where necessary to ensure project feasibility.

f. Notwithstanding the provisions of any other law, rule, or regulation to the contrary, in making grants or loans under this section, the department shall not require that tenants be certified as low or moderate income or that contractual guarantees or deed restrictions be in place to ensure continued low and moderate income occupancy as a condition of providing housing assistance from any program administered by the department, when that

assistance is provided for a project of moderate rehabilitation if the project: (1) contains 30 or fewer rental units; and (2) is located in a census tract in which the median household income is 60 percent or less of the median income for the housing region in which the census tract is located, as determined for a three person household by the council in accordance with the latest federal decennial census. A list of eligible census tracts shall be maintained by the department and shall be adjusted upon publication of median income figures by census tract after each federal decennial census.

g. In addition to other grants or loans awarded pursuant to this section, and without regard to any limitations on such grants or loans for any other purposes herein imposed, the commissioner shall annually allocate such amounts as may be necessary in the commissioner's discretion, and in accordance with section 3 of P.L.2004, c.140 (C.52:27D-287.3), to fund rental assistance grants under the program created pursuant to P.L.2004, c.140 (C.52:27D-287.1 et al.). Such rental assistance grants shall be deemed necessary and authorized pursuant to P.L.1985, c.222 (C.52:27D-301 et al.), in order to meet the housing needs of certain low income households who may not be eligible to occupy other housing produced pursuant to P.L.1985, c.222 (C.52:27D-301 et al.).

h. The department and the State Treasurer shall submit the "New Jersey Affordable Housing Trust Fund" for an audit annually by the State Auditor or State Comptroller, at the discretion of the Treasurer. In addition, the department shall prepare an annual report for each fiscal year, and submit it by November 30th of each year to the Governor and the Legislature, and the Joint Committee on Housing Affordability, or its successor, and post the information to its web site, of all activity of the fund, including details of the grants and loans by number of units, number and income ranges of recipients of grants or loans, location of the housing renovated or constructed using monies from the fund, the number of units upon which affordability controls were placed, and the length of those controls. The report also shall include details pertaining to those monies allocated from the fund for use by the State rental assistance program pursuant to section 3 of P.L.2004, c.140 (C.52:27D-287.3) and subsection g. of this section.

i. The commissioner may award or grant the amount of any appropriation deposited in the "New Jersey Affordable Housing Trust Fund" pursuant to section 41 of P.L.2009, c.90 (C.52:27D-320.1) to municipalities pursuant to the provisions of section 39 of P.L.2009, c.90 (C.40:55D-8.8).

201. Section 2 of P.L.1977, c.239 (C.52:27G-2) is amended to read as follows:

C.52:27G-2 Definitions.

2. As used in this act, unless the context clearly indicates otherwise:

a. "Abuse" means the willful infliction of physical pain, injury, or mental anguish; unreasonable confinement; or the willful deprivation of services which are necessary to maintain a person's physical and mental health. However, no person shall be deemed to be abused for the sole reason he is being furnished nonmedical remedial treatment by spiritual means through prayer alone, in accordance with a recognized religious method of healing, in lieu of medical treatment;

b. An "act" of any facility or government agency shall be deemed to include any failure or refusal to act by such facility or government agency;

c. "Administrator" means any person who is charged with the general administration or supervision of a facility, whether or not such person has an ownership interest in such facility, and whether or not such person's functions and duties are shared with one or more other persons;

d. "Caretaker" means a person employed by a facility to provide care or services to an elderly person, and includes, but is not limited to, the administrator of a facility;

e. "Exploitation" means the act or process of using a person or his resources for another person's profit or advantage without legal entitlement to do so;

f. "Facility" means any facility or institution, whether public or private, 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, dementia care homes, special hospitals, veterans' hospitals, chronic disease hospitals, psychiatric hospitals, mental hospitals, developmental centers or facilities, continuing care retirement communities, including independent living sections thereof, day care facilities for the elderly and medical day care centers;

g. "Government agency" means any department, division, office, bureau, board, commission, authority, or any other agency or instrumentality created by the State or to which the State is a party, or by any county or municipality, which is responsible for the regulation, visitation, inspection, or supervision of facilities, or which provides services to patients, residents, or clients of facilities;

h. "Guardian" means any person with the legal right to manage the financial affairs and protect the rights of any patient, resident, or client of a

facility, who has been declared an incapacitated person by a court of competent jurisdiction;

i. "Long-term care resident," "elderly" or "elderly person" means any person 60 years of age or older, who is a patient, resident, or client of any facility;

j. "Office" means the Office of the State Long-Term Care Ombudsman established herein;

k. "State Long-Term Care Ombudsman" means the administrator and chief executive officer of the Office of the State Long-Term Care Ombudsman;

l. "Patient, resident or client" means any elderly person who is receiving treatment or care in any facility in all its aspects, including, but not limited to, admission, retention, confinement, commitment, period of residence, transfer, discharge, and any instances directly related to such status.

202. Section 3 of P.L.1977, c.239 (C.52:27G-3) is amended to read as follows:

C.52:27G-3 Office of the State Long-Term Care Ombudsman.

3. There is established the State Long-Term Care Ombudsman. For the purposes of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the Office of the State Long-Term Care Ombudsman 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.

As of the effective date of P.L.2017, c.131 the Office of the Ombudsman for the Institutionalized Elderly, or the ombudsman thereof, shall be named the Office of the State Long-Term Care Ombudsman or the ombudsman thereof. All references in any law, order, rule, regulation, contract, document, judicial, or administrative proceeding, or otherwise, to the Office of the Ombudsman for the Institutionalized Elderly, or the ombudsman thereof, shall mean the Office of the State Long-Term Care Ombudsman or the ombudsman thereof.

203. Section 26 of P.L.1991, c.201 (C.52:27G-5.1) is amended to read as follows:

C.52:27G-5.1 Office of the State Long-Term Care Ombudsman; duties.

26. The Office of the State Long-Term Care Ombudsman shall conform and implement procedures necessary to comply with the requirements

of P.L.1991, c.201 (C.26:2H-53 et al.), and shall make a written statement of its obligations under that act available to the public.

204. Section 6 of P. L.1977, c.239 (C.52:27G-6) is amended to read as follows:

C.52:27G-6 Objective of the Office of the State Long-Term Care Ombudsman.

6. The Office of the State Long-Term Care Ombudsman shall have as its basic objective that of promoting, advocating and insuring, as a whole and in particular cases, the adequacy of the care received, and the quality of life experienced, by elderly patients, residents and clients of facilities within this State. In determining what elements are essential to adequate care and quality of life, the ombudsman shall consider the unique medical, social and economic needs and problems of the elderly as patients, residents and clients of facilities and as citizens and community members.

205. Section 1 of P.L.1971, c.269 (C.52:32-4) is amended to read as follows:

C.52:32-4 Facilities for persons with physical disabilities.

1. Except as otherwise provided by law, all plans and specifications for the construction or remodeling of any public building in the State shall provide facilities for persons with physical disabilities.

206. Section 2 of P.L.1971, c.269 (C.52:32-5) is amended to read as follows:

C.52:32-5 Regulations relative to access for persons with physical disabilities.

2. The Department of Community Affairs shall promulgate regulations which shall prescribe the kinds, types, and quality of facilities in public buildings as defined in section 3 of P.L.1975, c.220 (C.52:32-6) required to provide access for persons with physical disabilities. The regulations shall differentiate between small public buildings, defined as those with a total gross enclosed floor area of less than 10,000 square feet, and large public buildings, defined as those with a total gross enclosed floor area of 10,000 square feet or more. Small public buildings shall be required to have accessible entrances servicing the first or ground floor areas and facilities for persons with physical disabilities on all accessible floors, however, the provisions for small public buildings shall not apply to the conversion of a small public building to another use or to renovations or modifications of a small public building if there is insufficient space between the building and its lot lines or between the building and the public way to al-

low for the installation of an entrance ramp which meets the criteria of the "State Uniform Construction Code" adopted pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.). Large public buildings shall be required to have accessible entrances, facilities for persons with physical disabilities on all accessible floors, and elevators or other means of access for persons with physical disabilities between floors, except floors which contain only mechanical equipment or floors which contain less than 3,000 square feet of total floor area.

207. Section 3 of P.L.1975, c.220 (C.52:32-6) is amended to read as follows:

C.52:32-6 Definitions.

3. As used in this act, P.L.1975, c.220 (C.52:32-4 et seq.):

a. "Public building" means any building, structure, facility or complex used by the general public, including, but not limited to, theaters, concert halls, auditoriums, museums, schools, libraries, recreation facilities, public transportation terminals and stations, factories, office buildings, business establishments, passenger vehicle service stations, shopping centers, hotels or motels, and public eating places, constructed by any State, county, or municipal government agency or instrumentality or any private individual, partnership, association, or corporation, with the following exceptions: warehouse storage areas and all buildings classified as hazardous occupancies. As used herein, "hazardous occupancy" means the occupancy or use of a building or structure or any portion thereof that involves highly combustible, highly flammable, or explosive material, or which has inherent characteristics that constitute a special fire hazard. As used in P.L.1975, c.220 (C.52:32-4 et seq.), the term shall not include residential buildings, but shall include hotels and motels. Any facility requirements for residential buildings concerning persons with physical disabilities shall be governed by the barrier free subcode promulgated pursuant to section 5 of P.L.1975, c.217 (C.52:27D-123).

b. "Physical disability" means a physical impairment for which a person uses a wheelchair; or which causes a person to walk with difficulty or walk insecurely; affects the sight or hearing of a person to the extent that a person functioning in public areas is insecure or exposed to danger; causes a person to have faulty coordination; or reduces mobility, flexibility, coordination, and perceptiveness of a person to the extent that facilities are needed to provide for the safety of that person.

c. "Remodel" means, with respect to an existing public building as defined in P.L.1975, c.220 (C.52:32-4 et seq.), to construct an addition, alter the design or layout of said public building so that a change or modification of the entrance facilities, toilet facilities, or vertical access facilities is achieved, or make substantial repairs or alterations.

d. "Office building" means a building or structure which is used for the transaction of business; for the rendering of professional service; for other services that involve stocks of goods, wares, or merchandise in limited quantities for use incidental to office uses or sample purposes; or for display and sale purposes involving stocks of goods, wares, or merchandise incidental to these purposes. This definition is intended to include those buildings or structures classified in Use Groups "B" and "M" of the State Uniform Construction Code within the scope of section 5:23-3.14 of the New Jersey Administrative Code pertaining to building subcodes.

e. (Deleted by amendment, P.L.1981, c.35.)

f. "Enforcing agency" means the municipal construction official and subcode officials provided for in the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.).

208. Section 5 of P.L.1975, c.220 (C.52:32-8) is amended to read as follows:

C.52:32-8 Exceptions from specific requirements.

5. In cases of practical difficulty, the enforcing agency may grant exceptions from the specific requirements of the standards and specifications required by P.L.1975, c.220 (C.52:32-4 et seq.) or permit the use of other methods or materials, but only when it is clearly evident that equivalent facilitation and protection for persons with physical disabilities are thereby secured.

209. Section 1 of P.L.1975, c.221 (C.52:32-11) is amended to read as follows:

C.52:32-11 Parking facilities, spaces for persons with physical disabilities.

1. The State, every board or body having control and regulation of parking facilities in every county and municipality, and every parking authority created pursuant to the "Parking Authority Law," P.L.1948, c.198 (C.40:11A-1 et seq.), is hereby authorized, empowered, and directed to provide parking spaces for persons with physical disabilities in all parking facilities under the jurisdiction of the State or any such board, body, or parking authority.

210. Section 2 of P.L.1975, c.221 (C.52:32-12) is amended to read as follows:

C.52:32-12 Parking spaces for persons with physical disabilities; guidelines.

2. The State and every such board, body, or parking authority shall use the following guidelines when providing said parking spaces for persons with physical disabilities:

a. A minimum of one percent of the total number of parking spaces, but not less than two parking spaces, shall be provided in an area of the parking facility which is most accessible and approximate to the building or buildings which the facility serves;

b. Each space or group of spaces shall be identified with a clearly visible sign displaying the International Symbol of Access along with the following wording: "These spaces reserved for drivers with physical disabilities."

c. Each space shall be 12 feet wide to allow room for persons using wheelchairs, braces, or crutches to get in and out of either side of an automobile onto a level, paved surface suitable for wheeling and walking;

d. Where possible, such spaces shall be located so that persons using wheelchairs, braces, or crutches are not compelled to wheel or walk behind parked cars; and

e. Where applicable, curb ramps shall be provided to permit people with physical disabilities access from parking area to sidewalk.

211. Section 1 of P.L.1975, c.224 (C.52:32-14) is amended to read as follows:

C.52:32-14 Sidewalk constructed to facilitate use by persons with disabilities.

1. A sidewalk hereafter constructed or reconstructed on public or private property for public use within this State, whether constructed by a public agency or a person, firm, corporation, nonprofit corporation, or association, shall be constructed in a manner that will facilitate use by persons with physical disabilities. At points of intersection between pedestrian and motorized lines of travel, and at other points where necessary to avoid abrupt changes in grade, a sidewalk shall slope gradually to street level so as to provide an uninterrupted line of travel.

212. Section 2 of P.L.1975, c.224 (C.52:32-15) is amended to read as follows:

C.52:32-15 Standards established for accommodation of persons with disabilities.

2. To carry out the purpose of section 1 of P.L.1975, c.224 (C.52:32-14) the Department of Transportation shall, within 30 days of the enactment of P.L.1975, c.224 (C.52:32-14 et seq.), and periodically thereafter as necessary, after consultation with the Director of the Division of Vocational Rehabilitation Services of the Department of Labor and the Director of the Division of Disability Services and the Executive Director of the State Commission for the Blind and Visually Impaired of the Department of Human Services, prescribe standards, which shall include, but not be limited to, standards of drainage, slope gradient, width, and slip-resistant qualities which will assure that a sidewalk will accommodate a person using a wheelchair or other persons with disabilities. All agencies and instrumentalities of State and local government, and every other person, firm, corporation or association shall comply with these standards and the provisions of P.L.1975, c.224 (C.52:32-14 et seq.) when undertaking construction or reconstruction of streets, curbs, or sidewalks.

213. R.S.54:4-3.15 is amended to read as follows:

Exemption of property used by veterans who sustained a permanent disability.

54:4-3.15. Any personal property or real estate not exceeding 250 acres in extent, owned and actually and exclusively used by any corporation organized under the laws of New Jersey to provide instruction in agricultural pursuits for soldiers and sailors of the United States who have sustained a permanent disability while in active service in time of war, provided all income derived from the property in excess of the expense of its maintenance and operation, shall be used exclusively for the benefit of soldiers and sailors with permanent disabilities, shall be exempt from taxation under this chapter.

214. Section 13 of P.L.1980, c.105 (C.54:32B-8.1) is amended to read as follows:

C.54:32B-8.1 Exemption for certain medical supplies, equipment; definitions.

13. a. Receipts from sales of the following sold for human use are exempt from the tax imposed under the "Sales and Use Tax Act":

(1) drugs sold pursuant to a doctor's prescription;

(2) over-the-counter drugs;

(3) diabetic supplies;

(4) prosthetic devices;

(5) tampons or like products;

(6) medical oxygen;

(7) human blood and its derivatives;

(8) durable medical equipment for home use;

(9) mobility enhancing equipment sold by prescription; and

(10) repair and replacement parts for any of the foregoing exempt devices and equipment.

b. As used in this section:

"Drug" means a compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food and food ingredients, dietary supplements, or alcoholic beverages:

(1) recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, and supplement to any of them; or

(2) intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or

(3) intended to affect the structure or any function of the body.

"Over-the-counter-drug" means a drug that contains a label which identifies the product as a drug, required by 21 CFR 201.66. The label includes:

(1) a "Drug Facts" panel or

(2) a statement of the "active ingredient" or "active ingredients" with a list of those ingredients contained in the compound, substance or preparation. "Over-the-counter drug" does not include a grooming and hygiene product.

"Grooming and hygiene product" is soap or cleaning solution, shampoo, toothpaste, mouthwash, anti-perspirant, or sun tan lotion or screen, regardless of whether the item meets the definition of "over-the-counter drug."

"Prescription" means an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of this State.

"Prosthetic device" means a replacement, corrective, or supportive device including repair and replacement parts for same worn on or in the body in order to:

(1) artificially replace a missing portion of the body; or

(2) prevent or correct a physical disability; or

(3) support a weak or disabled portion of the body.

"Durable medical equipment" means equipment, including repair and replacement parts, but not including mobility enhancing equipment, that:

(1) can withstand repeated use;

(2) is primarily and customarily used to serve a medical purpose;

(3) is generally not useful to a person in the absence of illness or injury; and

(4) is not worn in or on the body.

"Mobility enhancing equipment" means equipment, including repair and replacement parts, other than durable medical equipment, that:

(1) is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either at home or in a motor vehicle; and

(2) is not generally used by persons with typical mobility; and

(3) does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer.

c. Receipts from sales of supplies purchased for use in providing medical services for compensation, but not transferred to the purchaser of the service in conjunction with the performance of the service, shall be considered taxable receipts from retail sales notwithstanding the exemption from the tax imposed under the "Sales and Use Tax Act" provided under this section.

215. Section 1 of P.L.1985, c.280 (C.55:13A-7.3) is amended to read as follows:

C.55:13A-7.3 Parking for persons with physical disabilities.

1. Any owner of a multiple dwelling which, as of the enactment of this act or at any time thereafter, provides parking to the occupants thereof, and in which a person with a physical disability resides, shall provide parking spaces for occupants who have physical disabilities located at the closest possible proximity to the principal accesses of the multiple dwelling.

A minimum of one percent of the total number of parking spaces provided for the occupants of the multiple dwelling, but not less than one parking space, shall be set aside as parking for persons with physical disabilities. Each space or group of spaces shall be identified with a clearly visible sign displaying the International Symbol of Access along with the following wording: "This space reserved for drivers with physical disabilities." Where possible, the space shall be 12 feet wide to allow room for a person using a wheelchair, braces, or crutches to get in and out of either side of an automobile onto a level, paved surface suitable for wheeling and walking and shall be located so that a person using a wheelchair, braces, or crutches is not compelled to wheel or walk behind parked cars. Where applicable,

curb ramps shall be provided to permit a person with a physical disability access from the parking area to the sidewalk.

For purposes of this section "physical disability" means a physical impairment for which a person uses a wheelchair, or which causes a person to walk with difficulty or walk insecurely; affects the sight or hearing of a person to the extent that a person functioning in public areas is insecure or exposed to danger; causes a person to have faulty coordination; or reduces mobility, flexibility, coordination, and perceptiveness of a person to the extent that facilities are needed to provide for the safety of that person.

216. Section 1 of P.L.1975, c.293 (C.56:8-2.7) is amended to read as follows:

C.56:8-2.7 False representation unlawful practice.

1. It shall be an unlawful practice for any person to solicit funds or a contribution of any kind, or to sell or offer for sale any goods, wares, merchandise, or services, by telephone or otherwise, where it has been falsely represented by such person or where the consumer has been falsely led to believe that such person is soliciting by or on behalf of any charitable or nonprofit organization, or that a contribution to or purchase from such person shall substantially benefit persons with disabilities.

217. Section 1 of P.L.1999, c.129 (C.56:8-14.2) is amended to read as follows:

C.56:8-14.2 Definitions relative to certain deceptive consumer practices.

1. As used in P.L.1999, c.129 (C.56:8-14.2 et seq.):

"Fund" means the Consumer Fraud Education Fund created pursuant to section 5 of P.L.1999, c.129 (C.56:8-14.6).

"Pecuniary injury" shall include, but not be limited to: loss or encumbrance of a primary residence, principal employment, or source of income; loss of property set aside for retirement or for personal or family care and maintenance; loss of payments received under a pension or retirement plan or a government benefits program; or assets essential to the health or welfare of the senior citizen or person with a disability.

"Person with a disability" means a natural person who has a physical disability, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, or illness including epilepsy, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impairment, deafness or deaf-blindness or hearing impairment, inability to speak or speech impairment,

or physical reliance on a service animal, wheelchair, or other remedial appliance or device, or from any mental, psychological, or developmental disability resulting from anatomical, psychological, physiological, or neurological conditions which prevents the normal exercise of any bodily or mental functions or is demonstrable, medically or psychologically, by accepted clinical or laboratory diagnostic techniques.

"Senior citizen" means a natural person 60 years of age or older.

218. N.J.S.59:6-5 is amended to read as follows:

Immunity from liability for failure to diagnose certain conditions; exceptions.

59:6-5. a. Neither a public entity nor a public employee is liable for injury resulting from diagnosing or failing to diagnose that a person has a mental illness or is a person with a substance use disorder involving drugs or from failing to prescribe for mental illness or a substance use disorder involving drugs; provided, however, that nothing in this subsection exonerates a public entity or a public employee who has undertaken to prescribe for a mental illness or a substance use disorder involving drugs from liability for injury proximately caused by negligence or by a wrongful act in so prescribing.

b. Nothing in subsection a. exonerates a public entity or a public employee from liability for injury proximately caused by a negligent or wrongful act or omission in administering any treatment prescribed for a mental illness or a substance use disorder involving drugs.

219. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 132

AN ACT concerning child food and nutrition programs and supplementing Title 18A of the New Jersey Statutes.

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

C.18A:33-22 "Nourishing Young Minds Initiative Fund."

1. a. There is hereby created in the Department of Agriculture a nonlapsing revolving fund to be known as the "Nourishing Young Minds Initia-

tive Fund," which shall be held separate and apart from all other funds of the State. All monies appropriated annually by the Legislature, federal and other grants received by the State, and any other monies made available for the purposes of the fund shall be deposited in the fund.

Monies deposited in the fund shall be held in interest-bearing accounts in public depositories, as defined pursuant to section 1 of P.L.1970, c.236 (C.17:9-41), and may be invested or reinvested in such securities as are approved by the State Treasurer. Interest or other income earned on monies deposited in the fund shall be credited to the fund for use as set forth in subsection b. of this section for other monies in the fund.

b. Monies in the "Nourishing Young Minds Initiative Fund" shall be used by the Department of Agriculture to provide support and funding to child food and nutrition programs in the State, which may include:

(1) funding outreach and programmatic support by the Department of Agriculture, Department of Education, or community-based organizations;

(2) providing small grants to fund one-time startup or expansion costs of "breakfast after the bell" programs; and

(3) providing small grants to fund one-time startup or expansion costs of summer nutrition programs.

c. Funding shall be prioritized for award to districts or schools with the highest number of eligible students and lowest participation in the school breakfast program.

d. The Secretary of Agriculture, in consultation with the Department of Education, may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations necessary for the implementation of this act.

2. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 133

AN ACT concerning the operation and management of public water systems, and supplementing Title 58 of the Revised Statutes.

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

C.58:31-1 Short title.

1. This act shall be known and may be cited as the "Water Quality Accountability Act."

C.58:31-2 Definitions relative to operation, management of public water systems.

2. As used in this act:

"Board" means the Board of Public Utilities.

"Department" means the Department of Environmental Protection.

"Public water system" means the same as the term is defined in section 3 of P.L.1977, c.224 (C.58:12A-3).

"Water purveyor" means any person that owns a public water system with more than 500 service connections.

C.58:31-3 Inspections, testing by water purveyor.

3. a. Each water purveyor shall inspect each valve in its public water system in accordance with the provisions of subsection b. of this section in order to determine (1) accessibility of the valve for operational purposes, and (2) the valve's operating condition. A water purveyor shall repair or replace any valve found to be broken or otherwise not operational.

b. Each water purveyor shall inspect each valve that is 12 or more inches in diameter at least once every two years, and shall inspect all other valves at least once every four years , except that the requirements of this subsection shall not apply to any service connection valve or customer shut-off valve . At a minimum, each valve inspection conducted pursuant to this subsection shall include:

(1) clearing of the area around the valve to ensure full access to the valve for operating purposes;

(2) cleaning out of the valve box;

(3) dynamic testing of the valve, by opening and then closing the valve for either of the following number of turns:

(a) the number of turns recommended by the valve manufacturer to constitute a credible test; or

(b) the number of turns which constitutes 15 percent of the total number of turns necessary to completely open or completely close the valve ; and

(4) complying with any other criteria as may be required by the department pursuant to rules and regulations adopted pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

c. (1) Each water purveyor shall, once a year, test every fire hydrant in its system in order to determine the hydrant's working condition.

(2) Each water purveyor shall formulate and implement a plan for flushing every fire hydrant in the public water system, and every dead end of a main in the public water system. This plan for flushing may be combined with the periodic testing of fire hydrants required pursuant to paragraph (1) of this subsection.

d. Each water purveyor shall keep a record of all inspections, tests, and flushings conducted pursuant to this section for a period of at least six years.

e. Each water purveyor that owns, solely or jointly, a fire hydrant shall mark each hydrant with the initials of its name, abbreviation of its name, corporate symbol, or other distinguishing mark or code by which ownership may be readily and definitely ascertained. Each fire hydrant shall be marked with a number or symbol, or both, by which the location of the hydrant may be determined on the water purveyor's office records. The markings may be made with paint, brand, or with a soft metal plate, and shall be of such size and so spaced and maintained as to be easily read.

f. Each water purveyor shall identify, to the extent possible, the geographic location of each valve and fire hydrant in its public water system using a global positioning system based on satellite or other location technology.

C.58:31-4 Development of cybersecurity system; exemptions.

4. a. Within 120 days after the effective date of this act, each water purveyor shall develop a cybersecurity program, in accordance with requirements established by the board, that defines and implements organization accountabilities and responsibilities for cyber risk management activities, and establishes policies, plans, processes, and procedures for identifying and mitigating cyber risk to its public water system. As part of the program, a water purveyor shall conduct risk assessments and implement appropriate controls to mitigate identified risks to the public water system, maintain situational awareness of cyber threats and vulnerabilities to the public water system, and create and exercise incident response and recovery plans.

A copy of the program developed pursuant to this subsection shall be provided to the New Jersey Cybersecurity and Communications Integration Cell, established pursuant to Executive Order No. 178 (2015) in the New Jersey Office of Homeland Security and Preparedness.

b. Within 60 days after developing the program required pursuant to subsection a. of this section, each water purveyor shall join the New Jersey Cybersecurity and Communications Integration Cell, established pursuant to Executive Order No. 178 (2015), and create a cybersecurity incident reporting process.

c. A water purveyor that does not have an internet-connected control system shall be exempt from the requirements of this section.

C.58:31-5 Violations; mitigation.

5. In addition to any other requirements in law, or any rule or regulation adopted pursuant thereto, whenever a water purveyor is issued , pursuant to section 10 of P.L.1977, c.224 (C.58:12A-10) , three notices of violation for any reason or two notices of violation related to an exceedance of a maximum contaminant level within any 12-month period, the water purveyor, within 60 days after receipt of the third or second notice, as applicable, shall submit to the department a mitigation plan specifying whether the notice of violation will be addressed through operational changes or require a capital expenditure and providing a schedule for implementation of the mitigation plan. The mitigation plan shall include a report prepared by the licensed operator of the public water system and a professional engineer licensed pursuant to P.L.1938, c.342 (C.45:8-27 et seq.) that includes a technical analysis of the notices of violation and an explanation of how the mitigation plan submitted pursuant to this section is intended to prevent a recurrence of the issue that resulted in the notice of violation. Any capital expenditures required pursuant to this section shall be incorporated into the asset management plan required pursuant to section 7 of this act.

C.58:31-6 Additional certifications.

6. In addition to any other certifications required pursuant to law, rule, or regulation, the responsible corporate officer of the public water system, if privately held, executive director, if an authority, or mayor or chief executive officer of the municipality, if municipally owned, as applicable, shall be required to certify in writing each year to the Department of Environmental Protection and, if applicable, the Board of Public Utilities that the water purveyor complies with: all federal and State drinking water regulations, including water quality sampling, testing, and reporting requirements; the hydrant and valve requirements set forth in section 3 of this act; the notice of violation mitigation plan requirements set forth in section 5 of this act, if applicable; and the infrastructure improvement investment required pursuant to section 7 of this act.

C.58:31-7 Asset management plan; report.

7. a. Beginning no later than 18 months after the effective date of this act, every water purveyor shall implement an asset management plan designed to inspect, maintain, repair, and renew its infrastructure consistent

with standards established by the American Water Works Association. The asset management plan shall include:

(1) a water main renewal program designed to achieve a 150-year replacement cycle, or other appropriate replacement cycle as determined by a detailed engineering analysis of the asset condition and estimated service lives of the water mains serving the public water system;

(2) a water supply and treatment program designed to inspect, maintain, repair, renew, and upgrade wells, intakes, pumps, and treatment facilities in accordance with all federal and State regulations, standards established by the American Water Works Association, and any mitigation plan required pursuant to section 5 of this act ; and

(3) any other programs, plans, or provisions as may be required by the department pursuant to rules and regulations adopted pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

Each water purveyor shall dedicate funds on an annual basis to address and remediate the highest priority projects as determined by its asset management plan.

All asset management plans and system condition reports shall be certified to by the licensed operator or professional engineer of the public water system and the responsible corporate officer of the public water system, if privately held, executive director, if an authority, or mayor or chief executive officer of the municipality, if municipally owned, as applicable. The replacement cycle shall be determined by dividing the miles of water main located in the public water system by 150 or other appropriate demonstration set forth in the certified asset management plan prepared pursuant to this section.

b. At least once every three years, each water purveyor shall provide to the department and the board, if applicable, a report based on its asset management plan prepared pursuant to subsection a. of this section identifying the infrastructure improvements to be undertaken in the coming year and the cost of those improvements, as well as identifying the infrastructure improvements completed in the past year and the cost of those improvements. A municipal water department or municipal water authority shall also submit the report required pursuant to this subsection to the Division of Local Government Services in the Department of Community Affairs.

c. The department, the board, and the Department of Community Affairs shall create a centralized portal allowing for electronic submittal of the report required pursuant to subsection b. of this section. The lack of a centralized portal pursuant to this subsection shall not negate the requirement for a water purveyor to submit a report pursuant to subsection b. of this section.

8. This act shall take effect on the 90th day after the date of enactment.

Approved July 21, 2017.

CHAPTER 134

AN ACT concerning eligibility for the veterans' property tax deduction and disabled veterans' 100% property tax exemption and amending P.L.1963, c.171.

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

1. Section 1 of P.L.1963, c.171 (C.54:4-8.10) is amended to read as follows:

C.54:4-8.10 Definitions.

1. (a) "Active service in time of war" means active service by a person, while in the United States Armed Forces, at some time during one of the following periods:

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;

The period of rescue and recovery of the victims of the terrorist attack on the World Trade Center in New York, New York, on September 11, 2001, who served on the pile of rubble that resulted from the attacks on the World Trade Center in direct support of that rescue and recovery effort for a period, continuously or in the aggregate, of at least 14 days in such active service commencing on September 11, 2001 and ending on May 30, 2002; provided, that any person receiving an actual service-incurred injury or dis-

ability 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;

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;

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;

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;

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 as proclaimed by the President 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 ser-

vice-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;

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;

The 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;

The 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;

The 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;

The Vietnam conflict, December 31, 1960, to May 7, 1975;

The 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;

The Korean conflict, June 23, 1950 to January 31, 1955;

World War II, September 16, 1940 to December 31, 1946;

World War I, April 6, 1917 to November 11, 1918, and in the case of service with the United States military forces in Russia, April 6, 1917 to April 1, 1920;

Spanish-American War, April 21, 1898 to August 13, 1898;

Civil War, April 15, 1861 to May 26, 1865; or, as to any subsequent war, during the period from the date of declaration of war to the date on which actual hostilities shall cease.

(b) "Assessor" means the assessor, board of assessors or any other official or body of a taxing district charged with the duty of assessing real and personal property for the purpose of general taxation.

(c) "Collector" means the collector or receiver of taxes of a taxing district.

(d) "Honorably discharged or released under honorable circumstances from active service in time of war," means and includes every form of separation from active, full-time duty with military or naval pay and allowances in some branch of the Armed Forces of the United States in time of war, other than those marked "dishonorable," "undesirable," "bad conduct," "by sentence of general court martial," "by sentence of summary court martial" or similar expression indicating that the discharge or release was not under honorable circumstances. A disenrollment certificate or other form of release terminating temporary service in a military or naval branch of the armed forces rendered on a voluntary and part-time basis without pay, or a release from or deferment of induction into the active military or naval service shall not be deemed to be included in the aforementioned phrase.

(e) "Pre-tax year" means the particular calendar year immediately preceding the "tax year."

(f) "Resident" means one legally domiciled within the State of New Jersey. Mere seasonal or temporary residence within the State, of whatever duration, shall not constitute domicile within the State for the purposes of this act. Absence from this State for a period of 12 months shall be prima facie evidence of abandonment of domicile in this State. The burden of establishing legal domicile within the State shall be upon the claimant.

(g) "Tax year" means the particular calendar year in which the general property tax is due and payable.

(h) "Veteran" means any citizen and resident of this State honorably discharged or released under honorable circumstances from active service in time of war in any branch of the Armed Forces of the United States.

(i) "Veteran's deduction" means the deduction against the taxes payable by any person, allowable pursuant to this act.

(j) "Surviving spouse" means the surviving wife or husband of any of the following, while he or she is a resident of this State, during widowhood or widowerhood:

1. A citizen and resident of this State who has died or shall die while on active duty in time of war in any branch of the Armed Forces of the United States; or

2. A citizen and resident of this State who has had or shall hereafter have active service in time of war in any branch of the Armed Forces of the United States and who died or shall die while on active duty in a branch of the Armed Forces of the United States; or

3. A citizen and resident of this State who has been or may hereafter be honorably discharged or released under honorable circumstances from active service in time of war in any branch of the Armed Forces of the United States.

(k) "Cooperative" means a housing corporation or association incorporated or organized under the laws of New Jersey which entitles a shareholder thereof to possess and occupy for dwelling purposes a house, apartment or other structure owned or leased by the corporation or association.

(l) "Mutual housing corporation" means a corporation not-for-profit incorporated under the laws of New Jersey on a mutual or cooperative basis within the scope of section 607 of the "National Defense Housing Act," Pub.L.76-849 (42 U.S.C.s.1521 et seq.), which acquired a National Defense Housing Project pursuant to that act.

2. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 135

AN ACT concerning hospice care and supplementing Title 26 of the Revised Statutes.

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

C.26:2H-81.1 Definitions relative to hospice care, disposal of unused prescription medications.

1. a. As used in this section:

"Family member" means a hospice care patient's spouse, parent, adult sibling, adult child, or adult grandchild.

"Health care representative" means a person, including a member of the patient's family, who is authorized to make health care decisions on behalf of a hospice care patient.

"Hospice care patient" means a person currently receiving hospice care services in a private home or an assisted living facility through a licensed hospice care program.

"Third party caregiver" means a person who:

(1) is 18 years of age or older;

(2) provides care or assistance to a hospice care patient; and

(3) is not the patient's health care representative, a family member of the patient, or employed by the patient's hospice care program.

b. A hospice care program licensed pursuant to P.L.1997, c.78 (C.26:2H-79 et seq.) may choose, but shall not be required, to accept for disposal, at such time as a hospice care patient ceases to use the medication or ceases to receive hospice care services through the program, the hospice care patient's unused prescription medications. A hospice care program that chooses to accept unused prescription medications for disposal pursuant to this section shall:

(1) Establish a written policy setting forth procedures for accepting and disposing of unused prescription medications;

(2) Furnish a copy of the written policy to each patient, and to the patient's health care representative, at the time the patient is enrolled in the

hospice care program, and designate a program representative who shall discuss the procedures and requirements for surrendering unused prescription medications with the patient and the patient's health care representative;

(3) Accept medications prescribed and dispensed to the patient pursuant to the patient's hospice care plan, as well as any other prescription medications that the patient, or the patient's health care representative, chooses to surrender to the program;

(4) Not accept any medication for surrender except at such time as the patient ceases to use the medication or ceases to receive hospice care services through the program; and

(5) Obtain any certifications, authorizations, or waivers as may be required under State or federal law in order to accept and dispose of unused prescription medications pursuant to this section.

c. At the time a hospice care patient ceases to receive hospice care services, a program representative shall provide a written request for surrender of unused medication to the patient or the patient's health care representative, which shall:

(1) request that the patient or the patient's health care representative surrender any unused prescription medications that were prescribed and dispensed to the patient pursuant to the patient's hospice care plan;

(2) offer to accept and dispose of any other prescription medication which the patient will not use; and

(3) urge that the patient or the patient's health care representative dispose of any unused prescription medication that is not surrendered to the program in a safe and legal manner, so as to avoid the risk of theft, diversion, or accidental ingestion.

d. No hospice care program may accept and dispose of an unused prescription medication pursuant to this section unless the patient or the patient's health care representative authorizes, in writing, the surrender of the unused prescription medication to the program; except that, if the patient is unable to provide written authorization and the patient does not have a health care representative, a third party caregiver may provide written authorization for the surrender. A hospice care program shall not accept an unused prescription medication unless the medication is identified for inclusion in the authorization for surrender.

e. (1) Unused prescription medications surrendered to a hospice care program pursuant to this section shall be surrendered to a registered professional nurse or a licensed practical nurse employed by the program.

(2) A nurse accepting the surrender of unused prescription medication pursuant to this section shall dispose of the medications at the site where

hospice care was provided; in no case shall the nurse transport the unused prescription medications off-site for disposal or for any other purpose.

(3) A nurse who accepts and disposes of an unused prescription medication pursuant to this section shall document:

(a) the name and quantity of each medication surrendered;

(b) the name of the person authorizing the surrender, and the relationship of the person to the patient;

(c) the date and method of disposal; and

(d) the quantity and type of any unused prescription medication, of which the nurse is aware, that was prescribed and dispensed to the patient pursuant to the patient's hospice care plan, but was not surrendered to the program or otherwise disposed of by another person in the nurse's presence.

(4) The person authorizing the surrender of medication shall be provided with the opportunity to review, verify, and sign the documentation required under paragraph (3) of this subsection.

f. Nothing in this section shall prohibit any person from disposing of an unused prescription medication by any means authorized by law, including, but not limited to, surrendering the medication at a secure prescription medication drop-off receptacle.

g. No person shall be subject to civil or criminal liability or professional disciplinary action for any act or omission undertaken in good faith consistent with the requirements of this section.

C.26:2H-81.2 Rules, regulations.

2. The Commissioner of Health, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations to effectuate the purposes of this act.

3. This act shall take effect the first day of the seventh month next following the date of enactment, except that the Commissioner of Health may take any advance administrative action as shall be necessary to effectuate the provisions of this act.

Approved July 21, 2017.

CHAPTER 136

AN ACT concerning the reduction of food waste and supplementing Title 13 of the Revised Statutes.

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

C.13:1E-226 Findings, declarations relative to food waste.

1. The Legislature finds and declares that food waste is a major issue in the United States and globally; that, according to the Food and Agriculture Organization of the United Nations (FAO), unwanted and discarded food squanders resources, including water, land, energy, labor, and capital, and, when food waste is dumped in a landfill, it rots and creates methane, which is a powerful greenhouse gas; that the FAO has estimated that one third of the food produced in the world for human consumption – about 1.3 billion tons – is lost or wasted every year, and the food loss and waste in industrialized countries equates to a value of approximately $680 billion; that the FAO has also stated that if one fourth of the food lost or wasted globally could be saved, it would be enough to feed 870 million hungry people; that the Harvard Food Law and Policy Clinic has estimated that 40 percent of the food supply in the United States is not eaten; that, according to the United States Environmental Protection Agency and the United States Department of Agriculture, food loss and waste is the single largest component of disposed municipal solid waste in the United States; in 2015, that the Administrator of the United States Environmental Protection Agency and the Secretary of the United States Department of Agriculture announced a national goal of reducing food waste by 50 percent by the year 2030; that much more can and must be done in the food supply chain to reduce the incredible waste of such a precious resource; that New Jersey is a national leader in implementing effective recycling and solid waste reduction programs, and thus it is appropriate for the State to also be among the national leaders in developing and implementing a Statewide food waste reduction program; and that, therefore, it is appropriate and fitting, as well as a moral imperative, that the State seek to reduce food waste as much as possible in New Jersey, and that reducing food waste in the State by 50 percent by the year 2030 is a worthy goal to pursue with vigor and all due speed.

C.13:1E-227 Goal of reducing amount of food waste established.

2. a. There is established for the State a goal of reducing, by the year 2030, the amount of food waste generated annually in the State by 50 percent of that amount which is generated in the year this act takes effect.

b. (1) Within one year after the effective date of this act, the Department of Environmental Protection, in consultation with the Department of Agriculture, shall develop and commence implementation of a plan to accom-

plish the State food waste reduction goal established by subsection a. of this section. The Department of Environmental Protection shall hold at least three public hearings during the development of the plan to seek public input thereon. The departments may also consult and coordinate with other governmental entities and private, nonprofit, or charitable associations, organizations, or businesses, such as those in the agricultural, grocery, restaurant, food manufacturer, food supply, food bank, food pantry, and healthcare sectors of the food industry, in developing and implementing the plan.

(2) As part of the plan, the Department of Environmental Protection, in consultation with the Department of Agriculture, shall make such recommendations for any administrative or legislative action deemed necessary to further progress toward achieving the State food waste reduction goal, which shall be transmitted to the Legislature in accordance with the requirements of section 2 of P.L.1991, c.164 (C.52:14-19.1) and to the chairpersons of the Senate Environment and Energy Committee, the Senate Economic Growth Committee, the Assembly Environment and Solid Waste Committee, and the Assembly Agriculture and Natural Resources Committee, or their respective successors.

3. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 137

AN ACT concerning transgender students and supplementing chapter 36 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:36-41 Development, distribution of guidelines concerning transgender students.

1. a. The Commissioner of Education shall develop and distribute to school districts guidelines concerning transgender students. The purposes of the guidelines shall be to provide direction for schools in addressing common issues concerning the needs of transgender students, and to assist schools in establishing policies and procedures that ensure a supportive and nondiscriminatory environment for transgender students.

b. The guidelines developed by the commissioner shall include, but not be limited to, information and guidance regarding the following:

(1) definitions of terms relevant to an understanding of transgender issues, including gender identity, gender expression, and transgender person;

(2) maintaining a safe and supportive learning environment that is free from discrimination and harassment for transgender students, including students going through a gender transition;

(3) confidentiality and privacy concerns, including ensuring that school personnel do not disclose information that may reveal a student's transgender status except as allowed by law, and advising schools to work with the student to create an appropriate confidentiality plan regarding the student's transgender or transitioning status;

(4) procedures for school records, including maintaining a separate official record for each student that contains the student's legal name and biological gender and changing a student's official record upon receipt of documentation of a legal change in name or gender;

(5) ensuring that a transgender student is addressed at school by the name and pronoun preferred by the student that corresponds to the student's gender identity, regardless of whether a legal name change or change in official school records has occurred;

(6) issuing school documentation such as student identification cards in the name preferred by the student that corresponds to the student's gender identity, and permitting a transgender student to dress in accordance with the student's gender identity;

(7) providing a transgender student with the same opportunities to participate in physical education as other students, and permitting the student to participate in physical education in accordance with the student's gender identity;

(8) permitting a transgender student to participate in gender-segregated school activities in accordance with the student's gender identity;

(9) use of restrooms and locker rooms, including not requiring a transgender student to use a restroom or locker room that conflicts with the student's gender identity, and providing reasonable alternative arrangements if needed to ensure a student's safety and comfort;

(10) ensuring that school counselors are knowledgeable regarding issues and concerns relevant to transgender students; and

(11) permitting and supporting the formation of student clubs or programs regarding issues related to lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth.

c. The guidelines shall include information on organizations or other resources available to students and parents that provide support to transgender individuals.

d. The commissioner shall periodically review the guidelines developed pursuant to this section, and shall update or modify the guidelines, as appropriate, in accordance with current State or federal laws and regulations concerning the rights of transgender students.

C.18A:36-42 Guidance, resources provided.

2. The Commissioner of Education shall provide school districts with guidance and resources regarding the following:

a. providing professional development opportunities to teachers, administrators, guidance counselors, bus drivers, coaches, and other school staff regarding issues and concerns relevant to lesbian, gay, bisexual, transgender, and questioning (LGBTQ) students; and

b. making developmentally appropriate information about LGBTQ issues available in school facilities, which may include providing pamphlets or books in school libraries, counseling offices, and nurse's offices.

3. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 138

AN ACT concerning the calculation of employee taxes for temporary disability insurance and family leave insurance and amending R.S.43:21-7.

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

1. R.S.43:21-7 is amended to read as follows:

Contributions.

43:21-7. Employers other than governmental entities, whose benefit financing provisions are set forth in section 4 of P.L.1971, c.346 (C.43:21-7.3), and those nonprofit organizations liable for payment in lieu of contributions on the basis set forth in section 3 of P.L.1971, c.346 (C.43:21-7.2), shall pay to the controller for the unemployment compensation fund, contributions as set forth in subsections (a), (b) and (c) hereof, and the provisions of subsections (d) and (e) shall be applicable to all employers, consistent

with the provisions of the "unemployment compensation law" and the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.).

(a) Payment.

(1) Contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this chapter (R.S.43:21-1 et seq.), with respect to having individuals in his employ during that calendar year, at the rates and on the basis hereinafter set forth. Such contributions shall become due and be paid by each employer to the controller for the fund, in accordance with such regulations as may be prescribed, and shall not be deducted, in whole or in part, from the remuneration of individuals in his employ.

(2) In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to $0.005 or more, in which case it shall be increased to $0.01.

(b) Rate of contributions. Each employer shall pay the following contributions:

(1) For the calendar year 1947, and each calendar year thereafter, 2 7/10% of wages paid by him during each such calendar year, except as otherwise prescribed by subsection (c) of this section.

(2) The "wages" of any individual, with respect to any one employer, as the term is used in this subsection (b) and in subsections (c), (d) and (e) of this section 7, shall include the first $4,800.00 paid during calendar year 1975, for services performed either within or without this State; provided that no contribution shall be required by this State with respect to services performed in another state if such other state imposes contribution liability with respect thereto. If an employer (hereinafter referred to as a successor employer) during any calendar year acquires substantially all the property used in a trade or business of another employer (hereinafter referred to as a predecessor), or used in a separate unit of a trade or business of a predecessor, and immediately after the acquisition employs in his trade or business an individual who immediately prior to the acquisition was employed in the trade or business of such predecessors, then, for the purpose of determining whether the successor employer has paid wages with respect to employment equal to the first $4,800.00 paid during calendar year 1975, any wages paid to such individual by such predecessor during such calendar year and prior to such acquisition shall be considered as having been paid by such successor employer.

(3) For calendar years beginning on and after January 1, 1976, the "wages" of any individual, as defined in the preceding paragraph (2) of this subsection (b), shall be established and promulgated by the Commissioner of Labor and Workforce Development on or before September 1 of the pre-

ceding year and shall be, 28 times the Statewide average weekly remuneration paid to workers by employers, as determined under R.S.43:21-3(c), raised to the next higher multiple of $100.00 if not already a multiple thereof, provided that if the amount of wages so determined for a calendar year is less than the amount similarly determined for the preceding year, the greater amount will be used; provided, further, that if the amount of such wages so determined does not equal or exceed the amount of wages as defined in subsection (b) of section 3306 of the Internal Revenue Code of 1986 (26 U.S.C. s.3306(b)), the wages as determined in this paragraph in any calendar year shall be raised to equal the amount established under the "Federal Unemployment Tax Act," chapter 23 of the Internal Revenue Code of 1986 (26 U.S.C. s.3301 et seq.), for that calendar year.

(c) Future rates based on benefit experience.

(1) A separate account for each employer shall be maintained and this shall be credited with all the contributions which he has paid on his own behalf on or before January 31 of any calendar year with respect to employment occurring in the preceding calendar year; provided, however, that if January 31 of any calendar year falls on a Saturday or Sunday, an employer's account shall be credited as of January 31 of such calendar year with all the contributions which he has paid on or before the next succeeding day which is not a Saturday or Sunday. But nothing in this chapter (R.S.43:21-1 et seq.) shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him into the fund either on his own behalf or on behalf of such individuals. Benefits paid with respect to benefit years commencing on and after January 1, 1953, to any individual on or before December 31 of any calendar year with respect to unemployment in such calendar year and in preceding calendar years shall be charged against the account or accounts of the employer or employers in whose employment such individual established base weeks constituting the basis of such benefits, except that, with respect to benefit years commencing after January 4, 1998, an employer's account shall not be charged for benefits paid to a claimant if the claimant's employment by that employer was ended in any way which, pursuant to subsection (a), (b), (c), (f), (g) or (h) of R.S.43:21-5, would have disqualified the claimant for benefits if the claimant had applied for benefits at the time when that employment ended. Benefits paid under a given benefit determination shall be charged against the account of the employer to whom such determination relates. When each benefit payment is made, notification shall be promptly provided to each employer included in the unemployment insurance monetary calculation of benefits. Such notification shall identify the employer against whose ac-

count the amount of such payment is being charged, shall show at least the name and social security account number of the claimant and shall specify the period of unemployment to which said benefit payment applies.

An annual summary statement of unemployment benefits charged to the employer's account shall be provided.

(2) Regulations may be prescribed for the establishment, maintenance, and dissolution of joint accounts by two or more employers, and shall, in accordance with such regulations and upon application by two or more employers to establish such an account, or to merge their several individual accounts in a joint account, maintain such joint account as if it constituted a single employer's account.

(3) No employer's rate shall be lower than 5.4% unless assignment of such lower rate is consistent with the conditions applicable to additional credit allowance for such year under section 3303(a)(1) of the Internal Revenue Code of 1986 (26 U.S.C. s.3303(a)(1)), any other provision of this section to the contrary notwithstanding.

(4) Employer Reserve Ratio. (A) Each employer's rate shall be 2 8/10%, except as otherwise provided in the following provisions. No employer's rate for the 12 months commencing July 1 of any calendar year shall be other than 2 8/10%, unless as of the preceding January 31 such employer shall have paid contributions with respect to wages paid in each of the three calendar years immediately preceding such year, in which case such employer's rate for the 12 months commencing July 1 of any calendar year shall be determined on the basis of his record up to the beginning of such calendar year. If, at the beginning of such calendar year, the total of all his contributions, paid on his own behalf, for all past years exceeds the total benefits charged to his account for all such years, his contribution rate shall be:

(1) 2 5/10%, if such excess equals or exceeds 4%, but less than 5%, of his average annual payroll (as defined in paragraph (2), subsection (a) of R.S.43:21-19);

(2) 2 2/10%, if such excess equals or exceeds 5%, but is less than 6%, of his average annual payroll;

(3) 1 9/10%, if such excess equals or exceeds 6%, but is less than 7%, of his average annual payroll;

(4) 1 6/10%, if such excess equals or exceeds 7%, but is less than 8%, of his average annual payroll;

(5) 1 3/10%, if such excess equals or exceeds 8%, but is less than 9%, of his average annual payroll;

(6) 1%, if such excess equals or exceeds 9%, but is less than 10%, of his average annual payroll;

(7) 7/10 of 1%, if such excess equals or exceeds 10%, but is less than 11%, of his average annual payroll;

(8) 4/10 of 1%, if such excess equals or exceeds 11% of his average annual payroll.

(B) If the total of an employer's contributions, paid on his own behalf, for all past periods for the purposes of this paragraph (4), is less than the total benefits charged against his account during the same period, his rate shall be:

(1) 4%, if such excess is less than 10% of his average annual payroll;

(2) 4 3/10%, if such excess equals or exceeds 10%, but is less than 20%, of his average annual payroll;

(3) 4 6/10%, if such excess equals or exceeds 20% of his average annual payroll.

(C) Specially assigned rates.

(i) If no contributions were paid on wages for employment in any calendar year used in determining the average annual payroll of an employer eligible for an assigned rate under this paragraph (4), the employer's rate shall be specially assigned as follows:

if the reserve balance in its account is positive, its assigned rate shall be the highest rate in effect for positive balance accounts for that period, or 5.4%, whichever is higher, and

if the reserve balance in its account is negative, its assigned rate shall be the highest rate in effect for deficit accounts for that period.

(ii) If, following the purchase of a corporation with little or no activity, known as a corporate shell, the resulting employing unit operates a new or different business activity, the employing unit shall be assigned a new employer rate.

(iii) Entities operating under common ownership, management or control, when the operation of the entities is not identifiable, distinguishable and severable, shall be considered a single employer for the purposes of this chapter (R.S.43:21-1 et seq.).

(D) The contribution rates prescribed by subparagraphs (A) and (B) of this paragraph (4) shall be increased or decreased in accordance with the provisions of paragraph (5) of this subsection (c) for experience rating periods through June 30, 1986.

(5) (A) Unemployment Trust Fund Reserve Ratio. If on March 31 of any calendar year the balance in the unemployment trust fund equals or exceeds 4% but is less than 7% of the total taxable wages reported to the controller as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experience,

shall be increased by 3/10 of 1% over the contribution rate otherwise established under the provisions of paragraph (3) or (4) of this subsection. If on March 31 of any calendar year the balance of the unemployment trust fund exceeds 2 1/2% but is less than 4% of the total taxable wages reported to the controller as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be increased by 6/10 of 1% over the contribution rate otherwise established under the provisions of paragraph (3) or (4) of this subsection.

If on March 31 of any calendar year the balance of the unemployment trust fund is less than 2 1/2% of the total taxable wages reported to the controller as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer: (1) eligible for a contribution rate calculation based upon benefit experience, shall be increased by (i) 6/10 of 1% over the contribution rate otherwise established under the provisions of paragraph (3), (4)(A) or (4)(B) of this subsection, and (ii) an additional amount equal to 20% of the total rate established herein, provided, however, that the final contribution rate for each employer shall be computed to the nearest multiple of 1/10% if not already a multiple thereof; (2) not eligible for a contribution rate calculation based upon benefit experience, shall be increased by 6/10 of 1% over the contribution rate otherwise established under the provisions of paragraph (4) of this subsection. For the period commencing July 1, 1984 and ending June 30, 1986, the contribution rate for each employer liable to pay contributions under R.S.43:21-7 shall be increased by a factor of 10% computed to the nearest multiple of 1/10% if not already a multiple thereof.

(B) If on March 31 of any calendar year the balance in the unemployment trust fund equals or exceeds 10% but is less than 12 1/2% of the total taxable wages reported to the controller as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experience, shall be reduced by 3/10 of 1% under the contribution rate otherwise established under the provisions of paragraphs (3) and (4) of this subsection; provided that in no event shall the contribution rate of any employer be reduced to less than 4/10 of 1%. If on March 31 of any calendar year the balance in the unemployment trust fund equals or exceeds 12 1/2% of the total taxable wages reported to the controller as of that date in respect to employment during the preceding calendar year, the contribution rate, effective July 1 following, of each employer eligible for a contribution rate calculation based upon benefit experience,

shall be reduced by 6/10 of 1% if his account for all past periods reflects an excess of contributions paid over total benefits charged of 3% or more of his average annual payroll, otherwise by 3/10 of 1% under the contribution rate otherwise established under the provisions of paragraphs (3) and (4) of this subsection; provided that in no event shall the contribution rate of any employer be reduced to less than 4/10 of 1%.

(C) The "balance" in the unemployment trust fund, as the term is used in subparagraphs (A) and (B) above, shall not include moneys credited to the State's account under section 903 of the Social Security Act, as amended (42 U.S.C. s.1103), during any period in which such moneys are appropriated for the payment of expenses incurred in the administration of the "unemployment compensation law."

(D) Prior to July 1 of each calendar year the controller shall determine the Unemployment Trust Fund Reserve Ratio, which shall be calculated by dividing the balance of the unemployment trust fund as of the prior March 31 by total taxable wages reported to the controller by all employers as of March 31 with respect to their employment during the last calendar year.

(E) (i) (Deleted by amendment, P.L.1997, c.263).

(ii) (Deleted by amendment, P.L.2001, c.152).

(iii) (Deleted by amendment, P.L.2003, c.107).

(iv) (Deleted by amendment, P.L.2004, c.45).

(v) (Deleted by amendment, P.L.2008, c.17).

(vi) (Deleted by amendment, P.L.2013, c.75).

(vii) With respect to experience rating years beginning on or after July 1, 2011, the new employer rate or the unemployment experience rate of an employer under this section shall be the rate which appears in the column headed by the Unemployment Trust Fund Reserve Ratio as of the applicable calculation date and on the line with the Employer Reserve Ratio, as defined in paragraph (4) of this subsection (R.S.43:21-7 (c)(4)), as set forth in the following table:

EXPERIENCE RATING TAX TABLE

	Fund Reserve Ratio[1]				
Employer Reserve Ratio[2]	3.50% and Over A	3.00% to 3.49% B	2.5% to 2.99% C	2.0% to 2.49% D	1.99% and Under E
Positive Reserve Ratio:					
17% and over	0.3	0.4	0.5	0.6	1.2
16.00% to 16.99%	0.4	0.5	0.6	0.6	1.2

15.00% to 15.99%	0.4	0.6	0.7	0.7	1.2
14.00% to 14.99%	0.5	0.6	0.7	0.8	1.2
13.00% to 13.99%	0.6	0.7	0.8	0.9	1.2
12.00% to 12.99%	0.6	0.8	0.9	1.0	1.2
11.00% to 11.99%	0.7	0.8	1.0	1.1	1.2
10.00% to 10.99%	0.9	1.1	1.3	1.5	1.6
9.00% to 9.99%	1.0	1.3	1.6	1.7	1.9
8.00% to 8.99%	1.3	1.6	1.9	2.1	2.3
7.00% to 7.99%	1.4	1.8	2.2	2.4	2.6
6.00% to 6.99%	1.7	2.1	2.5	2.8	3.0
5.00% to 5.99%	1.9	2.4	2.8	3.1	3.4
4.00% to 4.99%	2.0	2.6	3.1	3.4	3.7
3.00% to 3.99%	2.1	2.7	3.2	3.6	3.9
2.00% to 2.99%	2.2	2.8	3.3	3.7	4.0
1.00% to 1.99%	2.3	2.9	3.4	3.8	4.1
0.00% to 0.99%	2.4	3.0	3.6	4.0	4.3
Deficit Reserve Ratio:					
-0.00% to -2.99%	3.4	4.3	5.1	5.6	6.1
-3.00% to -5.99%	3.4	4.3	5.1	5.7	6.2
-6.00% to -8.99%	3.5	4.4	5.2	5.8	6.3
-9.00% to-11.99%	3.5	4.5	5.3	5.9	6.4
-12.00% to-14.99%	3.6	4.6	5.4	6.0	6.5
-15.00% to-19.99%	3.6	4.6	5.5	6.1	6.6
-20.00% to-24.99%	3.7	4.7	5.6	6.2	6.7
-25.00% to-29.99%	3.7	4.8	5.6	6.3	6.8
-30.00% to-34.99%	3.8	4.8	5.7	6.3	6.9
-35.00% and under	5.4	5.4	5.8	6.4	7.0
New Employer Rate	2.8	2.8	2.8	3.1	3.4

[1]Fund balance as of March 31 as a percentage of taxable wages in the prior calendar year.

[2]Employer Reserve Ratio (Contributions minus benefits as a percentage of employer's taxable wages).

(F) (i) (Deleted by amendment, P.L.1997, c.263).

(ii) (Deleted by amendment, P.L.2008, c.17).

(iii) (Deleted by amendment, P.L.2013, c.75).

(iv) With respect to experience rating years beginning on or after July 1, 2011 and before July 1, 2013, if the fund reserve ratio, based on the fund balance as of the prior March 31, is less than 1.0%, the contribution rate for each employer liable to pay contributions, as computed under subparagraph

(E) of this paragraph (5), shall be increased by a factor of 10% computed to the nearest multiple of 1/10% if not already a multiple thereof.

(v) With respect to experience rating years beginning on or after July 1, 2014, if the fund reserve ratio, based on the fund balance as of the prior March 31, is less than 1.0%, the contribution rate for each employer liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be increased by a factor of 10% computed to the nearest multiple of 1/10% if not already a multiple thereof.

(G) On or after January 1, 1993, notwithstanding any other provisions of this paragraph (5), the contribution rate for each employer liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be decreased by 0.1%, except that, during any experience rating year starting before January 1, 1998 in which the fund reserve ratio is equal to or greater than 7.00% or during any experience rating year starting on or after January 1, 1998, in which the fund reserve ratio is equal to or greater than 3.5%, there shall be no decrease pursuant to this subparagraph (G) in the contribution of any employer who has a deficit reserve ratio of negative 35.00% or under.

(H) On and after January 1, 1998 until December 31, 2000 and on or after January 1, 2002 until June 30, 2006, the contribution rate for each employer liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be decreased by a factor, as set out below, computed to the nearest multiple of 1/10%, except that, if an employer has a deficit reserve ratio of negative 35.0% or under, the employer's rate of contribution shall not be reduced pursuant to this subparagraph (H) to less than 5.4%:

From January 1, 1998 until December 31, 1998, a factor of 12%;
From January 1, 1999 until December 31, 1999, a factor of 10%;
From January 1, 2000 until December 31, 2000, a factor of 7%;
From January 1, 2002 until March 31, 2002, a factor of 36%;
From April 1, 2002 until June 30, 2002, a factor of 85%;
From July 1, 2002 until June 30, 2003, a factor of 15%;
From July 1, 2003 until June 30, 2004, a factor of 15%;
From July 1, 2004 until June 30, 2005, a factor of 7%;
From July 1, 2005 until December 31, 2005, a factor of 16%; and
From January 1, 2006 until June 30, 2006, a factor of 34%.

The amount of the reduction in the employer contributions stipulated by this subparagraph (H) shall be in addition to the amount of the reduction in the employer contributions stipulated by subparagraph (G) of this paragraph (5), except that the rate of contribution of an employer who has a deficit reserve ratio of negative 35.0% or under shall not be reduced pursuant

to this subparagraph (H) to less than 5.4% and the rate of contribution of any other employer shall not be reduced to less than 0.0%.

(I) (Deleted by amendment, P.L.2008, c.17).

(J) On or after July 1, 2001, notwithstanding any other provisions of this paragraph (5), the contribution rate for each employer liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be decreased by 0.0175%, except that, during any experience rating year starting on or after July 1, 2001, in which the fund reserve ratio is equal to or greater than 3.5%, there shall be no decrease pursuant to this subparagraph (J) in the contribution of any employer who has a deficit reserve ratio of negative 35.00% or under. The amount of the reduction in the employer contributions stipulated by this subparagraph (J) shall be in addition to the amount of the reduction in the employer contributions stipulated by subparagraphs (G) and (H) of this paragraph (5), except that the rate of contribution of an employer who has a deficit reserve ratio of negative 35.0% or under shall not be reduced pursuant to this subparagraph (J) to less than 5.4% and the rate of contribution of any other employer shall not be reduced to less than 0.0%.

(K) With respect to experience rating years beginning on or after July 1, 2009, if the fund reserve ratio, based on the fund balance as of the prior March 31, is:

(i) Equal to or greater than 5.00% but less than 7.5%, the contribution rate for each employer liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be reduced by a factor of 25% computed to the nearest multiple of 1/10% if not already a multiple thereof except that there shall be no decrease pursuant to this subparagraph (K) in the contribution of any employer who has a deficit reserve ratio of 35.00% or under;

(ii) Equal to or greater than 7.5%, the contribution rate for each employer liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be reduced by a factor of 50% computed to the nearest multiple of 1/10% if not already a multiple thereof except that there shall be no decrease pursuant to this subparagraph (K) in the contribution of any employer who has a deficit reserve ratio of 35.00% or under.

(L) Notwithstanding any other provision of this paragraph (5) and notwithstanding the actual fund reserve ratio, the contribution rate for employers liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be, for fiscal year 2011, the rates set by column "C" of the table in that subparagraph.

(M) Notwithstanding any other provision of this paragraph (5) and notwithstanding the actual fund reserve ratio, the contribution rate for employers liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be, for fiscal year 2012, the rates set by column "D" of the table in that subparagraph.

(N) Notwithstanding any other provision of this paragraph (5) and notwithstanding the actual fund reserve ratio, the contribution rate for employers liable to pay contributions, as computed under subparagraph (E) of this paragraph (5), shall be, for fiscal year 2013, the rates set by column "E" of the table in that subparagraph.

(6) Additional contributions.

Notwithstanding any other provision of law, any employer who has been assigned a contribution rate pursuant to subsection (c) of this section for the year commencing July 1, 1948, and for any year commencing July 1 thereafter, may voluntarily make payment of additional contributions, and upon such payment shall receive a recomputation of the experience rate applicable to such employer, including in the calculation the additional contribution so made, except that, following a transfer as described under R.S.43:21-7(c)(7)(D), neither the predecessor nor successor in interest shall be eligible to make a voluntary payment of additional contributions during the year the transfer occurs and the next full calendar year. Any such additional contribution shall be made during the 30-day period following the notification to the employer of his contribution rate as prescribed in this section, unless, for good cause, the time for payment has been extended by the controller for not to exceed an additional 60 days; provided that in no event may such payments which are made later than 120 days after the beginning of the year for which such rates are effective be considered in determining the experience rate for the year in which the payment is made. Any employer receiving any extended period of time within which to make such additional payment and failing to make such payment timely shall be, in addition to the required amount of additional payment, liable for a penalty of 5% thereof or $5.00, whichever is greater, not to exceed $50.00. Any adjustment under this subsection shall be made only in the form of credits against accrued or future contributions.

(7) Transfers.

(A) Upon the transfer of the organization, trade or business, or substantially all the assets of an employer to a successor in interest, whether by merger, consolidation, sale, transfer, descent or otherwise, the controller shall transfer the employment experience of the predecessor employer to the successor in interest, including credit for past years, contributions paid,

annual payrolls, benefit charges, et cetera, applicable to such predecessor employer, pursuant to regulation, if it is determined that the employment experience of the predecessor employer with respect to the organization, trade, assets or business which has been transferred may be considered indicative of the future employment experience of the successor in interest. The successor in interest may, within four months of the date of such transfer of the organization, trade, assets or business, or thereafter upon good cause shown, request a reconsideration of the transfer of employment experience of the predecessor employer. The request for reconsideration shall demonstrate, to the satisfaction of the controller, that the employment experience of the predecessor is not indicative of the future employment experience of the successor.

(B) An employer who transfers part of his or its organization, trade, assets or business to a successor in interest, whether by merger, consolidation, sale, transfer, descent or otherwise, may jointly make application with such successor in interest for transfer of that portion of the employment experience of the predecessor employer relating to the portion of the organization, trade, assets or business transferred to the successor in interest, including credit for past years, contributions paid, annual payrolls, benefit charges, et cetera, applicable to such predecessor employer. The transfer of employment experience may be allowed pursuant to regulation only if it is found that the employment experience of the predecessor employer with respect to the portion of the organization, trade, assets or business which has been transferred may be considered indicative of the future employment experience of the successor in interest. Credit shall be given to the successor in interest only for the years during which contributions were paid by the predecessor employer with respect to that part of the organization, trade, assets or business transferred.

(C) A transfer of the employment experience in whole or in part having become final, the predecessor employer thereafter shall not be entitled to consideration for an adjusted rate based upon his or its experience or the part thereof, as the case may be, which has thus been transferred. A successor in interest to whom employment experience or a part thereof is transferred pursuant to this subsection shall, as of the date of the transfer of the organization, trade, assets or business, or part thereof, immediately become an employer if not theretofore an employer subject to this chapter (R.S.43:21-1 et seq.).

(D) If an employer transfers in whole or in part his or its organization, trade, assets or business to a successor in interest, whether by merger, consolidation, sale, transfer, descent or otherwise and both the employer and

successor in interest are at the time of the transfer under common ownership, management or control, then the employment experience attributable to the transferred business shall also be transferred to and combined with the employment experience of the successor in interest. The transfer of the employment experience is mandatory and not subject to appeal or protest.

(E) The transfer of part of an employer's employment experience to a successor in interest shall become effective as of the first day of the calendar quarter following the acquisition by the successor in interest. As of the effective date, the successor in interest shall have its employer rate recalculated by merging its existing employment experience, if any, with the employment experience acquired. If the successor in interest is not an employer as of the date of acquisition, it shall be assigned the new employer rate until the effective date of the transfer of employment experience.

(F) Upon the transfer in whole or in part of the organization, trade, assets or business to a successor in interest, the employment experience shall not be transferred if the successor in interest is not an employer at the time of the acquisition and the controller finds that the successor in interest acquired the business solely or primarily for the purpose of obtaining a lower rate of contributions.

(d) Contributions of workers to the unemployment compensation fund and the State disability benefits fund.

(1) (A) For periods after January 1, 1975, each worker shall contribute to the fund 1% of his wages with respect to his employment with an employer, which occurs on and after January 1, 1975, after such employer has satisfied the condition set forth in subsection (h) of R.S.43:21-19 with respect to becoming an employer; provided, however, that such contributions shall be at the rate of 1/2 of 1% of wages paid with respect to employment while the worker is in the employ of the State of New Jersey, or any governmental entity or instrumentality which is an employer as defined under R.S.43:21-19(h)(5), or is covered by an approved private plan under the "Temporary Disability Benefits Law" or while the worker is exempt from the provisions of the "Temporary Disability Benefits Law" under section 7 of that law, P.L.1948, c.110 (C.43:21-31).

(B) Effective January 1, 1978 there shall be no contributions by workers in the employ of any governmental or nongovernmental employer electing or required to make payments in lieu of contributions unless the employer is covered by the State plan under the "Temporary Disability Benefits Law" (C.43:21-25 et al.), and in that case contributions shall be at the rate of 1/2 of 1%, except that commencing July 1, 1986, workers in the employ of any nongovernmental employer electing or required to make pay-

ments in lieu of contributions shall be required to make contributions to the fund at the same rate prescribed for workers of other nongovernmental employers.

(C) (i) Notwithstanding the above provisions of this paragraph (1), during the period starting July 1, 1986 and ending December 31, 1992, each worker shall contribute to the fund 1.125% of wages paid with respect to his employment with a governmental employer electing or required to pay contributions or nongovernmental employer, including a nonprofit organization which is an employer as defined under R.S.43:21-19(h)(6), regardless of whether that nonprofit organization elects or is required to finance its benefit costs with contributions to the fund or by payments in lieu of contributions, after that employer has satisfied the conditions set forth in subsection R.S.43:21-19(h) with respect to becoming an employer. Contributions, however, shall be at the rate of 0.625% while the worker is covered by an approved private plan under the "Temporary Disability Benefits Law" or while the worker is exempt under section 7 of that law, P.L.1948, c.110 (C.43:21-31) or any other provision of that law; provided that such contributions shall be at the rate of 0.625% of wages paid with respect to employment with the State of New Jersey or any other governmental entity or instrumentality electing or required to make payments in lieu of contributions and which is covered by the State plan under the "Temporary Disability Benefits Law," except that, while the worker is exempt from the provisions of the "Temporary Disability Benefits Law" under section 7 of that law, P.L.1948, c.110 (C.43:21-31) or any other provision of that law, or is covered for disability benefits by an approved private plan of the employer, the contributions to the fund shall be 0.125%.

(ii) (Deleted by amendment, P.L.1995, c.422.)

(D) Notwithstanding any other provisions of this paragraph (1), during the period starting January 1, 1993 and ending June 30, 1994, each worker shall contribute to the unemployment compensation fund 0.5% of wages paid with respect to the worker's employment with a governmental employer electing or required to pay contributions or nongovernmental employer, including a nonprofit organization which is an employer as defined under paragraph (6) of subsection (h) of R.S.43:21-19, regardless of whether that nonprofit organization elects or is required to finance its benefit costs with contributions to the fund or by payments in lieu of contributions, after that employer has satisfied the conditions set forth in subsection (h) of R.S.43:21-19 with respect to becoming an employer. No contributions, however, shall be made by the worker while the worker is covered by an approved private plan under the "Temporary Disability Benefits Law,"

P.L.1948, c.110 (C.43:21-25 et al.) or while the worker is exempt under section 7 of P.L.1948, c.110 (C.43:21-31) or any other provision of that law; provided that the contributions shall be at the rate of 0.50% of wages paid with respect to employment with the State of New Jersey or any other governmental entity or instrumentality electing or required to make payments in lieu of contributions and which is covered by the State plan under the "Temporary Disability Benefits Law," except that, while the worker is exempt from the provisions of the "Temporary Disability Benefits Law" under section 7 of that law, P.L.1948, c.110 (C.43:21-31) or any other provision of that law, or is covered for disability benefits by an approved private plan of the employer, no contributions shall be made to the fund.

Each worker shall, starting on January 1, 1996 and ending March 31, 1996, contribute to the unemployment compensation fund 0.60% of wages paid with respect to the worker's employment with a governmental employer electing or required to pay contributions or nongovernmental employer, including a nonprofit organization which is an employer as defined under paragraph (6) of subsection (h) of R.S.43:21-19, regardless of whether that nonprofit organization elects or is required to finance its benefit costs with contributions to the fund or by payments in lieu of contributions, after that employer has satisfied the conditions set forth in subsection (h) of R.S.43:21-19 with respect to becoming an employer, provided that the contributions shall be at the rate of 0.10% of wages paid with respect to employment with the State of New Jersey or any other governmental entity or instrumentality electing or required to make payments in lieu of contributions.

Each worker shall, starting on January 1, 1998 and ending December 31, 1998, contribute to the unemployment compensation fund 0.10% of wages paid with respect to the worker's employment with a governmental employer electing or required to pay contributions or nongovernmental employer, including a nonprofit organization which is an employer as defined under paragraph (6) of subsection (h) of R.S.43:21-19, regardless of whether that nonprofit organization elects or is required to finance its benefit costs with contributions to the fund or by payments in lieu of contributions, after that employer has satisfied the conditions set forth in subsection (h) of R.S.43:21-19 with respect to becoming an employer, provided that the contributions shall be at the rate of 0.10% of wages paid with respect to employment with the State of New Jersey or any other governmental entity or instrumentality electing or required to make payments in lieu of contributions.

Each worker shall, starting on January 1, 1999 until December 31, 1999, contribute to the unemployment compensation fund 0.15% of wages paid with respect to the worker's employment with a governmental employer

electing or required to pay contributions or nongovernmental employer, including a nonprofit organization which is an employer as defined under paragraph (6) of subsection (h) of R.S.43:21-19, regardless of whether that nonprofit organization elects or is required to finance its benefit costs with contributions to the fund or by payments in lieu of contributions, after that employer has satisfied the conditions set forth in subsection (h) of R.S.43:21-19 with respect to becoming an employer, provided that the contributions shall be at the rate of 0.10% of wages paid with respect to employment with the State of New Jersey or any other governmental entity or instrumentality electing or required to make payments in lieu of contributions.

Each worker shall, starting on January 1, 2000 until December 31, 2001, contribute to the unemployment compensation fund 0.20% of wages paid with respect to the worker's employment with a governmental employer electing or required to pay contributions or nongovernmental employer, including a nonprofit organization which is an employer as defined under paragraph (6) of subsection (h) of R.S.43:21-19, regardless of whether that nonprofit organization elects or is required to finance its benefit costs with contributions to the fund or by payments in lieu of contributions, after that employer has satisfied the conditions set forth in subsection (h) of R.S.43:21-19 with respect to becoming an employer, provided that the contributions shall be at the rate of 0.10% of wages paid with respect to employment with the State of New Jersey or any other governmental entity or instrumentality electing or required to make payments in lieu of contributions.

Each worker shall, starting on January 1, 2002 until June 30, 2004, contribute to the unemployment compensation fund 0.1825% of wages paid with respect to the worker's employment with a governmental employer electing or required to pay contributions or a nongovernmental employer, including a nonprofit organization which is an employer as defined under paragraph (6) of subsection (h) of R.S.43:21-19, regardless of whether that nonprofit organization elects or is required to finance its benefit costs with contributions to the fund or by payments in lieu of contributions, after that employer has satisfied the conditions set forth in subsection (h) of R.S.43:21-19 with respect to becoming an employer, provided that the contributions shall be at the rate of 0.0825% of wages paid with respect to employment with the State of New Jersey or any other governmental entity or instrumentality electing or required to make payments in lieu of contributions.

Each worker shall, starting on and after July 1, 2004, contribute to the unemployment compensation fund 0.3825% of wages paid with respect to the worker's employment with a governmental employer electing or required to pay contributions or nongovernmental employer, including a non-

profit organization which is an employer as defined under paragraph (6) of subsection (h) of R.S.43:21-19, regardless of whether that nonprofit organization elects or is required to finance its benefit costs with contributions to the fund or by payments in lieu of contributions, after that employer has satisfied the conditions set forth in subsection (h) of R.S.43:21-19 with respect to becoming an employer, provided that the contributions shall be at the rate of 0.0825% of wages paid with respect to employment with the State of New Jersey or any other governmental entity or instrumentality electing or required to make payments in lieu of contributions.

(E) Each employer shall, notwithstanding any provision of law in this State to the contrary, withhold in trust the amount of his workers' contributions from their wages at the time such wages are paid, shall show such deduction on his payroll records, shall furnish such evidence thereof to his workers as the division or controller may prescribe, and shall transmit all such contributions, in addition to his own contributions, to the office of the controller in such manner and at such times as may be prescribed. If any employer fails to deduct the contributions of any of his workers at the time their wages are paid, or fails to make a deduction therefor at the time wages are paid for the next succeeding payroll period, he alone shall thereafter be liable for such contributions, and for the purpose of R.S.43:21-14, such contributions shall be treated as employer's contributions required from him.

(F) As used in this chapter (R.S.43:21-1 et seq.), except when the context clearly requires otherwise, the term "contributions" shall include the contributions of workers pursuant to this section.

(G) (i) Each worker shall, starting on July 1, 1994 and ending on December 31, 2011, contribute to the State disability benefits fund an amount equal to 0.50% of wages paid with respect to the worker's employment with a government employer electing or required to pay contributions to the State disability benefits fund or nongovernmental employer, including a nonprofit organization which is an employer as defined under paragraph (6) of subsection (h) of R.S.43:21-19, unless the employer is covered by an approved private disability plan or is exempt from the provisions of the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.) under section 7 of that law (C.43:21-31) or any other provision of that law. Each worker, with respect to the worker's employment with a government employer electing or required to pay contributions to the State disability benefits fund or nongovernmental employer, including a nonprofit organization which is an employer as defined under paragraph (6) of subsection (h) of R.S.43:21-19, unless the employer is covered by an approved private disability plan or is exempt from the provisions of the "Temporary Disability Benefits Law,"

P.L.1948, c.110 (C.43:21-25 et al.) under section 7 of that law (C.43:21-31) or any other provision of that law, shall, for calendar year 2012 and each subsequent calendar year, make contributions to the State disability benefits fund at the annual rate of contribution necessary to obtain a total amount of contributions, which, when added to employer contributions made to the State disability benefits fund pursuant to subsection (e) of this section, is, for calendar years prior to calendar year 2018, equal to 120% of the benefits paid for periods of disability, excluding periods of family temporary disability, during the immediately preceding calendar year plus an amount equal to 100% of the cost of administration of the payment of those benefits during the immediately preceding calendar year, less the amount of net assets remaining in the State disability benefits fund, excluding net assets remaining in the "Family Temporary Disability Leave Account" of that fund, as of December 31 of the immediately preceding year, and is, for calendar year 2018 and subsequent calendar years, equal to 120% of the benefits paid for periods of disability, excluding periods of family temporary disability, during the last preceding full fiscal year plus an amount equal to 100% of the cost of administration of the payment of those benefits during the last preceding full fiscal year, less the amount of net assets anticipated to be remaining in the "Family Temporary Disability Leave Account" of that fund, as of December 31 of the immediately preceding calendar year. The estimated rates for the next calendar year shall be made available on the department's website no later than 60 days after the end of the last preceding full fiscal year. The rates of employer contributions determined pursuant to subsection (e) of this section for any year shall be determined prior to the determination of the rate of employee contributions pursuant to this subparagraph (i) and any consideration of employee contributions in determining employer rates for any year shall be based on amounts of employee contributions made prior to the year to which the rate of employee contributions applies and shall not be based on any projection or estimate of the amount of employee contributions for the year to which that rate applies.

(ii) Each worker shall contribute to the State disability benefits fund, in addition to any amount contributed pursuant to subparagraph (i) of this paragraph (1)(G), an amount equal to, during calendar year 2009, 0.09%, and during calendar year 2010 0.12%, of wages paid with respect to the worker's employment with any covered employer, including a governmental employer which is an employer as defined under R.S.43:21-19(h)(5), unless the employer is covered by an approved private disability plan for benefits during periods of family temporary disability leave. The contributions made pursuant to this subparagraph (ii) to the State disability benefits fund

shall be deposited into an account of that fund reserved for the payment of benefits during periods of family temporary disability leave as defined in section 3 of the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-27) and for the administration of those payments and shall not be used for any other purpose. This account shall be known as the "Family Temporary Disability Leave Account." For calendar year 2011 and each subsequent calendar year, the annual rate of contribution to be paid by workers pursuant to this subparagraph (ii) shall be, for calendar years prior to calendar year 2018, the rate necessary to obtain a total amount of contributions equal to 125% of the benefits paid for periods of family temporary disability leave during the immediately preceding calendar year plus an amount equal to 100% of the cost of administration of the payment of those benefits during the immediately preceding calendar year, less the amount of net assets remaining in the account as of December 31 of the immediately preceding year, and shall be, for calendar year 2018 and subsequent calendar years, the rate necessary to obtain a total amount of contributions equal to 125% of the benefits paid for periods of family temporary disability leave during the last preceding full fiscal year plus an amount equal to 100% of the cost of administration of the payment of those benefits during the last preceding full fiscal year, less the amount of net assets anticipated to be remaining in the account as of December 31 of the immediately preceding calendar year. The estimated rates for the next calendar year shall be made available on the department's website no later than 60 days after the end of the last preceding full fiscal year. Necessary administrative costs shall include the cost of an outreach program to inform employees of the availability of the benefits and the cost of issuing the reports required or permitted pursuant to section 13 of P.L.2008, c.17 (C.43:21-39.4). No monies, other than the funds in the "Family Temporary Disability Leave Account," shall be used for the payment of benefits during periods of family temporary disability leave or for the administration of those payments, with the sole exception that, during calendar years 2008 and 2009, a total amount not exceeding $25 million may be transferred to that account from the revenues received in the State disability benefits fund pursuant to subparagraph (i) of this paragraph (1)(G) and be expended for those payments and their administration, including the administration of the collection of contributions made pursuant to this subparagraph (ii) and any other necessary administrative costs. Any amount transferred to the account pursuant to this subparagraph (ii) shall be repaid during a period beginning not later than January 1, 2011 and ending not later than December 31, 2015. No monies, other than the funds in the "Family Temporary Disability Leave

Account," shall be used under any circumstances after December 31, 2009, for the payment of benefits during periods of family temporary disability leave or for the administration of those payments, including for the administration of the collection of contributions made pursuant to this subparagraph (ii).

(2) (A) (Deleted by amendment, P.L.1984, c.24.)

(B) (Deleted by amendment, P.L.1984, c.24.)

(C) (Deleted by amendment, P.L.1994, c.112.)

(D) (Deleted by amendment, P.L.1994, c.112.)

(E) (i) (Deleted by amendment, P.L.1994, c.112.)

(ii) (Deleted by amendment, P.L.1996, c.28.)

(iii)(Deleted by amendment, P.L.1994, c.112.)

(3) (A) If an employee receives wages from more than one employer during any calendar year, and either the sum of his contributions deposited in and credited to the State disability benefits fund plus the amount of his contributions, if any, required towards the costs of benefits under one or more approved private plans under the provisions of section 9 of the "Temporary Disability Benefits Law" (C.43:21-33) and deducted from his wages, or the sum of such latter contributions, if the employee is covered during such calendar year only by two or more private plans, exceeds an amount equal to 1/2 of 1% of the "wages" determined in accordance with the provisions of R.S.43:21-7(b)(3) during the calendar years beginning on or after January 1, 1976 or, during calendar year 2012 or any subsequent calendar year, the total amount of his contributions for the year exceeds the amount set by the annual rate of contribution determined by the Commissioner of Labor and Workforce Development pursuant to subparagraph (i) of paragraph (1)(G) of this subsection (d), the employee shall be entitled to a refund of the excess if he makes a claim to the controller within two years after the end of the calendar year in which the wages are received with respect to which the refund is claimed and establishes his right to such refund. Such refund shall be made by the controller from the State disability benefits fund. No interest shall be allowed or paid with respect to any such refund. The controller shall, in accordance with prescribed regulations, determine the portion of the aggregate amount of such refunds made during any calendar year which is applicable to private plans for which deductions were made under section 9 of the "Temporary Disability Benefits Law" (C.43:21-33) such determination to be based upon the ratio of the amount of such wages exempt from contributions to such fund, as provided in subparagraph (B) of paragraph (1) of this subsection with respect to coverage under private plans, to the total wages so exempt plus the amount of such wages sub-

ject to contributions to the disability benefits fund, as provided in subparagraph (G) of paragraph (1) of this subsection. The controller shall, in accordance with prescribed regulations, prorate the amount so determined among the applicable private plans in the proportion that the wages covered by each plan bear to the total private plan wages involved in such refunds, and shall assess against and recover from the employer, or the insurer if the insurer has indemnified the employer with respect thereto, the amount so prorated. The provisions of R.S.43:21-14 with respect to collection of employer contributions shall apply to such assessments. The amount so recovered by the controller shall be paid into the State disability benefits fund.

(B) If an employee receives wages from more than one employer during any calendar year, and the sum of his contributions deposited in the "Family Temporary Disability Leave Account" of the State disability benefits fund plus the amount of his contributions, if any, required towards the costs of family temporary disability leave benefits under one or more approved private plans under the provisions of the "Temporary Disability Benefits Law" (C.43:21-25 et al.) and deducted from his wages, exceeds an amount equal to, during calendar year 2009, 0.09% of the "wages" determined in accordance with the provisions of R.S.43:21-7(b)(3), or during calendar year 2010, 0.12% of those wages, or, during calendar year 2011 or any subsequent calendar year, the percentage of those wages set by the annual rate of contribution determined by the Commissioner of Labor and Workforce Development pursuant to subparagraph (ii) of paragraph (1)(G) of this subsection (d), the employee shall be entitled to a refund of the excess if he makes a claim to the controller within two years after the end of the calendar year in which the wages are received with respect to which the refund is claimed and establishes his right to the refund. The refund shall be made by the controller from the "Family Temporary Disability Leave Account" of the State disability benefits fund. No interest shall be allowed or paid with respect to any such refund. The controller shall, in accordance with prescribed regulations, determine the portion of the aggregate amount of the refunds made during any calendar year which is applicable to private plans for which deductions were made under section 9 of the "Temporary Disability Benefits Law" (C.43:21-33), with that determination based upon the ratio of the amount of such wages exempt from contributions to the fund, as provided in paragraph (1)(B) of this subsection (d) with respect to coverage under private plans, to the total wages so exempt plus the amount of such wages subject to contributions to the "Family Temporary Disability Leave Account" of the State disability benefits fund, as provided in subparagraph (ii) of paragraph (1)(G) of this subsection (d). The controller shall,

in accordance with prescribed regulations, prorate the amount so determined among the applicable private plans in the proportion that the wages covered by each plan bear to the total private plan wages involved in such refunds, and shall assess against and recover from the employer, or the insurer if the insurer has indemnified the employer with respect thereto, the prorated amount. The provisions of R.S.43:21-14 with respect to collection of employer contributions shall apply to such assessments. The amount so recovered by the controller shall be paid into the "Family Temporary Disability Leave Account" of the State disability benefits fund.

(4) If an individual does not receive any wages from the employing unit which for the purposes of this chapter (R.S.43:21-1 et seq.) is treated as his employer, or receives his wages from some other employing unit, such employer shall nevertheless be liable for such individual's contributions in the first instance; and after payment thereof such employer may deduct the amount of such contributions from any sums payable by him to such employing unit, or may recover the amount of such contributions from such employing unit, or, in the absence of such an employing unit, from such individual, in a civil action; provided proceedings therefor are instituted within three months after the date on which such contributions are payable. General rules shall be prescribed whereby such an employing unit may recover the amount of such contributions from such individuals in the same manner as if it were the employer.

(5) Every employer who has elected to become an employer subject to this chapter (R.S.43:21-1 et seq.), or to cease to be an employer subject to this chapter (R.S.43:21-1 et seq.), pursuant to the provisions of R.S.43:21-8, shall post and maintain printed notices of such election on his premises, of such design, in such numbers, and at such places as the director may determine to be necessary to give notice thereof to persons in his service.

(6) Contributions by workers, payable to the controller as herein provided, shall be exempt from garnishment, attachment, execution, or any other remedy for the collection of debts.

(e) Contributions by employers to the State disability benefits fund.

(1) Except as hereinafter provided, each employer shall, in addition to the contributions required by subsections (a), (b), and (c) of this section, contribute 1/2 of 1% of the wages paid by such employer to workers with respect to employment unless he is not a covered employer as defined in subsection (a) of section 3 of the "Temporary Disability Benefits Law" (C.43:21-27 (a)), except that the rate for the State of New Jersey shall be 1/10 of 1% for the calendar year 1980 and for the first six months of 1981. Prior to July 1, 1981 and prior to July 1 each year thereafter, the controller

shall review the experience accumulated in the account of the State of New Jersey and establish a rate for the next following fiscal year which, in combination with worker contributions, will produce sufficient revenue to keep the account in balance; except that the rate so established shall not be less than 1/10 of 1%. Such contributions shall become due and be paid by the employer to the controller for the State disability benefits fund as established by law, in accordance with such regulations as may be prescribed, and shall not be deducted, in whole or in part, from the remuneration of individuals in his employ. In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to $0.005 or more, in which case it shall be increased to $0.01.

(2) During the continuance of coverage of a worker by an approved private plan of disability benefits under the "Temporary Disability Benefits Law," the employer shall be exempt from the contributions required by paragraph (1) above with respect to wages paid to such worker.

(3) (A) The rates of contribution as specified in paragraph (1) above shall be subject to modification as provided herein with respect to employer contributions due on and after July 1, 1951.

(B) A separate disability benefits account shall be maintained for each employer required to contribute to the State disability benefits fund and such account shall be credited with contributions deposited in and credited to such fund with respect to employment occurring on and after January 1, 1949. Each employer's account shall be credited with all contributions paid on or before January 31 of any calendar year on his own behalf and on behalf of individuals in his service with respect to employment occurring in preceding calendar years; provided, however, that if January 31 of any calendar year falls on a Saturday or Sunday an employer's account shall be credited as of January 31 of such calendar year with all the contributions which he has paid on or before the next succeeding day which is not a Saturday or Sunday. But nothing in this act shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him to the fund either on his own behalf or on behalf of such individuals. Benefits paid to any covered individual in accordance with Article III of the "Temporary Disability Benefits Law" on or before December 31 of any calendar year with respect to disability in such calendar year and in preceding calendar years shall be charged against the account of the employer by whom such individual was employed at the commencement of such disability or by whom he was last employed, if out of employment.

(C) The controller may prescribe regulations for the establishment, maintenance, and dissolution of joint accounts by two or more employers,

and shall, in accordance with such regulations and upon application by two or more employers to establish such an account, or to merge their several individual accounts in a joint account, maintain such joint account as if it constituted a single employer's account.

(D) Prior to July 1 of each calendar year, the controller shall make a preliminary determination of the rate of contribution for the 12 months commencing on such July 1 for each employer subject to the contribution requirements of this subsection (e).

(1) Such preliminary rate shall be 1/2 of 1% unless on the preceding January 31 of such year such employer shall have been a covered employer who has paid contributions to the State disability benefits fund with respect to employment in the three calendar years immediately preceding such year.

(2) If the minimum requirements in subparagraph (D) (1) above have been fulfilled and the credited contributions exceed the benefits charged by more than $500.00, such preliminary rate shall be as follows:

(i) 2/10 of 1% if such excess over $500.00 exceeds 1% but is less than 1 1/4% of his average annual payroll as defined in this chapter (R.S.43:21-1 et seq.);

(ii) 15/100 of 1% if such excess over $500.00 equals or exceeds 1 1/4% but is less than 1 1/2% of his average annual payroll;

(iii) 1/10 of 1% if such excess over $500.00 equals or exceeds 1 1/2% of his average annual payroll.

(3) If the minimum requirements in subparagraph (D) (1) above have been fulfilled and the contributions credited exceed the benefits charged but by not more than $500.00 plus 1% of his average annual payroll, or if the benefits charged exceed the contributions credited but by not more than $500.00, the preliminary rate shall be 1/4 of 1%.

(4) If the minimum requirements in subparagraph (D) (1) above have been fulfilled and the benefits charged exceed the contributions credited by more than $500.00, such preliminary rate shall be as follows:

(i) 35/100 of 1% if such excess over $500.00 is less than 1/4 of 1% of his average annual payroll;

(ii) 45/100 of 1% if such excess over $500.00 equals or exceeds 1/4 of 1% but is less than 1/2 of 1% of his average annual payroll;

(iii) 55/100 of 1% if such excess over $500.00 equals or exceeds 1/2 of 1% but is less than 3/4 of 1% of his average annual payroll;

(iv) 65/100 of 1% if such excess over $500.00 equals or exceeds 3/4 of 1% but is less than 1% of his average annual payroll;

(v) 75/100 of 1% if such excess over $500.00 equals or exceeds 1% of his average annual payroll.

(5) Determination of the preliminary rate as specified in subparagraphs (D)(2), (3) and (4) above shall be subject, however, to the condition that it shall in no event be decreased by more than 1/10 of 1% of wages or increased by more than 2/10 of 1% of wages from the preliminary rate determined for the preceding year in accordance with subparagraph (D) (1), (2), (3) or (4), whichever shall have been applicable.

(E) (1) Prior to July 1 of each calendar year the controller shall determine the amount of the State disability benefits fund as of December 31 of the preceding calendar year, increased by the contributions paid thereto during January of the current calendar year with respect to employment occurring in the preceding calendar year. If such amount exceeds the net amount withdrawn from the unemployment trust fund pursuant to section 23 of the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-47) plus the amount at the end of such preceding calendar year of the unemployment disability account as defined in section 22 of said law (C.43:21-46), such excess shall be expressed as a percentage of the wages on which contributions were paid to the State disability benefits fund on or before January 31 with respect to employment in the preceding calendar year.

(2) The controller shall then make a final determination of the rates of contribution for the 12 months commencing July 1 of such year for employers whose preliminary rates are determined as provided in subparagraph (D) hereof, as follows:

(i) If the percentage determined in accordance with subparagraph (E)(1) of this paragraph equals or exceeds 1 1/4%, the final employer rates shall be the preliminary rates determined as provided in subparagraph (D) hereof, except that if the employer's preliminary rate is determined as provided in subparagraph (D)(2) or subparagraph (D)(3) hereof, the final employer rate shall be the preliminary employer rate decreased by such percentage of excess taken to the nearest 5/100 of 1%, but in no case shall such final rate be less than 1/10 of 1%.

(ii) If the percentage determined in accordance with subparagraph (E)(1) of this paragraph equals or exceeds 3/4 of 1% and is less than 1 1/4 of 1%, the final employer rates shall be the preliminary employer rates.

(iii)If the percentage determined in accordance with subparagraph (E)(1) of this paragraph is less than 3/4 of 1%, but in excess of 1/4 of 1%, the final employer rates shall be the preliminary employer rates determined as provided in subparagraph (D) hereof increased by the difference between 3/4 of 1% and such percentage taken to the nearest 5/100 of 1%; provided, however, that no such final rate shall be more than 1/4 of 1% in the case of an employer whose preliminary rate is determined as provided in subparagraph (D)(2)

hereof, more than 1/2 of 1% in the case of an employer whose preliminary rate is determined as provided in subparagraph (D)(1) and subparagraph (D)(3) hereof, nor more than 3/4 of 1% in the case of an employer whose preliminary rate is determined as provided in subparagraph (D)(4) hereof.

(iv)If the amount of the State disability benefits fund determined as provided in subparagraph (E)(1) of this paragraph is equal to or less than 1/4 of 1%, then the final rate shall be 2/5 of 1% in the case of an employer whose preliminary rate is determined as provided in subparagraph (D)(2) hereof, 7/10 of 1% in the case of an employer whose preliminary rate is determined as provided in subparagraph (D)(1) and subparagraph (D)(3) hereof, and 1.1% in the case of an employer whose preliminary rate is determined as provided in subparagraph (D)(4) hereof. Notwithstanding any other provision of law or any determination made by the controller with respect to any 12-month period commencing on July 1, 1970, the final rates for all employers for the period beginning January 1, 1971, shall be as set forth herein.

(F) Notwithstanding any other provisions of this subsection (e), the rate of contribution paid to the State disability benefits fund by each covered employer as defined in paragraph (1) of subsection (a) of section 3 of P.L.1948, c.110 (C.43:21-27), shall be determined as if:

(i) No disability benefits have been paid with respect to periods of family temporary disability leave;

(ii) No worker paid any contributions to the State disability benefits fund pursuant to paragraph (1)(G)(ii) of subsection (d) of this section; and

(iii)No amounts were transferred from the State disability benefits fund to the "Family Temporary Disability Leave Account" pursuant to paragraph (1)(G)(ii) of subsection (d) of this section.

2. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 139

AN ACT concerning solar electric power generation facility projects and amending P.L.1999, c.23.

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

1. Section 38 of P.L.1999, c.23 (C.48:3-87) is amended to read as follows:

C.48:3-87 Environmental disclosure requirements; standards; rules.

38. a. The board shall require an electric power supplier or basic generation service provider to disclose on a customer's bill or on customer contracts or marketing materials, a uniform, common set of information about the environmental characteristics of the energy purchased by the customer, including, but not limited to:

(1) Its fuel mix, including categories for oil, gas, nuclear, coal, solar, hydroelectric, wind and biomass, or a regional average determined by the board;

(2) Its emissions, in pounds per megawatt hour, of sulfur dioxide, carbon dioxide, oxides of nitrogen, and any other pollutant that the board may determine to pose an environmental or health hazard, or an emissions default to be determined by the board; and

(3) Any discrete emission reduction retired pursuant to rules and regulations adopted pursuant to P.L.1995, c.188.

b. Notwithstanding any provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the board shall initiate a proceeding and shall adopt, in consultation with the Department of Environmental Protection, after notice and opportunity for public comment and public hearing, interim standards to implement this disclosure requirement, including, but not limited to:

(1) A methodology for disclosure of emissions based on output pounds per megawatt hour;

(2) Benchmarks for all suppliers and basic generation service providers to use in disclosing emissions that will enable consumers to perform a meaningful comparison with a supplier's or basic generation service provider's emission levels; and

(3) A uniform emissions disclosure format that is graphic in nature and easily understandable by consumers. The board shall periodically review the disclosure requirements to determine if revisions to the environmental disclosure system as implemented are necessary.

Such standards shall be effective as regulations immediately upon filing with the Office of Administrative Law and shall be effective for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted by the board in accordance with the provisions of the "Administrative Procedure Act."

c. (1) The board may adopt, in consultation with the Department of Environmental Protection, after notice and opportunity for public comment, an emissions portfolio standard applicable to all electric power suppliers and basic generation service providers, upon a finding that:

(a) The standard is necessary as part of a plan to enable the State to meet federal Clean Air Act or State ambient air quality standards; and

(b) Actions at the regional or federal level cannot reasonably be expected to achieve the compliance with the federal standards.

(2) By July 1, 2009, the board shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), a greenhouse gas emissions portfolio standard to mitigate leakage or another regulatory mechanism to mitigate leakage applicable to all electric power suppliers and basic generation service providers that provide electricity to customers within the State. The greenhouse gas emissions portfolio standard or any other regulatory mechanism to mitigate leakage shall:

(a) Allow a transition period, either before or after the effective date of the regulation to mitigate leakage, for a basic generation service provider or electric power supplier to either meet the emissions portfolio standard or other regulatory mechanism to mitigate leakage, or to transfer any customer to a basic generation service provider or electric power supplier that meets the emissions portfolio standard or other regulatory mechanism to mitigate leakage. If the transition period allowed pursuant to this subparagraph occurs after the implementation of an emissions portfolio standard or other regulatory mechanism to mitigate leakage, the transition period shall be no longer than three years; and

(b) Exempt the provision of basic generation service pursuant to a basic generation service purchase and sale agreement effective prior to the date of the regulation.

Unless the Attorney General or the Attorney General's designee determines that a greenhouse gas emissions portfolio standard would unconstitutionally burden interstate commerce or would be preempted by federal law, the adoption by the board of an electric energy efficiency portfolio standard pursuant to subsection g. of this section, a gas energy efficiency portfolio standard pursuant to subsection h. of this section, or any other enhanced energy efficiency policies to mitigate leakage shall not be considered sufficient to fulfill the requirement of this subsection for the adoption of a greenhouse gas emissions portfolio standard or any other regulatory mechanism to mitigate leakage.

d. Notwithstanding any provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the board shall

initiate a proceeding and shall adopt, after notice, provision of the opportunity for comment, and public hearing, renewable energy portfolio standards that shall require:

(1) that two and one-half percent of the kilowatt hours sold in this State by each electric power supplier and each basic generation service provider be from Class I or Class II renewable energy sources;

(2) beginning on January 1, 2001, that one-half of one percent of the kilowatt hours sold in this State by each electric power supplier and each basic generation service provider be from Class I renewable energy sources. The board shall increase the required percentage for Class I renewable energy sources so that by January 1, 2006, one percent of the kilowatt hours sold in this State by each electric power supplier and each basic generation service provider shall be from Class I renewable energy sources and shall additionally increase the required percentage for Class I renewable energy sources by one-half of one percent each year until January 1, 2012, when four percent of the kilowatt hours sold in this State by each electric power supplier and each basic generation service provider shall be from Class I renewable energy sources.

An electric power supplier or basic generation service provider may satisfy the requirements of this subsection by participating in a renewable energy trading program approved by the board in consultation with the Department of Environmental Protection;

(3) that the board establish a multi-year schedule, applicable to each electric power supplier or basic generation service provider in this State, beginning with the one-year period commencing on June 1, 2010, and continuing for each subsequent one-year period up to and including, the one-year period commencing on June 1, 2028, that requires the following number or percentage, as the case may be, of kilowatt-hours sold in this State by each electric power supplier and each basic generation service provider to be from solar electric power generators connected to the distribution system in this State:

EY 2011	306 Gigawatthours (Gwhrs)
EY 2012	442 Gwhrs
EY 2013	596 Gwhrs
EY 2014	2.050%
EY 2015	2.450%
EY 2016	2.750%
EY 2017	3.000%
EY 2018	3.200%
EY 2019	3.290%

EY 2020	3.380%
EY 2021	3.470%
EY 2022	3.560%
EY 2023	3.650%
EY 2024	3.740%
EY 2025	3.830%
EY 2026	3.920%
EY 2027	4.010%

EY 2028 4.100 percent, and for every energy year thereafter, at least 4.100% per energy year to reflect an increasing number of kilowatt-hours to be purchased by suppliers or providers from solar electric power generators connected to the distribution system in this State, and to establish a framework within which, of the electricity that the generators sell in this State, suppliers and providers shall each obtain at least 3.470 percent in the energy year 2021 and 4.100 percent in the energy year 2028 from solar electric power generators connected to the distribution system in this State, provided, however, that:

(a) The board shall determine an appropriate period of no less than 120 days following the end of an energy year prior to which a provider or supplier must demonstrate compliance for that energy year with the annual renewable portfolio standard;

(b) No more than 24 months following the date of enactment of P.L.2012, c.24, the board shall complete a proceeding to investigate approaches to mitigate solar development volatility and prepare and submit, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), a report to the Legislature, detailing its findings and recommendations. As part of the proceeding, the board shall evaluate other techniques used nationally and internationally;

(c) The solar renewable portfolio standards requirements in this paragraph shall exempt those existing supply contracts which are effective prior to the date of enactment of P.L.2012, c.24 from any increase beyond the number of SRECs mandated by the solar renewable portfolio standards requirements that were in effect on the date that the providers executed their existing supply contracts. This limited exemption for providers' existing supply contracts shall not be construed to lower the Statewide solar sourcing requirements set forth in this paragraph. Such incremental requirements that would have otherwise been imposed on exempt providers shall be distributed over the providers not subject to the existing supply contract exemption until such time as existing supply contracts expire and all providers are subject to the new requirement in a manner that is competitively

neutral among all providers and suppliers. The board shall implement the provisions of this subsection in a manner so as to prevent any subsidies between suppliers and providers and to promote competition in the electricity supply industry.

An electric power supplier or basic generation service provider may satisfy the requirements of this subsection by participating in a renewable energy trading program approved by the board in consultation with the Department of Environmental Protection, or compliance with the requirements of this subsection may be demonstrated to the board by suppliers or providers through the purchase of SRECs.

The renewable energy portfolio standards adopted by the board pursuant to paragraphs (1) and (2) of this subsection shall be effective as regulations immediately upon filing with the Office of Administrative Law and shall be effective for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted by the board in accordance with the provisions of the "Administrative Procedure Act."

The renewable energy portfolio standards adopted by the board pursuant to this paragraph shall be effective as regulations immediately upon filing with the Office of Administrative Law and shall be effective for a period not to exceed 30 months after such filing, and shall, thereafter, be amended, adopted or readopted by the board in accordance with the "Administrative Procedure Act"; and

(4) within 180 days after the date of enactment of P.L.2010, c.57 (C.48:3-87.1 et al.), that the board establish an offshore wind renewable energy certificate program to require that a percentage of the kilowatt hours sold in this State by each electric power supplier and each basic generation service provider be from offshore wind energy in order to support at least 1,100 megawatts of generation from qualified offshore wind projects.

The percentage established by the board pursuant to this paragraph shall serve as an offset to the renewable energy portfolio standard established pursuant to paragraphs (1) and (2) of this subsection and shall reduce the corresponding Class I renewable energy requirement.

The percentage established by the board pursuant to this paragraph shall reflect the projected OREC production of each qualified offshore wind project, approved by the board pursuant to section 3 of P.L.2010, c.57 (C.48:3-87.1), for twenty years from the commercial operation start date of the qualified offshore wind project which production projection and OREC purchase requirement, once approved by the board, shall not be subject to reduction.

An electric power supplier or basic generation service provider shall comply with the OREC program established pursuant to this paragraph through the purchase of offshore wind renewable energy certificates at a price and for the time period required by the board. In the event there are insufficient offshore wind renewable energy certificates available, the electric power supplier or basic generation service provider shall pay an offshore wind alternative compliance payment established by the board. Any offshore wind alternative compliance payments collected shall be refunded directly to the ratepayers by the electric public utilities.

The rules established by the board pursuant to this paragraph shall be effective as regulations immediately upon filing with the Office of Administrative Law and shall be effective for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted by the board in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

e. Notwithstanding any provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the board shall initiate a proceeding and shall adopt, after notice, provision of the opportunity for comment, and public hearing:

(1) net metering standards for electric power suppliers and basic generation service providers. The standards shall require electric power suppliers and basic generation service providers to offer net metering at nondiscriminatory 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. Alter-

natively, the customer-generator may execute a bilateral agreement with an electric power supplier or basic generation service provider for the sale and purchase of the customer-generator's excess generation. The customer-generator may be credited on a real-time basis, so long as the customer-generator follows applicable rules prescribed by the PJM electric power pool for its capacity requirements for the net amount of electricity supplied by the electric power supplier or basic generation service provider. The board may authorize an electric power supplier or basic generation service provider to cease offering net metering to customers that are not already net metered whenever the total rated generating capacity owned and operated by net metering customer-generators Statewide equals 2.9 percent of the total annual kilowatt-hours sold in this State by each electric power supplier and each basic generation service provider during the prior one-year period;

(2) safety and power quality interconnection standards for Class I renewable energy source systems used by a customer-generator that shall be eligible for net metering.

Such standards or rules shall take into consideration the goals of the New Jersey Energy Master Plan, applicable industry standards, and the standards of other states and the Institute of Electrical and Electronics Engineers. The board shall allow electric public utilities to recover the costs of any new net meters, upgraded net meters, system reinforcements or upgrades, and interconnection costs through either their regulated rates or from the net metering customer-generator;

(3) credit or other incentive rules for generators using Class I renewable energy generation systems that connect to New Jersey's electric public utilities' distribution system but who do not net meter; and

(4) net metering aggregation standards to require electric public utilities to provide net metering aggregation to single electric public utility customers that operate a solar electric power generation system installed at one of the customer's facilities or on property owned by the customer, provided that any such customer is a State entity, school district, county, county agency, county authority, municipality, municipal agency, or municipal authority. The standards shall provide that, in order to qualify for net metering aggregation, the customer must operate a solar electric power generation system using a net metering billing account, which system is located on property owned by the customer, provided that: (a) the property is not land that has been actively devoted to agricultural or horticultural use and that is valued, assessed, and taxed pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.) at any time within the 10-year period prior to the effective date of P.L.2012, c.24, provided, how-

ever, that the municipal planning board of a municipality in which a solar electric power generation system is located may waive the requirement of this subparagraph (a), (b) the system is not an on-site generation facility, (c) all of the facilities of the single customer combined for the purpose of net metering aggregation are facilities owned or operated by the single customer and are located within its territorial jurisdiction except that all of the facilities of a State entity engaged in net metering aggregation shall be located within five miles of one another, and (d) all of those facilities are within the service territory of a single electric public utility and are all served by the same basic generation service provider or by the same electric power supplier. The standards shall provide that in order to qualify for net metering aggregation, the customer's solar electric power generation system shall be sized so that its annual generation does not exceed the combined metered annual energy usage of the qualified customer facilities, and the qualified customer facilities shall all be in the same customer rate class under the applicable electric public utility tariff. For the customer's facility or property on which the solar electric generation system is installed, the electricity generated from the customer's solar electric generation system shall be accounted for pursuant to the provisions of paragraph (1) of this subsection to provide that the electricity generated in excess of the electricity supplied by the electric power supplier or the basic generation service provider, as the case may be, for the customer's facility on which the solar electric generation system is installed, over the annualized period, is credited at the electric power supplier's or the basic generation service provider's avoided cost of wholesale power or the PJM electric power pool real-time locational marginal pricing rate. All electricity used by the customer's qualified facilities, with the exception of the facility or property on which the solar electric power generation system is installed, shall be billed at the full retail rate pursuant to the electric public utility tariff applicable to the customer class of the customer using the electricity. A customer may contract with a third party to operate a solar electric power generation system, for the purpose of net metering aggregation. Any contractual relationship entered into for operation of a solar electric power generation system related to net metering aggregation shall include contractual protections that provide for adequate performance and provision for construction and operation for the term of the contract, including any appropriate bonding or escrow requirements. Any incremental cost to an electric public utility for net metering aggregation shall be fully and timely recovered in a manner to be determined by the board. The board shall adopt net metering aggregation standards within 270 days after the effective date of P.L.2012, c.24.

Such rules shall require the board or its designee to issue a credit or other incentive to those generators that do not use a net meter but otherwise generate electricity derived from a Class I renewable energy source and to issue an enhanced credit or other incentive, including, but not limited to, a solar renewable energy credit, to those generators that generate electricity derived from solar technologies.

Such standards or rules shall be effective as regulations immediately upon filing with the Office of Administrative Law and shall be effective for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted by the board in accordance with the provisions of the "Administrative Procedure Act."

f. The board may assess, by written order and after notice and opportunity for comment, a separate fee to cover the cost of implementing and overseeing an emission disclosure system or emission portfolio standard, which fee shall be assessed based on an electric power supplier's or basic generation service provider's share of the retail electricity supply market. The board shall not impose a fee for the cost of implementing and overseeing a greenhouse gas emissions portfolio standard adopted pursuant to paragraph (2) of subsection c. of this section, the electric energy efficiency portfolio standard adopted pursuant to subsection g. of this section, or the gas energy efficiency portfolio standard adopted pursuant to subsection h. of this section.

g. The board may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), an electric energy efficiency portfolio standard that may require each electric public utility to implement energy efficiency measures that reduce electricity usage in the State by 2020 to a level that is 20 percent below the usage projected by the board in the absence of such a standard. Nothing in this section shall be construed to prevent an electric public utility from meeting the requirements of this section by contracting with another entity for the performance of the requirements.

h. The board may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), a gas energy efficiency portfolio standard that may require each gas public utility to implement energy efficiency measures that reduce natural gas usage for heating in the State by 2020 to a level that is 20 percent below the usage projected by the board in the absence of such a standard. Nothing in this section shall be construed to prevent a gas public utility from meeting the requirements of this section by contracting with another entity for the performance of the requirements.

i. After the board establishes a schedule of solar kilowatt-hour sale or purchase requirements pursuant to paragraph (3) of subsection d. of this section, the board may initiate subsequent proceedings and adopt, after appropriate notice and opportunity for public comment and public hearing, increased minimum solar kilowatt-hour sale or purchase requirements, provided that the board shall not reduce previously established minimum solar kilowatt-hour sale or purchase requirements, or otherwise impose constraints that reduce the requirements by any means.

j. The board shall determine an appropriate level of solar alternative compliance payment, and permit each supplier or provider to submit an SACP to comply with the solar electric generation requirements of paragraph (3) of subsection d. of this section. The value of the SACP for each Energy Year, for Energy Years 2014 through 2028 per megawatt hour from solar electric generation required pursuant to this section, shall be:

EY 2014	$339
EY 2015	$331
EY 2016	$323
EY 2017	$315
EY 2018	$308
EY 2019	$300
EY 2020	$293
EY 2021	$286
EY 2022	$279
EY 2023	$272
EY 2024	$266
EY 2025	$260
EY 2026	$253
EY 2027	$250
EY 2028	$239.

The board may initiate subsequent proceedings and adopt, after appropriate notice and opportunity for public comment and public hearing, an increase in solar alternative compliance payments, provided that the board shall not reduce previously established levels of solar alternative compliance payments, nor shall the board provide relief from the obligation of payment of the SACP by the electric power suppliers or basic generation service providers in any form. Any SACP payments collected shall be refunded directly to the ratepayers by the electric public utilities.

k. The board may allow electric public utilities to offer long-term contracts through a competitive process, direct electric public utility investment and other means of financing, including but not limited to loans, for the

purchase of SRECs and the resale of SRECs to suppliers or providers or others, provided that after such contracts have been approved by the board, the board's approvals shall not be modified by subsequent board orders. If the board allows the offering of contracts pursuant to this subsection, the board may establish a process, after hearing, and opportunity for public comment, to provide that a designated segment of the contracts approved pursuant to this subsection shall be contracts involving solar electric power generation facility projects with a capacity of up to 250 kilowatts.

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 and ORECs shall be eligible for use in renewable energy portfolio standards compliance in the energy year in which they are generated, and for the following two energy years. SRECs shall be eligible for use in renewable energy portfolio standards compliance in the energy year in which they are generated, and for the following four energy years.

q. (1) During the energy years of 2014, 2015, and 2016, a solar electric power generation facility project that is not: (a) net metered; (b) an on-site generation facility; (c) qualified for net metering aggregation; or (d) certified as being located on a brownfield, on an area of historic fill or on a properly closed sanitary landfill facility, as provided pursuant to subsection t. of this section may file an application with the board for approval of a designation pursuant to this subsection that the facility is connected to the distribution system. An application filed pursuant to this subsection shall include a notice escrow of $40,000 per megawatt of the proposed capacity of the facility. The board shall approve the designation if: the facility has filed a notice in writing with the board applying for designation pursuant to this subsection, together with the notice escrow; and the capacity of the facility, when added to the capacity of other facilities that have been previously approved for designation prior to the facility's filing under this subsection, does not exceed 80 megawatts in the aggregate for each year. The capacity of any one solar electric power supply project approved pursuant to this subsection shall not exceed 10 megawatts. No more than 90 days after its receipt of a completed application for designation pursuant to this

subsection, the board shall approve, conditionally approve, or disapprove the application. The notice escrow shall be reimbursed to the facility in full upon either rejection by the board or the facility entering commercial operation, or shall be forfeited to the State if the facility is designated pursuant to this subsection but does not enter commercial operation pursuant to paragraph (2) of this subsection.

(2) If the proposed solar electric power generation facility does not commence commercial operations within two years following the date of the designation by the board pursuant to this subsection, the designation of the facility shall be deemed to be null and void, and the facility shall not be considered connected to the distribution system thereafter.

(3) Notwithstanding the provisions of paragraph (2) of this subsection, a solar electric power generation facility project that as of May 31, 2017 was designated as "connected to the distribution system," but failed to commence commercial operations as of that date, shall maintain that designation if it commences commercial operations by May 31, 2018.

r. (1) For all proposed solar electric power generation facility projects except for those solar electric power generation facility projects approved pursuant to subsection q. of this section, and for all projects proposed in each energy year following energy year 2016, a proposed solar electric power generation facility that is neither net metered nor an on-site generation facility, may be considered "connected to the distribution system" only upon designation as such by the board, after notice to the public and opportunity for public comment or hearing. A proposed solar power electric generation facility seeking board designation as "connected to the distribution system" shall submit an application to the board that includes for the proposed facility: the nameplate capacity; the estimated energy and number of SRECs to be produced and sold per year; the estimated annual rate impact on ratepayers; the estimated capacity of the generator as defined by PJM for sale in the PJM capacity market; the point of interconnection; the total project acreage and location; the current land use designation of the property; the type of solar technology to be used; and such other information as the board shall require.

(2) The board shall approve the designation of the proposed solar power electric generation facility as "connected to the distribution system" if the board determines that:

(a) the SRECs forecasted to be produced by the facility do not have a detrimental impact on the SREC market or on the appropriate development of solar power in the State;

(b) the approval of the designation of the proposed facility would not significantly impact the preservation of open space in this State;

(c) the impact of the designation on electric rates and economic development is beneficial; and

(d) there will be no impingement on the ability of an electric public utility to maintain its property and equipment in such a condition as to enable it to provide safe, adequate, and proper service to each of its customers.

(3) The board shall act within 90 days of its receipt of a completed application for designation of a solar power electric generation facility as "connected to the distribution system," to either approve, conditionally approve, or disapprove the application. If the proposed solar electric power generation facility does not commence commercial operations within two years following the date of the designation by the board pursuant to this subsection, the designation of the facility as "connected to the distribution system" shall be deemed to be null and void, and the facility shall thereafter be considered not "connected to the distribution system."

s. In addition to any other requirements of P.L.1999, c.23 or any other law, rule, regulation or order, a solar electric power generation facility that is not net metered or an on-site generation facility and which is located on land that has been actively devoted to agricultural or horticultural use that is valued, assessed, and taxed pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.) at any time within the 10-year period prior to the effective date of P.L.2012, c.24, shall only be considered "connected to the distribution system" if (1) the board approves the facility's designation pursuant to subsection q. of this section; or (2) (a) PJM issued a System Impact Study for the facility on or before June 30, 2011, (b) the facility files a notice with the board within 60 days of the effective date of P.L.2012, c.24, indicating its intent to qualify under this subsection, and (c) the facility has been approved as "connected to the distribution system" by the board. Nothing in this subsection shall limit the board's authority concerning the review and oversight of facilities, unless such facilities are exempt from such review as a result of having been approved pursuant to subsection q. of this section.

t. (1) No more than 180 days after the date of enactment of P.L.2012, c.24, the board shall, in consultation with the Department of Environmental Protection and the New Jersey Economic Development Authority, and, after notice and opportunity for public comment and public hearing, complete a proceeding to establish a program to provide SRECs to owners of solar electric power generation facility projects certified by the board, in consultation with the Department of Environmental Protection, as being located

on a brownfield, on an area of historic fill or on a properly closed sanitary landfill facility, including those owned or operated by an electric public utility and approved pursuant to section 13 of P.L.2007, c.340 (C.48:3-98.1). Projects certified under this subsection shall be considered "connected to the distribution system", shall not require such designation by the board, and shall not be subject to board review required pursuant to subsections q. and r. of this section. Notwithstanding the provisions of section 3 of P.L.1999, c.23 (C.48:3-51) or any other law, rule, regulation, or order to the contrary, for projects certified under this subsection, the board shall establish a financial incentive that is designed to supplement the SRECs generated by the facility in order to cover the additional cost of constructing and operating a solar electric power generation facility on a brownfield, on an area of historic fill or on a properly closed sanitary landfill facility. Any financial benefit realized in relation to a project owned or operated by an electric public utility and approved by the board pursuant to section 13 of P.L.2007, c.340 (C.48:3-98.1), as a result of the provision of a financial incentive established by the board pursuant to this subsection, shall be credited to ratepayers. The issuance of SRECs for all solar electric power generation facility projects pursuant to this subsection shall be deemed "Board of Public Utilities financial assistance" as provided under section 1 of P.L.2009, c.89 (C.48:2-29.47).

(2) Notwithstanding the provisions of the "Spill Compensation and Control Act," P.L.1976, c.141 (C.58:10-23.11 et seq.) or any other law, rule, regulation, or order to the contrary, the board, in consultation with the Department of Environmental Protection, may find that a person who operates a solar electric power generation facility project that has commenced operation on or after the effective date of P.L.2012, c.24, which project is certified by the board, in consultation with the Department of Environmental Protection pursuant to paragraph (1) of this subsection, as being located on a brownfield for which a final remediation document has been issued, on an area of historic fill or on a properly closed sanitary landfill facility, which projects shall include, but not be limited to projects located on a brownfield for which a final remediation document has been issued, on an area of historic fill or on a properly closed sanitary landfill facility owned or operated by an electric public utility and approved pursuant to section 13 of P.L.2007, c.340 (C.48:3-98.1), or a person who owns property acquired on or after the effective date of P.L.2012, c.24 on which such a solar electric power generation facility project is constructed and operated, shall not be liable for cleanup and removal costs to the Department of Environmental

Protection or to any other person for the discharge of a hazardous substance provided that:

(a) the person acquired or leased the real property after the discharge of that hazardous substance at the real property;

(b) the person did not discharge the hazardous substance, is not in any way responsible for the hazardous substance, and is not a successor to the discharger or to any person in any way responsible for the hazardous substance or to anyone liable for cleanup and removal costs pursuant to section 8 of P.L.1976, c.141 (C.58:10-23.11g);

(c) the person, within 30 days after acquisition of the property, gave notice of the discharge to the Department of Environmental Protection in a manner the Department of Environmental Protection prescribes;

(d) the person does not disrupt or change, without prior written permission from the Department of Environmental Protection, any engineering or institutional control that is part of a remedial action for the contaminated site or any landfill closure or post-closure requirement;

(e) the person does not exacerbate the contamination at the property;

(f) the person does not interfere with any necessary remediation of the property;

(g) the person complies with any regulations and any permit the Department of Environmental Protection issues pursuant to section 19 of P.L.2009, c.60 (C.58:10C-19) or paragraph (2) of subsection a. of section 6 of P.L.1970, c.39 (C.13:1E-6);

(h) with respect to an area of historic fill, the person has demonstrated pursuant to a preliminary assessment and site investigation, that hazardous substances have not been discharged; and

(i) with respect to a properly closed sanitary landfill facility, no person who owns or controls the facility receives, has received, or will receive, with respect to such facility, any funds from any post-closure escrow account established pursuant to section 10 of P.L.1981, c.306 (C.13:1E-109) for the closure and monitoring of the facility.

Only the person who is liable to clean up and remove the contamination pursuant to section 8 of P.L.1976, c.141 (C.58:10-23.11g) and who does not have a defense to liability pursuant to subsection d. of that section shall be liable for cleanup and removal costs.

u. No more than 180 days after the date of enactment of P.L.2012, c.24, the board shall complete a proceeding to establish a registration program. The registration program shall require the owners of solar electric power generation facility projects connected to the distribution system to make periodic milestone filings with the board in a manner and at such

times as determined by the board to provide full disclosure and transparency regarding the overall level of development and construction activity of those projects Statewide.

v. The issuance of SRECs for all solar electric power generation facility projects pursuant to this section, for projects connected to the distribution system with a capacity of one megawatt or greater, shall be deemed "Board of Public Utilities financial assistance" as provided pursuant to section 1 of P.L.2009, c.89 (C.48:2-29.47).

w. No more than 270 days after the date of enactment of P.L.2012, c.24, the board shall, after notice and opportunity for public comment and public hearing, complete a proceeding to consider whether to establish a program to provide, to owners of solar electric power generation facility projects certified by the board as being three megawatts or greater in capacity and being net metered, including facilities which are owned or operated by an electric public utility and approved by the board pursuant to section 13 of P.L.2007, c.340 (C.48:3-98.1), a financial incentive that is designed to supplement the SRECs generated by the facility to further the goal of improving the economic competitiveness of commercial and industrial customers taking power from such projects. If the board determines to establish such a program pursuant to this subsection, the board may establish a financial incentive to provide that the board shall issue one SREC for no less than every 750 kilowatt-hours of solar energy generated by the certified projects. Any financial benefit realized in relation to a project owned or operated by an electric public utility and approved by the board pursuant to section 13 of P.L.2007, c.340 (C.48:3-98.1), as a result of the provisions of a financial incentive established by the board pursuant to this subsection, shall be credited to ratepayers.

x. Solar electric power generation facility projects that are located on an existing or proposed commercial, retail, industrial, municipal, professional, recreational, transit, commuter, entertainment complex, multi-use, or mixed-use parking lot with a capacity to park 350 or more vehicles where the area to be utilized for the facility is paved, or an impervious surface may be owned or operated by an electric public utility and may be approved by the board pursuant to section 13 of P.L.2007, c.340 (C.48:3-98.1).

2. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 140

AN ACT concerning the voting rights of certain school board members and amending P.L.1995, c.8.

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

1. Section 1 of P.L.1995, c.8 (C.18A:38-8.1) is amended to read as follows

C.18A:38-8.1 Representation of board of education of sending district; matters covered.

1. In addition to the members of the board of education of a Type I and Type II school district provided by law, in a school district which is receiving pupils from another district or districts pursuant to N.J.S.18A:38-8, there shall be an additional member as provided pursuant to section 2 of this act to represent the board of education of each sending district. Any additional member shall be a member of the board of education of a sending district designated annually by the board of that district and shall be eligible to vote on the following matters before the receiving district board of education:

a. Tuition to be charged the sending district by the receiving district and the bill lists or contracts for the purchase, operation or maintenance of facilities, equipment and instructional materials to be used in the education of the pupils of the sending district;

b. New capital construction to be utilized by sending district pupils;

c. Appointment, transfer or removal of teaching staff members providing services to pupils of the sending district, including any teaching staff member who is a member of the receiving district's central administrative staff;

d. Addition or deletion of curricular and extracurricular programs involving pupils of the sending district;

e. Any matter directly involving the sending district pupils or programs and services utilized by those pupils;

f. Approval of the annual receiving district budget;

g. Any collectively negotiated agreement involving employees who provide services utilized by sending district pupils;

h. Any individual employee contracts not covered by a collectively negotiated agreement, if those employees provide or oversee programs or services utilized by sending district pupils; and

i. Any matter concerning governance of the receiving district board of education including, but not limited to, the selection of the board president or vice-president, approval of board bylaws, and the employment of professionals or consultants such as attorneys, architects, engineers, or others who provide services to the receiving district board of education.

2. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 141

AN ACT concerning the sexual exploitation of children, amending various parts of the statutory law, and supplementing Title 2C of the New Jersey Statutes.

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

1. N.J.S.2C:24-4 is amended to read as follows:

Endangering welfare of children.

2C:24-4. Endangering Welfare of Children.

a. (1) Any person having a legal duty for the care of a child or who has assumed responsibility for the care of a child who engages in sexual conduct which would impair or debauch the morals of the child is guilty of a crime of the second degree. Any other person who engages in conduct or who causes harm as described in this paragraph to a child is guilty of a crime of the third degree.

(2) Any person having a legal duty for the care of a child or who has assumed responsibility for the care of a child who causes the child harm that would make the child an abused or neglected child as defined in R.S.9:6-1, R.S.9:6-3, and section 1 of P.L.1974, c.119 (C.9:6-8.21) is guilty of a crime of the second degree. Any other person who engages in conduct or who causes harm as described in this paragraph to a child is guilty of a crime of the third degree.

b. (1) As used in this subsection:

"Child" means any person under 18 years of age.

"Distribute" means to sell, or to manufacture, give, provide, lend, trade, mail, deliver, publish, circulate, disseminate, present, exhibit, display, share, advertise, offer, or make available via the Internet or by any other means, whether for pecuniary gain or not. The term also includes an agreement or attempt to distribute.

"File-sharing program" means a computer program, application, software or operating system that allows the user of a computer on which such program, application, software or operating system is installed to designate files as available for searching by and copying to one or more other computers, to transmit such designated files directly to one or more other computers, and to request the transmission of such designated files directly from one or more other computers. The term "file-sharing program" includes but is not limited to a computer program, application or software that enables a computer user to participate in a peer-to-peer network.

"Internet" means the international computer network of both federal and non-federal interoperable packet switched data networks.

"Item depicting the sexual exploitation or abuse of a child" means a photograph, film, video, an electronic, electromagnetic or digital recording, an image stored or maintained in a computer program or file or in a portion of a file, or any other reproduction or reconstruction which :

(a) depicts a child engaging in a prohibited sexual act or in the simulation of such an act; or

(b) portrays a child in a sexually suggestive manner.

"Peer-to-peer network" means a connection of computer systems through which files are shared directly between the systems on a network without the need of a central server.

"Portray a child in a sexually suggestive manner" means:

(a) to depict a child's less than completely and opaquely covered intimate parts, as defined in N.J.S.2C:14-1, in a manner that, by means of the posing, composition, format, or animated sensual details, emits sensuality with sufficient impact to concentrate prurient interest on the child; or

(b) to depict any form of contact with a child's intimate parts, as defined in N.J.S.2C:14-1, in a manner that, by means of the posing, composition, format, or animated sensual details, emits sensuality with sufficient impact to concentrate prurient interest on the child; or

(c) to otherwise depict a child for the purpose of sexual stimulation or gratification of any person who may view the depiction where the depiction does not have serious literary, artistic, political, or scientific value.

"Prohibited sexual act" means

(a) Sexual intercourse; or

(b) Anal intercourse; or

(c) Masturbation; or

(d) Bestiality; or

(e) Sadism; or

(f) Masochism; or

(g) Fellatio; or

(h) Cunnilingus; or

(i) Nudity, if depicted for the purpose of sexual stimulation or gratification of any person who may view such depiction; or

(j) Any act of sexual penetration or sexual contact as defined in N.J.S.2C:14-1.

"Reproduction" means, but is not limited to, computer generated images.

(2) (Deleted by amendment, P.L.2001, c.291).

(3) A person commits a crime of the first degree if he causes or permits a child to engage in a prohibited sexual act or in the simulation of such an act or to be portrayed in a sexually suggestive manner if the person knows, has reason to know or intends that the prohibited act or portrayal may be photographed, filmed, reproduced, or reconstructed in any manner, including on the Internet, or may be part of an exhibition or performance.

(4) A person commits a crime of the second degree if he photographs or films a child in a prohibited sexual act or in the simulation of such an act or for portrayal in a sexually suggestive manner or who uses any device, including a computer, to reproduce or reconstruct the image of a child in a prohibited sexual act or in the simulation of such an act or for portrayal in a sexually suggestive manner.

(5) (a) A person commits a crime if, by any means, including but not limited to the Internet, he:

(i) knowingly distributes an item depicting the sexual exploitation or abuse of a child;

(ii) knowingly possesses an item depicting the sexual exploitation or abuse of a child with the intent to distribute that item; or

(iii) knowingly stores or maintains an item depicting the sexual exploitation or abuse of a child using a file-sharing program which is designated as available for searching by or copying to one or more other computers.

In a prosecution under sub-subparagraph (iii) of this subparagraph, the State shall not be required to offer proof that an item depicting the sexual exploitation or abuse of a child had actually been searched, copied, transmitted or viewed by another user of the file-sharing program, or by any other person, and it shall be no defense that the defendant did not intend to distribute the item to another user of the file-sharing program or to any oth-

er person. Nor shall the State be required to prove that the defendant was aware that the item depicting the sexual exploitation or abuse of a child was available for searching or copying to one or more other computers, and the defendant shall be strictly liable for failing to designate the item as not available for searching or copying by one or more other computers.

A violation of this subparagraph that involves 1,000 or more items depicting the sexual exploitation or abuse of a child is a crime of the first degree; otherwise it is a crime of the second degree.

Notwithstanding the provisions of subsection a. of N.J.S.2C:43-6, a person whose offense under this subparagraph involved at least 25 but less than 1,000 items depicting the sexual exploitation or abuse of a child shall be sentenced to a mandatory minimum term of imprisonment, which shall be fixed at, or between, one-third and one-half of the sentence imposed by the court or five years, whichever is greater, during which the defendant shall be ineligible for parole.

Notwithstanding the provisions of subsection a. of N.J.S.2C:43-6, a person whose offense under this subparagraph involved 1,000 or more items depicting the sexual exploitation or abuse of a child shall be sentenced to a mandatory minimum term of imprisonment, which shall be fixed at, or between, one-third and one-half of the sentence imposed by the court or 10 years, whichever is greater, during which the defendant shall be ineligible for parole.

Notwithstanding the provisions of subsection a. of N.J.S.2C:43-6, a person convicted of a second or subsequent offense under this subparagraph shall be sentenced to an extended term of imprisonment as set forth in N.J.S.2C:43-7. For the purposes of this subparagraph, an offense is considered a second or subsequent offense if the actor has at any time been convicted pursuant to paragraph (3), (4), or (5) of this subsection, or under any similar statute of the United States, this State, or any other state for an offense that is substantially equivalent to paragraph (3), (4), or (5) of this subsection.

For purposes of this subparagraph, the term "possess" includes receiving, viewing, or having under one's control, through any means, including the Internet.

(b) (i) A person commits a crime of the first degree if he knowingly possesses, knowingly views, or knowingly has under his control, through any means, including the Internet, 100,000 or more items depicting the sexual exploitation or abuse of a child.

(ii) A person commits a crime of the second degree if he knowingly possesses, knowingly views, or knowingly has under his control, through

any means, including the Internet, at least 1,000 but less than 100,000 items depicting the sexual exploitation or abuse of a child.

(iii) A person commits a crime of the third degree if he knowingly possesses, knowingly views, or knowingly has under his control, through any means, including the Internet, less than 1,000 items depicting the sexual exploitation or abuse of a child.

Notwithstanding the provisions of subsection e. of N.J.S.2C:44-1, in any instance where a person was convicted of an offense under this subparagraph that involved 100 or more items depicting the sexual exploitation or abuse of a child, the court shall impose a sentence of imprisonment unless, having regard to the character and condition of the defendant, it is of the opinion that imprisonment would be a serious injustice which overrides the need to deter such conduct by others.

Notwithstanding the provisions of subsection a. of N.J.S.2C:43-6, a person convicted of a second or subsequent offense under this subparagraph shall be sentenced to an extended term of imprisonment as set forth in N.J.S.2C:43-7. For the purposes of this subparagraph, an offense is considered a second or subsequent offense if the actor has at any time been convicted pursuant to paragraph (3), (4), or (5) of this subsection, or under any similar statute of the United States, this State, or any other state for an offense that is substantially equivalent to paragraph (3), (4), or (5) of this subsection.

Nothing in this subparagraph shall be construed to preclude or limit any prosecution or conviction for the offense set forth in subparagraph (a) of this paragraph.

(6) For purposes of this subsection, a person who is depicted as or presents the appearance of being under the age of 18 in any photograph, film, videotape, computer program or file, video game, or any other reproduction or reconstruction shall be rebuttably presumed to be under the age of 18. If the child who is depicted as engaging in, or who is caused to engage in, a prohibited sexual act or simulation of a prohibited sexual act or portrayed in a sexually suggestive manner is under the age of 18, the actor shall be strictly liable and it shall not be a defense that the actor did not know that the child was under the age of 18, nor shall it be a defense that the actor believed that the child was 18 years of age or older, even if such a mistaken belief was reasonable.

(7) For aggregation purposes, each depiction of the sexual exploitation or abuse of a child shall be considered a separate item, provided that each depiction that is in the form of a photograph, picture, image, or visual depiction of a similar nature shall be considered to be one item and each depiction

that is in the form of a film, video, video-clip, movie, or visual depiction of a similar nature shall be considered to be 10 separate items, and each individual act of distribution of an item depicting the sexual exploitation or abuse of a child shall be considered a separate item. For purposes of determining the number of items depicting the sexual exploitation or abuse of a child for purposes of sentencing pursuant to subparagraph (a) of paragraph (5) of this subsection, the court shall aggregate all items involved, whether the act or acts constituting the violation occurred at the same time or at different times and, with respect to distribution, whether the act or acts of distribution were to the same person or several persons or occurred at different times, provided that each individual act was committed within the applicable statute of limitations. For purposes of determining the number of items depicting the sexual exploitation or abuse of a child for purposes of sentencing pursuant to subparagraph (b) of paragraph (5) of this subsection, the court shall aggregate all items involved, whether the possession of such items occurred at the same time or at different times, provided that each individual act was committed within the applicable statute of limitations.

2. Section 2 of P.L.2011, c.128 (C.2A:4A-71.1) is amended to read as follows:

C.2A:4A-71.1 Diversionary programs for certain juveniles.

2. a. Where a complaint against a juvenile pursuant to section 11 of P.L.1982, c.77 (C.2A:4A-30) alleges that the juvenile has committed an eligible offense as defined in subsection c. of this section and the court has approved diversion of the complaint pursuant to section 4 of P.L.1982, c.81 (C.2A:4A-73), the resolution of the complaint shall include the juvenile's participation in a remedial education or counseling program. The parents or guardian of the juvenile shall bear the cost of participation in the program, except that the court shall take into consideration the ability of the juvenile's parents or guardian to pay and the availability of such a program in the area in which the juvenile resides and, where appropriate, may permit the juvenile to participate in a self-guided awareness program in lieu of a remedial education or counseling program provided that it satisfies the requirements of subsection b. of this section.

b. A remedial education or counseling program satisfies the requirements of this act if the program is designed to increase the juvenile's awareness of:

(1) the legal consequences and penalties for sharing sexually suggestive or explicit materials, including applicable federal and State statutes;

(2) the non-legal consequences of sharing sexually suggestive or explicit materials including, but not limited to, the effect on relationships, loss of educational and employment opportunities, and being barred or removed from school programs and extracurricular activities;

(3) the potential, based upon the unique characteristics of cyberspace and the Internet, of long-term and unforeseen consequences for sharing sexually suggestive or explicit materials; and

(4) the possible connection between bullying and cyber-bullying and juveniles sharing sexually suggestive or explicit materials.

c. As used in this act, "eligible offense" means an offense in which:

(1) the facts of the case involve the creation, exhibition or distribution of a photograph depicting nudity or portraying a child in a sexually suggestive manner, as defined in N.J.S.2C:24-4, through the use of an electronic communication device, an interactive wireless communications device, or a computer; and

(2) the creator and subject of the photograph are juveniles or were juveniles at the time of its making.

3. Section 2 of P.L.1994, c.133 (C.2C:7-2) is amended to read as follows:

C.2C:7-2 Registration of sex offenders; definition; requirements.

3. a. (1) A person who has been convicted, adjudicated delinquent or found not guilty by reason of insanity for commission of a sex offense as defined in subsection b. of this section shall register as provided in subsections c. and d. of this section.

(2) A person who in another jurisdiction is required to register as a sex offender and (a) is enrolled on a full-time or part-time basis in any public or private educational institution in this State, including any secondary school, trade or professional institution, institution of higher education or other post-secondary school, or (b) is employed or carries on a vocation in this State, on either a full-time or a part-time basis, with or without compensation, for more than 14 consecutive days or for an aggregate period exceeding 30 days in a calendar year, shall register in this State as provided in subsections c. and d. of this section.

(3) A person who fails to register as required under this act shall be guilty of a crime of the third degree.

b. For the purposes of this act a sex offense shall include the following:

(1) Aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.2C:13-1 or an attempt to commit any of these crimes if the court found that the offender's conduct was characterized by a pattern of repetitive, compulsive behavior, regardless of the date of the commission of the offense or the date of conviction;

(2) A conviction, adjudication of delinquency, or acquittal by reason of insanity for aggravated sexual assault; sexual assault; aggravated criminal sexual contact; kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of N.J.S.2C:24-4; endangering the welfare of a child pursuant to paragraph (3) or (4), subparagraph (a), or sub-subparagraph (i) or (ii) of subparagraph (b) of paragraph (5) of subsection b. of N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6); criminal sexual contact pursuant to N.J.S.2C:14-3b. if the victim is a minor; kidnapping pursuant to N.J.S.2C:13-1, criminal restraint pursuant to N.J.S.2C:13-2, or false imprisonment pursuant to N.J.S.2C:13-3 if the victim is a minor and the offender is not the parent of the victim; knowingly promoting prostitution of a child pursuant to paragraph (3) or paragraph (4) of subsection b. of N.J.S.2C:34-1; leader of a child pornography network pursuant to section 8 of P.L.2017, c.141 (C.2C:24-4.1); or an attempt to commit any of these enumerated offenses if the conviction, adjudication of delinquency or acquittal by reason of insanity is entered on or after the effective date of this act or the offender is serving a sentence of incarceration, probation, parole or other form of community supervision as a result of the offense or is confined following acquittal by reason of insanity or as a result of civil commitment on the effective date of this act;

(3) A conviction, adjudication of delinquency, or acquittal by reason of insanity for an offense similar to any offense enumerated in paragraph (2) or a sentence on the basis of criteria similar to the criteria set forth in paragraph (1) of this subsection entered or imposed under the laws of the United States, this State, or another state.

(4) Notwithstanding the provisions of paragraph (1), (2), or (3) of this subsection, a sex offense shall not include an adjudication of delinquency for endangering the welfare of a child pursuant to paragraph (4) or (5) of subsection b. of N.J.S.2C:24-4, provided that the actor demonstrates that:

(a) the facts of the case are limited to the creation, exhibition or distribution of a photograph depicting nudity or portraying a child in a sexually suggestive manner, as defined in N.J.S.2C:24-4, through the use of an elec-

tronic communications device, an interactive wireless communications device, or a computer;

(b) the creator and subject of the photograph are juveniles or were juveniles at the time of its making; and

(c) the subject of the photograph whose nudity is depicted or who is portrayed in a sexually suggestive manner, as the case may be, knowingly consented to the making of the photograph.

c. A person required to register under the provisions of this act shall do so on forms to be provided by the designated registering agency as follows:

(1) A person who is required to register and who is under supervision in the community on probation, parole, furlough, work release, or a similar program, shall register at the time the person is placed under supervision or no later than 120 days after the effective date of this act, whichever is later, in accordance with procedures established by the Department of Corrections, the Department of Human Services, the Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) or the Administrative Office of the Courts, whichever is responsible for supervision;

(2) A person confined in a correctional or juvenile facility or involuntarily committed who is required to register shall register prior to release in accordance with procedures established by the Department of Corrections, the Department of Human Services or the Juvenile Justice Commission and, within 48 hours of release, shall also register with the chief law enforcement officer of the municipality in which the person resides or, if the municipality does not have a local police force, the Superintendent of State Police;

(3) A person moving to or returning to this State from another jurisdiction shall register with the chief law enforcement officer of the municipality in which the person will reside or, if the municipality does not have a local police force, the Superintendent of State Police within 120 days of the effective date of this act or 10 days of first residing in or returning to a municipality in this State, whichever is later;

(4) A person required to register on the basis of a conviction prior to the effective date who is not confined or under supervision on the effective date of this act shall register within 120 days of the effective date of this act with the chief law enforcement officer of the municipality in which the person will reside or, if the municipality does not have a local police force, the Superintendent of State Police;

(5) A person who in another jurisdiction is required to register as a sex offender and who is enrolled on a full-time or part-time basis in any public or private educational institution in this State, including any secondary

school, trade or professional institution, institution of higher education or other post-secondary school shall, within ten days of commencing attendance at such educational institution, register with the chief law enforcement officer of the municipality in which the educational institution is located or, if the municipality does not have a local police force, the Superintendent of State Police;

(6) A person who in another jurisdiction is required to register as a sex offender and who is employed or carries on a vocation in this State, on either a full-time or a part-time basis, with or without compensation, for more than 14 consecutive days or for an aggregate period exceeding 30 days in a calendar year, shall, within ten days after commencing such employment or vocation, register with the chief law enforcement officer of the municipality in which the employer is located or where the vocation is carried on, as the case may be, or, if the municipality does not have a local police force, the Superintendent of State Police;

(7) In addition to any other registration requirements set forth in this section, a person required to register under this act who is enrolled at, employed by or carries on a vocation at an institution of higher education or other post-secondary school in this State shall, within 10 days after commencing such attendance, employment or vocation, register with the law enforcement unit of the educational institution, if the institution has such a unit.

d. (1) Upon a change of address, a person shall notify the law enforcement agency with which the person is registered and shall re-register with the appropriate law enforcement agency no less than 10 days before he intends to first reside at his new address. Upon a change of employment or school enrollment status, a person shall notify the appropriate law enforcement agency no later than five days after any such change. A person who fails to notify the appropriate law enforcement agency of a change of address or status in accordance with this subsection is guilty of a crime of the third degree.

(2) A person required to register under this act shall provide the appropriate law enforcement agency with information as to whether the person has routine access to or use of a computer or any other device with Internet capability. A person who fails to notify the appropriate law enforcement agency of such information or of a change in the person's access to or use of a computer or other device with Internet capability or who provides false information concerning the person's access to or use of a computer or any other device with Internet capability is guilty of a crime of the third degree.

e. A person required to register under paragraph (1) of subsection b. of this section or under paragraph (3) of subsection b. due to a sentence imposed

on the basis of criteria similar to the criteria set forth in paragraph (1) of subsection b. shall verify his address with the appropriate law enforcement agency every 90 days in a manner prescribed by the Attorney General. A person required to register under paragraph (2) of subsection b. of this section or under paragraph (3) of subsection b. on the basis of a conviction for an offense similar to an offense enumerated in paragraph (2) of subsection b. shall verify his address annually in a manner prescribed by the Attorney General. In addition to address information, the person shall provide as part of the verification process any additional information the Attorney General may require. One year after the effective date of this act, the Attorney General shall review, evaluate and, if warranted, modify pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) the verification requirement. Any person who knowingly provides false information concerning his place of residence or who fails to verify his address with the appropriate law enforcement agency or other entity, as prescribed by the Attorney General in accordance with this subsection, is guilty of a crime of the third degree.

f. Except as provided in subsection g. of this section, a person required to register under this act may make application to the Superior Court of this State to terminate the obligation upon proof that the person has not committed an offense within 15 years following conviction or release from a correctional facility for any term of imprisonment imposed, whichever is later, and is not likely to pose a threat to the safety of others.

g. A person required to register under this section who has been convicted of, adjudicated delinquent, or acquitted by reason of insanity for more than one sex offense as defined in subsection b. of this section or who has been convicted of, adjudicated delinquent, or acquitted by reason of insanity for aggravated sexual assault pursuant to subsection a. of N.J.S.2C:14-2 or sexual assault pursuant to paragraph (1) of subsection c. of N.J.S.2C:14-2 is not eligible under subsection f. of this section to make application to the Superior Court of this State to terminate the registration obligation.

4. Section 1 of P.L.2009, c.143 (C.2C:43-3.8) is amended to read as follows:

C.2C:43-3.8 Offenses involving computer criminal activities; penalties; "Computer Crime Prevention Fund."

1. a. In addition to any disposition authorized by this Title, the provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), or any other statute indicating the dispositions that can be ordered for an adjudication of delinquency, every person convicted of or adjudicated delinquent for a violation

of paragraph (3), (4), or (5) of subsection b. of N.J.S.2C:24-4; section 8 of P.L.2017, c.141 (C.2C:24-4.1); N.J.S.2C:34-3; or an offense involving computer criminal activity in violation of any provision of chapter 20 of this title shall be assessed for each such offense a penalty fixed at:

(a) $2,000 in the case of a crime of the first degree;

(b) $1,000 in the case of a crime of the second degree;

(c) $750 in the case of a crime of the third degree;

(d) $500 in the case of a crime of the fourth degree;

(e) $250 in the case of a disorderly persons or petty disorderly persons offense.

b. All penalties provided for in this section shall be collected as provided for collection of fines and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4), and shall be forwarded to the Department of the Treasury as provided in subsection c. of this section.

c. All moneys collected pursuant to this section shall be forwarded to the Department of the Treasury to be deposited in a nonlapsing revolving fund to be known as the "Computer Crime Prevention Fund." Moneys in the fund shall be appropriated by the Legislature to the Department of Law and Public Safety on an annual basis for the purposes of investigating and prosecuting computer-related crime, and funding continuing educational programs on high technology crimes and the 24-hour toll-free computer crime hotline telephone service established pursuant to section 3 of P.L.1998, c.134 (C.52:17B-193) and publicizing thereof, as well as other programs designed to enhance public awareness of computer-related crime, including but not limited to use of the Internet to facilitate sexual predatory acts, cyber-stalking and cyberbullying, online child pornography, threats of violence in schools or other institutions, Internet fraud, and unauthorized intrusions into computer systems.

d. There is created in the Department of the Treasury a non-lapsing fund entitled the "Computer Crime Prevention Fund." The fund shall be the depository for assessments collected pursuant to subsection a. of this section, to be appropriated and used in accordance with the purposes set forth in subsection c. of this section.

5. Section 2 of P.L.1994, c.130 (C.2C:43-6.4) is amended to read as follows:

C.2C:43-6.4 Special sentence of parole supervision for life.

2. a. Notwithstanding any provision of law to the contrary, a judge imposing sentence on a person who has been convicted of aggravated sexual

assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.2C:13-1, endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of N.J.S.2C:24-4, endangering the welfare of a child pursuant to paragraph (3) or sub-subparagraph (i) or (ii) of subparagraph (b) of paragraph (5) of subsection b. of N.J.S.2C:24-4, luring, violating a condition of a special sentence of community supervision for life pursuant to subsection d. of this section, or an attempt to commit any of these offenses shall include, in addition to any sentence authorized by this Code, a special sentence of parole supervision for life. Notwithstanding any provision of law to the contrary, a court imposing sentence on a person who has been convicted of endangering the welfare of a child pursuant to paragraph (4) or sub-subparagraph (iii) of subparagraph (b) of paragraph (5) of subsection b. of N.J.S.2C:24-4, leader of a child pornography network pursuant to section 8 of P.L.2017, c.141 (C.2C:24-4.1), or an attempt to commit either of these offenses shall include, upon motion of the prosecutor, a special sentence of parole supervision for life in addition to any sentence authorized by Title 2C of the New Jersey Statutes, unless the court finds on the record that the special sentence is not needed to protect the community or deter the defendant from future criminal activity.

b. The special sentence of parole supervision for life required by this section shall commence immediately upon the defendant's release from incarceration. If the defendant is serving a sentence of incarceration for another offense at the time he completes the custodial portion of the sentence imposed on the present offense, the special sentence of parole supervision for life shall not commence until the defendant is actually released from incarceration for the other offense. Persons serving a special sentence of parole supervision for life shall remain in the legal custody of the Commissioner of Corrections, shall be supervised by the Division of Parole of the State Parole Board, shall be subject to the provisions and conditions set forth in subsection c. of section 3 of P.L.1997, c.117 (C.30:4-123.51b) and sections 15 through 19 and 21 of P.L.1979, c.441 (C.30:4-123.59 through 30:4-123.63 and 30:4-123.65), and shall be subject to conditions appropriate to protect the public and foster rehabilitation. Such conditions may include the requirement that the person comply with the conditions set forth in subsection f. of this section concerning use of a computer or other device with access to the Internet. If the defendant violates a condition of a special sentence of parole supervision for life, the defendant shall be subject to the provisions of sections 16 through 19 and 21 of P.L.1979, c.441 (C.30:4-123.60 through 30:4-123.63 and 30:4-123.65), and for the purpose of calcu-

lating the limitation on time served pursuant to section 21 of P.L.1979, c.441 (C.30:4-123.65) the custodial term imposed upon the defendant related to the special sentence of parole supervision for life shall be deemed to be a term of life imprisonment. When the court suspends the imposition of sentence on a defendant who has been convicted of any offense enumerated in subsection a. of this section, the court may not suspend imposition of the special sentence of parole supervision for life, which shall commence immediately, with the Division of Parole of the State Parole Board maintaining supervision over that defendant, including the defendant's compliance with any conditions imposed by the court pursuant to N.J.S.2C:45-1, in accordance with the provisions of this subsection. Nothing contained in this subsection shall prevent the court from at any time proceeding under the provisions of N.J.S.2C:45-1 through N.J.S.2C:45-4 against any such defendant for a violation of any conditions imposed by the court when it suspended imposition of sentence, or prevent the Division of Parole from proceeding under the provisions of sections 16 through 19 and 21 of P.L.1979, c.441 (C.30:4-123.60 through 30:4-123.63 and C.30:4-123.65) against any such defendant for a violation of any conditions of the special sentence of parole supervision for life, including the conditions imposed by the court pursuant to N.J.S.2C:45-1. In any such proceeding by the Division of Parole, the provisions of subsection c. of section 3 of P.L.1997, c.117 (C.30:4-123.51b) authorizing revocation and return to prison shall be applicable to such a defendant, notwithstanding that the defendant may not have been sentenced to or served any portion of a custodial term for conviction of an offense enumerated in subsection a. of this section.

c. A person sentenced to a term of parole supervision for life may petition the Superior Court for release from that parole supervision. The judge may grant a petition for release from a special sentence of parole supervision for life only upon proof by clear and convincing evidence that the person has not committed a crime for 15 years since the last conviction or release from incarceration, whichever is later, and that the person is not likely to pose a threat to the safety of others if released from parole supervision. Notwithstanding the provisions of section 22 of P.L.1979, c.441 (C.30:4-123.66), a person sentenced to a term of parole supervision for life may be released from that parole supervision term only by court order as provided in this subsection.

d. A person who violates a condition of a special sentence of community supervision for life or parole supervision for life imposed pursuant to this section without good cause is guilty of a crime of the third degree. Notwithstanding any other law to the contrary, a person sentenced pursuant

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to this subsection shall be sentenced to a term of imprisonment, unless the court is clearly convinced that the interests of justice so far outweigh the need to deter this conduct and the interest in public safety that a sentence to imprisonment would be a manifest injustice. Nothing in this subsection shall preclude subjecting a person who violates any condition of a special sentence of parole supervision for life to the provisions of sections 16 through 19 and 21 of P.L.1979, c.441 (C.30:4-123.60 through 30:4-123.63 and C.30:4-123.65) pursuant to the provisions of subsection c. of section 3 of P.L.1997, c.117 (C.30:4-123.51b).

e. A person who, while serving a special sentence of parole supervision for life imposed pursuant to this section, commits a violation of N.J.S.2C:11-3, N.J.S.2C:11-4, N.J.S.2C:11-5, subsection b. of N.J.S.2C:12-1, N.J.S.2C:13-1, section 1 of P.L.1993, c.291 (C.2C:13-6), N.J.S.2C:14-2, N.J.S.2C:14-3, N.J.S.2C:24-4, section 8 of P.L.2017, c.141 (C.2C:24-4.1), N.J.S.2C:18-2 when the offense is a crime of the second degree, or subsection a. of N.J.S.2C:39-4 shall be sentenced to an extended term of imprisonment as set forth in N.J.S.2C:43-7, which term shall, notwithstanding the provisions of N.J.S.2C:43-7 or any other law, be served in its entirety prior to the person's resumption of the term of parole supervision for life.

f. The special sentence of parole supervision for life required by this section may include any of the following Internet access conditions:

(1) Prohibit the person from accessing or using a computer or any other device with Internet capability without the prior written approval of the court except the person may use a computer or any other device with Internet capability in connection with that person's employment or search for employment with the prior approval of the person's parole officer;

(2) Require the person to submit to periodic unannounced examinations of the person's computer or any other device with Internet capability by a parole officer, law enforcement officer or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment or device to conduct a more thorough inspection;

(3) Require the person to submit to the installation on the person's computer or device with Internet capability, at the person's expense, one or more hardware or software systems to monitor the Internet use;

(4) Require the person to submit to any other appropriate restrictions concerning the person's use or access of a computer or any other device with Internet capability; and

(5) Require the person to disclose all passwords used by the person to access any data, information, image, program, signal or file on the person's computer or any other device with Internet capability.

6. N.J.S.2C:47-1 is amended to read as follows:

Referral to adult diagnostic and treatment center; commitment; examination.

2C:47-1. Referral to Adult Diagnostic and Treatment Center; Commitment; Examination.

Whenever a person is convicted of the offense of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.2C:13-1, endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of N.J.S.2C:24-4, endangering the welfare of a child pursuant to paragraph (4) or (5) of subsection b. of N.J.S.2C:24-4, leader of a child pornography network pursuant to section 8 of P.L.2017, c.141 (C.2C:24-4.1), or an attempt to commit any such crime, the judge shall order the Department of Corrections to complete a psychological examination of the offender, except the judge shall not require a psychological examination if the offender is to be sentenced to a term of life imprisonment without eligibility for parole. The examination shall include a determination of whether the offender's conduct was characterized by a pattern of repetitive, compulsive behavior and, if it was, a further determination of the offender's amenability to sex offender treatment and willingness to participate in such treatment. The court's order shall contain a determination of the offender's legal settlement in accordance with subdivision D of article 3 of chapter 4 of Title 30 of the Revised Statutes.

7. N.J.S.2C:52-2 is amended to read as follows:

Indictable offenses.

2C:52-2. Indictable Offenses.

a. In all cases, except as herein provided, wherein a person has been convicted of a crime under the laws of this State and who has not been convicted of any prior or subsequent crime, whether within this State or any other jurisdiction, and has not been convicted of a disorderly persons or petty disorderly persons offense on more than two occasions may, after the expiration of a period of 10 years from the date of his most recent conviction, payment of fine, satisfactory completion of probation or parole, or release from incarceration for that crime or for any disorderly persons or petty disorderly persons offense, whichever is later, present an expunge-

ment application to the Superior Court in the county in which the conviction for the crime was adjudged, which contains a duly verified petition as provided in N.J.S.2C:52-7 for the criminal conviction sought to be expunged, and may also contain additional duly verified petitions for no more than two convictions for any disorderly persons or petty disorderly persons offenses, praying that the conviction, or convictions if applicable, and all records and information pertaining thereto be expunged. The petition for each conviction appended to an application shall comply with the requirements set forth in N.J.S.2C:52-1 et seq.

Notwithstanding the provisions of the preceding paragraph, a petition may be filed and presented, and the court may grant an expungement pursuant to this section, although less than 10 years has expired in accordance with the requirements of the preceding paragraph where the court finds:

(1) less than 10 years has expired from the satisfaction of a fine, but the ten-year time requirement is otherwise satisfied, and the court finds that the person substantially complied with any payment plan ordered pursuant to N.J.S.2C:46-1 et seq., or could not do so due to compelling circumstances affecting his ability to satisfy the fine; or

(2) at least five years has expired from the date of his conviction, payment of fine, satisfactory completion of probation or parole, or release from incarceration, whichever is later; the person has not been convicted of a crime, disorderly persons offense, or petty disorderly persons offense since the time of the conviction; and the court finds in its discretion that expungement is in the public interest, giving due consideration to the nature of the offense, and the applicant's character and conduct since conviction.

In determining whether compelling circumstances exist for the purposes of paragraph (1) of this subsection, a court may consider the amount of the fine or fines imposed, the person's age at the time of the offense, the person's financial condition and other relevant circumstances regarding the person's ability to pay.

Although subsequent convictions for no more than two disorderly or petty disorderly persons offenses shall not be an absolute bar to relief, the nature of those conviction or convictions and the circumstances surrounding them shall be considered by the court and may be a basis for denial of relief if they or either of them constitute a continuation of the type of unlawful activity embodied in the criminal conviction for which expungement is sought.

b. Records of conviction pursuant to statutes repealed by this Code for the crimes of murder, manslaughter, treason, anarchy, kidnapping, rape, forcible sodomy, arson, perjury, false swearing, robbery, embracery, or a

conspiracy or any attempt to commit any of the foregoing, or aiding, assisting or concealing persons accused of the foregoing crimes, shall not be expunged.

Records of conviction for the following crimes specified in the New Jersey Code of Criminal Justice shall not be subject to expungement: N.J.S.2C:11-1 et seq. (Criminal Homicide), except death by auto as specified in N.J.S.2C:11-5; N.J.S.2C:13-1 (Kidnapping); section 1 of P.L.1993, c.291 (C.2C:13-6) (Luring or Enticing); section 1 of P.L.2005, c.77 (C.2C:13-8) (Human Trafficking); N.J.S.2C:14-2 (Sexual Assault or Aggravated Sexual Assault); subsection a. of N.J.S.2C:14-3 (Aggravated Criminal Sexual Contact); if the victim is a minor, subsection b. of N.J.S.2C:14-3 (Criminal Sexual Contact); if the victim is a minor and the offender is not the parent of the victim, N.J.S.2C:13-2 (Criminal Restraint) or N.J.S.2C:13-3 (False Imprisonment); N.J.S.2C:15-1 (Robbery); N.J.S.2C:17-1 (Arson and Related Offenses); subsection a. of N.J.S.2C:24-4 (Endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child, or causing the child other harm); paragraph (4) of subsection b. of N.J.S.2C:24-4 (Photographing or filming a child in a prohibited sexual act or for portrayal in a sexually suggestive manner); paragraph (3) of subsection b. of N.J.S.2C:24-4 (Causing or permitting a child to engage in a prohibited sexual act or the simulation of an act, or to be portrayed in a sexually suggestive manner); subparagraph (a) of paragraph (5) of subsection b. of N.J.S.2C:24-4 (Distributing, possessing with intent to distribute or using a file-sharing program to store items depicting the sexual exploitation or abuse of a child); subparagraph (b) of paragraph (5) of subsection b. of N.J.S.2C:24-4 (Possessing or viewing items depicting the sexual exploitation or abuse of a child); section 8 of P.L.2017, c.141 (C.2C:24-4.1) (Leader of a child pornography network); N.J.S.2C:28-1 (Perjury); N.J.S.2C:28-2 (False Swearing); paragraph (4) of subsection b. of N.J.S.2C:34-1 (Knowingly promoting the prostitution of the actor's child); section 2 of P.L.2002, c.26 (C.2C:38-2) (Terrorism); subsection a. of section 3 of P.L.2002, c.26 (C.2C:38-3) (Producing or Possessing Chemical Weapons, Biological Agents or Nuclear or Radiological Devices); and conspiracies or attempts to commit such crimes.

Records of conviction for any crime committed by a person holding any public office, position or employment, elective or appointive, under the government of this State or any agency or political subdivision thereof and any conspiracy or attempt to commit such a crime shall not be subject to expungement if the crime involved or touched such office, position or employment.

c. In the case of conviction for the sale or distribution of a controlled dangerous substance or possession thereof with intent to sell, expungement shall be denied except where the crimes involve:

(1) Marijuana, where the total quantity sold, distributed or possessed with intent to sell was 25 grams or less;

(2) Hashish, where the total quantity sold, distributed or possessed with intent to sell was five grams or less; or

(3) Any controlled dangerous substance provided that the conviction is of the third or fourth degree, where the court finds that expungement is consistent with the public interest, giving due consideration to the nature of the offense and the petitioner's character and conduct since conviction.

d. In the case of a State licensed physician or podiatrist convicted of an offense involving drugs or alcohol or pursuant to section 14 or 15 of P.L.1989, c.300 (C.2C:21-20 or 2C:21-4.1), the court shall notify the State Board of Medical Examiners upon receipt of a petition for expungement of the conviction and records and information pertaining thereto.

C.2C:24-4.1 Leader of child pornography network; degree of crime; definitions.

8. a. A person is a leader of a child pornography network if he knowingly conspires with others as an organizer, moderator, administrator, programmer, recruiter, or facilitator to engage in a scheme or course of conduct to establish or maintain an interconnected network through which files containing one or more items depicting the sexual exploitation or abuse of a child are in any way made available to or accessible among an organized group of users or participants.

b. Leader of a child pornography network is a crime of the first degree if the offense involves 100,000 or more items depicting the sexual exploitation or abuse of a child; a crime of the second degree if the offense involves at least 1,000 but less than 100,000 items depicting the sexual exploitation or abuse of a child; and a crime of the third degree if the offense involves less than 1,000 items depicting the sexual exploitation or abuse of a child.

c. For aggregation purposes, each item depicting the sexual exploitation or abuse of a child made available or accessible through a distribution network shall be considered a separate item, provided that each item that is in the form of a photograph, picture, image, or visual depiction of a similar nature shall be considered to be one item and each depiction that is in the form of a film, video, video-clip, movie, or visual depiction of a similar nature shall be considered to be 10 separate items.

d. Notwithstanding the provisions of N.J.S.2C:1-8, a conviction of leader of a child pornography network shall not merge with the conviction

for any offense which is the object of the conspiracy, nor shall the other conviction merge with a conviction under this section. Nothing contained in this section shall be construed in any way to preclude or limit the prosecution or conviction of any person for conspiracy under the provisions of N.J.S.2C:5-2, or any prosecution or conviction for endangering the welfare of children under the provisions of N.J.S.2C:24-4 or any other provision of law.

e. As used in this section:

"Interconnected network" means a set of computer nodes, including but not limited to personal computers, mobile devices, and physical or virtual servers that are linked together to facilitate the transmission of data between users.

"Item depicting the sexual exploitation or abuse of a child" shall have the same meaning as provided in subsection b. of N.J.S.2C:24-4.

9. This act shall take effect on the first day of the seventh month following enactment.

Approved July 21, 2017.

CHAPTER 142

AN ACT authorizing the expenditure of funds by the New Jersey Environmental Infrastructure Trust for the purpose of making loans to eligible project sponsors to finance a portion of the cost of construction of environmental infrastructure projects, and making an appropriation.

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

1. a. The New Jersey Environmental Infrastructure Trust, established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.), is authorized to expend the aggregate sum of up to $539.52 million and any uncommitted balance of the aggregate expenditures authorized pursuant to section 1 of P.L.2000, c.93, section 1 of P.L.2001, c.224, section 1 of P.L.2002, c.71, section 1 of P.L.2003, c.159, section 1 of P.L.2004, c.110, section 1 of P.L.2005, c.197, section 1 of P.L.2006, c.67, section 1 of P.L.2007, c.140, section 1 of P.L.2008, c.67, section 1 of P.L.2009, c.101, section 1 of P.L.2010, c.62, section 1 of P.L.2011, c.95, section 1 of P.L.2012, c.38, section 1 of P.L.2013, c.94, section 1 of P.L.2014, c.26, section 1 of P.L.2015, c.107, and section 1 of P.L.2016, c.31 for the purpose of making loans, to the ex-

tent sufficient funds are available, to or on behalf of local government units or public water utilities (hereinafter referred to as "project sponsors") to finance all or a portion of the cost of construction of environmental infrastructure projects listed in sections 2 and 4 of this act.

b. The trust is authorized to increase the aggregate sums specified in subsection a. of this section by:

(1) the amounts of capitalized interest and the bond issuance expenses as provided in subsection b. of section 7 of this act;

(2) the amounts of reserve capacity expenses and debt service reserve fund requirements as provided in subsection c. of section 7 of this act;

(3) the interest earned on amounts deposited for project costs pending their distribution to project sponsors as provided in subsection d. of section 7 of this act;

(4) the amounts of the loan origination fee as provided in subsection e. of section 7 of this act; and

(5) the amount appropriated to the Department of Environmental Protection for the purpose of making zero interest and principal forgiveness loans pursuant to section 3 of P.L.2017, c.143 in connection with the project costs of a particular project sponsor, to the extent the priority ranking and an insufficiency of funding prevents the department from making the loan as provided in subsection f. of section 7 of this act.

c. (1) Of the sums made available to the trust from the "Water Supply Trust Fund" established pursuant to subsection a. of section 15 of the "Water Supply Bond Act of 1981" (P.L.1981, c.261) pursuant to P.L.1997, c.223, the trust is authorized to transfer such amounts to the Department of Environmental Protection as needed for drinking water project loans pursuant to the "Safe Drinking Water Act Amendments of 1996," Pub.L.104-182, and any amendatory and supplementary acts thereto (hereinafter referred to as the "Federal Safe Drinking Water Act"), under terms and conditions established by the Commissioner of Environmental Protection and trust, and approved by the State Treasurer, which loans shall be jointly administered by the trust and department.

(2) Of the sums appropriated to the trust from the "Wastewater Treatment Trust Fund" established pursuant to section 15 of the "Wastewater Treatment Bond Act of 1985," (P.L.1985, c.329) pursuant to P.L.1987, c.198, the trust is authorized to transfer such amounts as needed to the Clean Water State Revolving Fund established pursuant to section 1 of P.L.2009, c.77 for the purposes of issuing loans or providing the State match as required for the award of the capitalization grants made available to the State for clean water projects pursuant to the "Water Quality Act of

1987" (33 U.S.C. s.1251 et seq.), and any amendatory and supplementary acts thereto (hereinafter referred to as the "Federal Clean Water Act").

(3) Of the sums appropriated to the trust from the "1992 Wastewater Treatment Trust Fund" established pursuant to section 27 of the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992" (P.L.1992, c.88) pursuant to P.L.1996, c.86, the trust is authorized to transfer such amounts as needed to the Clean Water State Revolving Fund for the purpose of providing the State match as required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(4) Of the sums appropriated to the trust from the "Stormwater Management and Combined Sewer Overflow Abatement Fund" created pursuant to section 14 of the "Stormwater Management and Combined Sewer Overflow Abatement Bond Act of 1989" (P.L.1989, c.181) pursuant to P.L.1998, c.87, the trust is authorized to transfer such amounts as needed to the Clean Water State Revolving Fund for the purpose of providing the State match as required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(5) Of the sums appropriated to the trust from the "2003 Water Resources and Wastewater Treatment Trust Fund" established pursuant to subsection b. of section 19 of the "Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003" (P.L.2003, c.162) pursuant to P.L.2004, c.110, the trust is authorized to transfer such amounts as needed to the Clean Water State Revolving Fund for the purpose of providing the State match as required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(6) Of the sums appropriated to the trust from repayments of loans deposited in any account, including the "Clean Water State Revolving Fund," "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the "Stormwater Management and Combined Sewer Overflow Abatement Fund" or the Drinking Water State Revolving Fund, as appropriate, pursuant to sections 11 and 12 of P.L.1995, c.219, sections 11 and 12 of P.L.1996, c.85, sections 11 and 12 of P.L.1997, c.221, sections 12 and 13 of P.L.1998, c.84, section 11 of P.L.1999, c.174, section 11 of P.L.2000, c.92, section 11 of P.L.2001, c.222, section 11 of P.L.2002, c.70, section 11 of P.L.2003, c.158, section 11 of P.L.2004, c.109, section 11 of P.L.2005, c.196, section 11 of P.L.2006, c.68, section 10 of P.L.2007, c.140, section 10 of P.L.2008, c.67, section 10 of P.L.2009, c.101, section 10 of

P.L.2010, c.62, section 10 of P.L.2011, c.95, section 10 of P.L.2012, c.38, section 10 of P.L.2013, c.94, section 10 of P.L.2014, c.26, section 10 of P.L.2015, c.107, section 10 of P.L.2016, c.31, and section 10 of P.L.2017, c.142 for deposit into one or more reserve funds or accounts established by the trust pursuant to section 11 of P.L.1985, c.334 (C.58:11B-11), the trust shall transfer to the respective fund of origin the uncommitted balance of all such moneys no longer utilized by the trust for such purposes.

d. For the purposes of this act:

(1) "capitalized interest" means the amount equal to interest paid on trust bonds which is funded with trust bond proceeds and the earnings thereon;

(2) "debt service reserve fund expenses" means the debt service reserve fund costs associated with reserve capacity expenses, water supply projects for which the project sponsors are public water utilities as provided in section 9 of P.L.1985, c.334 (C.58:11B-9), other drinking water projects not eligible for, or interested in, State or federal debt service reserve funds pursuant to the "Water Supply Bond Act of 1981," P.L.1981, c.261, as amended and supplemented by P.L.1997, c.223, and any clean water projects not eligible for, or interested in, State or federal debt service reserve funds from the Clean Water State Revolving Fund;

(3) "issuance expenses" means and includes, but need not be limited to, the costs of financial document printing, bond insurance premiums or other credit enhancement, underwriters' discount, verification of financial calculations, the services of bond rating agencies and trustees, the employment of accountants, attorneys, financial advisors, loan servicing agents, registrars, and paying agents, and any other costs related to the issuance of trust bonds;

(4) "loan origination fee" means the fee charged by the Department of Environmental Protection and financed under the trust loan to pay a portion of the costs incurred by the department in the implementation of the New Jersey Environmental Infrastructure Financing Program; and

(5) "reserve capacity expenses" means those project costs for reserve capacity not eligible for loans under rules and regulations governing zero interest loans adopted by the Commissioner of Environmental Protection pursuant to section 4 of P.L.1985, c.329 but which are eligible for loans from the trust in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27).

e. The trust is authorized to increase the loan amount in the future to compensate for a refunding of the issue, provided adequate savings are achieved, for the loans issued pursuant to P.L.1995, c.218, P.L.1996, c.87, P.L.1997, c.222, P.L.1998, c.85, P.L.1999, c.173, P.L.2000, c.93, P.L.2001,

c.224, P.L.2002, c.71, P.L.2003, c.159, P.L.2004, c.110, P.L.2005, c.197, P.L.2006, c.67, P.L.2007, c.140, P.L.2008, c.67, P.L.2009, c.101, P.L.2010, c.62, P.L.2011, c.95, P.L.2012, c.38, P.L.2013, c.94, P.L.2014, c.26, P.L.2015, c.107, P.L.2016, c.31, and P.L.2017, c.142.

2. a. (1) The New Jersey Environmental Infrastructure Trust is authorized to expend funds for the purpose of making supplemental loans to or on behalf of the project sponsors listed below for the following clean water environmental infrastructure projects:

Project Sponsor	**Project Number**	**Estimated Allowable Trust Loan Amount**	**Estimated Total Allowable Loan Amount**
Burlington Township	S320712-14-1	$150,000	$200,000
North Hudson Sewer Authority	S340952-19-1	$150,000	$200,000
Ventnor City	S340667-02-1	$3,750,000	$5,000,000
Wanaque Valley RSA	S340780-04-1	$1,125,000	$1,500,000
Warren Township SA	S340964-01-1	$75,000	$100,000
Warren Township SA	S340964-02-1	$262,500	$350,000
Total projects:	**6**	**$5,512,500**	**$7,350,000**

(2) The loans authorized in this subsection shall be made for the difference between the allowable loan amounts required by these projects based upon final building costs pursuant to subsection a. of section 7 of this act and the loan amounts certified by the chairman of the trust in State fiscal years 2015, 2016, and 2017 and for increased allowable costs as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27). The loans authorized in this subsection shall be made to or on behalf of the project sponsors listed, up to the individual amounts indicated and in the priority stated, to the extent sufficient funds are available, except as a project fails to meet the requirements of section 6 of this act.

(3) The loans authorized in this subsection shall have priority over the environmental infrastructure projects listed in subsection a. of section 4 of this act.

b. (1) The trust is authorized to expend funds for the purpose of making supplemental loans to or on behalf of the project sponsors listed below for the following drinking water environmental infrastructure project:

Project Sponsor	Project Number	Estimated Allowable Trust Loan Amount	Estimated Total Allowable Loan Amount
North Jersey District Water Supply Comm.	1613001-017-1	$2,700,000	$3,600,000
Total Projects:	**1**	**$2,700,000**	**$3,600,000**

(2) The loan authorized in this subsection shall be made for the difference between the allowable loan amount required by this project based upon final building costs pursuant to subsection a. of section 7 of this act and the loan amount certified by the chairman of the trust in State fiscal years 2016 and 2017 and for increased allowable costs as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27). The loans authorized in this subsection shall be made to or on behalf of the project sponsors listed, up to the individual amounts indicated and in the priority stated, to the extent sufficient funds are available, except as a project fails to meet the requirements of section 6 of this act.

(3) The loan for the projects authorized in this subsection shall have priority over environmental infrastructure projects listed in subsection b. of section 4 of this act.

c. The trust is authorized to adjust the allowable trust loan amount for projects authorized in this section to between 25% and 75% of the total allowable loan amount and such excess amounts to the extent the priority ranking and an insufficiency of funding prevents the Department of Environmental Protection from making the loan as provided in subsection f. of section 7 of this act.

3 a. The New Jersey Environmental Infrastructure Trust is authorized to make loans to or on behalf of the project sponsors for the clean water projects listed in subsection a. of section 2 and subsection a. of section 4 of this act up to the individual amounts indicated and in the priority stated, except as any such amount may be reduced by the trust pursuant to subsection a. of section 7 of this act, or if a project fails to meet the requirements of section 6 of this act. The trust is authorized to increase any such amount pursuant to subsection b., c., d., e. or f. of section 7 or section 8 of this act.

b. The trust is authorized to make loans to project sponsors for the drinking water projects listed in subsection b. of section 2 and subsection b. of section 4 of this act up to the individual amounts indicated and in the

priority stated, except as any such amount may be reduced by the trust pursuant to subsection a. of section 7 of this act, or if a project fails to meet the requirements of section 6 of this act. The trust is authorized to increase any such amount pursuant to subsection b., c., d., e. or f. of section 7 or section 8 of this act.

4. a. The following environmental infrastructure projects shall be known and may be cited as the "Storm Sandy and State Fiscal Year 2018 Clean Water Project Eligibility List":

Project Sponsor	**Project Number**	**Estimated Allowable Trust Loan Amount**	**Estimated Total Allowable Loan Amount**
Atlantic County UA	S340809-23	$8,280,000	$11,040,000
Atlantic County UA	S340809-24	$720,000	$960,000
Atlantic County UA	S340809-25	$13,140,000	$17,520,000
Atlantic County UA	S340809-26	$1,350,000	$1,800,000
Atlantic County UA	S340809-27	$2,400,000	$3,200,000
Atlantic County UA	S340809-28	$3,075,000	$4,100,000
Bayshore RSA	S340697-05	$21,150,000	$28,200,000
Burlington Township	S340712-15	$825,000	$1,100,000
Carteret Borough	S340939-09	$7,950,000	$10,600,000
Cinnaminson SA	S340170-07	$6,750,000	$9,000,000
Cumberland County UA	S340550-07	$975,000	$1,300,000
Cumberland County UA	S340550-08	$975,000	$1,300,000
Elizabeth City	S340942-18	$6,150,000	$8,200,000
Gloucester City	S340958-07	$900,000	$1,200,000
Gloucester County IA	S342024-01	$6,000,000	$8,000,000
Gloucester County UA	S340902-14	$33,750,000	$45,000,000
Gloucester County UA	S340902-16	$1,575,000	$2,100,000
Hightstown Borough	S340915-05	$1,050,000	$1,400,000
Hoboken City	S340635-06	$24,750,000	$33,000,000
Hoboken City	S340635-07	$3,750,000	$5,000,000
Kearny MUA	S340259-07	$4,875,000	$6,500,000
Long Beach Township	S340023-06	$3,750,000	$5,000,000
Mendham Township	S340477-01	$1,875,000	$2,500,000
Millville City	S340921-07	$9,000,000	$12,000,000
North Hudson SA	S340952-23	$2,325,000	$3,100,000

Northwest Bergen County UA	S340700-13	$3,900,000	$5,200,000
Ocean County	S344080-10	$187,500	$250,000
Ocean County	S344080-11	$262,500	$350,000
Ocean Township	S340112-07	$2,250,000	$3,000,000
Ocean Township SA	S340750-11	$4,875,000	$6,500,000
Passaic Valley SC	S340689-25	$6,825,000	$9,100,000
Passaic Valley SC	S340689-30	$1,875,000	$2,500,000
Passaic Valley SC	S340689-31	$3,000,000	$4,000,000
Passaic Valley SC	S340689-34	$2,175,000	$2,900,000
Pine Hill MUA	S340274-05	$1,350,000	$1,800,000
Rockaway Valley RSA	S340821-06	$6,000,000	$8,000,000
Somerset Raritan Valley SA	S340801-08	$10,125,000	$13,500,000
Somerville Borough	S342013-01	$8,625,000	$11,500,000
South Monmouth RSA	S340377-05	$2,625,000	$3,500,000
Stafford Township	S344100-03	$4,200,000	$5,600,000
Sussex County MUA	S342008-05	$9,750,000	$13,000,000
Ventnor City	S340667-03	$1,500,000	$2,000,000
Total Projects:	**42**	**$236,865,000**	**$315,820,000**

b. The following environmental infrastructure projects shall be known and may be cited as the "Storm Sandy and State Fiscal Year 2018 Drinking Water Project Eligibility List":

Project Sponsor	**Project Number**	**Estimated Allowable Trust Loan Amount**	**Estimated Total Allowable Loan Amount**
Berkeley Township MUA	1505004-007	$525,000	$700,000
Bordentown City	0303001-006	$1,125,000	$1,500,000
Cape May City	0502001-004	$1,650,000	$2,200,000
Clinton Town	1005001-008	$1,125,000	$1,500,000
Clinton Town	1005001-009	$900,000	$1,200,000
Gloucester City	0414001-020A	$187,500	$250,000
Hoboken City	0905001-001	$6,375,000	$8,500,000
Jackson Township MUA	1511001-010	$6,150,000	$8,200,000
Long Beach Township	1517001-500	$6,900,000	$9,200,000
Maple Shade Township	0319001-006	$1,950,000	$2,600,000

Middlesex Water Company	1225001-016	$4,275,000	$5,700,000
Middlesex Water Company	1225001-023	$6,000,000	$8,000,000
Middlesex Water Company	1225001-024	$2,700,000	$3,600,000
Netcong Borough	1428001-009	$300,000	$400,000
NJ American Water Co.-Raritan	2004002-500	$27,000,000	$36,000,000
NJ American Water Company	2004002-011	$9,600,000	$12,800,000
North Jersey District WS	1613001-022	$12,750,000	$17,000,000
North Jersey District WS	1613001-025	$5,475,000	$7,300,000
North Jersey District WS	1613001-033	$3,075,000	$4,100,000
Ocean Township	1520001-007	$1,050,000	$1,400,000
Passaic Valley WC	1605002-025	$27,450,000	$36,600,000
Perth Amboy City	1216001-008	$1,875,000	$2,500,000
Rahway City	2013001-007	$13,650,000	$18,200,000
Red Bank Borough	1340001-002	$1,500,000	$2,000,000
Saddle Brook Township	0257001-002	$1,425,000	$1,900,000
Trenton City	1111001-010	$7,875,000	$10,500,000
Washington Township MUA	0818004-010	$1,425,000	$1,900,000
Willingboro MUA	0338001-009	$5,250,000	$7,000,000
Total Projects: 28		**$159,562,500**	**$212,750,000**

c. The trust is authorized to adjust the allowable trust loan amount for projects authorized in this section to between 0% and 75% of the total allowable loan amount, and such excess amounts to the extent the priority ranking and an insufficiency of funding prevents the Department of Environmental Protection from making the loan as provided in subsection f. of section 7 of this act, and up to 100% of the total allowable loan amount for projects certified by the Department of Environmental Protection pursuant to section 1 of P.L.2013, c.93 (C.58:11B-9.5).

5. In accordance with and subject to the provisions of sections 5, 6, and 23 of P.L.1985, c.334 (C.58:11B-5, 58:11B-6, and 58:11B-23) and as set forth in the financial plan required pursuant to section 21 of P.L.1985, c.334 (C.58:11B-21), or the financial plan required pursuant to section 25 of P.L.1997, c.224 (C.58:11B-21.1), any proceeds from bonds issued by the

trust to make loans for priority environmental infrastructure projects listed in sections 2 and 4 of this act which are not expended for that purpose may be applied for the payment of all or any part of the principal of and interest and premium on the trust bonds whether due at stated maturity, the interest payment dates or earlier upon redemption. A portion of the proceeds from bonds issued by the trust to make loans for priority environmental infrastructure projects pursuant to this act may be applied for the payment of capitalized interest and for the payment of any issuance expenses; for the payment of reserve capacity expenses; for the payment of debt service reserve fund expenses for the payment of the loan origination fees; and for the payment of increased costs as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27).

6. Any loan made by the New Jersey Environmental Infrastructure Trust pursuant to this act shall be subject to the following requirements:

a. The chairman of the trust has certified that the project is in compliance with the provisions of P.L.1977, c.224, P.L.1985, c.334, P.L.1992, c.88, P.L.1997, c.223, P.L.1997, c.224, P.L.1997, c.225, P.L.1999, c.175 or P.L.2003, c.162, and any rules and regulations adopted pursuant thereto, and any amendatory and supplementary acts thereto, as applicable. In making this certification, the chairman may conclusively rely on the project review conducted by the Department of Environmental Protection without any independent review thereof by the trust;

b. The loan shall be conditioned upon inclusion of the project on a project eligibility list approved pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20) or section 24 of P.L.1997, c.224 (C.58:11B-20.1);

c. The loan shall be repaid within a period not to exceed 30 years of the making of the loan;

d. The loan, including any portion thereof made by the trust pursuant to subsection f. of section 7 of this act, shall not exceed the allowable project cost of the environmental infrastructure facility, exclusive of capitalized interest and issuance expenses as provided in subsection b. of section 7 of this act, reserve capacity expenses and the debt service reserve fund expenses as provided in subsection c. of section 7 of this act, interest earned on project costs as provided in subsection d. of section 7 of this act, the amounts of the loan origination fee as provided in subsection e. of section 7 of this act, refunding increases as provided in section 8 of this act and increased costs as defined and determined in accordance with the rules and

regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27);

e. The loan shall bear interest, exclusive of any late charges or administrative fees payable to the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5) by the project sponsors receiving trust loans, at or below the interest rate paid by the trust on the bonds issued to make or refund the loans authorized by this act, adjusted for underwriting discount and original issue discount or premium, in accordance with the terms and conditions set forth in the financial plan required pursuant to section 21 of P.L.1985, c.334 (C.58:11B-21) or the financial plan required pursuant to section 25 of P.L.1997, c.224 (C.58:11B-21.1); and

f. The loan shall be subject to all other terms and conditions as the trust shall determine to be consistent with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) and any rules and regulations adopted pursuant thereto, and with the financial plan required by section 21 of P.L.1985, c.334 (C.58:11B-21) or the financial plan required pursuant to section 25 of P.L.1997, c.224 (C.58:11B-21.1).

The eligibility lists and authorization for the making of loans pursuant to this act shall expire on July 1, 2018, and any project sponsor which has not executed and delivered a loan agreement with the trust for a loan authorized in this act shall no longer be entitled to that loan.

7. a. The New Jersey Environmental Infrastructure Trust is authorized to reduce the individual amount of loan funds made available to or on behalf of project sponsors pursuant to sections 2 and 4 of this act based upon final building costs defined in and determined in accordance with rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27) or rules and regulations adopted by the Commissioner of Environmental Protection pursuant to section 4 of P.L.1985, c.329, section 11 of P.L.1977, c.224 (C.58:12A-11) or section 5 of P.L.1981, c.261. The trust is authorized to use any such reduction in the loan amount made available to a project sponsor to cover that project sponsor's increased costs due to differing site conditions or other allowable expenses as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27).

b. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of this act by the amount of capitalized interest and issuance expenses allocable to each loan made by the trust pursuant to this act; provided that the increase for issuance expenses, excluding underwriters' discount, original issue discount or premiums, municipal bond insurance

premiums and bond rating agency fees, shall not exceed 0.4% of the principal amount of trust bonds issued to make loans authorized by this act.

c. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of this act by the amount of reserve capacity expenses, and by the debt service reserve fund expenses associated with the costs identified in paragraphs (3) and (4) of subsection d. of section 1 of this act.

d. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of this act by the interest earned on amounts deposited for project costs pending their distribution to project sponsors.

e. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of this act by the loan origination fee.

f. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of this act by the amount appropriated to the Department of Environmental Protection for the purpose of making the corresponding zero interest loan pursuant to section 3 of P.L.2017, c.143 in connection with the project costs of the project sponsor, to the extent the priority ranking and an insufficiency of funding prevents the department from making the loan.

8. The New Jersey Environmental Infrastructure Trust is authorized to increase the individual amount of loan funds made available to project sponsors by the trust pursuant to P.L.1989, c.190, P.L.1990, c.97, P.L.1991, c.324, P.L.1992, c.37, P.L.1993, c.192, P.L.1994, c.105, P.L.1995, c.218, P.L.1996, c.87, P.L.1997, c.222, P.L.1998, c.85, P.L.1999, c.173, P.L.2000, c.93, P.L.2001, c.224, P.L.2002, c.71, P.L.2003, c.159, P.L.2004, c.110, P.L.2005, c.197, P.L.2006, c.67, P.L.2007, c.140, P.L.2008, c.67, P.L.2009, c.101, P.L.2010, c.62, P.L.2011, c.95, P.L.2012, c.38, P.L.2013, c.94, P.L.2014, c.26, P.L.2015, c.107, P.L.2016, c.31, or P.L.2017, c.142, provided that adequate savings are achieved, to compensate for a refunding of trust bonds issued to make loans authorized by the aforementioned acts.

9. The expenditure of funds authorized pursuant to this act is subject to the provisions of P.L.1977, c.224 (C.58:12A-1 et al.), P.L.1985, c.329, P.L.1985, c.334 (C.58:11B-1 et seq.), as amended and supplemented by P.L.1997, c.224, P.L.1992, c.88, P.L.1989, c.181, P.L.1997, c.223, P.L.1997, c.225, P.L.1999, c.175, or P.L.2003, c.162, and the rules and regulations adopted pursuant thereto or the Federal Safe Drinking Water Act, as appropriate.

10. a. There is appropriated to the New Jersey Environmental Infrastructure Trust as needed from funds deposited in any account, including

the "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the "2003 Water Resources and Wastewater Treatment Trust Fund," the "Stormwater Management and Combined Sewer Overflow Abatement Fund," the "Clean Water State Revolving Fund," or the "Drinking Water State Revolving Fund," as appropriate, and from any net earnings received from the investment and reinvestment of such deposits, the sum of $600,000,000 consisting of:

(1) The uncommitted balance of $500,000,000 currently on deposit in the special fund (hereinafter referred to as the "Interim Financing Program Fund") created and established by the trust for the short-term or temporary loan financing or refinancing program (hereinafter referred to as the "Interim Financing Program") authorized pursuant to subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9), which balance previously had been appropriated to the trust for such purpose pursuant to section 11 of P.L.2016, c.31, less any Interim Financing Program Fund amounts appropriated to the Department of Environmental Protection to supplement the sums appropriated from the Clean Water State Revolving Fund for clean water projects pursuant to the Federal Clean Water Act and from the Drinking Water State Revolving Fund for drinking water projects pursuant to the Federal Safe Drinking Water Act, provided that at no time shall funds committed pursuant to this section exceed funds required by the Department of Environmental Protection to meet long-term obligations; and

(2) such other amounts to be deposited in the Interim Financing Program Fund, in an aggregate amount that does not exceed at any time, the amount appropriated, provided that the amount so reappropriated and appropriated to the trust for deposit in the Interim Financing Program Fund shall be utilized by the trust to make short-term or temporary loans pursuant to the Interim Financing Program to any one or more of the project sponsors, for the respective projects thereof, identified in the interim financing project priority list (hereinafter referred to as the "Interim Financing Program Project Priority List") in the form provided to the Legislature by the Commissioner of Environmental Protection.

b. The Interim Financing Program Project Priority List shall be submitted to the Secretary of the Senate and the Clerk of the General Assembly at least once each fiscal year. The Secretary of the Senate and the Clerk of the General Assembly shall cause the date of submission to be entered upon the Senate Journal and the Minutes of the General Assembly, respectively. Any environmental infrastructure project or the project sponsor thereof not identified in the Interim Financing Program Project Priority List shall not

be eligible for a short-term or temporary loan from the Interim Financing Program Fund.

c. The trust may issue market rate interest short-term temporary loans for wastewater treatment and water supply projects on the Interim Financing Program Project Priority List for the reduction of lead in publicly-owned facilities otherwise ineligible to receive funding for that purpose pursuant to subsection a. of this section.

11. a. There is appropriated to the New Jersey Environmental Infrastructure Trust for deposit in the special fund created and established by the trust for the short-term or temporary Disaster Relief Emergency Financing Program loan financing or refinancing program (hereinafter referred to as the "Disaster Relief Emergency Financing Program") authorized pursuant to subsection a. of section 1 of P.L.2013, c.93 (C.58:11B-9.5) such sums as needed consisting of:

(1) sums from the "Interim Financing Program Fund" as needed by the trust to make short-term or temporary loans pursuant to the Disaster Relief Emergency Financing Program to any one or more of the project sponsors, for the respective projects thereof; and

(2) such other amounts to be deposited in the Disaster Relief Emergency Financing Program Fund, provided that the amount so appropriated to the trust for deposit in the Disaster Relief Emergency Financing Program Fund shall be utilized by the trust to make short-term or temporary loans pursuant to the Disaster Relief Emergency Financing Program to any one or more of the project sponsors, for the respective projects thereof. Any projects funded by the Disaster Relief Emergency Financing Program shall be subject to the approval of the Commissioner of Environmental Protection.

b. The Disaster Relief Emergency Financing Program Project Priority List shall be submitted to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) at least once in each fiscal year. Any environmental infrastructure project or the project sponsor thereof not identified in the Disaster Relief Emergency Financing Program Project Priority List shall not be eligible for a short-term or temporary loan from the Disaster Relief Emergency Financing Program Fund.

12. Notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the trust shall not be required to adopt rules and regulations governing the making of Disaster Relief Emergency Financing Program loans.

13. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 143

AN ACT appropriating moneys to the Department of Environmental Protection for the purpose of making grants, zero interest loans, or principal forgiveness loans to project sponsors to finance a portion of the costs of environmental infrastructure projects.

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

1. a. (1) There is appropriated to the Department of Environmental Protection from the "Clean Water State Revolving Fund" established pursuant to section 1 of P.L.2009, c.77, an amount equal to the federal fiscal year 2017 capitalization grant made available to the State for clean water project loans pursuant to the "Water Quality Act of 1987" (33 U.S.C. s.1251 et seq.), and any amendatory and supplementary acts thereto (hereinafter referred to as the "Federal Clean Water Act").

(2) There is appropriated to the Department of Environmental Protection from the "Interim Financing Program Fund" created and established by the New Jersey Environmental Infrastructure Trust pursuant to subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9) such amounts as may be necessary to supplement the sums appropriated from the Clean Water State Revolving Fund for the purposes of clean water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(3) There is appropriated to the Department of Environmental Protection from the "Disaster Relief Emergency Financing Program Fund" created and established by the New Jersey Environmental Infrastructure Trust pursuant to section 1 of P.L.2013, c.93 (C.58:11B-9.5) such amounts as may be necessary to supplement the sums appropriated from the Clean Water State Revolving Fund for the purposes of clean water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(4) There is appropriated to the Department of Environmental Protection from the "Loan Origination Fee Fund" created and established by the New Jersey Environmental Infrastructure Trust pursuant to section 1 of P.L.2005, c.202 (C.58:11B-10.2), and any repayments of loans and interest therefrom, such amounts as may be necessary to supplement the sums appropriated from the Clean Water State Revolving Fund for the purposes of clean water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(5) There is appropriated to the Department of Environmental Protection from the "Drinking Water State Revolving Fund" established pursuant to section 1 of P.L.1998, c.84 an amount equal to the federal fiscal year 2017 capitalization grant made available to the State for drinking water projects pursuant to the "Safe Drinking Water Act Amendments of 1996," Pub.L.104-182, and any amendatory and supplementary acts thereto (hereinafter referred to as the "Federal Safe Drinking Water Act").

The Department of Environmental Protection is authorized to transfer from the Clean Water State Revolving Fund to the Drinking Water State Revolving Fund an amount up to the maximum amount authorized to be transferred pursuant to the Federal Safe Drinking Water Act to meet present and future needs for the financing of eligible drinking water projects, and an amount equal to that maximum amount is hereby appropriated to the department for those purposes.

The Department of Environmental Protection is authorized to transfer from the Drinking Water State Revolving Fund to the Clean Water State Revolving Fund an amount up to the maximum amount authorized to be transferred pursuant to the Federal Clean Water Act to meet present and future needs for the financing of eligible clean water projects, and an amount equal to that maximum amount is hereby appropriated to the department for those purposes.

(6) There is appropriated to the Department of Environmental Protection the unappropriated balances from the Clean Water State Revolving Fund, including the balances from the Federal Disaster Relief Appropriations Act, and any repayments of loans and interest therefrom, for the purposes of clean water project loans and providing the State match as available on or before June 30, 2018, as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(7) There is appropriated to the Department of Environmental Protection the unappropriated balances from the "Wastewater Treatment Fund"

established pursuant to section 15 of the "Wastewater Treatment Bond Act of 1985" (P.L.1985, c.329), and any repayments of loans and interest therefrom, as available on or before June 30, 2018, for the purposes of clean water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(8) There is appropriated to the Department of Environmental Protection the unappropriated balances from the "1992 Wastewater Treatment Fund" established pursuant to section 27 of the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992" (P.L.1992, c.88), and any repayments of loans and interest therefrom, as available on or before June 30, 2018, for the purposes of clean water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(9) There is appropriated to the Department of Environmental Protection the unappropriated balances from the "2003 Water Resources and Wastewater Treatment Fund" established pursuant to subsection a. of section 19 of the "Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003" (P.L.2003, c.162), and any repayments of loans and interest therefrom, as available on or before June 30, 2018, for the purposes of clean water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(10) There is appropriated to the Department of Environmental Protection the unappropriated balances from the Drinking Water State Revolving Fund, including the balances from the Disaster Relief Appropriations Act of 2013, for the purposes of drinking water project loans and any repayments of loans and interest therefrom, that are or may become available on or before June 30, 2018.

(11) There is appropriated to the Department of Environmental Protection such sums as may be needed from loan repayments and interest earnings from the "Water Supply Fund" established pursuant to section 14 of the "Water Supply Bond Act of 1981" (P.L.1981, c.261) for the "Drinking Water State Revolving Fund Match Accounts" contained within that fund for the purpose of providing the State match as required or will be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act.

(12) There is appropriated to the Department of Environmental Protection from the "Interim Financing Program Fund" created and established by the New Jersey Environmental Infrastructure Trust pursuant to subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9) such amounts as may be or become available on or before June 30, 2018, and any repayments of loans and interest therefrom, as may be necessary to supplement the sums appropriated from the Drinking Water State Revolving Fund for the purposes of drinking water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Safe Drinking Water Act.

(13) There is appropriated to the Department of Environmental Protection from the "Disaster Relief Emergency Financing Program Fund" created and established by the New Jersey Environmental Infrastructure Trust pursuant to section 1 of P.L.2013, c.93 (C.58:11B-9.5) such amounts as may be necessary to supplement the sums appropriated from the Drinking Water State Revolving Fund for the purposes of drinking water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act.

(14) There is appropriated to the Department of Environmental Protection from the "Loan Origination Fee Fund" created and established by the New Jersey Environmental Infrastructure Trust pursuant to section 1 of P.L.2005, c.202 (C.58:11B-10.2), and any repayments of loans and interest therefrom, such amounts as may be necessary to supplement the sums appropriated from the Drinking Water State Revolving Fund for the purposes of drinking water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act.

(15) There is appropriated to the Department of Environmental Protection such sums as may be received by the Department of Community Affairs as the grantee from the United States Department of Housing and Urban Development Community Development Block Grant - Disaster Recovery Program (CDBG-DR), as anticipated and upon availability on or before June 30, 2018, for the purposes of CDBG-DR eligible clean water and drinking water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act

and drinking water projects pursuant to the Federal Safe Drinking Water Act, respectively.

(16) There is appropriated to the Department of Environmental Protection such sums as may be or become available on or before June 30, 2018, as repayments of drinking water project loans and any interest therefrom from the "Water Supply Fund" established pursuant to section 14 of the "Water Supply Bond Act of 1981" (P.L.1981, c.261) for the purposes of drinking water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act.

(17) Of the sums appropriated to the Department of Environmental Protection from the "Water Supply Fund" pursuant to P.L.1999, c.174, P.L.2001, c.222, P.L.2002, c.70 and P.L.2003, c.158, the department is authorized to transfer any unexpended balances and any repayments of loans and interest therefrom as may be or become available on or before June 30, 2018, in such amounts as needed to the Drinking Water State Revolving Fund accounts contained within the Water Supply Fund established for the purposes of providing drinking water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act.

(18) Of the sums appropriated to the Department of Environmental Protection from the "1992 Wastewater Treatment Fund" pursuant to P.L.1996, c.85, P.L.1997, c.221, P.L.1998, c.84, P.L.1999, c.174, P.L.2000, c.92, P.L.2001, c.222 and P.L.2002, c.70, the department is authorized to transfer any unexpended balances and any repayments of loans and interest therefrom as may be or become available on or before June 30, 2018, in such amounts as needed to the Clean Water State Revolving Fund accounts contained within the 1992 Wastewater Treatment Fund for the purposes of providing clean water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(19) Of the sums appropriated to the Department of Environmental Protection from the "2003 Water Resources and Wastewater Treatment Fund" pursuant to P.L.2004, c.109, and P.L.2007, c.139, the department is authorized to transfer any unexpended balances and any repayments of loans and interest therefrom as may be or become available on or before June 30, 2018, in such amounts as needed to the Clean Water State Revolving Fund accounts contained within the 2003 Water Resources and

Wastewater Treatment Fund for the purposes of providing clean water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act.

(20) There is appropriated to the Department of Environmental Protection the sums deposited by the New Jersey Environmental Infrastructure Trust into the Clean Water State Revolving Fund, the "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the "Stormwater Management and Combined Sewer Overflow Abatement Fund," established pursuant to the "Stormwater Management and Combined Sewer Overflow Abatement Bond Act of 1989" (P.L.1989, c.181), the "2003 Water Resources and Wastewater Treatment Fund" and the Drinking Water State Revolving Fund, as appropriate, pursuant to paragraph (6) of subsection c. of section 1 of P.L.2017, c.142, as available on or before June 30, 2018, for the purposes of providing clean water project loans and drinking water project loans and providing the State match as required or will be required for the award of the capitalization grants made available to the State for clean water projects pursuant to the Federal Clean Water Act and drinking water projects pursuant to the Federal Safe Drinking Water Act.

Any such amounts shall be for the purpose of making zero interest and principal forgiveness financing loans, to the extent sufficient funds are available, to or on behalf of local government units or public water utilities (hereinafter referred to as "project sponsors") to finance a portion of the cost of construction of clean water projects and drinking water projects listed in sections 2 and 3 of this act, and for the purpose of implementing and administering the provisions of this act, to the extent permitted by the Federal Disaster Relief Appropriations Act, the Federal Clean Water Act, and any amendatory and supplementary acts thereto, P.L.2009, c.77, the "Wastewater Treatment Bond Act of 1985" (P.L.1985, c.329), the "Water Supply Bond Act of 1981" (P.L.1981, c.261), the "Stormwater Management and Combined Sewer Overflow Abatement Bond Act of 1989" (P.L.1989, c.181), the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992" (P.L.1992, c.88), the "Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003" (P.L.2003, c.162), the Federal Safe Drinking Water Act, and any amendatory and supplementary acts thereto, and State law.

b. The department is authorized to make zero interest and principal forgiveness financing loans to or on behalf of the project sponsors for the environmental infrastructure projects listed in subsection a. of section 2 and subsection a. of section 3 of this act for clean water projects, up to the indi-

vidual amounts indicated and in the priority stated, to the extent there are sufficient eligible project applications, and except that any such amounts may be reduced if a project fails to meet the requirements of section 4 or 5 of this act, or by the Commissioner of Environmental Protection pursuant to section 7 of this act, provided:

(1) a maximum of $6 million in principal forgiveness loans shall be issued to finance Barnegat Bay Watershed environmental infrastructure projects as provided in subsection a. of section 3 of this act, wherein principal forgiveness shall be a minimum of 25 percent of the fund loan amount per project sponsor in an amount not to exceed $2 million of principal forgiveness per project sponsor;

(2) a maximum of $30 million shall be issued to finance clean water redevelopment projects as provided in subsection a. of section 3 of this act;

(3) to the extent funds are available, principal forgiveness loans shall be issued as provided in subsection a. of section 3 of this act to communities in combined sewer overflow sewersheds sponsoring construction projects that reduce or eliminate excessive infiltration/inflow or extraneous flows wherein principal forgiveness loans shall not exceed $5 million per borrower subject to the availability of funds wherein 50 percent of the principal of the fund loan shall be forgiven, 25 percent of the loan shall be a zero interest rate fund loan, and 25 percent of the loan shall be a trust market rate loan. A 100 percent DEP interest-free loan will be issued to borrowers for amounts in excess of the cap;

(4) to the extent funds are available, principal forgiveness loans shall be issued as provided in subsection a. of section 3 of this act for combined sewer overflow abatement projects, including projects that use practices that restore natural hydrology through infiltration, evapotranspiration, or the usage or harvesting of stormwater, wherein 50 percent of the principal of the fund loan shall be forgiven, 25 percent of the loan shall be a zero interest rate fund loan, and 25 percent of the loan shall be a trust market rate loan subject to the availability of funds;

(5) to the extent funds are available, a maximum of $1 million in principal forgiveness loans shall be issued to finance clean water environmental infrastructure projects as provided in subsection a. of section 3 of this act for systems serving populations of up to 10,000 residents for the development of asset management plans wherein principal forgiveness shall be 100 percent of the fund loan amount per project in an amount not to exceed $100,000 per project sponsor subject to the availability of funds; and

(6) those projects listed in subsection a. of section 2 of this act and subsection a. of section 3 of this act that were previously identified in

P.L.2016, c.32, as amended by P.L.2017, c.14, are granted continued priority status and shall be subject to the provisions of P.L.2016, c.32, as amended by P.L.2017, c.14 provided such projects receive short-term funding prior to June 30, 2018.

c. The department is authorized to make zero interest and principal forgiveness financing loans to or on behalf of the project sponsors for the environmental infrastructure projects listed in subsection b. of section 3 of this act for drinking water projects, up to the individual amounts indicated and in the priority stated, provided:

(1) a maximum of 30 percent of the 2017 Drinking Water State Revolving Fund loans not to exceed $5 million may be issued as provided in subsection b. of section 3 of this act for drinking water systems, as follows:

(a) up to $4 million of Drinking Water State Revolving Fund loans shall be available for drinking water systems serving populations of up to 10,000 residents wherein principal forgiveness shall not exceed $500,000 in the aggregate and shall not exceed 50 percent of the total loan amount per project sponsor in an amount not to exceed $1 million per project sponsor.

Loans for drinking water systems serving 500 or fewer residents shall be given the highest priority, followed by systems serving between 501 to 10,000 residents;

(b) a maximum of $1 million in principal forgiveness loans shall be issued to drinking water systems serving populations of up to 10,000 residents for the development of asset management plans wherein principal forgiveness shall be 100 percent of the fund loan amount per project in an amount not to exceed $100,000 per project sponsor subject to the availability of funds; and

(c) a maximum of $30 million of principal forgiveness for drinking water systems serving communities with a median household income less than the median household income for the county in which they are located for lead line replacement wherein principal forgiveness shall not exceed $1 million of principal forgiveness per water system.

Loans may be made pursuant to this subsection to the extent there are sufficient eligible project applications and as required or will be required for the award of the capitalization grants made available to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act. Any such amounts may be reduced by the Commissioner of Environmental Protection pursuant to section 7 of this act, or if a project fails to meet the requirements of section 4 or 5 of this act.

(2) Those projects listed in subsection a. of section 3 of this act and subsection b. of section 3 of this act that were previously identified in

P.L.2016, c.32, as amended by P.L.2017, c.14, are granted continued priority status and shall be subject to the provisions of P.L.2016, c.32, as amended by P.L.2017, c.14, provided such projects receive short-term funding prior to June 30, 2017.

d. The department is authorized to make zero interest and principal forgiveness financing loans to or on behalf of the project sponsors for the environmental infrastructure projects listed in sections 2 and 3 of this act under the same terms, conditions and requirements as set forth in this section from any unexpended balances of the amounts appropriated pursuant to section 1 of P.L.1987, c.200, section 2 of P.L.1988, c.133, section 1 of P.L.1989, c.189, section 1 of P.L.1990, c.99, section 1 of P.L.1991, c.325, section 1 of P.L.1992, c.38, section 1 of P.L.1993, c.193, section 1 of P.L.1994, c.106, section 1 of P.L.1995, c.219, section 1 of P.L.1996, c.85, section 1 of P.L.1997, c.221, section 2 of P.L.1998, c.84, section 2 of P.L.1999, c.174, section 2 of P.L.2000, c.92, sections 1 and 2 of P.L.2001, c.222, sections 1 and 2 of P.L.2002, c.70, sections 1 and 2 of P.L.2003, c.158, sections 1 and 2 of P.L.2004, c.109, sections 1 and 2 of P.L.2005, c.196, sections 1 and 2 of P.L.2006, c.68, sections 1 and 2 of P.L.2007, c.139, sections 1 and 2 of P.L.2008, c.68, sections 1 and 2 of P.L.2009, c.102, sections 1 and 2 of P.L.2010, c.63, sections 1 and 2 of P.L.2011, c.93, sections 1 and 2 of P.L.2012, c.43, sections 1 and 2 of P.L.2013, c.95, sections 1 and 2 of P.L.2014, c.25, sections 1 and 2 of P.L.2015, c.108, and sections 1 and 2 of P.L.2016, c.32, as amended by P.L.2017, c.14, including amounts resulting from the low bid and final building cost reductions authorized pursuant to section 6 of P.L.1987, c.200, section 7 of P.L.1988, c.133, section 6 of P.L.1989, c.189, section 6 of P.L.1990, c.99, section 6 of P.L.1991, c.325, section 6 of P.L.1992, c.38, section 6 of P.L.1993, c.193, section 6 of P.L.1994, c.106, section 6 of P.L.1995, c.219, section 6 of P.L.1996, c.85, section 6 of P.L.1997, c.221, section 7 of P.L.1998, c.84, section 6 of P.L.1999, c.174, section 6 of P.L.2000, c.92, section 6 of P.L.2001, c.222, section 6 of P.L.2002, c.70, section 6 of P.L.2003, c.158, section 6 of P.L.2004, c.109, section 6 of P.L.2005, c.196, section 6 of P.L.2006, c.68, section 6 of P.L.2007, c.139, section 6 of P.L.2008, c.68, section 7 of P.L.2009, c.102, section 6 of P.L.2010, c.63, section 6 of P.L.2011, c.93, section 6 of P.L.2012, c.43, section 6 of P.L.2013, c.95, section 6 of P.L.2014, c.25, section 6 of P.L.2015, c.108, and section 6 of P.L.2016, c.32, as amended by P.L.2017, c.14, and from any repayments of loans and interest from the Clean Water State Revolving Fund, the "Wastewater Treatment Fund," the "Water Supply Fund," the "1992 Wastewater Treatment Fund," the "2003 Water Resources and Wastewater Treatment Fund," and amounts

deposited therein during State fiscal year 2016 and State fiscal year 2017 pursuant to the provisions of section 16 of P.L.1985, c.329, and section 2 of P.L.2009, c.77 and any amendatory and supplementary acts thereto, including any Clean Water State Revolving Fund Accounts contained within the "Wastewater Treatment Fund," and from any repayment of loans and interest from the Drinking Water State Revolving Fund.

e. The department is authorized to make zero interest and principal forgiveness Sandy financing loans to or on behalf of the project sponsors for the Sandy environmental infrastructure projects listed in subsection a. of section 3 of this act for clean water projects and subsection b. of section 3 of this act for drinking water projects, in a manner consistent with the Federal Disaster Relief Appropriations Act, up to the individual amounts indicated, except that any such amount may be reduced by the Commissioner of Environmental Protection pursuant to section 7 of this act, or if a project fails to meet the requirements of section 4, 5, or 7 of this act, provided a maximum of $300 million shall be provided for Sandy financing loans for clean water and drinking water projects to provide financial assistance to communities affected by the Storm Sandy, and for projects whose purpose is to reduce flood damage risk and vulnerability or to enhance resiliency to rapid hydrologic change or a natural disaster.

f. For the purposes of this act:

"Base financing" means zero interest loans provided by the Department of Environmental Protection from moneys made available for the purposes of this act from any source other than funds received pursuant to the Federal Disaster Relief Appropriations Act, related State matching funds, and interest earned thereon.

"Federal Disaster Relief Appropriations Act" means the "Disaster Relief Appropriations of 2013" (Pub.L.113-2), and any amendatory and supplementary acts thereto.

"Sandy financing" or "Sandy funding" means grants, zero interest loans or principal forgiveness loans provided by the Department of Environmental Protection from funds made available to the State for clean water projects, clean water project match, drinking water projects or drinking water project match pursuant to the Federal Disaster Relief Appropriations Act.

2. a. (1) The department is authorized to expend funds for the purpose of making supplemental zero interest loans to or on behalf of the project sponsors listed below for the following clean water environmental infrastructure projects:

Project Sponsor	Project Number	Estimated Allowable DEP Loan Amount	Estimated Total Allowable Loan Amount
Burlington Township	S320712-14-1	$150,000	$200,000
North Hudson Sewer Authority	S340952-19-1	$150,000	$200,000
Ventnor City	S340667-02-1	$3,750,000	$5,000,000
Wanaque Valley RSA	S340780-04-1	$1,125,000	$1,500,000
Warren Township SA	S340964-01-1	$75,000	$100,000
Warren Township SA	S340964-02-1	$262,500	$350,000
Total projects: 6		**$5,512,500**	**$7,350,000**

(2) The loans authorized in this subsection shall be made for the difference between the allowable loan amounts required by these projects based upon final building costs pursuant to section 7 of this act and the loan amounts certified by the Commissioner of Environmental Protection in State fiscal years 2015, 2016, and 2017 and for increased allowable costs as defined and determined in accordance with the rules and regulations adopted by the department pursuant to section 4 of P.L.1985, c.329. The loans authorized in this subsection shall be made to or on behalf of the project sponsors listed, up to the individual amounts indicated and in the priority stated, to the extent sufficient funds are available, except as a project fails to meet the requirements of section 4, 5, or 7 of this act.

(3) The zero interest loans for the projects authorized in this subsection shall have priority over projects listed in subsection a. of section 3 of this act.

b. (1) The department is authorized to expend funds for the purpose of making supplemental loans to or on behalf of the project sponsors listed below for the following drinking water environmental infrastructure projects:

Project Sponsor	Project Number	Estimated Allowable DEP Loan Amount	Estimated Total Allowable Loan Amount
North Jersey District Water Supply Comm.	1613001-017-1	$2,700,000	$3,600,000
Total Projects: 1		**$2,700,000**	**$3,600,000**

(2) The loans authorized in this subsection shall be made for the difference between the allowable loan amount required by this project based upon final building costs pursuant to section 6 of this act and the loan amount certified by the Commissioner of Environmental Protection in State fiscal year 2017 and for increased allowable costs as defined and determined in accordance with the rules and regulations adopted by the department pursuant to section 5 of P.L.1981, c.261. The loans authorized in this subsection shall be made to or on behalf of the project sponsors listed, up to the individual amounts indicated and in the priority stated, to the extent sufficient funds are available, except as a project fails to meet the requirements of section 4, 5, or 7 of this act.

(3) The zero interest loans for the projects authorized in this subsection shall have priority over projects listed in subsection b. of section 3 of this act.

3. a. The following environmental infrastructure projects shall be known and may be cited as the "Storm Sandy and State Fiscal Year 2018 Clean Water Project Eligibility List":

Project Sponsor	**Project Number**	**Estimated Allowable DEP Loan Amount**	**Estimated Total Allowable Loan Amount**
Atlantic County UA	S340809-23	$8,280,000	$11,040,000
Atlantic County UA	S340809-24	$720,000	$960,000
Atlantic County UA	S340809-25	$13,140,000	$17,520,000
Atlantic County UA	S340809-26	$1,350,000	$1,800,000
Atlantic County UA	S340809-27	$2,400,000	$3,200,000
Atlantic County UA	S340809-28	$3,075,000	$4,100,000
Bayshore RSA	S340697-05	$21,150,000	$28,200,000
Burlington Township	S340712-15	$825,000	$1,100,000
Carteret Borough	S340939-09	$7,950,000	$10,600,000
Cinnaminson SA	S340170-07	$6,750,000	$9,000,000
Cumberland County UA	S340550-07	$975,000	$1,300,000
Cumberland County UA	S340550-08	$975,000	$1,300,000
Elizabeth City	S340942-18	$6,150,000	$8,200,000
Gloucester City	S340958-07	$900,000	$1,200,000
Gloucester County IA	S342024-01	$6,000,000	$8,000,000
Gloucester County UA	S340902-14	$33,750,000	$45,000,000
Gloucester County UA	S340902-16	$1,575,000	$2,100,000

Hightstown Borough	S340915-05	$1,050,000	$1,400,000
Hoboken City	S340635-06	$24,750,000	$33,000,000
Hoboken City	S340635-07	$3,750,000	$5,000,000
Kearny MUA	S340259-07	$4,875,000	$6,500,000
Long Beach Township	S340023-06	$3,750,000	$5,000,000
Mendham Township	S340477-01	$1,875,000	$2,500,000
Millville City	S340921-07	$9,000,000	$12,000,000
North Hudson SA	S340952-23	$2,325,000	$3,100,000
Northwest Bergen County UA	S340700-13	$3,900,000	$5,200,000
Ocean County	S344080-10	$187,500	$250,000
Ocean County	S344080-11	$262,500	$350,000
Ocean Township	S340112-07	$2,250,000	$3,000,000
Ocean Township SA	S340750-11	$4,875,000	$6,500,000
Passaic Valley SC	S340689-25	$6,825,000	$9,100,000
Passaic Valley SC	S340689-30	$1,875,000	$2,500,000
Passaic Valley SC	S340689-31	$3,000,000	$4,000,000
Passaic Valley SC	S340689-34	$2,175,000	$2,900,000
Pine Hill MUA	S340274-05	$1,350,000	$1,800,000
Rockaway Valley RSA	S340821-06	$6,000,000	$8,000,000
Somerset Raritan Valley SA	S340801-08	$10,125,000	$13,500,000
Somerville Borough	S342013-01	$8,625,000	$11,500,000
South Monmouth RSA	S340377-05	$2,625,000	$3,500,000
Stafford Township	S344100-03	$4,200,000	$5,600,000
Sussex County MUA	S342008-05	$9,750,000	$13,000,000
Ventnor City	S340667-03	$1,500,000	$2,000,000
Total Projects:	**42**	**$236,865,000**	**$315,820,000**

b. The following environmental infrastructure projects shall be known and may be cited as the "Storm Sandy and State Fiscal Year 2018 Drinking Water Project Eligibility List":

Project Sponsor	**Project Number**	**Estimated Allowable DEP Loan Amount**	**Estimated Total Allowable Loan Amount**
Berkeley Township MUA	1505004-007	$525,000	$700,000
Bordentown City	0303001-006	$1,125,000	$1,500,000
Cape May City	0502001-004	$1,650,000	$2,200,000
Clinton Town	1005001-008	$1,125,000	$1,500,000

Clinton Town	1005001-009	$900,000	$1,200,000
Gloucester City	0414001-020A	$187,500	$250,000
Hoboken City	0905001-001	$6,375,000	$8,500,000
Jackson Township MUA	1511001-010	$6,150,000	$8,200,000
Long Beach Township	1517001-500	$6,900,000	$9,200,000
Maple Shade Township	0319001-006	$1,950,000	$2,600,000
Middlesex Water Company	1225001-016	$4,275,000	$5,700,000
Middlesex Water Company	1225001-023	$6,000,000	$8,000,000
Middlesex Water Company	1225001-024	$2,700,000	$3,600,000
Netcong Borough	1428001-009	$300,000	$400,000
NJ American Water Co. Raritan	2004002-500	$27,000,000	$36,000,000
NJ American Water Company	2004002-011	$9,600,000	$12,800,000
North Jersey District WS	1613001-022	$12,750,000	$17,000,000
North Jersey District WS	1613001-025	$5,475,000	$7,300,000
North Jersey District WS	1613001-033	$3,075,000	$4,100,000
Ocean Township	1520001-007	$1,050,000	$1,400,000
Passaic Valley WC	1605002-025	$27,450,000	$36,600,000
Perth Amboy City	1216001-008	$1,875,000	$2,500,000
Rahway City	2013001-007	$13,650,000	$18,200,000
Red Bank Borough	1340001-002	$1,500,000	$2,000,000
Saddle Brook Township	0257001-002	$1,425,000	$1,900,000
Trenton City	1111001-010	$7,875,000	$10,500,000
Washington Township MUA	0818004-010	$1,425,000	$1,900,000
Willingboro MUA	0338001-009	$5,250,000	$7,000,000
Total Projects:	**28**	**$159,562,500**	**$212,750,000**

4. Any financing loan made by the Department of Environmental Protection pursuant to this act shall be subject to the following requirements:

a. The Commissioner Environmental Protection has certified that the project is in compliance with the provisions of P.L.1977, c.224, P.L.1985, c.329, P.L.1992, c.88, P.L.1997, c.223, P.L.1997, c.225 or P.L.2003, c.162, and any rules and regulations adopted pursuant thereto;

b. A loan for an environmental infrastructure project listed in section 2 or 3 of this act shall be subject to the terms and conditions of the financing program year in which the trust issued an interim financing program fund loan for such project or the terms and conditions of the state fiscal year 2018 financing program in the absence of an interim financing program fund loan.

c. The estimated Department of Environmental Protection allowable loan amount shall not exceed 75 percent of the total allowable loan amount of the environmental infrastructure facility for projects listed in subsections a. and b. of section 2 of this act, and in subsections a. and b. of section 3 of this act, provided that:

(1) for clean water loans to municipalities that do not satisfy the New Jersey Environmental Infrastructure Trust credit policy but are subject to State financial supervision and oversight pursuant to the "Local Government Supervision Act (1947)," P.L.1947, c.151 (C.52:27BB-1 et seq.), the Department of Environmental Protection allowable loan amount shall be up to 100 percent of the total allowable loan amount not to exceed a total of $10 million for all such loans;

(2) for clean water and drinking water loans to municipalities receiving funding under the United States Department of Housing and Urban Development Community Development Block Grant - Disaster Recovery Program (CDBG-DR) the Department of Environmental Protection allowable loan amount shall be up to 100 percent of the total allowable loan amount; and

(3) for loans to communities in a combined sewer overflow sewershed sponsoring construction projects that reduce or eliminate excessive infiltration, inflow, or extraneous flows, the Department of Environmental Protection allowable loan amount shall be up to 100 percent of the total allowable loan amount;

d. With the exception of paragraphs (1) through (3) of subsection c. of this section, the loan shall be conditioned upon approval of a loan from the New Jersey Environmental Infrastructure Trust pursuant to P.L.2017, c.142, prior to June 30, 2018;

e. The loan shall be repaid within a period not to exceed 30 years of the making of the loan; and

f. The loan shall be subject to any other terms and conditions as may be established by the commissioner and approved by the State Treasurer, which may include, notwithstanding any other provision of law to the contrary, subordination of a loan authorized in this act to loans made by the New Jersey Environmental Infrastructure Trust pursuant to P.L.2017, c.142, or to administrative fees payable to the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5).

5. a. Any Sandy financing loan made by the Department of Environmental Protection pursuant to this act shall be subject to the following requirements:

(1) The commissioner has certified that the project is in compliance with the provisions of Title X, Chapter 7 of the Federal "Disaster Relief Appropriations Act of 2013" (Pub.L.113-2), and any amendatory and supplementary acts thereto; and

(2) The commissioner has certified that the project is in compliance with the provisions of P.L.1977, c.224, P.L.1985, c.329, P.L.1992, c.88, P.L.1997, c.223, P.L.1997, c.225 or P.L.2003, c.162, and any rules and regulations adopted pursuant thereto.

b. The total amount of Sandy financing loans received by any project sponsor for drinking water projects listed in subsection b. of section 3 of this act shall not exceed $15 million of which not more than $4.5 million of the principal may be forgiven. In the event a project sponsor's individual loan needs exceed $15 million, the borrower may select which of its projects it will seek funding pursuant to this section, and the borrower may seek a loan for excess costs in a base financing loan. In the event that additional Sandy funding becomes available because project sponsors do not close on loans or the project sponsors loan requests are less than originally applied for, the loan not to exceed amount may be increased to the extent needed to assure full utilization of Sandy funding for drinking water projects, provided:

(1) the loan shall be repaid within a period not to exceed 30 years of the making of the loan;

(2) the loan shall be conditioned upon approval of a loan from the New Jersey Environmental Infrastructure Trust pursuant to P.L.2017, c.142 prior to June 30, 2018; and

(3) the loan shall be subject to any other terms and conditions as may be established by the commissioner and approved by the State Treasurer, which may include, notwithstanding any other provision of law to the contrary, subordination of a loan authorized in this act to loans made by the trust pursuant to P.L.2017, c.142 prior to June 30, 2018, or to administrative fees payable to the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5).

6. The eligibility lists and authorization for the making of loans pursuant to sections 2 and 3 of this act shall expire on July 1, 2018, and any project sponsor which has not executed and delivered a loan agreement with the department for a loan authorized in this act shall no longer be entitled to that loan.

7. The Commissioner of Environmental Protection is authorized to reduce or increase the individual amount of loan funds made available to or on behalf of project sponsors pursuant to sections 2 and 3 of this act based upon final or low bid building costs defined in and determined in accordance with rules and regulations adopted by the commissioner pursuant to section 4 of P.L.1985, c.329, section 2 of P.L.1999, c.362 (C.58:12A-12.2), or section 5 of P.L.1981, c.261, provided that the total loan amount does not exceed the estimated total allowable loan amount. The commissioner is authorized to reduce or increase the individual amount of loan funds made available to or on behalf of project sponsors pursuant to sections 2 and 3 of this act in an amount not to exceed 10 percent of the total allowable loan amount based upon additional project costs to comply with the Department of Environmental Protection's guidance for asset management, emergency response, flood protection, and auxiliary power.

8. The expenditure of the funds appropriated by this act is subject to the provisions and conditions of P.L.1977, c.224, P.L.1985, c.329, P.L.1992, c.88, P.L.1997, c.223, P.L.1997, c.225 or P.L.2003, c.162, and the rules and regulations adopted by the Commissioner of Environmental Protection pursuant thereto, and the provisions of the Federal Disaster Relief Appropriations Act, the Federal Clean Water Act or the Federal Safe Drinking Water Act, and any amendatory and supplementary acts thereto, as appropriate.

9. The Department of Environmental Protection shall provide general technical assistance to any project sponsor requesting assistance regarding environmental infrastructure project development or applications for funds for a project.

10. a. Prior to repayment to the Clean Water State Revolving Fund pursuant to sections 1 and 2 of P.L.2009, c.77 and any amendatory and supplementary acts thereto, prior to repayment to the "Wastewater Treatment Fund" pursuant to the provisions of section 16 of P.L.1985, c.329, prior to repayment to the "1992 Wastewater Treatment Fund" pursuant to the provisions of section 28 of P.L.1992, c.88, prior to repayment to the Drinking Water State Revolving Fund, prior to repayment to the "Stormwater Management and Combined Sewer Overflow Abatement Fund" pursuant to the provisions of section 15 of P.L.1989, c.181, prior to repayment to the "2003 Water Resources and Wastewater Treatment Fund" pursuant to the provisions of section 20 of P.L.2003, c.162, or prior to repayment to the "Water Supply Fund" pursuant to the provisions of section 15 of P.L.1981, c.261,

repayments of loans made pursuant to these acts may be utilized by the New Jersey Environmental Infrastructure Trust established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.), as amended and supplemented by P.L.1997, c.224, under terms and conditions established by the commissioner and trust, and approved by the State Treasurer, and consistent with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) and federal tax, environmental or securities law, to the extent necessary to secure repayment of trust bonds issued to finance loans approved pursuant to P.L.2017, c.142, and to secure the administrative fees payable to the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5) by the project sponsors receiving trust loans.

b. Prior to repayment to the Clean Water State Revolving Fund pursuant to section 1 and 2 of P.L. 2009, c.77 and any amendatory and supplementary acts thereto, prior to repayment to the "Wastewater Treatment Fund" pursuant to the provisions of section 16 of P.L.1985, c.329, prior to repayment to the "1992 Wastewater Treatment Fund" pursuant to the provisions of section 28 of P.L.1992, c.88, prior to repayment to the "Water Supply Fund" pursuant to the provisions of section 15 of P.L.1981, c.261, prior to repayment to the Drinking Water State Revolving Fund, prior to repayment to the "2003 Water Resources and Wastewater Treatment Fund" pursuant to the provisions of section 20 of P.L.2003, c.162, or prior to repayment to the "Stormwater Management and Combined Sewer Overflow Abatement Fund" pursuant to the provisions of section 15 of P.L.1989, c.181, the trust is further authorized to utilize repayments of loans made pursuant to P.L.1989, c.189, P.L.1990, c.99, P.L.1991, c.325, P.L.1992, c.38, P.L.1993, c.193, P.L.1994, c.106, P.L.1995, c.219, P.L.1996, c.85, P.L.1997, c.221, P.L.1998, c.84, P.L.1999, c.174, P.L.2000, c.92, P.L.2001, c.222, P.L.2002, c.70, P.L.2003, c.158, P.L.2004, c.109, P.L.2005, c.196, P.L.2006, c.68, P.L.2007, c.139, P.L.2008, c.68, P.L.2009, c.102, P.L.2010, c.63, P.L.2011, c.93, P.L.2012, c.43, P.L.2013, c.95, P.L.2014, c.25, P.L.2015, c.108, P.L.2016, c.32, or P.L.2017, c.142 to secure repayment of trust bonds issued to finance loans approved pursuant to P.L.1995, c.218, P.L.1996, c.87, P.L.1997, c.222, P.L.1998, c.85, P.L.1999, c.173, P.L.2000, c.93, P.L.2001, c.224, P.L.2002, c.71, P.L.2003, c.159, P.L.2004, c.110, P.L.2005, c.197, P.L.2006, c.67, P.L.2007, c.140, P.L.2008, c.67, P.L.2009, c.101, P.L.2010, c.62, P.L.2011, c.95, P.L.2012, c.38, P.L.2013, c.94, P.L.2014, c.26, P.L.2015, c.107 P.L.2016, c.31, or P.L.2017, c.142 and to secure the administrative fees payable to the trust under these loans pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5).

c. To the extent that any loan repayment sums are used to satisfy any trust bond repayment or administrative fee payment deficiencies, the trust shall repay such sums to the department for deposit into the Clean Water State Revolving Fund, the "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the Drinking Water State Revolving Fund, the "2003 Water Resources and Wastewater Treatment Fund," or the "Stormwater Management and Combined Sewer Overflow Abatement Fund," as appropriate, from amounts received by or on behalf of the trust from project sponsors causing any such deficiency.

11. The Commissioner of Environmental Protection is authorized to enter into capitalization grant agreements as may be required pursuant to the Federal Disaster Relief Appropriations Act, the Federal Clean Water Act, or the Federal Safe Drinking Water Act.

12. There is appropriated to the New Jersey Environmental Infrastructure Trust established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.) from repayments of loans and interest deposited in any account, on or before June 30, 2018, including the "Clean Water State Revolving Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the "Stormwater Management and Combined Sewer Overflow Abatement Fund," "2003 Water Resources and Wastewater Treatment Fund," or the Drinking Water State Revolving Fund, as appropriate, and from any net earnings received from the investment and reinvestment of such deposits, such sums as the chairman of the trust shall certify to the Commissioner of Environmental Protection to be necessary and appropriate for deposit into one or more reserve funds or accounts established by the trust pursuant to section 11 of P.L.1985, c.334 (C.58:11B-11), the Interim Financing Program Fund, or the Disaster Relief Emergency Financing Program Fund established pursuant to section 1 of P.L.2013, c.93 (C.58:11B-9.5).

13. There is appropriated to the New Jersey Environmental Infrastructure Trust established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.), funds from the Federal Disaster Relief Appropriations Act, Pub.L.113-2, deposited in any account including the Clean Water State Revolving Fund, the "Water Supply Fund," or the Drinking Water State Revolving Fund, as appropriate, and from any net earnings received from the investment and reinvestment of such deposits, such sums as the chairman of the trust certifies to the Commissioner of Environmental Protection to be necessary and appropriate for deposit into one or more reserve funds or accounts estab-

lished by the trust pursuant to section 11 of P.L.1985, c.334 (C.58:11B-11), the Interim Financing Program Fund, or the Disaster Relief Emergency Financing Program Fund established pursuant to section 1 of P.L.2013, c.93 (C.58:11B-9.5).

14. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 144

AN ACT concerning infrastructure projects, amending P.L.1985, c.334, P.L.2013, c.93, P.L.1997, c.224, and P.L.2016, c.56.

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

1. Section 3 of P.L.1985, c.334 (C.58:11B-3) is amended to read as follows:

C.58:11B-3 Definitions.

3. As used in sections 1 through 27 of P.L.1985, c.334 (C.58:11B-1 through C.58:11B-27), sections 23 through 27 of P.L.1997, c.224 (C.58:11B-10.1 et al.), and sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4):

"Bonds" means bonds issued by the trust pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.);

"Combined sewer overflow" means the discharge of untreated or partially treated stormwater runoff and wastewater from a combined sewer system into a body of water;

"Combined sewer system" means a sewer system designed to carry sanitary wastewater at all times, which is also designed to collect and transport stormwater runoff from streets and other sources, thereby serving a combined purpose;

"Commissioner" means the Commissioner of the Department of Environmental Protection;

"Cost" means the cost of all labor, materials, machinery and equipment, lands, property, rights and easements, financing charges, interest on bonds, notes or other obligations, plans and specifications, surveys or estimates of

costs and revenues, engineering and legal services, and all other expenses necessary or incident to all or part of an environmental infrastructure project;

"Department" means the Department of Environmental Protection;

"Environmental infrastructure project" means the acquisition, construction, improvement, repair or reconstruction of all or part of any structure, facility or equipment, or real or personal property necessary for or ancillary to any: (1) wastewater treatment system project, including any stormwater management or combined sewer overflow abatement projects; or (2) water supply project, as authorized pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.), including any water resources project, as authorized pursuant to P.L.2003, c.162;

"Federal infrastructure bank program" means the United States Department of Transportation State Infrastructure Bank Program provided for in section 350 of Pub.L.104-59 and Pub.L.102-240 as amended or superseded;

"Local government unit" means (1) a State authority, county, municipality, municipal, county or regional sewerage or utility authority, municipal sewerage district, joint meeting, improvement authority, or any other political subdivision of the State authorized to construct, operate, and maintain wastewater treatment systems; (2) a State authority, district water supply commission, county, municipality, municipal, county or regional utilities authority, municipal water district, joint meeting, or any other political subdivision of the State authorized pursuant to law to operate or maintain a public water supply system or to construct, rehabilitate, operate, or maintain water supply facilities or otherwise provide water for human consumption; or (3) a county, municipality, municipal, county or regional transportation authority, or any other political subdivision of the State authorized to construct, operate, and maintain public highways or transportation projects as defined pursuant to this section;

"New Jersey Environmental Infrastructure Financing Program" means the financing program to fund environmental infrastructure projects;

"New Jersey Transportation Infrastructure Financing Program" means the financing program to fund transportation infrastructure projects;

"Notes" means notes issued by the trust pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4);

"Onsite septic system ordinance or regulation" means an ordinance adopted by a municipality or county or regulation adopted by a regional planning agency establishing the requirements for construction, maintenance and repair of onsite wastewater treatment and disposal systems;

"Onsite wastewater treatment and disposal system" means an on-site system designed to treat and dispose of domestic sewage;

"Other assistance" means forms of financial assistance, in addition to loans, authorized by the New Jersey Infrastructure Bank from the State Transportation Infrastructure Bank Fund, including, but not limited to, use of funds to: provide credit enhancements; serve as a capital reserve for bond or other debt instrument financing; subsidize interest rates; ensure the issuance of letters of credit and credit instruments; finance purchase and lease agreements with respect to transit projects; and provide bond or other debt financing instrument security;

"Project" means the acquisition, construction, improvement, repair or reconstruction of all or part of any structure, facility, or equipment, or real or personal property necessary for or ancillary to any: (1) wastewater treatment system project, including any stormwater management or combined sewer overflow abatement projects; (2) water supply project, as authorized pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.), including any water resources project, as authorized pursuant to P.L.2003, c.162; or (3) transportation project authorized pursuant to sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4);

"Public highway" means public roads, streets, expressways, freeways, parkways, motorways and boulevards, including bridges, tunnels, overpasses, underpasses, interchanges, express bus roadways, bus pullouts and turnarounds, park-ride facilities, traffic circles, grade separations, traffic control devices, the elimination or improvement of crossings of railroads and highways, whether at-grade or not at-grade, bicycle and pedestrian pathways and pedestrian and bicycle bridges, and any property, rights of way, easements and interests therein needed for the construction, improvement, and maintenance of highways;

"Public water utility" means any investor-owned water company or small water company;

"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, including nonprofit, noncommunity water systems owned or operated by a nonprofit group or organization;

"Stormwater management system" means any equipment, plants, structures, machinery, apparatus, management practices, or land, or any combination thereof, acquired, used, constructed, implemented or operated to

prevent nonpoint source pollution, abate improper cross-connections and interconnections between stormwater and sewer systems, minimize stormwater runoff, reduce soil erosion, or induce groundwater recharge, or any combination thereof;

"Transportation project" means capital projects for public highways, approach roadways and other necessary land-side improvements, ramps, signal systems, roadbeds, transit lanes or rights of way, pedestrian walkways and bridges connecting to passenger stations and servicing facilities, bridges, and grade crossings;

"Trust" means the New Jersey Infrastructure Bank created pursuant to section 4 of P.L.1985, c.334 (C.58:11B-4);

"Wastewater" means residential, commercial, industrial, or agricultural liquid waste, sewage, septage, stormwater runoff, or any combination thereof, or other liquid residue discharged or collected into a sewer system or stormwater management system, or any combination thereof;

"Wastewater treatment system" means any equipment, plants, structures, machinery, apparatus, or land, or any combination thereof, acquired, used, constructed or operated by, or on behalf of, a local government unit for the storage, collection, reduction, recycling, reclamation, disposal, separation, or other treatment of wastewater or sewage sludge, or for the collection or treatment, or both, of stormwater runoff and wastewater, or for the final disposal of residues resulting from the treatment of wastewater, including, but not limited to, pumping and ventilating stations, treatment plants and works, connections, outfall sewers, interceptors, trunk lines, stormwater management systems, and other personal property and appurtenances necessary for their use or operation; "wastewater treatment system" shall include a stormwater management system or a combined sewer system;

"Wastewater treatment system project" means any work relating to the acquisition, construction, improvement, repair or reconstruction of all or part of any structure, facility or equipment, or real or personal property necessary for or ancillary to any wastewater treatment system that meets the requirements set forth in sections 20, 21, and 22 of P.L.1985, c.334 (C.58:11B-20, C.58:11B-21, and C.58:11B-22); or any work relating to any of the stormwater management or combined sewer overflow abatement projects identified in the stormwater management and combined sewer overflow abatement project priority list adopted by the commissioner pursuant to section 28 of P.L.1989, c.181; or any work relating to the purposes set forth in section 6 of P.L.2003, c.162; or any work relating to any other project eligible for financing under the "Federal Water Pollution Control Act

Amendments of 1972" (33 U.S.C. s.1251 et seq.), or any amendatory or supplementary acts thereto;

"Water resources project" means any work related to transferring water between public water systems during a state of water emergency, to avert a drought emergency in all or any part of the State, to plan, design or construct interconnections of existing water supplies, or to extend water supplies to areas with contaminated ground water supplies;

"Water supply facilities" means and refers to the real property and the plants, structures, interconnections between existing water supply facilities, machinery and equipment and other property, real, personal and mixed, acquired, constructed or operated, or to be acquired, constructed or operated, in whole or in part, by or on behalf of a public water utility, or by or on behalf of the State or a local government unit, for the purpose of augmenting the natural water resources of the State and making available an increased supply of water for all uses, or of conserving existing water resources, and any and all appurtenances necessary, useful or convenient for the collecting, impounding, storing, improving, treating, filtering, conserving or transmitting of water, and for the preservation and protection of these resources and facilities, whether in public or private ownership, and providing for the conservation and development of future water supply resources, and facilitating incidental recreational uses thereof;

"Water supply project" means any work relating to the acquisition, construction, improvement, repair or reconstruction of all or part of any structure, facility or equipment, or real or personal property necessary for or ancillary to water supply facilities that meets the requirements set forth in sections 24, 25, and 26 of P.L.1997, c.224 (C.58:11B-20.1, C.58:11B-21.1, and C.58:11B-22.1); or any work relating to the purposes set forth in section 4 of P.L.1981, c.261; or any work relating to the purposes set forth in section 6 of P.L.2003, c.162; or any work relating to any other project eligible for funding pursuant to the federal "Safe Drinking Water Act Amendments of 1996," Pub.L.104-182, and any amendatory and supplementary acts thereto.

2. Section 5 of P.L.1985, c.334 (C.58:11B-5) is amended to read as follows:

C.58:11B-5 Powers.

5. Except as otherwise limited by the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), the trust may:

a. Make and alter bylaws for its organization and internal management and, subject to agreements with holders of its bonds, notes or other obligations, make rules and regulations with respect to its operations, properties and facilities;

b. Adopt an official seal and alter it;

c. Sue and be sued;

d. Make and enter into all contracts, leases and agreements necessary or incidental to the performance of its duties and the exercise of its powers under the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), and subject to any agreement with the holders of the trust's bonds, notes or other obligations, consent to any modification, amendment or revision of any contract, lease or agreement to which the trust is a party;

e. Enter into agreements or other transactions with and accept, subject to the provisions of section 23 of P.L.1985, c.334 (C.58:11B-23), grants, appropriations and the cooperation of the State, or any State agency, in furtherance of the purposes of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), and do anything necessary in order to avail itself of that aid and cooperation;

f. Receive and accept aid or contributions from any source of money, property, labor or other things of value, to be held, used and applied to carry out the purposes of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), subject to the conditions upon which that aid and those contributions may be made, including, but not limited to, gifts or grants from any department or agency of the State, or any State agency, for any purpose consistent with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), subject to the provisions of section 23 of P.L.1985, c.334 (C.58:11B-23);

g. Acquire, own, hold, construct, improve, rehabilitate, renovate, operate, maintain, sell, assign, exchange, lease, mortgage or otherwise dispose of real and personal property, or any interest therein, in the exercise of its powers and the performance of its duties under the provisions of P.L.1985,

c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4);

h. Appoint and employ an executive director and any other officers or employees as it may require for the performance of its duties, without regard to the provisions of Title 11A of the New Jersey Statutes;

i. Borrow money and issue bonds, notes and other obligations, and secure the same, and provide for the rights of the holders thereof as provided in the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4);

j. Subject to any agreement with holders of its bonds, notes or other obligations, invest moneys of the trust not required for immediate use, including proceeds from the sale of any bonds, notes or other obligations, in any obligations, securities and other investments in accordance with the rules and regulations of the State Investment Council or as may otherwise be approved by the Director of the Division of Investment in the Department of the Treasury upon a finding that such investments are consistent with the corporate purposes of the trust;

k. Procure insurance to secure the payment of its bonds, notes or other obligations or the payment of any guarantees or loans made by it in accordance with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), or against any loss in connection with its property and other assets and operations, in any amounts and from any insurers as it deems desirable;

l. Engage the services of attorneys, accountants, engineers, and financial experts and any other advisors, consultants, experts and agents as may be necessary in its judgment and fix their compensation;

m. (1) Make and contract to make loans to local government units, or to a local government unit on behalf of another local government unit, to finance the cost of wastewater treatment system projects or water supply projects and acquire and contract to acquire notes, bonds or other obligations issued or to be issued by any local government units to evidence the loans, all in accordance with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.);

(2) Make and contract to make loans to public water utilities, or to any other person or local government unit on behalf of a public water utility, to

finance the cost of water supply projects in accordance with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.);

(3) Make and contract to make loans to private persons other than local government units, or to any other person or local government unit on behalf of a private person, to finance the cost of onsite wastewater treatment and disposal systems or stormwater management systems in accordance with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.);

(4) Make and contract to make loans and provide other assistance to one or more local government units or consortia thereof to finance the cost of transportation projects in accordance with the provisions of the federal infrastructure bank program and pursuant to sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4);

n. Subject to any agreement with holders of its bonds, notes or other obligations, purchase bonds, notes and other obligations of the trust and hold the same for resale or provide for the cancellation thereof, all in accordance with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4);

o. (1) Charge to and collect from local government units, private persons or public water utilities any fees and charges in connection with the trust's loans, guarantees or other services, including, but not limited to, fees and charges sufficient to reimburse the trust for all reasonable costs necessarily incurred by it in connection with its financings and the establishment and maintenance of reserve or other funds, as the trust may determine to be reasonable. The fees and charges shall be in accordance with a uniform schedule published by the trust for the purpose of providing actual cost reimbursement for the services rendered;

(2) Any fees and charges collected by the trust pursuant to this subsection may be deposited and maintained in a special fund separate from any other funds held by the trust pursuant to section 10 of P.L.1985, c.334 (C.58:11B-10) or section 23 of P.L.1997, c.224 (C.58:11B-10.1), and shall be available for any corporate purposes of the trust;

p. Subject to any agreement with holders of its bonds, notes or other obligations, 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, notes and other obligations of the trust or for the purchase upon tender or other-

wise of the bonds, notes or other obligations, lines of credit, letters of credit and other security agreements or instruments in any amounts and upon any terms as the trust may determine, and pay any fees and expenses required in connection therewith;

q. Provide to local government units any financial and credit advice as these local government units may request;

r. Make payments to the State from any moneys of the trust available therefor as may be required pursuant to any agreement with the State or act appropriating moneys to the trust; and

s. Take any action necessary or convenient to the exercise of the foregoing powers or reasonably implied therefrom.

3. Section 9 of P.L.1985, c.334 (C.58:11B-9) is amended to read as follows:

C.58:11B-9 Loans to local governments.

9. a. (1) The trust may make and contract to make loans to local government units, or to a local government unit on behalf of another local government unit, in accordance with and subject to the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to finance the cost of any wastewater treatment system project or water supply project, which the local government unit may lawfully undertake or acquire and for which the local government unit is authorized by law to borrow money.

(2) The trust may make and contract to make loans to public water utilities, or to any other person or local government unit on behalf of a public water utility, in accordance with and subject to the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to finance the cost of any water supply project, which the public water utility may lawfully undertake or acquire.

(3) The trust may make and contract to make loans to private persons other than local government units, or to any other person or local government unit on behalf of a private person, in accordance with and subject to the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to finance the cost of stormwater management systems.

(4) The trust may make and contract to make loans and provide other assistance to a local government unit or consortia thereof to finance the cost of transportation projects pursuant to sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), and provided that the federally-funded

subaccount is operated in accordance with the provisions of the federal infrastructure bank program.

The loans may be made subject to those terms and conditions as the trust shall determine to be consistent with the purposes thereof. Each loan by the trust and the terms and conditions thereof shall be subject to approval by the State Treasurer, and the trust shall make available to the State Treasurer all information, statistical data and reports of independent consultants or experts as the State Treasurer shall deem necessary in order to evaluate the loan. Each loan to a local government unit, public water utility or any other person shall be evidenced by notes, bonds or other obligations thereof issued to the trust. In the case of each local government unit, notes and bonds to be issued to the trust and, if applicable, the State, acting by and through the Department of Environmental Protection, by the local government unit (1) shall be authorized and issued as provided by law for the issuance of notes and bonds by the local government unit, (2) notwithstanding any provisions of the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.) to the contrary, shall be approved by the Director of the Division of Local Government Services in the Department of Community Affairs, and (3) notwithstanding the provisions of N.J.S.40A:2-27, N.J.S.40A:2-28 and N.J.S.40A:2-29 or any other provisions of law to the contrary, may be sold at private sale to the trust or the State, as the case may be, at any price, whether or not less than par value, and shall be subject to redemption prior to maturity at any times and at any prices as the trust or the State, as the case may be, and local government units may agree. Each loan to a local government unit, public water utility or any other person and the notes, bonds or other obligations thereby issued shall bear interest at a rate or rates per annum as the trust or the State, as the case may be, and the local government unit, public water utility or any other person, as the case may be, may agree.

b. The trust is authorized to guarantee or contract to guarantee the payment of all or any portion of the principal and interest on bonds, notes or other obligations issued by a local government unit to finance the cost of any wastewater treatment system project, water supply project, or transportation project which the local government unit may lawfully undertake or acquire and for which the local government unit is authorized by law to borrow money, and the guarantee shall constitute an obligation of the trust for the purposes of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4). Each guarantee by the trust and the terms and condi-

tions thereof shall be subject to approval by the State Treasurer, and the trust shall make available to the State Treasurer all information, statistical data and reports of independent consultants or experts as the State Treasurer shall deem necessary in order to evaluate the guarantee.

c. The trust shall not make or contract to make any loans or guarantees to local government units, public water utilities or any other person, or otherwise incur any additional indebtedness, on or after June 30, 2033.

d. Notwithstanding any provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to the contrary, the trust may receive funds from any source including, without limitation, any funds drawn by the trust from a revolving line of credit or other similar financial vehicle that may be procured by the trust, either through a competitive or negotiated process, pursuant to section 5 of P.L.1985, c.334 (C.58:11B-5), for deposit into the Interim Environmental Financing Program Fund or the trust may issue its bonds, notes or other obligations, including commercial paper issued through a competitive or negotiated process, in any principal amounts, in either case, as in the judgment of the trust shall be necessary to provide sufficient funds to finance or refinance short-term or temporary loans to local government units, public water utilities or private persons for any wastewater treatment system projects included on the Department of Environmental Protection project priority list and eligible for approval pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20) or water supply projects included on the Department of Environmental Protection project priority list and eligible for approval pursuant to section 24 of P.L.1997, c.224 (C.58:11B-20.1), as applicable, without regard to any other provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.), including, without limitation, any administrative or legislative approvals.

The trust shall create and establish a special fund to be known as the "Interim Environmental Financing Program Fund" for the short-term or temporary loan financing or refinancing program to be known as the "Interim Environmental Financing Program". The monies in the fund shall be used for short-term or temporary loans for clean water and drinking water projects pursuant to the New Jersey Environmental Infrastructure Financing Program.

Except as provided in section 1 of P.L.2013, c.93 (C.58:11B-9.5), any short-term or temporary loans made by the trust pursuant to this subsection may only be made in advance of the anticipated loans the trust may make and contract to make under the provisions of subsection a. of this section from any source of funds anticipated to be received by the trust. Any such short-term or temporary loan made pursuant to the Interim Environmental Financing Program shall mature no later than the last day of the third suc-

ceeding fiscal year following the closing date on which the short-term or temporary loan was made by the trust to the project sponsor; except a short-term or temporary loan made pursuant to this subsection for environmental planning and engineering design costs associated with long-term control plans for combined sewer overflow projects shall mature no later than the last day of the 10th succeeding fiscal year following the closing date on which the short-term or temporary loan was made by the trust to the project sponsor. The trust may make short-term or temporary loans pursuant to the Interim Environmental Financing Program to any one or more of the project sponsors, for the respective projects thereof, identified in the interim financing project priority list to be known as the "Interim Environmental Financing Program Project Priority List" in the form provided to the Legislature by the Commissioner of Environmental Protection.

The Interim Environmental Financing Program Project Priority List, including any revision thereof or supplement thereto, shall be submitted to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) at least once in each fiscal year as provided in section 20 of P.L.1985, c.334 (C.58:11B-20) and section 24 of P.L.1997, c.224 (C.58:11B-20.1). The Secretary and the Clerk shall cause the date of submission to be entered upon the Senate Journal and the Minutes of the General Assembly, respectively. The trust may revise or supplement the Interim Environmental Financing Program Project Priority List no more than four times during the fiscal year and shall submit the revised list to the Legislature when the revisions are made. Any environmental infrastructure project or the project sponsor thereof not identified in the Interim Environmental Financing Program Project Priority List shall not be eligible for a short-term or temporary loan from the Interim Environmental Financing Program Fund. The trust may issue short-term or temporary loans pursuant to this subsection only if a project is listed on an Interim Environmental Financing Program Project Priority List that has been submitted to the Legislature. No funds may be disbursed pursuant to this section for project activities prior to a determination and certification, in writing, from the Department of Environmental Protection, that the project activities satisfy the provision of P.L.1985, c.332 (C.58:11B-1 et seq.).

e. Notwithstanding any provisions of the "Local Bond Law" (N.J.S.40A:2-1 et seq.), the "sewerage authorities law," P.L.1946, c.138 (C.40:14A-1 et seq.), or the "municipal and county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.) to the contrary, short-term or temporary loans made by the trust pursuant to section 9 of P.L.1985, c.334 (C.58:11B-9) or section 1 of P.L.2013, c.93 (C.58:11B-9.5), and the obliga-

tions issued by project sponsors to evidence such loans, may, at the discretion of the trust and upon application by the project sponsor, bear interest at a variable rate determined pursuant to a methodology as may be established by the trust from time to time.

Further, notwithstanding any provisions of the "Local Bond Law" (N.J.S.40A:2-1 et seq.), the "sewerage authorities law," P.L.1946, c.138 (C.40:14A-1 et seq.), or the "municipal and county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.) to the contrary, any short-term or temporary loans made by the trust pursuant to section 9 of P.L.1985, c.334 (C.58:11B-9) or section 1 of P.L.2013, c.93 (C.58:11B-9.5), and any notes or other obligations issued by project sponsors to evidence such short-term or temporary loans, except for loans for environmental planning and engineering design costs associated with long-term control plans for combined sewer overflow projects as provided in subsection d. of this section, shall mature no later than the last day of the third succeeding fiscal year following the date of issuance of such notes or other obligations, without payment by project sponsors of any portion of the principal thereof prior to maturity.

f. Any balances remaining in the Emergency Loan Fund established pursuant to section 4 of P.L.2007, c.138 (C.58:11B-9.1), the Planning and Design Fund established pursuant to section 1 of P.L.2009, c.59 (C.58:11B-9.2), the Onsite Wastewater Disposal Loan Fund established pursuant to section 5 of P.L.2009, c.103 (C.58:11B-9.3), the Supplemental Loan Fund established pursuant to section 2 of P.L.2011, c.94 (C.58:11B-9.4), and the Equipment Loan Fund established pursuant to section 1 of P.L.2014, c.28 (C.58:11B-9.6) after the date of enactment of P.L.2016, c.30 shall be transferred to the Interim Environmental Financing Program Fund, and any loan repayments to the trust of principal and interest or premium on loans made from those funds shall be credited to the Interim Environmental Financing Program Fund.

g. The trust shall create and establish a special fund to be known as the "Interim Transportation Financing Program Fund" for the short-term or temporary loan financing or refinancing program to be known as the "Interim Transportation Financing Program."

Notwithstanding any provision of P.L.1985, c.334 (C.58:11B-1 et seq.) or P.L.1997, c.224 (C.58:11B-10.1 et al.) to the contrary, the trust may receive funds from any source including, without limitation, any funds drawn by the trust from a revolving line of credit or other similar financial vehicle that may be procured by the trust, either through a competitive or negotiated process, pursuant to section 5 of P.L.1985, c.334 (C.58:11B-5), for deposit into the Interim Transportation Financing Program Fund or the trust

may issue its bonds, notes or other obligations in any principal amounts, in either case, as in the judgment of the trust shall be necessary to provide sufficient funds to finance or refinance short-term or temporary loans to local government units or private persons for any transportation project included on the Department of Transportation Interim Transportation Financing Program Project Priority List for the ensuing fiscal year and eligible for approval pursuant to sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), without regard to any other provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), including, without limitation, any administrative or legislative approvals.

Any short-term or temporary loans made by the trust pursuant to this subsection may only be made in advance of the anticipated loans the trust may make and contract to make under the provisions of subsection a. of this section from any source of funds anticipated to be received by the trust. Any such short-term or temporary loan made pursuant to the Interim Transportation Financing Program shall mature no later than the last day of the third succeeding fiscal year following the closing date on which the short-term or temporary loan was made by the trust to the project sponsor. The trust may make short-term or temporary loans pursuant to the Interim Transportation Financing Program to any one or more of the project sponsors, for the respective projects thereof, only if a project is identified in the Department of Transportation Interim Transportation Financing Program Project Priority List to be known as the "Interim Transportation Financing Program Project Priority List" in the form provided to the Legislature by the Commissioner of Transportation.

The Interim Transportation Financing Program Project Priority List, including any revision thereof or supplement thereto, shall be submitted to the Secretary of the Senate and the Clerk of the General Assembly on or before July 1 of each year. The Interim Transportation Financing Program Project Priority List shall be submitted to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) at least once in each fiscal year. The Secretary and the Clerk shall cause the date of submission to be entered upon the Senate Journal and the Minutes of the General Assembly, respectively. Any transportation infrastructure project or the project sponsor thereof not identified in the Interim Transportation Financing Program Project Priority List shall not be eligible for a short-term or temporary loan from the Interim Transportation Financing Program Fund. The trust may

revise or supplement the Interim Transportation Financing Program Project Eligibility List no more than four times during the fiscal year, and shall submit the revised list to the Legislature when the revisions are made.

No funds may be disbursed pursuant to this subsection for project activities prior to the determination and certification in writing, from the Department of Transportation, that the project activities satisfy the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4).

4. Section 1 of P.L.2013, c.93 (C.58:11B-9.5) is amended to read as follows:

C.58:11B-9.5 "Disaster Relief Emergency Financing Program Fund."

1. a. The trust shall create and establish a special fund to be known as the "Disaster Relief Emergency Financing Program Fund" for the disaster relief emergency short-term or temporary loan program of the trust to be known as the "Disaster Relief Emergency Financing Program."

The Disaster Relief Emergency Financing Program Fund shall be credited with:

(1) moneys deposited in the fund as administrative fees received by the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5);

(2) moneys received by the trust as repayment of the principal of and the interest or premium on loans made from the fund;

(3) any interest earnings received on the moneys in the fund;

(4) such other moneys as the Legislature may appropriate to the trust for deposit into the fund at any time to finance or refinance emergency short-term or temporary loans pursuant to the Disaster Relief Emergency Financing Program;

(5) the proceeds of any bonds, notes or other obligations that may be issued by the trust from time to time in any principal amounts as in the judgment of the trust shall be necessary or appropriate to provide sufficient funds for deposit into the fund to finance or refinance emergency short-term or temporary loans pursuant to the Disaster Relief Emergency Financing Program; and

(6) any other source of available funds that may be deemed by the trust to be necessary or appropriate to provide sufficient funds for deposit into the fund to finance or refinance emergency short-term or temporary loans pursuant to the Disaster Relief Emergency Financing Program, including, without limitation, any funds drawn by the trust from (i) a revolving line of

credit or other similar financial vehicle, or (ii) a commercial paper financing program, either through a competitive or negotiated process, that may be procured by the trust pursuant to the provisions of section 5 of P.L.1985, c.334 (C.58:11B-5), for deposit into the fund to finance or refinance emergency short-term or temporary loans pursuant to the Disaster Relief Emergency Financing Program.

b. Notwithstanding any provision of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4) to the contrary, the trust may make emergency short-term or temporary Disaster Relief Emergency Financing Program loans to: (1) local government units to finance or refinance the costs incurred in the environmental planning and design associated with such wastewater treatment system projects, and wastewater treatment system projects, as applicable; or (2) local government units, public water utilities, or private persons to finance or refinance the costs incurred in the environmental planning and design of water supply projects, and water supply projects, as applicable.

Funds may only be disbursed for emergency short-term or temporary loans upon the determination and certification in writing by the department that any such project costs are necessary and appropriate to: repair damages to a wastewater treatment system or water supply facility directly arising from an act of terrorism, seismic activity, or weather conditions that occurred within the three fiscal years after a declaration by the Governor of a state of emergency, provided the wastewater treatment system or water supply facility is located in a county included in the Governor's state of emergency declaration; or mitigate the risk of future damage to a wastewater treatment system or water supply facility from an act of terrorism, seismic activity, or weather conditions comparable in scope and severity to the act of terrorism, seismic activity, or weather conditions that occurred within the three fiscal years after a declaration by the Governor of a state of emergency, provided the wastewater treatment system or water supply facility is located in a county included in the Governor's state of emergency declaration, without regard to any other provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), including, without limitation, the provisions of section 20 of P.L.1985, c.334 (C.58:11B-20), section 24 of P.L.1997, c.224 (C.58:11B-20.1), the Interim Environmental Financing Program Project Priority List pursuant to subsec-

tion d. of section 9 of P.L.1985, c.334 (C.58:11B-9), or any administrative or legislative approvals. A project shall be eligible for emergency short-term or temporary loans pursuant to this section if it is identified on a Disaster Relief Emergency Financing Program Project Priority List no more than three years after the conditions that gave rise to a declaration by the Governor of a state of emergency. Any such short-term or temporary loan pursuant to the Disaster Relief Emergency Financing Program shall mature no later than the last day of the third succeeding fiscal year following the closing date on which the short-term or temporary loan was made by the trust to the project sponsor.

c. The trust may make short-term or temporary loans pursuant to the Disaster Relief Emergency Financing Program to one or more of the project sponsors, for the respective projects thereof, provided that the project is identified on the Disaster Relief Emergency Financing Program project priority list to be known as the "Disaster Relief Emergency Financing Program Project Priority List" no later than three years after the date of the declaration by the Governor of a state of emergency in the form provided to the Legislature by the Commissioner of Environmental Protection. However, a project may be eligible for funding pursuant to this section more than three years after the date of the declaration by the Governor of a state of emergency if the project was first included on a Disaster Relief Emergency Financing Program Project Priority List within three years after the date of the declaration by the Governor of a state of emergency and continues to be identified on the Disaster Relief Emergency Financing Program Project Priority List in the fiscal year in which the funding is issued. The Disaster Relief Emergency Financing Program Project Priority List shall be submitted to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) at least once in each fiscal year. An environmental infrastructure project or a project sponsor thereof not identified on the Disaster Relief Emergency Financing Program Project Priority List submitted to the Legislature shall not be eligible for a short-term or temporary loan from the Disaster Relief Emergency Financing Program Fund.

d. The trust shall submit a report on the Disaster Emergency Financing Program to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.54:14-19.1) on or before January 15 of each year. The Secretary of the Senate and the Clerk of the General Assembly shall cause the date of submission to be entered upon the Senate Journal and the Minutes of the General Assembly, respectively. The report shall identify the wastewater treatment system and water supply projects financed during the prior fiscal year through the program including a project description, the amount of the Dis-

aster Relief Emergency Financing Program loan provided for each project, and the duration of each loan.

5. Section 10 of P.L.1985, c.334 (C.58:11B-10) is amended to read as follows:

C.58:11B-10 "Wastewater treatment system general loan fund."

10. The trust shall create and establish a special fund to be known as the "wastewater treatment system general loan fund." The monies in the fund shall only be used for projects funded by the New Jersey Environmental Infrastructure Financing Program.

Subject to the provisions of the legislation appropriating moneys to the trust, subject to any other provision of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4) providing otherwise, and subject to agreements with the holders of bonds, notes and other obligations of the trust, the trust shall deposit into the wastewater treatment system general loan fund all revenues and receipts of the trust, including moneys received by the trust as payment of the principal of and the interest or premium on loans made from moneys in any wastewater treatment system fund or account held by the trust under P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), and the earnings on the moneys in any wastewater treatment system fund or account of the trust, and all grants, appropriations, other than those referred to in section 11 of P.L.1985, c.334 (C.58:11B-11), contributions, or other moneys from any source, available for the making of loans to local government units. The amounts in the wastewater treatment system general loan fund shall be available for application by the trust for loans to local government units for the cost of wastewater treatment system projects, and for other corporate purposes of the trust related to wastewater treatment systems, subject to agreements with the holders of bonds, notes or other obligations of the trust.

6. Section 23 of P.L.1997, c.224 (C.58:11B-10.1) is amended to read as follows:

C.58:11B-10.1 "Water supply facilities general loan fund."

23. The trust shall create and establish a special fund to be known as the "water supply facilities general loan fund." The monies in the fund

shall only be used for projects funded by the New Jersey Environmental Infrastructure Financing Program.

Subject to the provisions of the legislation appropriating moneys to the trust, subject to any other provision of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4) providing otherwise, and subject to agreements with the holders of bonds, notes and other obligations of the trust, the trust shall deposit into the water supply facilities general loan fund all revenues and receipts of the trust, including moneys received by the trust as payment of the principal of and the interest or premium on loans made from moneys in any fund or account held by the trust under the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.), or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4), and the earnings on the moneys in any fund or account of the trust, and all grants, appropriations, other than those referred to in section 11 of P.L.1985, c.334 (C.58:11B-11), contributions, or other moneys from any source, available for the making of loans to local government units, public water utilities, or to any other person or local government unit on behalf of a public water utility, for water supply projects. The amounts in the water supply facilities general loan fund shall be available for application by the trust for loans to local government units, public water utilities or any other person for the cost of water supply projects, and for other corporate purposes of the trust, subject to agreements with the holders of bonds, notes or other obligations of the trust.

7. Section 34 of P.L.2016, c.56 (C.58:11B-10.4) is amended to read as follows:

C.58:11B-10.4 State transportation infrastructure bank fund."

34. a. There is established in the New Jersey Infrastructure Bank a special fund to be known as the State Transportation Infrastructure Bank Fund. The monies in the fund shall only be used for projects funded by the New Jersey Transportation Infrastructure Financing Program. There shall be established within the fund, two subaccounts: (1) a federally-funded subaccount that shall be approved to receive federal funds and related State matching funds pursuant to the federal infrastructure bank program provided for in section 350 of Pub.L.104-59 and Pub.L.102-240 as amended or superseded, and (2) a State-funded subaccount that shall be approved to

receive only State funds in excess of those required to be deposited in the federally-funded subaccount. The State-funded subaccount shall be ineligible to receive any federal funds. However, funds in the State-funded subaccount shall be eligible for transfer into the federally-funded subaccount in the discretion of the trust for the purpose of related match funding of the federally-funded subaccount.

The State Transportation Infrastructure Bank Fund shall be credited with:

(1) (a) State and federal funds appropriated to a federal subaccount of the State Transportation Infrastructure Bank Fund pursuant to the federal infrastructure bank program provided for in section 350 of Pub.L.104-59 and Pub.L.102-240 as amended or superseded, and

(b) State funds in excess of any minimum State match required under the federal infrastructure bank program, appropriated to the State-funded subaccount of the State Transportation Infrastructure Bank Fund;

(2) monetary donations made available to the State to support the State Transportation Infrastructure Bank Fund;

(3) moneys received as repayment of the principal of and the interest or premium on loans made from the State Transportation Infrastructure Bank Fund;

(4) any interest earnings received on the moneys in the State Transportation Infrastructure Bank Fund; and

(5) such other moneys as the Legislature may appropriate to the trust for deposit into the State Transportation Infrastructure Bank Fund at any time to finance or refinance transportation loans issued from the State Transportation Infrastructure Bank Fund.

b. Notwithstanding any provision of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.) or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4) to the contrary, all moneys placed into the State Transportation Infrastructure Bank Fund shall be held separate from other funds of the trust, and no transportation funds shall be combined or comingled with any funds that finance (1) wastewater treatment system projects, (2) water supply projects, or (3) other environmental infrastructure projects, that are not transportation projects.

c. All moneys placed into the State-funded subaccount of the State Transportation Infrastructure Bank Fund shall be held separate from any federal funds provided for the federally-funded subaccount of the State Transportation Infrastructure Bank Fund.

d. Notwithstanding any provision of P.L.1985, c.334 (C.58:11B-1 et seq.), P.L.1997, c.224 (C.58:11B-10.1 et al.) or sections 22 and 34 through 38 of P.L.2016, c.56 (C.58:11B-10.3 through C.58:11B-10.5, C.58:11B-20.2, C.58:11B-22.3, and C.58:11B-22.4) to the contrary, the trust may provide loans or other assistance to one or more local government units or consortia thereof for the purpose of financing all or a portion of the costs incurred for the planning, acquisition, engineering, construction, reconstruction, repair, and rehabilitation of a transportation project, provided that monies from the federally-funded subaccount are limited to the purposes permitted under the federal infrastructure bank program.

e. In addition to the financing described in subsection d. of this section, a portion, not to exceed 10 percent, of the assistance provided from the State-funded sub-account of the State Transportation Infrastructure Bank Fund may be issued in the form of grants.

f. Loans or other assistance granted pursuant to this section shall be considered an investment or reinvestment by the State Transportation Infrastructure Bank Fund, provided that monies from the federally-funded subaccount are limited to the purposes permitted under the federal infrastructure bank program, and not a loan within the meaning of section 12 of P.L.1995, c.108 (C.27:1B-21.5).

g. The refinancing of debt relating to an existing transportation project shall not be an eligible form of assistance from the State Transportation Infrastructure Bank Fund, and a loan shall not be granted unless the applicant can demonstrate to the satisfaction of the trust that the assistance being sought is not for the refinancing of debt relating to an existing transportation project.

h. Any project, the use or purpose of which is private and for which no public benefit is created, shall not be eligible for financial assistance from the trust.

i. The trust shall consider the following factors when setting an interest rate on a loan provided pursuant to this section: (1) the current market rates for comparable obligations; (2) the nature of the project; (3) the financing structure of the project; (4) the creditworthiness of the borrower; and (5) the term of the proposed obligation.

j. The long term loan repayment schedule for each project shall require: (1) the repayment of the loan commencing six months after construction completion, the date the facility has opened to traffic, or three years after execution of the long term financing obligation, whichever is first, however, in the case of a highway project, it shall be whichever is later; and

(2) a final maturity date of not more than 35 years following the completion of the project.

k. The trust may establish or direct the establishment of federal and State accounts or subaccounts as may be necessary to meet any applicable federal law requirements or desirable for the efficient administration of the trust.

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

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

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

The clean water project priority list, which shall include for each wastewater treatment system the date each project is scheduled to be certified as ready for funding, shall be in conformance with applicable provisions of the "Federal Water Pollution Control Act Amendments of 1972," Pub.L.92-500 (33 U.S.C. s.1251 et al.), and any amendatory or supplementary acts thereto, and State law, or in the case of a wastewater treatment system project for the reduction of lead in a publicly-owned facility, conformance with requirements established by the Department of Environmental Protection for those projects. The clean water project priority list shall include a description of each project and its purpose, impact, cost, and construction schedule, and an explanation of the manner in which priorities were established. The priority system and clean water project priority list for the ensuing fiscal year shall be submitted to the Secretary of the Senate and the Clerk of the General Assembly on or before January 15 of each year. The Secretary and the Clerk shall cause the date of submission to be entered upon the Senate Journal and the Minutes of the General Assembly, respectively. Incremental revisions or supplements to the clean water pro-

ject priority list may be submitted to the Legislature as provided in subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9).

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

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

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

d. The trust shall submit to the Secretary of the Senate and the Clerk of the General Assembly on or before January 15 of each year a report which shall identify the wastewater treatment system projects financed dur-

ing the prior fiscal year, including a project description, the amount of the loan provided for each project, and the duration of each loan.

9. Section 24 of P.L.1997, c.224 (C.58:11B-20.1) is amended to read as follows:

C.58:11B-20.1 "Drinking water project priority list."

24. a. (1) The Commissioner of Environmental Protection shall for each fiscal year develop a priority system for water supply projects and shall establish the ranking criteria and funding policies for the water supply projects to be financed by the New Jersey Environmental Infrastructure Financing Program. The commissioner shall set forth an Interim Drinking Water Financing Program Project Priority List, hereinafter referred to as the "drinking water project priority list," for funding by the trust for each fiscal year and shall include the aggregate amount of funds of the trust to be authorized for these purposes. The commissioner may include a water supply project on the drinking water project priority list if it meets the eligibility requirements for funding pursuant to the federal "Safe Drinking Water Act Amendments of 1996," Pub.L.104-182, or in the case of a water supply project for the reduction of lead in a publicly-owned facility, the project meets the eligibility requirements established by the Department of Environmental Protection for those projects. The drinking water project priority list shall include a description of each project and an explanation of the manner in which priorities were established. The priority system and drinking water project priority list for the ensuing fiscal year shall be submitted to the Secretary of the Senate and the Clerk of the General Assembly on or before January 15 of each year. The Secretary and the Clerk shall cause the date of submission to be entered upon the Senate Journal and the Minutes of the General Assembly, respectively. Incremental revisions or supplements to the drinking water project priority list may be submitted to the Legislature as provided in subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9).

(2) The commissioner shall set forth a drinking water project eligibility list for long-term funding by the trust and shall include the aggregate amount of funds to be authorized for these purposes. The drinking water project eligibility list shall consist of drinking water project priority list projects certified by the department that have commenced construction and demonstrated a high likelihood of construction completion on or before the end of the ensuing fiscal year. On or before May 15 of each year, the trust shall submit the drinking water project eligibility list for the ensuing fiscal year, including any revision thereof or supplement thereto, to be introduced

in each House in the form of legislative appropriations bills, which shall be referred to the Senate Environment and Energy Committee and the Assembly Environment and Solid Waste Committee, or their successors, for their respective consideration. On or before October 15 of each year the trust may submit an additional drinking water project eligibility list, to be introduced in each House in the form of legislative appropriations bills, which shall be referred to the Senate Environment and Energy Committee and the Assembly Environment and Solid Waste Committee, or their successors, for their respective consideration.

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

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

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

10. Section 36 of P.L.2016, c.56 (C.58:11B-20.2) is amended to read as follows:

C.58:11B-20.2 "Transportation project priority list."

36. a. The Commissioner of Transportation shall, for each fiscal year, develop a priority system for transportation projects. The Commissioner of Transportation shall set forth a Transportation Financing Program Project Priority List, hereinafter referred to as the "transportation project priority list," for funding by the trust for each fiscal year and shall include the aggregate amount of funds of the trust to be authorized for these purposes. The

Commissioner of Transportation may include a transportation project on the transportation project priority list if it meets the eligibility requirements for funding pursuant to Pub.L.114-94, the "Fixing America's Transportation Act," or any successor legislation. The transportation project priority list shall include a description of each project and an explanation of the manner in which projects are ranked. The transportation project priority list for the ensuing fiscal year shall be submitted to the Legislature on or before January 15 of each year. The Secretary and the Clerk shall cause the date of submission to be entered upon the Senate Journal and the Minutes of the General Assembly, respectively. Incremental revisions or supplements to the transportation project priority list may be submitted to the Legislature as provided in subsection g. of section 9 of P.L.1985, c.334 (C.58:11B-9).

b. The Commissioner of Transportation shall set forth a Transportation Financing Program Project Eligibility List for long-term funding by the trust and shall include the aggregate amount of funds to be authorized for these purposes. The Transportation Financing Program Project Eligibility List shall consist of Transportation Financing Program Project Priority List projects certified by the Department of Transportation that have commenced construction and demonstrated to the department a high likelihood of construction completion on or before the end of the ensuing fiscal year. The Transportation Financing Program Project Eligibility List established pursuant to this subsection shall be considered by the budget committees of each House of the Legislature for inclusion in the annual appropriations act. On or before June 30 of each year, the Legislature shall include the Transportation Financing Program Project Eligibility List with any modifications in the annual appropriations act, including any amendatory or supplementary provisions thereto, which act shall include the authorization of an aggregate amount of funds of the trust to be expended for loans and guarantees for the specific transportation projects, including the individual amounts therefor, on the list. The initial Transportation Financing Program Project Eligibility List for the ensuing fiscal year shall be submitted to the Legislature on or before May 15 of each year. The Secretary and the Clerk shall cause the date of submission to be entered upon the Senate Journal and the Minutes of the General Assembly, respectively.

c. On or before October 15 of each year, the trust may submit an amended Interim Transportation Financing Program Project Eligibility List to be introduced in each House in the form of legislative appropriations bills for approval by the Legislature on or before January 15 of the following calendar year in the manner set forth in subsection a. and subsection b. of this section.

d. The trust shall not expend any money for a long-term loan or guarantee during a fiscal year for any transportation project unless the expenditure is authorized pursuant to a State annual appropriations act of the current or three immediate preceding fiscal years as provided in the provisions of this section, or as otherwise set forth in the State's annual appropriations act.

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

f. The source of projects for the Transportation Financing Program Project Priority List and the Transportation Financing Program Project Eligibility List shall be: (1) applications made by counties and municipalities seeking aid through the State Transportation Infrastructure Bank Fund in accordance with section 25 of P.L.1984, c.73 (C.27:1B-25) and the procedures established therein for the allocation of State aid to counties and municipalities through the local aid program, and (2) eligible projects within the most recent 10-year Statewide Transportation Improvement Program as issued by the Department of Transportation. Projects deriving from either of these sources shall identify a consistent source of revenue that will be utilized to repay any loan financing provided by the trust either from the project itself or from the sponsoring local government unit or consortia thereof that will be receiving assistance.

11. Section 21 of P.L.1985, c.334 (C.58:11B-21) is amended to read as follows:

C.58:11B-21 Financial plan.

21. On or before May 15 of each year, the trust shall submit to the Legislature a financial plan designed to implement the financing of the wastewater treatment system projects either on the Interim Clean Water Financing Program Project Priority List, hereinafter referred to as the "clean water project priority list," or the clean water project eligibility list, approved pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20) or as otherwise approved by the Legislature. The financial plan shall contain an enumeration of the bonds, notes or other obligations of the trust which the trust intends to issue, including the amounts thereof and the terms and conditions thereof, a list of loans to be made to local government units or private persons, including the terms and conditions thereof and the anticipated rate of interest per annum and repayment schedule therefor, and a list of

loan guarantees or contracts to guarantee the payment of all or a portion of the principal and interest on bonds, notes or other obligations issued by a local government unit to finance the cost of a wastewater treatment system project, and the terms and conditions thereof.

The financial plan shall also set forth a complete operating and financial statement covering its proposed operations during the forthcoming fiscal year, including amounts of income from all sources, and the uniform schedule of fees and charges established by the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5), and the amounts to be derived therefrom, and shall summarize the status of each wastewater treatment system project for which loans or guarantees have been made by the trust, and shall describe major impediments to the accomplishment of the planned wastewater treatment system projects.

The financial plan shall identify the wastewater treatment system projects financed during the prior fiscal year through the Disaster Relief Emergency Financing Program established pursuant to section 1 of P.L.2013, c.93 (C.58:11B-9.5), including a project description, the amount of the Disaster Relief Emergency Financing Program loan for each project, and the duration of such Disaster Relief Emergency Financing Program loan.

The financial plan shall also identify the wastewater treatment system projects financed during the prior fiscal year by the Interim Financing Program established pursuant to subsection d. of section 9 of P.L.1985, c.224 (C.58:11B-9) including a project description, the amount of the loan provided for each project, and the duration of each loan.

12. Section 25 of P.L.1997, c.224 (C.58:11B-21.1) is amended to read as follows:

C.58:11B-21.1 Submission of financial plan to Legislature.

25. On or before May 15 of each year, the trust shall submit to the Legislature a financial plan designed to implement the financing of the water supply projects either on the Interim Drinking Water Financing Program Project Priority List, hereinafter referred to as the "drinking water project priority list," or the drinking water project eligibility list, approved pursuant to section 24 of P.L.1997, c.224 (C.58:11B-20.1) or as otherwise approved by the Legislature. The financial plan shall contain an enumeration of the bonds, notes or other obligations of the trust which the trust intends to issue, including the amounts thereof and the terms and conditions thereof, a list of loans to be made to local government units, public water utilities, or to any other person or local government unit on behalf of a public water

utility, including the terms and conditions thereof and the anticipated rate of interest per annum and repayment schedule therefor, and a list of loan guarantees or contracts to guarantee the payment of all or a portion of the principal and interest on bonds, notes or other obligations issued by a local government unit to finance the cost of a water supply project, and the terms and conditions thereof.

The financial plan shall also set forth a complete operating and financial statement covering its proposed operations during the forthcoming fiscal year, including amounts of income from all sources, and the uniform schedule of fees and charges established by the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5), and the amounts to be derived therefrom, and shall summarize the status of each water supply project for which loans or guarantees have been made by the trust, and shall describe major impediments to the accomplishment of the planned water supply projects.

The financial plan shall identify the water supply projects financed during the prior fiscal year through the Disaster Relief Emergency Financing Program established pursuant to section 1 of P.L.2013, c.93 (C.58:11B-9.5), including a project description, the amount of the Disaster Relief Emergency Financing Program loan for each project, and the duration of such Disaster Relief Emergency Financing Program loan.

The financial plan shall also identify the water supply projects financed during the prior fiscal year by the Interim Financing Program established pursuant to subsection d. of section 9 of P.L.1985, c.224 (C.58:11B-9) including a project description, the amount of the loan provided for each project, and the duration of each loan.

13. Section 27 of P.L.1997, c.224 (C.58:11B-22.2) is amended to read as follows:

C.58:11B-22.2 Submission of consolidated financial plan.

27. As an alternative to the individual annual submissions required by the provisions of sections 21 and 22 of P.L.1985, c.334 (C.58:11B-21 and 58:11B-22), sections 25 and 26 of P.L.1997, c.224 (C.58:11B-21.1 and C.58:11B-22.1) and subsection d. of section 9 of P.L.1985, c.334 (C.58:11B-9), the trust may develop and submit to the Legislature a consolidated financial plan designed to implement the financing of the wastewater treatment system projects on the clean water project priority list and clean water project eligibility list approved pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20), the water supply projects on the drinking water pro-

ject priority list and drinking water project eligibility list approved pursuant to section 24 of P.L.1997, c.224 (C.58:11B-20.1), the water resources projects and wastewater treatment system projects on the water resources project and wastewater treatment system project priority list and project eligibility list developed pursuant to section 31 of P.L.2003, c.162 and any other environmental infrastructure projects approved by the Legislature.

14. Section 37 of P.L.2016, c.56 (C.58:11B-22.3) is amended to read as follows:

C.58:11B-22.3 Submission of financial plan to Legislature.

37. a. On or before May 15 of each year, the trust shall submit to the Speaker of the General Assembly and the President of the Senate a financial plan designed to implement the financing of the transportation projects either on the Interim Transportation Financing Program Project Priority List or the Transportation Financing Program Project Eligibility List approved pursuant to P.L.2016, c.56 (C.27:1B-22.5 et al.) or as otherwise approved by the Legislature. The financial plan shall list the bonds, notes or other obligations of the trust which the trust intends to issue, including the amounts thereof and the terms and conditions thereof, a list of loans to be made to local government units or private persons, including the terms and conditions thereof and the anticipated rate of interest per annum and repayment schedule therefor, and a list of loan guarantees or contracts to guarantee the payment of all or a portion of the principal and interest on bonds, notes or other obligations issued by a local government unit to finance the cost of a transportation project, and the terms and conditions thereof.

The financial plan shall also set forth a complete operating and financial statement covering proposed operations through the fund during the forthcoming fiscal year, including amounts of income from all sources, and the uniform schedule of fees and charges established by the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5), and the amounts to be derived therefrom, and shall summarize the status of each transportation project for which loans or guarantees have been made by the trust, and shall describe major impediments to the accomplishment of the planned transportation projects.

b. On or before June 30 of each year the Legislature may reject the financial plan through the adoption by both houses of a concurrent resolution. If the Legislature rejects the financial plan, the project list shall be removed from the annual appropriations act and the trust shall not undertake any of the proposed activities contained therein. If the Legislature

takes no action on or before June 30, the financial plan shall be deemed approved.

c. The financial plan for the State Transportation Infrastructure Bank Fund shall not be eligible for inclusion in a consolidated financial plan as established in section 27 of P.L.1997, c.224 (C.58:11B-22.2).

15. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 145

AN ACT authorizing the State Treasurer to sell as surplus property certain land and improvements thereon in the City of Camden, County of Camden

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

1. a. The Department of the Treasury is authorized to sell and convey, as surplus real property, all of the State's interest in the property known as 101 Haddon Avenue, that consists of 2.3+ acres of land and improvements thereon including a 102,020 square foot building, designated as Block 1397, Lot 3 in the City of Camden, County of Camden, which land and improvements have been declared surplus to the needs of the State.

b. The sale and conveyance authorized by subsection a. of this section shall be executed in accordance with the terms and conditions approved by the State House Commission.

2. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 146

AN ACT appropriating $71,700,224 from constitutionally dedicated corporation business tax revenues and various Green Acres funds to assist local government units to acquire or develop lands for recreation and conservation purposes.

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

1. As used in this act:

"Constitutionally dedicated corporation business tax revenues" means corporation business tax revenues dedicated pursuant to Article VIII, Section II, paragraph 6 of the State Constitution in the "Preserve New Jersey Green Acres Fund" and the unexpended balances in the Diesel Risk Mitigation Fund - Constitutional Dedication account made available for this purpose pursuant to the provisions of P.L.2016, c.10, for the acquisition or development of lands by local government units for recreation and conservation purposes in accordance with the provisions of P.L.2016, c.12 (C.13:8C-43 et seq).

"Densely or highly populated municipality" means a municipality with a population density of at least 5,000 persons per square mile, or a population of at least 35,000 persons, according to the latest federal decennial census.

"Densely populated county" means a county with a population density of at least 5,000 persons per square mile according to the latest federal decennial census.

"Garden State Green Acres Preservation Trust Fund" means the fund established pursuant to section 19 of P.L.1999, c.152 (C.13:8C-19).

"Green Acres bond act" means P.L.2009, c.117, P.L.2007, c.119, P.L.1995, c.204, P.L.1992, c.88, P.L.1989, c.183, P.L.1987, c.265, and P.L.1983, c.354.

"Highly populated county" means a county with a population density of at least 1,000 persons per square mile according to the latest federal decennial census.

"Preserve New Jersey Green Acres Fund" means the fund established pursuant to section 6 of the "Preserve New Jersey Act," P.L.2016, c.12 (C.13:8C-48).

"Stewardship activity" means the same as the term is defined in section 3 of the "Preserve New Jersey Act," P.L.2016, c.12 (C.13:8C-45).

2. There is appropriated to the Department of Environmental Protection the following sums for the purpose of providing grants or loans, or both, to assist local government units to acquire lands for recreation and conservation purposes pursuant to section 4 of this act and for the purpose of providing grants or loans, or both, to assist local government units to develop lands for recreation and conservation purposes pursuant to section 5 of this act:

a. $36,684,000 from constitutionally dedicated corporation business tax revenues;

b. $29,184,699 from the "Garden State Green Acres Preservation Trust Fund" and any Green Acres fund established pursuant to a Green Acres bond act, made available due to loan repayments;

c. $5,520,594 from the "Garden State Green Acres Preservation Trust Fund" and any Green Acres fund established pursuant to a Green Acres bond act, made available due to project cancellations and withdrawals; and

d. $310,931 from the "Garden State Green Acres Preservation Trust Fund" and any Green Acres fund established pursuant to a Green Acres bond act, made available due to interest earnings.

3. There is appropriated from the General Fund to the "Preserve New Jersey Green Acres Fund" an amount determined by the State Treasurer to be necessary to implement the provisions of this act.

4. a. The following projects to acquire lands for recreation and conservation purposes are eligible for funding with the moneys appropriated pursuant to section 2 of this act:

(1) Planning Incentive Acquisition Projects:

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Cresskill Boro	Bergen	Cresskill Borough Park Expansion	$276,515
Oakland Boro	Bergen	Boro of Oakland Open Space & Recreation Plan	500,000
River Vale Twp	Bergen	Watershed Property Acq	500,000
Burlington County	Burlington	Planning Incentive	1,000,000
Medford Twp	Burlington	Open Space Incentive	500,000
Moorestown Twp	Burlington	Open Space Preservation Plan	487,220
Cumberland County	Cumberland	Trails & Open Space Acq	600,000
Livingston Twp	Essex	Township of Livingston Open Space Acq	500,000
Gloucester County	Gloucester	Open Space Plan	1,000,000
Hunterdon County	Hunterdon	County Open Space Plan	700,000
Delaware Twp	Hunterdon	Open Space Acq	500,000
East Amwell Twp	Hunterdon	Open Space & Recreation Plan	368,500
Kingwood Twp	Hunterdon	Open Space Plan	289,000
Lebanon Twp	Hunterdon	Lebanon Twp Preservation Priorities	500,000
Readington Twp	Hunterdon	Greenway Incentive Plan	500,000

Tewksbury Twp	Hunterdon	Recreation and Open Space Plan	500,000
Mercer County	Mercer	Mercer County Planning Incentive	1,250,000
Hopewell Twp	Mercer	Hopewell Township Open Space Acq	230,000
Princeton Boro	Mercer	Princeton Open Space Acq	375,500
West Windsor Twp	Mercer	West Windsor Planning Inc	500,000
Monmouth County	Monmouth	Planning Incentive Acq	1,250,000
Allentown Boro	Monmouth	Mercer-Monmouth Regional Greenbelt	500,000
Millstone Twp	Monmouth	Millstone Planning Incentive-Project Evergreen	500,000
Chatham Twp	Morris	Chatham Open Space Acq	500,000
Denville Twp	Morris	Denville Open Space Acquisition	500,000
Hanover Twp	Morris	Open Space Acq	469,325
Kinnelon Boro	Morris	Open Space Acq	181,000
Madison Boro	Morris	Madison Boro Open Space Acq	500,000
Ocean County	Ocean	Planning Incentive Grant	1,000,000
Harvey Cedars Boro	Ocean	James Street Wetlands Project	50,000
Point Pleasant Beach Boro	Ocean	Open Space & Recreation Acq	364,330
Somerset County	Somerset	County Open Space Acq	1,250,000
Bedminster Twp	Somerset	Bedminster Parks Exp	500,000
Bernardsville Boro	Somerset	Bernardsville Boro Open Space and Recreation Lands	500,000
Montgomery Twp	Somerset	Open Space Acq 5	500,000
Peapack-Gladstone Boro	Somerset	Open Space Acq	500,000
Union County	Union	Union County Open Space & Recreation Plan	1,500,000
Alpha Boro	Warren	Alpha Borough Open Space	90,000
Washington Boro	Warren	Washington Boro Open Space Acq	500,000
TOTAL			**$22,231,390**

(2) Standard Acquisition Projects:

LOCAL GOVERNMENT UNIT	**COUNTY**	**PROJECT**	**APPROVED AMOUNT**
Hamilton Twp	Atlantic	2nd Street ParkAcq	$40,500
Franklin Lakes Boro	Bergen	Franklin Lakes Open Space Acq	500,000
Hillsdale Boro	Bergen	Hillsdale Flood Buyout Acq	61,650
TOTAL			**$602,150**

b. The following projects to acquire lands for recreation and conservation purposes located in municipalities eligible to receive State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.), either as of June 30, 2016 or the effective date of this act, are eligible for funding with the moneys appropriated pursuant to section 2 of this act:

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Bloomfield Twp	Essex	Third River Park and Preserve	$1,000,000
Newark City	Essex	Newark Riverfront Park Acq	1,000,000
Hoboken City	Hudson	Land Acq	1,000,000
Jersey City	Hudson	Berry Lane Acq	1,000,000
Union City	Hudson	Weehawken – Union City Reservoir Acq	1,000,000
Carteret Boro	Middlesex	Arthur Kill Waterfront Park Ph III	1,000,000
Neptune Twp	Monmouth	Flood Prone Property Acq	1,000,000
Paterson City	Passaic	Ryle Ave/West Broadway Corridor Acq	1,000,000
TOTAL			**$8,000,000**

c. The following projects to acquire lands for recreation and conservation purposes, located in densely or highly populated municipalities or sponsored by densely populated counties or highly populated counties, are eligible for funding with the moneys appropriated pursuant to section 2 of this act:

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Wood-Ridge Boro	Bergen	Wood-Ridge Recreation Complex Acq	750,000
Washington Twp	Gloucester	Open Space & Recreation Project	708,000
Harrison Town	Hudson	Waterfront Park Walkway Acq	213,250
Hamilton Twp	Mercer	Hamilton Twp Open Space Acq	456,880
East Brunswick Twp	Middlesex	Open Space Plan	70,000
North Brunswick Twp	Middlesex	North Brunswick Plan	750,000
Howell Twp	Monmouth	Planning Incentive 2	750,000
Marlboro Twp	Monmouth	Marlboro Open Space Acq	750,000
Morristown Town	Morris	Open Space Expansion	500,000
Manchester Twp	Ocean	Planning Incentive	750,000

Little Falls Twp	Passaic	Little Falls Blue Acres Acq	612,050
TOTAL			**$6,310,180**
GRAND TOTAL			**$37,143,720**

5. a. The following projects to develop lands for recreation and conservation purposes, located in municipalities eligible to receive State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.) either as of June 30, 2016 or the effective date of this act, or sponsored by densely populated counties, are eligible for funding with the moneys appropriated pursuant to section 2 of this act:

LOCAL GOVERNMENT UNIT	**COUNTY**	**PROJECT**	**APPROVED AMOUNT**
Pleasantville City	Atlantic	Bayview Avenue Waterfront Park	$1,000,000
Bergenfield Boro	Bergen	Twin Boro Field Improvements	1,000,000
Garfield City	Bergen	Garfield Athletic Complex	1,000,000
Hackensack City	Bergen	Foschini Park Improvements	800,000
Camden County	Camden	Cooper River Park Improvements II	1,000,000
Camden City	Camden	North Camden Waterfront Park III	1,000,000
Pennsauken Twp	Camden	Delaware Gardens River View Renewal	593,845
Vineland City	Cumberland	Park Improvement at Burnt Mill Pond	747,500
Essex County	Essex	Multi-Park Improvements	1,500,000
Belleville Twp	Essex	Belleville Municipal Stadium Improvements	1,000,000
East Orange City	Essex	Columbian Park Improvements	1,000,000
Nutley Twp	Essex	Father Glotzbach Soccer Field Turf Project	350,115
Orange City Twp	Essex	Multi-Park Improvements	1,000,000
Glassboro Boro	Gloucester	Town Square Park Improvements	1,000,000
Woodbury City	Gloucester	Stewart Lake Park Improvements	665,390
Hudson County	Hudson	Laurel Hill Park Phase IV	1,500,000
Bayonne City	Hudson	Newark Bay Waterfront Project	1,000,000
Kearny Town	Hudson	Gunnell Oval Sports Complex Reconstruction	1,000,000
North Bergen Twp	Hudson	64th Street Field Improvements	1,000,000
Weehawken Twp	Hudson	Weehawken Recreation Pier and Bridge Project	1,000,000

West New York Town	Hudson	Historic Miller Stadium Field Surface Improvements	1,000,000
Trenton City	Mercer	Hetzel Field Park Development	1,000,000
Middlesex County	Middlesex	Perth Amboy Arthur Kill Waterfront	1,250,000
Long Branch City	Monmouth	Branchport Park Improvements	750,000
Brick Twp	Ocean	Multi-Park Improvements 2	1,000,000
Passaic County	Passaic	Weasel Brook Park Improvements 2	600,000
Clifton City	Passaic	Athenia Park 2	1,000,000
Passaic City	Passaic	Third Ward Veterans Memorial Park Improvements	1,000,000
Rahway City	Union	Madden Field Park Improvements	1,000,000
Roselle Boro	Union	Arminio Field Park Improvement	1,000,000
TOTAL			**$28,756,850**

b. The following projects to develop lands for recreation and conservation purposes, located in densely or highly populated municipalities or sponsored by highly populated counties, are eligible for funding with the moneys appropriated pursuant to section 2 of this act:

LOCAL GOVERNMENT UNIT	**COUNTY**	**PROJECT**	**APPROVED AMOUNT**
Bergen County	Bergen	Overpeck Park Improvements 2	$1,250,000
Elmwood Park Boro	Bergen	Birchwood Park Improvements	37,500
New Milford Boro	Bergen	Kennedy Field Improvements	647,500
North Arlington Boro	Bergen	Daniel Morris Park Improvements	59,800
Rutherford Boro	Bergen	Memorial Park Improvements	148,215
West Orange Twp	Essex	West Orange Multipark Development	182,100
Middletown Twp	Monmouth	Multi-Park Improvements	369,250
Berkeley Twp	Ocean	Veterans Park Improvements	750,000
Wayne Twp	Passaic	Alps Road Ballfields	300,000
Bound Brook Boro	Somerset	Multi Park Improvements	104,855
Somerville Boro	Somerset	Chambres Park Improvement	143,355
Fanwood Boro	Union	Forest Road Park Development	425,000
TOTAL			**$4,417,575**

c. The following projects for stewardship activities are eligible for funding with the moneys appropriated pursuant to section 2 of this act:

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT	APPROVED AMOUNT
Bergen County	Bergen	Stormwater Canyon Restoration	$113,000
Ridgefield Boro	Bergen	Ridgefield Nature Center Improvements	61,812
Burlington County	Burlington	Stewardship Multi Parks	54,000
Camden County	Camden	Watchable Wildlife Trail	50,000
Franklin Twp	Gloucester	Piney Hollow Preservation Area	200,000
Jersey City	Hudson	Jersey City Parks Stewardship	82,672
Mercer County	Mercer	Roebling Park Wetlands Restoration	59,350
Woodbridge Twp	Middlesex	Heards Brook Stewardship	164,735
Avon-By-The Sea Boro	Monmouth	Sylvan Lake Restoration	281,750
Passaic County	Passaic	Dey Mansion Improvements	100,000
Woodland Park Boro	Passaic	Rose Place Park Woods	50,250
Peapack - Gladstone Boro	Somerset	Liberty Pond Park Restoration	101,707
Fanwood Boro	Union	Fanwood Nature Center Rescue Initiative	62,803
TOTAL			**$1,382,079**
GRAND TOTAL			**$34,556,504**

6. a. Any transfer of funds, or change in project sponsor, site, or type, listed in section 4 or 5 of this act shall require the approval of the Joint Budget Oversight Committee or its successor.

b. To the extent that moneys remain available after the projects listed in section 4 or 5 of this act are offered funding pursuant thereto, any project of a local government unit that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes, or that receives funding approved pursuant to this act, shall be eligible to receive additional funding, as determined by the Department of Environmental Protection, subject to the approval of the Joint Budget Oversight Committee or its successor.

7. a. There is reappropriated to the Department of Environmental Protection the unexpended balances, due to project withdrawals, cancellations, or cost savings, of the amounts appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund to assist local government units to

acquire or develop lands for recreation and conservation purposes, for the purposes of providing:

(1) grants or loans, or both, to assist local government units to acquire or develop lands for recreation and conservation purposes, for projects approved as eligible for such funding pursuant to this act; and

(2) additional funding, as determined by the Department of Environmental Protection, to any project of a local government unit that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes or that receives funding approved pursuant to this act, subject to the approval of the Joint Budget Oversight Committee or its successor. Any such additional funding provided from a Green Acres bond act may include administrative costs.

b. There is appropriated to the Department of Environmental Protection such sums as may be, or may become, available on or before June 30, 2017, due to interest earnings or loan repayments in any "Green Trust Fund" established pursuant to a Green Acres bond act or in the "Garden State Green Acres Preservation Trust Fund," for the purpose of providing:

(1) grants or loans, or both, to assist local government units to acquire or develop lands for recreation and conservation purposes, for projects approved as eligible for such funding pursuant to this act; and

(2) additional funding, as determined by the Department of Environmental Protection, to any project of a local government unit that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes or that receives funding approved pursuant to this act, subject to the approval of the Joint Budget Oversight Committee or its successor. Any such additional funding provided from a Green Acres bond act may include administrative costs.

8. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 147

AN ACT appropriating $12,300,000 from constitutionally dedicated corporation business tax revenues for the development of lands by the State for recreation and conservation purposes.

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

1. a. There is appropriated to the Department of Environmental Protection the sum of $12,300,000 from dedicated corporation business tax revenues pursuant to Article VIII, Section II, paragraph 6 of the State Constitution in the "Preserve New Jersey Green Acres Fund," established pursuant to section 6 of the "Preserve New Jersey Act," P.L.2016, c.12 (C.13:8C-48), for the development of lands by the State for recreation and conservation purposes in accordance with the provisions of the "Preserve New Jersey Act," P.L.2016, c.12 (C.13:8C-43 et seq.).

b. The funds appropriated pursuant to subsection a. of this section shall be allocated as follows:

Project	**Amount**
BOATING & FISHING ACCESS	
Access Facilities	$250,000
CAMPING DEVELOPMENT	
Camping, Cabin/Shelter Program	1,000,000
Sanitary Facilities	1,000,000
HABITAT ENHANCEMENT & ACCESS	
Habitat Improvements & Access	250,000
INFRASTRUCTURE	
Bridge Repairs	250,000
Building Repairs and Renovations	1,000,000
Health and Life Safety Projects	2,500,000
High Hazard and Significant Hazard Dams:	
Inspection, Repair, Removal	1,000,000
Historic Structure Stabilization and Repairs	600,000
Recreational Development	1,250,000
Road Repairs	400,000
IN-HOUSE PROJECTS	1,000,000
OTHER	
Contingency Fund for Repairs	1,200,000
Administration	600,000
TOTAL	**$12,300,000**

c. Notwithstanding the provisions of subsection e. of section 6 of P.L.2016, c.12 (C.13:8C-48) or any other law to the contrary, the expenditure of funds pursuant to this section shall not require the approval of the Joint Budget Oversight Committee, or its successor. The department may reallocate funds among the projects identified in subsection b. of this sec-

tion, subject to the approval of the Director of the Division of Budget and Accounting in the Department of the Treasury. The department shall send written notification of any such reallocation of funds to the President of the Senate, the Speaker of the General Assembly, the Legislative Budget and Finance Officer, the Joint Budget Oversight Committee, or its successor, and the Chairs of the Senate Environment and Energy Committee and Assembly Environment and Solid Waste Committee, or their respective successor committees.

2. There is appropriated from the General Fund to the "Preserve New Jersey Green Acres Fund," established pursuant to section 6 of the "Preserve New Jersey Act," P.L.2016, c.12 (C.13:8C-48), the sum of $12,300,000 to implement the provisions of section 1 of this act.

3. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 148

AN ACT appropriating $8,992,898 from constitutionally dedicated corporation business tax revenues and various Green Acres funds to provide grants to assist qualifying tax exempt nonprofit organizations to acquire or develop lands for recreation and conservation purposes.

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

1. a. There is appropriated to the Department of Environmental Protection the following sums for the purpose of providing grants to assist qualifying tax exempt nonprofit organizations to acquire lands for recreation and conservation purposes pursuant to subsection b. of this section, to develop lands for recreation and conservation purposes pursuant to subsection c. of this section, and to undertake stewardship activities pursuant to subsection d. of this section:

(1) $6,758,000 from the dedicated corporation business tax revenues pursuant to Article VIII, Section II, paragraph 6 of the State Constitution in the "Preserve New Jersey Green Acres Fund" and the unexpended balances in the Diesel Risk Mitigation Fund - Constitutional Dedication account made available for this purpose pursuant to the provisions of P.L.2016, c.10;

(2) $1,244,665 from the "Garden State Green Acres Preservation Trust Fund" and any Green Acres fund established pursuant to a Green Acres bond act, made available due to project cancellations and withdrawals; and

(3) $990,233 from the "Garden State Green Acres Preservation Trust Fund" and any Green Acres fund established pursuant to a Green Acres bond act, made available due to interest earnings.

b. The following projects for the acquisition of lands for recreation and conservation purposes are eligible for funding with the moneys appropriated pursuant to subsection a. of this section:

Nonprofit Organization	**Project**	**County**	**Municipality**	**Approved Amount**
(1) Crossroads of the American Revolution Association	National Heritage Area Preservation Project	Bergen	Bogota Boro	$250,000
			Carlstadt Boro	
			East Rutherford Boro	
			Fort Lee Boro	
			Garfield City	
			Hackensack City	
			Hasbrouck Heights Boro	
			Leonia Boro	
			Little Ferry Boro	
			Lodi Boro	
			Lyndhurst Twp	
			Maywood Boro	
			Moonachie Boro	
			New Milford Boro	
			North Arlington Boro	
			Palisades Park Boro	
			Ridgefield Park Village	
			River Edge Boro	
			Rochelle Park Twp	
			Rutherford Boro	
			South Hackensack Twp	
			Teterboro Boro	
			Wallington Boro	
			Wood-Ridge Boro	
		Burlington	Beverly City	
			Bordentown City	
			Bordentown Twp	
			Burlington City	
			Burlington Twp	
			Chesterfield Twp	
			Cinnaminson Twp	
			Delanco Twp	
			Delran Twp	
			Edgewater Park Twp	

	Fieldsboro Boro
	Florence Twp
	Hainesport Twp
	Mansfield Twp
	Maple Shade Twp
	Moorestown Twp
	Mount Holly Twp
	Mount Laurel Twp
	Palmyra Boro
	Riverside Twp
	Riverton Boro
	Springfield Twp
	Westampton Twp
	Willingboro Twp
Camden	Audubon Boro
	Audubon Park Boro
	Brooklawn Boro
	Camden City
	Cherry Hill Twp
	Collingswood Boro
	Gloucester City
	Haddon Heights Boro
	Haddon Twp
	Haddonfield Boro
	Merchantville Boro
	Mount Ephraim Boro
	Oaklyn Boro
	Pennsauken Twp
	Woodlynne Boro
Essex	Belleville Twp
	Irvington Twp
	Livingston Twp
	Maplewood Twp
	Millburn Twp
	Newark City
	Nutley Twp
Gloucester	National Park Boro
	West Deptford Twp
	Westville Boro
Hudson	East Newark Boro
	Harrison Town
	Kearny Town
Hunterdon	Delaware Twp
	East Amwell Twp
	Flemington Boro
	Franklin Twp
	Frenchtown Boro
	Kingwood Twp
	Lambertville City

	Raritan Twp
	Readington Twp
	Stockton Boro
	West Amwell Twp
Mercer	East Windsor Twp
	Ewing Twp
	Hamilton Twp
	Hightstown Boro
	Hopewell Boro
	Hopewell Twp
	Lawrence Twp
	Pennington Boro
	Princeton Boro
	Trenton City
	Washington Twp
	West Windsor Twp
Middlesex	All municipalities
Monmouth	Aberdeen Twp
	Allentown Boro
	Colts Neck Twp
	Englishtown Boro
	Freehold Boro
	Freehold Twp
	Holmdel Twp
	Manalapan Twp
	Marlboro Twp
	Matawan Boro
	Millstone Twp
	Roosevelt Boro
	Upper Freehold Twp
Morris	Boonton Town
	Boonton Twp
	Butler Boro
	Chatham Boro
	Chatham Twp
	Chester Boro
	Denville Twp
	Dover Town
	East Hanover Twp
	Florham Park Boro
	Hanover Twp
	Harding Twp
	Kinnelon Boro
	Lincoln Park Boro
	Long Hill Twp
	Madison Boro
	Mendham Boro
	Mendham Twp
	Mine Hill Twp

			Montville Twp	
			Morris Plains Boro	
			Morris Twp	
			Morristown Town	
			Mountain Lakes Boro	
			Parsippany-Troy Hills Twp	
			Pequannock Twp	
			Randolph Twp	
			Riverdale Boro	
			Rockaway Boro	
			Rockaway Twp	
			Victory Gardens Boro	
			Wharton Boro	
		Passaic	Clifton City	
			Passaic City	
		Somerset	All municipalities	
		Union	All municipalities	
(2) D & R Greenway Land Trust	Greenway Acq	Bergen	Bogota Boro	500,000
			Carlstadt Boro	
			East Rutherford Boro	
			Fort Lee Boro	
			Garfield City	
			Hackensack City	
			Hasbrouck Heights Boro	
			Leonia Boro	
			Little Ferry Boro	
			Lodi Boro	
			Lyndhurst Twp	
			Maywood Boro	
			Moonachie Boro	
			New Milford Boro	
			North Arlington Boro	
			Palisades Park Boro	
			Ridgefield Park Village	
			River Edge Boro	
			Rochelle Park Twp	
			Rutherford Boro	
			South Hackensack Twp	
			Teterboro Boro	
			Wallington Boro	
			Wood-Ridge Boro	
		Burlington	Beverly City	
			Bordentown City	
			Bordentown Twp	
			Burlington City	
			Burlington Twp	
			Chesterfield Twp	
			Cinnaminson Twp	
			Delanco Twp	

	Delran Twp
	Edgewater Park Twp
	Fieldsboro Boro
	Florence Twp
	Hainesport Twp
	Mansfield Twp
	Maple Shade Twp
	Moorestown Twp
	Mount Holly Twp
	Mount Laurel Twp
	Palmyra Boro
	Riverside Twp
	Riverton Boro
	Springfield Twp
	Westampton Twp
	Willingboro Twp
Camden	Audubon Boro
	Audubon Park Boro
	Brooklawn Boro
	Camden City
	Cherry Hill Twp
	Collingswood Boro
	Gloucester City
	Haddon Heights Boro
	Haddon Twp
	Haddonfield Boro
	Merchantville Boro
	Mount Ephraim Boro
	Oaklyn Boro
	Pennsauken Twp
	Woodlynne Boro
Cumberland	Deerfield Twp
	Fairfield Twp
	Greenwich Twp
	Hopewell Twp
	Stow Creek Twp
	Upper Deerfield Twp
Essex	Belleville Twp
	Irvington Twp
	Livingston Twp
	Maplewood Twp
	Millburn Twp
	Newark City
	Nutley Twp
Gloucester	National Park Boro
	West Deptford Twp
	Westville Boro
Hudson	East Newark Boro
	Harrison Town

			Kearny Town	
		Hunterdon	Delaware Twp	
			East Amwell Twp	
			Flemington Boro	
			Franklin Twp	
			Frenchtown Boro	
			Kingwood Twp	
			Lambertville City	
			Raritan Twp	
			Readington Twp	
			Stockton Boro	
			West Amwell Twp	
		Mercer	East Windsor Twp	
			Ewing Twp	
			Hamilton Twp	
			Hightstown Boro	
			Hopewell Boro	
			Hopewell Twp	
			Lawrence Twp	
			Pennington Boro	
			Princeton Boro	
			Robbinsville Twp	
			Trenton City	
			Washington Twp	
			West Windsor Twp	
		Middlesex	All municipalities	
		Monmouth	Allentown Boro	
			Millstone Twp	
			Upper Freehold Twp	
		Salem	Elsinboro Twp	
			Lower Alloways Creek Twp	
			Mannington Twp	
			Pennsville Twp	
		Somerset	Branchburg Twp	
			Franklin Twp	
			Hillsborough Twp	
			Montogomery Twp	
			Rocky Hill Boro	
(3) Friends of Hopewell Valley Open Space	Hopewell Valley Park Acq	Mercer	Hopewell Boro Hopewell Twp Lawrence Twp	250,000
(4) Friends of Princeton Open Space	Millstone River Watershed	Mercer	Princeton Boro	100,000
(5) Fyke Nature Association	Ramapo Mountain Conservation Area	Bergen	Mahwah Twp Oakland Boro	250,000

(6) Great Egg Harbor Watershed Association	2nd Street Park Acq	Atlantic	Hamilton Twp	81,000
(7) Hunterdon Land Trust	Hunterdon Open Space Plan Priority Areas	Hunterdon	All municipalities	250,000
(8) Lamington Conservancy	Central Lamington Project	Hunterdon	Tewksbury Twp	250,000
		Morris	Chester Twp	
			Washington Twp	
		Somerset	Bedminster Twp	
			Peapack-Gladstone Boro	
(9) Monmouth Conservation Foundation	Open Space Plans 2	Monmouth	All municipalities	250,000
(10) New Jersey Conservation Foundation	Priority Area Acq	Atlantic	Buena Vista Twp	500,000
			Egg Harbor City	
			Egg Harbor Twp	
			Estell Manor City	
			Folsom Boro	
			Galloway Twp	
			Hamilton Twp	
			Hammonton Town	
			Mullica Twp	
			Weymouth Twp	
		Burlington	Bass River Twp	
			Beverly City	
			Bordentown City	
			Bordentown Twp	
			Burlington City	
			Burlington Twp	
			Chesterfield Twp	
			Cinnaminson Twp	
			Delanco Twp	
			Delran Twp	
			Evesham Twp	
			Medford Twp	
			New Hanover Twp	
			North Hanover Twp	
			Pemberton Twp	
			Shamong Twp	
			Southampton Twp	
			Tabernacle Twp	
			Washington Twp	
			Woodland Twp	
		Camden	Camden City	
			Merchantville Boro	
			Pennsauken Twp	
		Cape May	Lower Twp	

	Middle Twp
Cumberland	Fairfield Twp
	Greenwich Twp
	Hopewell Twp
	Millville City
	Stow Creek Twp
	Upper Deerfield Twp
	Vineland City
Gloucester	Logan Twp
	South Harrison Twp
	Woolwich Twp
Hunterdon	Alexandria Twp
	Clinton Twp
	Delaware Twp
	East Amwell Twp
	Franklin Twp
	Frenchtown Boro
	Holland Twp
	Kingwood Twp
	Lambertville City
	Lebanon Boro
	Lebanon Twp
	Milford Boro
	Raritan Twp
	Readington Twp
	Stockton Boro
	Tewksbury Twp
	West Amwell Twp
Mercer	East Windsor Twp
	Hamilton Twp
	Hightstown Boro
	Hopewell Twp
	Lawrence Twp
	Trenton City
	Princeton Boro
	Robbinsville Twp
	West Windsor Twp
Middlesex	Edison Twp
Monmouth	Allentown Boro
	Millstone Twp
	Upper Freehold Twp
Morris	Boonton Town
	Boonton Twp
	Butler Boro
	Chatham Boro
	Chatham Twp
	Chester Boro
	Chester Twp
	Denville Twp

	Dover Town
	East Hanover Twp
	Florham Park Boro
	Hanover Twp
	Harding Twp
	Jefferson Twp
	Kinnelon Boro
	Lincoln Park Boro
	Long Hill Twp
	Madison Boro
	Mendham Boro
	Mendham Twp
	Mine Hill Twp
	Montville Twp
	Morris Plains Boro
	Morris Twp
	Morristown Town
	Mount Arlington Boro
	Mount Olive Twp
	Mountain Lakes Boro
	Netcong Boro
	Parsippany-Troy Hills Twp
	Pequannock Twp
	Randolph Twp
	Riverdale Boro
	Rockaway Boro
	Rockaway Twp
	Roxbury Twp
	Victory Gardens Boro
	Washington Twp
	Wharton Boro
Ocean	Lacey Twp
	Ocean Twp
Passaic	West Milford Twp
Salem	Alloway Twp
	Carneys Point Twp
	Elmer Boro
	Elsinboro Twp
	Lower Alloways Creek Twp
	Mannington Twp
	Oldmans Twp
	Pennsville Twp
	Pilesgrove Twp
	Pittsgove Twp
	Quinton Twp
	Upper Pittsgrove Twp
	Woodstown Boro
Somerset	Bedminster Twp
	Bernards Twp

			Bernardsville Boro	
			Branchburg Twp	
			Bridgewater Twp	
			Far Hills Boro	
			Hillsborough Twp	
			Montgomery Twp	
			Peapack-Gladstone Boro	
			Raritan Boro	
		Sussex	Andover Twp	
			Byram Twp	
			Frankford Twp	
			Hampton Twp	
			Hopatcong Boro	
			Sparta Twp	
			Vernon Twp	
			Wantage Twp	
		Union	Linden City	
			Springfield Twp	
			Union Twp	
		Warren	Franklin Twp	
			Greenwich Twp	
			Harmony Twp	
			Lopatcong Twp	
			Mansfield Twp	
			Pohatcong Twp	
			Washington Twp	
			White Twp	
(11) NY-NJ Trail Conference	Green Corridors 2	Bergen	Mahwah Twp	250,000
		Hunterdon	Alexandria Twp	
			Bethlehem Twp	
			Holland Twp	
			Lebanon Boro	
			Lebanon Twp	
			Union Twp	
		Morris	Chester Twp	
			Jefferson Twp	
			Morris Twp	
			Mt. Olive Twp	
			Rockaway Boro	
			Rockaway Twp	
			Washington Twp	
		Passaic	Ringwood Boro	
			Wanaque Boro	
			West Milford Twp	
		Sussex	Byram Twp	
			Green Twp	
			Hopatcong Boro	
			Sparta Twp	
			Vernon Twp	

		Warren	Allamuchy Twp Franklin Twp Frelinghuysen Twp Harmony Twp Hope Twp Independence Twp Liberty Twp Lopatcong Twp Mansfield Twp Oxford Twp Washington Twp White Twp	
(12) Passaic River Coalition	Passaic River Preservation Project	Bergen	Allendale Boro Elmwood Park Boro Fair Lawn Boro Garfield City Hohokus Boro Lyndhurst Twp Mahwah Twp Oakland Boro Ridgewood Village Rutherford Boro Saddle River Boro Upper Saddle River Boro Wallington Boro	250,000
		Essex	Cedar Grove Twp Fairfield Twp Livingston Twp Newark City Roseland Boro Verona Twp West Caldwell Twp	
		Morris	Butler Boro Chatham Boro Chatham Twp Chester Twp Denville Twp East Hanover Twp Florham Park Boro Hanover Twp Jefferson Twp Kinnelon Boro Lincoln Park Boro Long Hill Twp Mendham Boro Mendham Twp Montville Twp Morris Twp Morristown Town	

			Parsippany-Troy Hills Twp	
			Pequannock Twp	
			Riverdale Boro	
			Rockaway Twp	
		Passaic	Bloomingdale Boro	
			Clifton City	
			Hawthorne Boro	
			Little Falls Twp	
			Passaic City	
			Paterson City	
			Pompton Lakes Boro	
			Ringwood Boro	
			Totowa Boro	
			Wanaque Boro	
			Wayne Twp	
			West Milford Twp	
			Woodland Park Boro	
		Somerset	Bernards Twp	
			Bernardsville Boro	
			Warren Twp	
		Sussex	Hardyston Twp	
			Sparta Twp	
		Union	Berkely Heights Twp	
			New Providence Boro	
			Summit City	
(13) Rancocas Conservancy	Rancocas Watershed Acq	Burlington	All municipalities	214,000
(14) Raritan Headwaters Association	Raritan Headwaters Acq	Hunterdon	Alexandria Twp	250,000
			Bethlehem Twp	
			Califon Twp	
			Clinton Boro	
			Clinton Twp	
			Delaware Twp	
			East Amwell Twp	
			Franklin Twp	
			Glen Gardener Boro	
			Hampton Twp	
			High Bridge Boro	
			Lebanon Boro	
			Lebanon Twp	
			Raritan Twp	
			Readington Twp	
			Tewksbury Twp	
			Union Twp	
			West Amwell Twp	
		Morris	Bedminster Twp	
			Bernards Twp	
			Bernardsville Boro	

			Branchburg Twp	
			Bridgewater Twp	
			Far Hills Boro	
			Flemington Boro	
			Hillsborough Twp	
			Raritan Boro	
		Somerset	Bedminster Twp	
			Bernards Twp	
			Bernardsville Boro	
			Peapack-Gladstone Boro	
(15) Ridge and Valley Conservancy	Open Space Conservation Plan	Sussex	Andover Boro	250,000
			Andover Twp	
			Frankford Twp	
			Fredon Twp	
			Green Twp	
			Hampton Twp	
			Hardyston Twp	
			LafayetteTwp	
			Sandyston Twp	
			Stillwater Twp	
			Wantage Twp	
		Warren	Allamuchy Twp	
			Blairstown Twp	
			Frelinghuysen Twp	
			Hardwick Twp	
			Hope Twp	
			Knowlton Twp	
			Mansfield Twp	
			White Twp	
(16) Save Hamilton Open Space	Greenways, Trails & Rural Resource Conservation	Mercer	Hamilton Twp	150,000
(17) Tewksbury Land Trust	Land Acq	Hunterdon	Tewksbury Twp	250,000
(18) The Land Conservancy of New Jersey	Priority Areas Acq	Bergen	Franklin Lakes Boro	500,000
			Mahwah Twp	
			Oakland Twp	
		Essex	Bloomfield Twp	
			Caldwell Boro	
			Livingston Twp	
			West Orange Twp	
		Middlesex	Woodbridge Twp	
		Morris	Boonton Twp	
			Chatham Boro	
			Chatham Twp	
			Denville Twp	
			East Hanover Twp	

			Florham Park Boro	
			Hanover Twp	
			Jefferson Twp	
			Kinnelon Boro	
			Lincoln Park Boro	
			Madison Boro	
			Mine Hill Twp	
			Montville Twp	
			Morris Twp	
			Morristown Town	
			Mount Olive Twp	
			Parsippany-Troy Hills Twp	
			Pequannock Twp	
			Randolph Twp	
			Riverdale Boro	
			Rockaway Twp	
			Roxbury Twp	
			Washington Twp	
		Passaic	Ringwood Boro	
			West Milford Twp	
		Somerset	Bernardsville Boro	
			Peapack-Gladstone Boro	
		Sussex	Andover Boro	
			Andover Twp	
			Byram Twp	
			Frankford Twp	
			Fredon Twp	
			Green Twp	
			Hampton Twp	
			Hopatcong Boro	
			Lafayette Twp	
			Sparta Twp	
			Stillwater Twp	
			Vernon Twp	
		Warren	Allamuchy Twp	
			Franklin Twp	
			Frelinghuysen Twp	
			Greenwich Twp	
			Hardwick Twp	
			Harmony Twp	
			Pohatcong Twp	
(19) The Nature Conservancy	Priority Area Acq	Atlantic	Estell Manor City	500,000
			Galloway Twp	
			Hamilton Twp	
			Mullica Twp	
		Burlington	Bass River Twp	
			Pemberton Boro	
			Pemberton Twp	
			Washington Twp	

			Woodland Twp	
		Cape May	Cape May City	
			Cape May Point Boro	
			Dennis Twp	
			Lower Twp	
			Middle Twp	
			West Cape May Boro	
		Cumberland	Commercial Twp	
			Downe Twp	
			Fairfield Twp	
			Lawrence Twp	
			Maurice River Twp	
			Millville City	
			Vineland City	
		Gloucester	Franklin Twp	
		Ocean	Barnegat Twp	
			Eagleswood Twp	
			Lacey Twp	
			Little Egg Harbor Twp	
			Ocean Twp	
			Stafford Twp	
		Passaic	North Haledon Boro	
			Wayne Twp	
		Salem	Pittsgrove Twp	
		Sussex	Andover Boro	
			Andover Twp	
			Frankford Twp	
			Fredon Twp	
			Green Twp	
			Hampton Twp	
			Hardyston Twp	
			Lafayette Twp	
			Montague Twp	
			Newton Town	
			Sandyston Twp	
			Stillwater Twp	
			Walpack Twp	
			Wantage Twp	
		Warren	Allamuchy Twp	
			Blairstown Twp	
			Frelinghuysen Twp	
			Hardwick Twp	
			Hope Twp	
(20) Trust For Public Land	Project Priority Areas	Atlantic	Absecon City	500,000
			Egg Harbor City	
			Egg Harbor Twp	
			Galloway Twp	
			Hamilton Twp	
			Linwood City	

	Northfield City
	Pleasantville City
	Port Republic City
	Somers Point City
Bergen	All municipalities
Burlington	All municipalities
Camden	All municipalities
Cumberland	All municipalities
Essex	All municipalities
Gloucester	All municipalities
Hudson	All municipalities
Hunterdon	All municipalities
Mercer	Hamilton Twp
	Robbinsville Twp
Middlesex	Carteret Boro
	Old Bridge Twp
	Woodbridge Twp
Monmouth	Aberdeen Twp
	Allenhurst Boro
	Allentown Boro
	Asbury Park City
	Atlantic Highlands Boro
	Avon-By-The-Sea Boro
	Belmar Boro
	Bradley Beach Boro
	Brielle Boro
	Deal Boro
	Fair Haven Boro
	Freehold Boro
	Freehold Twp
	Hazlet Twp
	Highlands Boro
	Howell Twp
	Interlaken Boro
	Keansburg Boro
	Keyport Boro
	Loch Arbour Village
	Long Branch City
	Manasquan Boro
	Matawan Boro
	Middletown Twp
	Millstown Twp
	Monmouth Beach Boro
	Neptune Twp
	Rumson Boro
	Sea Bright Boro
	Sea Girt Boro
	Spring Lake Boro
	Spring Lake Heights Boro

		Union Beach Boro
		Wall Twp
	Morris	All municipalities
	Ocean	Barnegat Twp
		Barnegat Light Boro
		Berkeley Twp
		Brick Twp
		Eagleswood Twp
		Jackson Twp
		Lacey Twp
		Lakewood Twp
		Little Egg Harbor Twp
		Long Beach Twp
		Manchester Twp
		Ocean Twp
		Plumsted Twp
		Stafford Twp
		Toms River Twp
		Tuckerton Boro
	Passaic	All municipalities
	Salem	All municipalities
	Somerset	All municipalities
	Sussex	All municipalities
	Union	Linden City
		Rahway City
	Warren	All municipalities
TOTAL		**$5,795,000**

c. The following projects for the development of lands for recreation and conservation purposes are eligible for funding with the moneys appropriated pursuant to subsection a. of this section:

Nonprofit Organization	**Project**	**County**	**Municipality**	**Approved Amount**
Brookdale Park Conservancy, Inc.	Brookdale Park Improvement Project	Essex	Bloomfield Twp Montclair Twp	$250,000
Camden Special Services District	North Camden Waterfront Park III	Camden	Camden City	250,000
Congregation Ahavas Sholom	Lincoln Avenue Schoolyard Improvements	Essex	Newark City	250,000

Cooper's Ferry Partnership	N. Camden Waterfront Park II	Camden	Camden City	250,000
Essex County Parks Foundation	Multi-park Improvements	Essex	Newark City	250,000
Friends of Passaic County Parks	Goffle Brook Park Improvements	Passaic	Hawthorne Boro	200,000
Isles, Inc.	Calhoun St. Park Renovation	Mercer	Trenton City	250,000
Passaic River Rowing Association	Passaic River Rowing Association Boathouse	Bergen	Lyndhurst Twp North Arlington Boro	250,000
United Community Corporation	West Side Park Improvements	Essex	Newark City	250,000
Zoological Society of NJ	TBZ Penguin Exhibit	Essex	West Orange Twp	250,000
TOTAL				**$2,450,000**

d. The following stewardship activity projects are eligible for funding with the moneys appropriated pursuant to subsection a. of this section:

Nonprofit Organization	**Project**	**County**	**Municipality**	**Approved Amount**
African American Fund of NJ	Ambrose Ward Mansion Grounds Renovation	Essex	East Orange City	$250,000
Friends of Passaic County Parks	Garret Mountain Deer Fence	Passaic	Paterson City Woodland Park Boro	88,500
Friends of Princeton Open Space	Billy Johnson Nature Preserve Restoration	Mercer	Princeton Boro	50,000
Harding Land Trust	Primrose Farm Restoration	Morris	Harding Twp	54,525
Musconetcong Watershed Association	Musconetcong Island Access Project	Hunterdon	Franklin Twp	52,453
New Jersey Conservation Foundation	Preserve Improvements	Mercer Ocean	Hopewell Twp Lacey Twp Ocean Twp	100,020
Tewksbury Land Trust	Fox Hill Stewardship Project	Hunterdon	Tewksbury Twp	98,150
The Land Conservancy of New Jersey	Wildflower Meadow Restoration	Morris	Mount Olive Twp	54,250

TOTAL	**$747,898**

e. Any transfer of any funds, or change in project sponsor, site, or type, listed in subsection b., c., or d. of this section shall require the approval of the Joint Budget Oversight Committee or its successor.

f. To the extent that moneys remain available after the projects listed in subsection b., c., or d. of this section are offered funding pursuant thereto, any project of a qualifying tax exempt nonprofit organization that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes shall be eligible to receive additional funding, as determined by the Department of Environmental Protection, subject to the approval of the Joint Budget Oversight Committee or its successor.

g. There is reappropriated to the Department of Environmental Protection the unexpended balances, due to project withdrawals, cancellations, or cost savings, of the amounts appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund to assist qualifying tax exempt nonprofit organizations to acquire or develop lands for recreation and conservation purposes, for the purposes of: (1) this section; and (2) providing additional funding, as determined by the Department of Environmental Protection, to any project of a qualifying tax exempt nonprofit organization that previously received funding appropriated or reappropriated from any Green Acres bond act, any annual appropriations act, or the Garden State Green Acres Preservation Trust Fund for recreation and conservation purposes, subject to the approval of the Joint Budget Oversight Committee or its successor. Any such additional funding provided from a Green Acres bond act may include administrative costs.

h. For the purposes of this section:

"Garden State Green Acres Preservation Trust Fund" means the fund established pursuant to section 19 of P.L.1999, c.152 (C.13:8C-19).

"Green Acres bond act" means P.L.2009, c.117, P.L.2007, c.119, P.L.1995, c.204, P.L.1992, c.88, P.L.1989, c.183, P.L.1987, c.265, and P.L.1983, c.354.

"Preserve New Jersey Green Acres Fund" means the fund established pursuant to section 6 of the "Preserve New Jersey Act," P.L.2016, c.12 (C.13:8C-48).

"Stewardship activity" means the same as the term is defined in section 3 of the "Preserve New Jersey Act," P.L.2016, c.12 (C.13:8C-45).

2. There is appropriated from the General Fund to the "Preserve New Jersey Green Acres Fund," established pursuant to section 6 of the "Preserve New Jersey Act," P.L.2016, c.12 (C.13:8C-48), an amount determined by the State Treasurer to be necessary to implement the provisions of section 1 of this act.

3. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 149

AN ACT authorizing the creation of a debt of the State of New Jersey by the issuance of bonds of the State in the aggregate principal amount of $125,000,000 for the purpose of the construction, reconstruction, development, extension, improvement and furnishing of New Jersey's public libraries; providing the ways and means to pay and discharge the principal of and interest on the bonds; providing for the submission of this act to the people at a general election; and making an appropriation therefor.

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

1. This act shall be known and may be cited as the "New Jersey Library Construction Bond Act."

2. The Legislature finds and declares that New Jersey's public libraries serve an invaluable role for its citizenry. In addition to providing traditional services such as book-borrowing and lending, public libraries have a long and well-documented history of functioning as public spaces and community centers for reading, studying, and holding public meetings. More recently, public libraries have helped to bridge the "digital divide" by providing patrons with access to computers and the Internet, while continuing to provide a wide range of critical services, including college-preparation, job-seeking and career-assistance, and the securing of government assistance. The benefits of public libraries are numerous, and the construction, expansion, and improvement of public libraries should be actively promoted to ensure the well-being and success of New Jersey's citizens.

3. As used in this act:

"Area" means all or part of one or more political subdivisions of the State of New Jersey.

"Bonds" mean the bonds authorized to be issued, or issued, under this act.

"Construct" and "construction" mean the planning, erecting, altering, expanding, repairing, purchasing, acquiring, improving, developing, constructing, reconstructing, extending, rehabilitating, renovating, upgrading, demolishing, and equipping of public libraries.

"Cost" means the expenses incurred in connection with: the acquisition by purchase, lease, or otherwise, the development, and the construction of any project authorized by this act; the acquisition by purchase, lease, or otherwise, and the development of any real or personal property for use in connection with a project authorized by this act, including any rights of interest therein; the execution of any agreements and franchises deemed by the President of Thomas Edison State University to be necessary or useful and convenient in connection with any project; the procurement of engineering, inspection, planning, legal, financial, or other professional services, estimates, studies, reports, or advice, including the services of a bond registrar or an authenticating agent; feasibility studies; the issuance of bonds, or any interest or discount thereon; the administrative, organizational, operating, or other expenses incident to the financing and completing of any project authorized by this act; the establishment of a reserve fund or funds for working capital, operating, maintenance, or replacement expenses and for the payment or security of principal or interest on bonds, as the Director of the Division of Budget and Accounting in the Department of the Treasury may determine; and reimbursement to any fund of the State of moneys which may have been transferred or advanced therefrom to any fund created by this act, or of any moneys which may have been expended therefrom for, or in connection with, any project authorized by this act.

"Government securities" means any bonds or other obligations which as to principal and interest constitute direct obligations of, or are unconditionally guaranteed by, the United States of America, including obligations of any federal agency, to the extent those obligations are unconditionally guaranteed by the United States of America, and any certificates or any other evidences of an ownership interest in those obligations of, or unconditionally guaranteed by, the United States of America or in specified portions which may consist of the principal of, or the interest on, those obligations.

"President" means the President of Thomas Edison State University.

"Project" means the establishment and construction of public libraries and the expansion and construction of additional facilities at, and the acquisition of additional and upgraded equipment for, existing public libraries.

"Public library" means a library that serves free of charge all residents of an area as established pursuant to chapter 33 or chapter 54 of Title 40 of the Revised Statutes; or a library established pursuant to N.J.S.15A:1-1 et seq. and receiving public funds pursuant to R.S.40:54-35. "Public library" does not include any special-purpose library, such as a law, medical, school or academic library, which is organized to serve a special clientele or purpose.

4. The State Librarian, with the approval of the President of Thomas Edison State University, shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations necessary to implement the provisions of this act.

5. a. Bonds of the State of New Jersey are authorized to be issued in the aggregate principal amount of $125,000,000 to be allocated as grants for the costs of public library projects.

b. For any project approved by the president which is financed by bonds set forth in this section, the grant award shall support 50% of the cost of the project and the appropriate local governing entity in the area served by the public library shall support 50% of the cost of the project. The local governing entity in the area served by the public library may solicit and receive grants and other funds from any private source to support its required share of the project.

c. Procedures for the review and approval of, and eligibility criteria for, grants shall be established by the State Librarian in consultation with the president. The State Librarian, with the approval of the president, shall prepare a list of eligible projects.

6. The bonds authorized under this act shall be serial bonds, term bonds, or a combination thereof, and shall be known as "New Jersey Library Construction Bonds." They shall be issued from time to time as the issuing officials herein named shall determine and may be issued in coupon form, fully-registered form or book-entry form. The bonds may be subject to redemption prior to maturity and shall mature and be paid not later than 35 years from the respective dates of their issuance.

7. The Governor, the State Treasurer and the Director of the Division of Budget and Accounting in the Department of the Treasury, or any two of

these officials, herein referred to as "the issuing officials," are authorized to carry out the provisions of this act relating to the issuance of bonds, and shall determine all matters in connection therewith, subject to the provisions of this act. If an issuing official is absent from the State or incapable of acting for any reason, the powers and duties of that issuing official shall be exercised and performed by the person authorized by law to act in an official capacity in the place of that issuing official.

8. Bonds issued in accordance with the provisions of this act shall be a direct obligation of the State of New Jersey, and the faith and credit of the State are pledged for the payment of the interest and redemption premium thereon, if any, when due, and for the payment of the principal thereof at maturity or earlier redemption date. The principal of and interest on the bonds shall be exempt from taxation by the State or by any county, municipality or other taxing district of the State.

9. The bonds shall be signed in the name of the State by means of the manual or facsimile signature of the Governor under the Great Seal of the State, which seal may be by facsimile or by way of any other form of reproduction on the bonds, and attested by the manual or facsimile signature of the Secretary of State, or an Assistant Secretary of State, and shall be countersigned by the facsimile signature of the Director of the Division of Budget and Accounting in the Department of the Treasury and may be manually authenticated by an authenticating agent or bond registrar, as the issuing official shall determine. Interest coupons, if any, attached to the bonds shall be signed by the facsimile signature of the Director of the Division of Budget and Accounting in the Department of the Treasury. The bonds may be issued notwithstanding that an official signing them or whose manual or facsimile signature appears on the bonds or coupons has ceased to hold office at the time of issuance, or at the time of the delivery of the bonds to the purchaser thereof.

10. a. The bonds shall recite that they are issued for the purposes set forth in section 5 of this act, that they are issued pursuant to this act, that this act was submitted to the people of the State at the general election next occurring at least 70 days after enactment as specified in section 23 of this act, and that this act was approved by a majority of the legally qualified voters of the State voting thereon at the election. This recital shall be conclusive evidence of the authority of the State to issue the bonds and their validity. Any bonds containing this recital shall, in any suit, action or pro-

ceeding involving their validity, be conclusively deemed to be fully authorized by this act and to have been issued, sold, executed and delivered in conformity herewith and with all other provisions of laws applicable hereto, and shall be incontestable for any cause.

b. The bonds shall be issued in those denominations and in the form or forms, whether coupon, fully-registered or book-entry, and with or without provisions for interchangeability thereof, as may be determined by the issuing officials.

11. When the bonds are issued from time to time, the bonds of each issue shall constitute a separate series to be designated by the issuing officials. Each series of bonds shall bear such rate or rates of interest as may be determined by the issuing officials, which interest shall be payable semiannually; except that the first and last interest periods may be longer or shorter, in order that intervening semiannual payments may be at convenient dates.

12. The bonds shall be issued and sold at the price or prices and under the terms, conditions and regulations as the issuing officials may prescribe, after notice of the sale, published at least once in at least three newspapers published in this State, and at least once in a publication carrying municipal bond notices and devoted primarily to financial news, published in this State or in the city of New York, the first notice to appear at least five days prior to the day of bidding. The notice of sale may contain a provision to the effect that any bid in pursuance thereof may be rejected. In the event of rejection or failure to receive any acceptable bid, the issuing officials, at any time within 60 days from the date of the advertised sale, may sell the bonds at a private sale at such price or prices under the terms and conditions as the issuing officials may prescribe. The issuing officials may sell all or part of the bonds of any series as issued to any State fund or to the federal government or any agency thereof, at a private sale, without advertisement.

13. Until permanent bonds are prepared, the issuing officials may issue temporary bonds in the form and with those privileges as to their registration and exchange for permanent bonds as may be determined by the issuing officials.

14. The proceeds from the sale of bonds used to provide grants to public libraries as set forth in section 5 of this act shall be paid to the State

Treasurer, shall be held by the State Treasurer in a separate fund, and shall be deposited in such depositories as may be selected by the State Treasurer to the credit of the fund, which fund shall be known as the "New Jersey Library Construction Fund."

15. a. The moneys in the "New Jersey Library Construction Fund" are specifically dedicated and shall be applied to the cost of grants to New Jersey's public libraries as set forth in section 5 of this act. However, no moneys in the fund shall be expended for those purposes, except as otherwise authorized by this act, without the specific appropriation thereof by the Legislature, but bonds may be issued as herein provided, notwithstanding that the Legislature shall not have then adopted an act making a specific appropriation of any of the moneys. Any act appropriating moneys from the "New Jersey Library Construction Fund" shall identify the project to be funded by the moneys.

b. At any time prior to the issuance and sale of bonds under this act, the State Treasurer is authorized to transfer from any available moneys in any fund of the treasury of the State to the credit of the "New Jersey Library Construction Fund" those sums as the State Treasurer may deem necessary. The 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 bonds.

c. Pending their application to the purposes provided in this act, the moneys in the "New Jersey Library Construction Fund" may be invested and reinvested as are other trust funds in the custody of the State Treasurer, in the manner provided by law. Net earnings received from the investment, reinvestment, or deposit of moneys in the "New Jersey Library Construction Fund" shall be paid into the General Fund.

16. If any coupon bond, coupon or registered bond is lost, mutilated or destroyed, a new bond or coupon shall be executed and delivered of like tenor, in substitution for the lost, mutilated or destroyed bond or coupon, upon the owner furnishing to the issuing officials evidence satisfactory to them of the loss, mutilation or destruction of the bond or coupon, the ownership thereof, and security, indemnity and reimbursement for expenses connected therewith, as the issuing officials may require.

17. The accrued interest, if any, received upon the sale of the bonds shall be applied to the discharge of a like amount of interest upon the bonds when due. Any expense incurred by the issuing officials for advertising,

engraving, printing, clerical, authenticating, registering, legal or other services necessary to carry out the duties imposed upon them by the provisions of this act shall be paid from the proceeds of the sale of the bonds by the State Treasurer, upon the warrant of the Director of the Division of Budget and Accounting in the Department of the Treasury, in the same manner as other obligations of the State are paid.

18. Bonds of each series issued hereunder shall mature, including any sinking fund redemptions, not later than the 35th year from the date of issue of that series, and in amounts as shall be determined by the issuing officials. The issuing officials may reserve to the State by appropriate provision in the bonds of any series the power to redeem any of the bonds prior to maturity at the price or prices and upon the terms and conditions as may be provided in the bonds.

19. Any bond or bonds issued hereunder which are subject to refinancing pursuant to the "Refunding Bond Act of 1985," P.L.1985, c.74 as amended by P.L.1992, c.182 (C.49:2B-1 et seq.), shall no longer be deemed to be outstanding, shall no longer constitute a direct obligation of the State of New Jersey, and the faith and credit of the State shall no longer be pledged to the payment of the principal of, redemption premium, if any, and interest on the bonds, and the bonds shall be secured solely by and payable solely from moneys and government securities deposited in trust with one or more trustees or escrow agents, which trustees and escrow agents shall be trust companies or national or state banks having powers of a trust company, located either within or without the State, as provided herein, whenever there shall be deposited in trust with the trustees or escrow agents, as provided herein, either moneys or government securities, including government securities issued or held in book-entry form on the books of the Department of Treasury of the United States, the principal of and interest on which when due will provide money which, together with the moneys, if any, deposited with the trustees or escrow agents at the same time, shall be sufficient to pay when due the principal of, redemption premium. if any, and interest due and to become due on the bonds on or prior to the redemption date or maturity date thereof, as the case may be; provided the government securities shall not be subject to redemption prior to their maturity other than at the option of the holder thereof. The State of New Jersey hereby covenants with the holders of any bonds for which government securities or moneys shall have been deposited in trust with the trustees or escrow agents as provided in this section that, except as otherwise provided

in this section, neither the government securities nor moneys so deposited with the trustees or escrow agents shall be withdrawn or used by the State for any purpose other than, and shall be held in trust for, the payment of the principal of, redemption premium, if any, and interest to become due on the bonds; provided that any cash received from the principal or interest payments on the government securities deposited with the trustees or escrow agents, to the extent the cash will not be required at any time for that purpose, shall be paid over to the State, as received by the trustees or escrow agents, free and clear of any trust, lien, pledge or assignment securing the bonds; and to the extent the cash will be required for that purpose at a later date, shall, to the extent practicable and legally permissible, be reinvested in government securities maturing at times and in amounts sufficient to pay when due the principal of, redemption premium, if any, and interest to become due on the bonds on and prior to the redemption date or maturity date thereof, as the case may be, and interest earned from the reinvestments shall be paid over to the State, as received by the trustees or escrow agents, free and clear of any trust, lien or pledge securing the bonds. Notwithstanding anything to the contrary contained herein: a. the trustees or escrow agents shall, if so directed by the issuing officials, apply moneys on deposit with the trustees or escrow agents pursuant to the provisions of this section, and redeem or sell government securities so deposited with the trustees or escrow agents, and apply the proceeds thereof to (1) the purchase of the bonds which were refinanced by the deposit with the trustees or escrow agents of the moneys and government securities and immediately thereafter cancel all bonds so purchased, or (2) the purchase of different government securities; provided however, that the moneys and government securities on deposit with the trustees or escrow agents after the purchase and cancellation of the bonds or the purchase of different government securities shall be sufficient to pay when due the principal of, redemption premium, if any, and interest on all other bonds in respect of which the moneys and government securities were deposited with the trustees or escrow agents on or prior to the redemption date or maturity date thereof, as the case may be; and b. in the event that on any date, as a result of any purchases and cancellations of bonds or any purchases of different government securities, as provided in this sentence, the total amount of moneys and government securities remaining on deposit with the trustees or escrow agents is in excess of the total amount which would have been required to be deposited with the trustees or escrow agents on that date in respect of the remaining bonds for which the deposit was made in order to pay when due the principal of, redemption premium, if any, and interest on the remaining bonds, the trustees

or escrow agents shall, if so directed by the issuing officials, pay the amount of the excess to the State, free and clear of any trust, lien, pledge or assignment securing the refunding bonds.

20. Refunding bonds issued pursuant to P.L.1985, c.74 as amended by P.L.1992, c.182 (C.49:2B-1 et seq.) may be consolidated with bonds issued pursuant to section 5 of this act or with bonds issued pursuant to any other act for purposes of sale.

21. To provide funds to meet the interest and principal payment requirements for the bonds and refunding bonds issued under this act and outstanding, there is appropriated in the order following:

a. Revenue derived from the collection of taxes under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.), or so much thereof as may be required; and

b. If, at any time, funds necessary to meet the interest, redemption premium, if any, and principal payments on outstanding bonds issued under this act are insufficient or not available, there shall be assessed, levied and collected annually in each of the municipalities of the counties of this State, a tax on the real and personal property upon which municipal taxes are or shall be assessed, levied and collected, sufficient to meet the interest on all outstanding bonds issued hereunder and on the bonds proposed to be issued under this act in the calendar year in which the tax is to be raised and for the payment of bonds falling due in the year following the year for which the tax is levied. The tax shall be assessed, levied and collected in the same manner and at the same time as are other taxes upon real and personal property. The governing body of each municipality shall cause to be paid to the county treasurer of the county in which the municipality is located, on or before December 15 in each year, the amount of tax herein directed to be assessed and levied, and the county treasurer shall pay the amount of the tax to the State Treasurer on or before December 20 in each year.

If on or before December 31 in any year, the issuing officials, by resolution, determine that there are moneys in the General Fund beyond the needs of the State, sufficient to pay the principal of bonds falling due and all interest and redemption premium, if any, payable in the ensuing calendar year, the issuing officials shall file the resolution in the office of the State Treasurer, whereupon the State Treasurer shall transfer the moneys to a separate fund to be designated by the State Treasurer, and shall pay the principal, redemption premium, if any, and interest out of that fund as the same shall become due and payable, and the other sources of payment of

the principal, redemption premium, if any, and interest provided for in this section shall not then be available, and the receipts for the year from the tax specified in subsection a. of this section shall be considered and treated as part of the General Fund, available for general purposes.

22. Should the State Treasurer, by December 31 of any year, deem it necessary, because of the insufficiency of funds collected from the sources of revenues as provided in this act, to meet the interest and principal payments for the year after the ensuing year, then the State Treasurer shall certify to the Director of the Division of Budget and Accounting in the Department of the Treasury the amount necessary to be raised by taxation for those purposes, the same to be assessed, levied and collected for and in the ensuing calendar year. The director shall, on or before March 1 following, calculate the amount in dollars to be assessed, levied and collected in each county as herein set forth. This calculation shall be based upon the corrected assessed valuation of each county for the year preceding the year in which the tax is to be assessed, but the tax shall be assessed, levied and collected upon the assessed valuation of the year in which the tax is assessed and levied. The director shall certify the amount to the county board of taxation and the treasurer of each county. The county board of taxation shall include the proper amount in the current tax levy of the several taxing districts of the county in proportion to the ratables as ascertained for the current year.

23. For the purpose of complying with the provisions of the State Constitution, this act shall be submitted to the people at the general election next occurring at least 70 days after enactment. To inform the people of the contents of this act, it shall be the duty of the Secretary of State, after this section takes effect, and at least 60 days prior to the election, to cause this act to be published at least once in one or more newspapers of each county, if any newspapers be published therein and to notify the clerk of each county of this State of the passage of this act; and the clerks respectively, in accordance with the instructions of the Secretary of State, shall have printed on each of the ballots the following:

If you approve of the act entitled below, make a cross (x), plus (+), or check (✔) mark in the square opposite the word "Yes."

If you disapprove of the act entitled below, make a cross (x), plus (+), or check (✔) mark in the square opposite the word "No."

If voting machines are used, a vote of "Yes" or "No" shall be equivalent to these markings respectively.

YES	NEW JERSEY LIBRARY CONSTRUCTION BOND ACT Do you approve the "New Jersey Library Construction Bond Act"? This bond act authorizes the State to issue bonds in the aggregate principal amount of $125 million. The proceeds of the bonds will be used to provide grants to public libraries. The grants will be used to build, equip, and expand public libraries to increase capacity and serve the public. A municipality or county that funds a public library would be required to match the grant amount. The municipality or county may solicit private funding to support its match.
NO	INTERPRETIVE STATEMENT Approval of this bond act will allow the State to sell $125 million in State general obligation bonds. Proceeds from the bonds will be used to provide grants to construct, expand, and equip public libraries. Municipalities or counties that fund public libraries will match the grant amount. The municipality or county may solicit private funding to support its match. The State Librarian, in consultation with the President of Thomas Edison State University, will set eligibility criteria for the grants.

The fact and date of the approval or passage of this act, as the case may be, may be inserted in the appropriate place after the title in the ballot. No other requirements of law of any kind or character as to notice or procedure, except as herein provided, need be adhered to.

The votes so cast for and against the approval of this act, by ballot or voting machine, shall be counted and the result thereof returned by the election officer, and a canvass of the election had in the same manner as is provided for by law in the case of the election of a Governor, and the approval

or disapproval of this act so determined shall be declared in the same manner as the result of an election for a Governor, and if there is a majority of all the votes cast for and against it at the election in favor of the approval of this act, then all the provisions of this act not made effective theretofore shall take effect forthwith.

24. There is appropriated the sum of $5,000 to the Department of State for expenses in connection with the publication of notice pursuant to section 23 of this act.

25. The State Librarian, with the approval of the president, shall submit to the State Treasurer and the New Jersey Commission on Capital Budget and Planning with the annual budget request a plan for the expenditure of funds from the "New Jersey Library Construction Fund" for the upcoming fiscal year. This plan shall include the following information: a performance evaluation of the expenditures made from the funds to date; a description of programs planned during the upcoming fiscal year; a copy of the regulations in force governing the operation of programs that are financed, in part or in whole, by funds from the "New Jersey Library Construction Fund"; and an estimate of expenditures for the upcoming fiscal year.

26. Immediately following the submission to the Legislature of the Governor's annual budget message, the State Librarian, with the approval of the president, shall submit to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), and to the Joint Budget Oversight Committee, or its successor, copies of the plan called for under section 25 of this act, together with such changes therein as may have been required by the Governor's budget message.

27. All appropriations from the "New Jersey Library Construction Fund" shall be by specific allocation for each project, and any transfer of any funds so appropriated shall require the approval of the Joint Budget Oversight Committee, or its successor.

28. This section and sections 23 and 24 of this act shall take effect immediately and the remainder of this act shall take effect as and when provided in section 23 of this act.

Approved July 21, 2017.

CHAPTER 150

AN ACT concerning certain murders and amending N.J.S.2C:11-3.

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

1. N.J.S.2C:11-3 is amended to read as follows:

Murder.

2C:11-3. Murder.

a. Except as provided in N.J.S.2C:11-4, criminal homicide constitutes murder when:

(1) The actor purposely causes death or serious bodily injury resulting in death; or

(2) The actor knowingly causes death or serious bodily injury resulting in death; or

(3) It is committed when the actor, acting either alone or with one or more other persons, is engaged in the commission of, or an attempt to commit, or flight after committing or attempting to commit robbery, sexual assault, arson, burglary, kidnapping, carjacking, criminal escape or terrorism pursuant to section 2 of P.L.2002, c.26 (C.2C:38-2), and in the course of such crime or of immediate flight therefrom, any person causes the death of a person other than one of the participants; except that in any prosecution under this subsection, in which the defendant was not the only participant in the underlying crime, it is an affirmative defense that the defendant:

(a) Did not commit the homicidal act or in any way solicit, request, command, importune, cause or aid the commission thereof; and

(b) Was not armed with a deadly weapon, or any instrument, article or substance readily capable of causing death or serious physical injury and of a sort not ordinarily carried in public places by law-abiding persons; and

(c) Had no reasonable ground to believe that any other participant was armed with such a weapon, instrument, article or substance; and

(d) Had no reasonable ground to believe that any other participant intended to engage in conduct likely to result in death or serious physical injury.

b. (1) Murder is a crime of the first degree but a person convicted of murder shall be sentenced, except as provided in paragraphs (2), (3) and (4) of this subsection, by the court to a term of 30 years, during which the person shall not be eligible for parole, or be sentenced to a specific term of years which shall be between 30 years and life imprisonment of which the person shall serve 30 years before being eligible for parole.

(2) If the victim was a law enforcement officer and was murdered while performing his official duties or was murdered because of his status as a law enforcement officer, the person convicted of that murder shall be sentenced by the court to a term of life imprisonment, during which the person shall not be eligible for parole.

(3) A person convicted of murder shall be sentenced to a term of life imprisonment without eligibility for parole if the murder was committed under all of the following circumstances:

(a) The victim is less than 18 years old; and

(b) The act is committed in the course of the commission, whether alone or with one or more persons, of a violation of N.J.S.2C:14-2 or N.J.S.2C:14-3.

(4) Any person convicted under subsection a.(1) or (2) who committed the homicidal act by his own conduct; or who as an accomplice procured the commission of the offense by payment or promise of payment of anything of pecuniary value; or who, as a leader of a narcotics trafficking network as defined in N.J.S.2C:35-3 and in furtherance of a conspiracy enumerated in N.J.S.2C:35-3, commanded or by threat or promise solicited the commission of the offense, or, if the murder occurred during the commission of the crime of terrorism, any person who committed the crime of terrorism, shall be sentenced by the court to life imprisonment without eligibility for parole, which sentence shall be served in a maximum security prison, if a jury finds beyond a reasonable doubt that any of the following aggravating factors exist:

(a) The defendant has been convicted, at any time, of another murder. For purposes of this section, a conviction shall be deemed final when sentence is imposed and may be used as an aggravating factor regardless of whether it is on appeal;

(b) In the commission of the murder, the defendant purposely or knowingly created a grave risk of death to another person in addition to the victim;

(c) The murder was outrageously or wantonly vile, horrible or inhuman in that it involved torture, depravity of mind, or an aggravated assault to the victim;

(d) The defendant committed the murder as consideration for the receipt, or in expectation of the receipt of anything of pecuniary value;

(e) The defendant procured the commission of the murder by payment or promise of payment of anything of pecuniary value;

(f) The murder was committed for the purpose of escaping detection, apprehension, trial, punishment or confinement for another offense committed by the defendant or another;

(g) The murder was committed while the defendant was engaged in the commission of, or an attempt to commit, or flight after committing or attempting to commit murder, robbery, sexual assault, arson, burglary, kidnapping, carjacking or the crime of contempt in violation of subsection b. of N.J.S.2C:29-9;

(h) The defendant murdered a public servant, as defined in N.J.S.2C:27-1, while the victim was engaged in the performance of his official duties, or because of the victim's status as a public servant;

(i) The defendant: (i) as a leader of a narcotics trafficking network as defined in N.J.S.2C:35-3 and in furtherance of a conspiracy enumerated in N.J.S.2C:35-3, committed, commanded or by threat or promise solicited the commission of the murder or (ii) committed the murder at the direction of a leader of a narcotics trafficking network as defined in N.J.S.2C:35-3 in furtherance of a conspiracy enumerated in N.J.S.2C:35-3;

(j) The homicidal act that the defendant committed or procured was in violation of paragraph (1) of subsection a. of N.J.S.2C:17-2;

(k) The victim was less than 14 years old; or

(l) The murder was committed during the commission of, or an attempt to commit, or flight after committing or attempting to commit, terrorism pursuant to section 2 of P.L.2002, c.26 (C.2C:38-2).

(5) A juvenile who has been tried as an adult and convicted of murder shall be sentenced pursuant to paragraph (1) of this subsection.

c. (Deleted by amendment, P.L.2007, c.204).

d. (Deleted by amendment, P.L.2007, c.204).

e. (Deleted by amendment, P.L.2007, c.204).

f. (Deleted by amendment, P.L.2007, c.204).

g. (Deleted by amendment, P.L.2007, c.204).

h. (Deleted by amendment, P.L.2007, c.204).

i. For purposes of this section the term "homicidal act" shall mean conduct that causes death or serious bodily injury resulting in death.

j. In a sentencing proceeding conducted pursuant to this section, the display of a photograph of the victim taken before the homicide shall be permitted.

2. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 151

AN ACT concerning the incorporation and governance of Protestant Episcopal Churches in this State and amending parts of the statutory law.

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

1. R.S.16:12-1 is amended to read as follows:

Incorporation; meeting.

16:12-1. Any congregation or parish of the Protestant Episcopal Church in this State, duly organized in accordance with the constitution and canons of such church, may incorporate in the following manner:

A meeting shall be called by notice, designating the time and place of such meeting and the object for which it is called, signed by the minister, if there be one, and five members of full age, and read during public service at the usual place of worship, on the two successive Sundays next preceding. At such meeting only those persons who are qualified in accordance with the constitution and canons of the Protestant Episcopal Church in the diocese in which the parish is located shall be entitled to vote or act as officers. Five qualified voters shall constitute a quorum, and all questions shall be decided by a majority vote of those present. The minister shall preside at the meeting, but if the minister is absent, or if there be no minister in charge of the congregation, another person shall be chosen to act as chairperson. The presiding officer shall be the judge of the qualification of voters, shall receive the votes and declare the result. A secretary shall be chosen to record the proceedings.

The meeting shall determine by ballot whether the congregation shall become incorporated, and if so determined, the meeting shall determine further:

a. The corporate title, which shall be in the form as follows:

"The Rector, Wardens and Vestry of ..... Church in .....";

b. The date of the annual meeting, which shall not be inconsistent with the constitution, canons or laws of such church; and

c. The number of vestrymembers, which shall be three, six, nine, or 12.

The meeting shall then elect, by ballot, two wardens, one to hold office until the first annual meeting, and the other to hold office until the second annual meeting thereafter. The number of vestrymembers determined upon shall be elected in like manner, one-third to hold office until the first annual

meeting, one-third until the second annual meeting, and one-third until the third annual meeting thereafter.

2. R.S.16:12-2 is amended to read as follows:

Certificate; execution, filing, recording.

16:12-2. A certificate shall be executed, under the hands and seals of the chairperson and secretary of the meeting and acknowledged or proved in the same manner as deeds of real estate, setting forth:

a. That the meeting was called and organized as provided in R.S.16:12-1;

b. The name assumed as the corporate title;

c. The day fixed for the annual meeting;

d. The number of vestrymembers; and

e. The names of the persons elected as wardens and vestrymembers and their terms of office.

The certificate shall be filed and recorded forthwith in the office of the clerk of the county in which the parish is located, whereupon such wardens and vestrymembers, together with the rector, shall be a corporation, and shall constitute the trustees and the vestry of the parish.

3. R.S.16:12-4 is amended to read as follows:

Consent by bishop, committee required for certain transactions.

16:12-4. No sale, conveyance or mortgage of any real estate other than burial lots in churchyards or cemeteries, and no lease for a longer term than one year shall be made by such corporation without the previous written consent of the bishop and a majority of the standing committee of the diocese within which the corporation is located, or in case of a vacancy in the office of bishop, or of the bishop's absence from the diocese, then of a majority of the standing committee. Such consent shall be acknowledged or proved and recorded with the deed, lease, mortgage or instrument of conveyance. Without such consent the sale, conveyance, mortgage or lease shall be void.

4. R.S.16:12-6 is amended to read as follows:

Members and officers.

16:12-6. The rector shall be a member and the presiding officer of every such corporation, but if there be no rector, the wardens and vestrymembers shall constitute the corporation, and one of the wardens shall be elected the presiding officer. A clerk or secretary, who shall be one of the

vestrymembers, and a treasurer shall be elected annually by the vestry, in such manner and subject to such restrictions as may be provided by the by-laws.

5. R.S.16:12-7 is amended to read as follows:

Rector; filling vacancy.

16:12-7. When a vacancy shall occur in the office of rector, in any manner whatsoever, the wardens and vestrymembers, two-thirds of them concurring in the choice, may, subject to the constitution and canons of the Protestant Episcopal Church in the United States, and of the diocese in which the parish is located, choose some fit person, duly qualified, to be rector of the parish.

6. R.S.16:12-9 is amended to read as follows:

Vestry; quorum.

16:12-9. To constitute a quorum of the vestry there must be present either:

a. The rector, one of the wardens and a majority of the vestrymembers; or

b. The rector, both wardens and one less than a majority of the vestrymembers; or

c. The rector and two-thirds of the vestrymembers; or

d. If the rector is absent from the diocese, or is incapable of acting, and shall have been so absent or incapable for more than three calendar months, or if the meeting is called by the rector and the rector is absent therefrom, or if the meeting is called by the wardens or vestrymembers and the rector is absent therefrom, one warden and a majority of the vestrymembers, or both wardens and one less than a majority of the vestrymembers.

If there is a rector called to or settled in the parish, no action shall be taken in the rector's absence, relating to or affecting the personal or exclusive rights of the rector, or the alienation of the capital or principal of any investments held by the corporation, or the sale of its real estate, or the encumbrance thereof, except as may be necessary for ordinary repairs.

7. R.S.16:12-10 is amended to read as follows:

Annual parish election.

16:12-10. The annual election of any such parish shall be held on such day as may be designated in its certificate of incorporation, if consistent

with the constitution, canons or laws of such church. Notice of the time and place of the annual election shall be given by advertisement set up in open view at the door of the church or usual place of worship, 10 days prior to the election and shall also be read by the rector or officiating minister on the two Sundays next preceding the election, in time of public service.

The rector shall preside, with the right to vote, or if the rector is absent or if no rector is settled in the parish, the meeting shall choose one of the wardens, or if neither of the wardens is present, one of the vestrymembers, or if no vestrymember is present, then some duly qualified voter to act as chairperson. The secretary of the vestry, or in the secretary's absence a person appointed by the chairperson, shall enter the proceedings in the minute book of the vestry, and shall sign the same together with the chairperson. The qualifications for voters, and for such officers as may be elected by the meeting, shall be as provided from time to time by the constitution and canons of the Protestant Episcopal Church in the diocese in which the parish is located; provided, however, that, at any annual parish meeting held for the election of wardens or vestrymembers, a by-law may be adopted providing that no wardens or vestrymembers who have been duly elected at any parish meeting may succeed themselves, which by-law shall remain in full force and effect until repealed at a subsequent annual parish meeting. The chairperson shall be the judge of the qualifications of the voters, shall receive the votes and declare the result. The election shall be by ballot, and the polls shall remain open for one-half hour, and for such longer time as may be required to receive the ballots of the persons present and ready to vote. Three persons shall constitute a quorum. In case of failure to elect on the first ballot the required number of wardens or vestrymembers to be elected at the meeting, one or more further ballots shall be taken in the same manner.

8. R.S.16:12-11 is amended to read as follows:

Election of officers; tenure.

16:12-11. At each annual election of any such parish incorporated after March twentieth, one thousand nine hundred and one, one warden shall be elected to hold office for two years, or until a successor is chosen, and one-third of the total number of vestrymembers shall be elected to hold office for three years, or until their successors are chosen, and of any such parish incorporated prior to March twentieth, one thousand nine hundred and one, both wardens and all the vestrymembers may be elected to hold office for one year, or until their successors are chosen, or one warden shall be elect-

ed to hold office for two years or until a successor is chosen and one-third of the total number of vestrymembers shall be elected to hold office for three years, or until their successors are chosen, notwithstanding any provisions in the charters or certificates of incorporation of any such parishes, congregations, societies or churches.

9. R.S.16:12-12 is amended to read as follows:

Warden or vestrymember; filling vacancy.

16:12-12. In the event of a vacancy in the office of warden or vestrymember caused by the failure of any candidate to receive a majority of the votes cast, the vacancy shall be filled at a special meeting of the parish, called forthwith and conducted as hereinafter provided. In the event of a vacancy caused by the death, resignation, removal, incapacity, refusal or neglect for six months of any duly elected warden or vestrymember to serve in such capacity, the vacancy may be filled by the vestry until the next annual meeting.

10. R.S.16:12-13 is amended to read as follows:

Special parish meetings.

16:12-13. Special meetings of the parish for any of the purposes provided in this article may be called by the rector at any time, or if there be no rector, by the wardens, upon the same notice as prescribed in R.S.16:12-10. The notice shall specify the object for which the meeting is called, and no vote shall be taken upon any question not specified in the notice. Special meetings shall be conducted in the same manner as the meetings for the annual election, but the votes may be counted and declared forthwith upon any question except the election of wardens and vestrymembers.

11. R.S.16:12-14 is amended to read as follows:

Changes; procedure.

16:12-14. Any parish of the Protestant Episcopal Church, however incorporated, may change its corporate title, the number of its vestrymembers, the terms of office of its wardens and vestrymembers, or the date of its annual meeting. Such changes shall in all respects conform to the requirements of this article, and shall be made in the following manner:

A meeting of the vestry shall be called and held in the manner provided by R.S.16:12-8 and R.S.16:12-9, except that at least one week's notice, stating the object thereof, shall be given to each member. If the vestry, by a

two-thirds vote of all the members thereof, shall recommend such change or changes, a special parish meeting shall be called in the manner provided by R.S.16:12-13. If the meeting of the parish shall ratify the recommendations of the vestry by a two-thirds vote of those present balloting separately upon each proposed change, then a certificate shall be executed by the rector and secretary, in the same manner as provided in R.S.16:12-2 for the execution of the certificate of incorporation, and shall be immediately filed and recorded in the office of the clerk of the county in which the parish is located, whereupon the change shall take effect.

12. R.S.16:12-15 is amended to read as follows:

Consolidation of parishes.

16:12-15. Two or more incorporated parishes of such church may consolidate and become one parish in the following manner:

A meeting of the vestry of each parish may be called by the rector or wardens upon one week's notice to each member. If each vestry shall determine by a vote of three-fourths of all the members thereof that such consolidation is advisable, a further resolution shall be adopted by a like vote, requesting the consent of the bishop and standing committee of the diocese in which the parishes are located. Such consent shall be given in writing, signed by the bishop and a majority of the standing committee, and acknowledged or proved in the same manner as deeds of real estate.

A special meeting of the congregation of each parish shall then be called and conducted in the manner provided in R.S.16:12-13. Each meeting shall determine by a vote of three-fourths of those present balloting separately upon each question:

a. Whether such consolidation is advisable, and, if the determination is favorable; then

b. Whether the consolidated parish shall act under the charter of one of the consolidated parishes, or under a new certificate of organization;

c. The corporate title of the consolidated parish, which may be identical with the name of the parish whose charter has been adopted. If no such charter is adopted, or if any change is made in the corporate title, it shall be in the form provided in R.S.16:12-1;

d. The date of the annual meeting, which shall not be inconsistent with the constitution, canons or laws of such church;

e. The number of vestrymembers, which shall be identical with the number fixed by the charter adopted, or if any change is made, shall be three, six or nine; and

f. The wardens and vestrymembers, who shall be chosen either in accordance with the provisions of the charter adopted, or as hereinbefore provided for new parishes.

A certificate shall then be made by the rector and secretary of each parish, and executed and acknowledged in accordance with R.S.16:12-2, setting forth:

a. The meeting and action of the vestry;

b. That the bishop and a majority of the standing committee have consented; and

c. The meeting of the congregation, and its action upon the questions required to be determined.

All such certificates, and the written consent of the bishop and standing committee, shall be forthwith filed and recorded together in the offices of the clerks of the counties in which the parishes are located. Thereupon the consolidated parish shall immediately become vested with all the temporalities and real and personal property of the parishes so consolidated.

13. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 152

AN ACT permitting bowling alleys, including alleys licensed to sell alcoholic beverages, to conduct amusement games and supplementing P.L.1959, c.108 (C.5:8-78 et seq.).

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

C.5:8-78.2 Issuance of amusement game license to certain bowling alleys.

1. The operator of a bowling alley located anywhere in this State, including a bowling alley for which a plenary retail consumption license as defined in R.S.33:1-12 has been issued, whose premises include no less than 16 United States Bowling Congress (USBS) sanctioned bowling lanes and no less than 40 amusement games, shall be eligible to be issued for that premises an amusement game license pursuant to P.L.1959, c.109 (C.5:8-100 et seq.), provided that all other requirements for licensure to conduct amusement games are met.

In any bowling alley that has been issued an amusement game license:

not more than 50 percent of the amusement games shall be games that allow a player to attempt to win merchandise by manipulating a mechanical claw or crane; and

a redemption center at which players may exchange tickets they have won for prizes shall be open at all times that the facility is open to the public.

2. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 153

AN ACT concerning patient notification of insurance coverage of newborns and supplementing Title 26 of the Revised Statutes.

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

C.26:1A-36.15 Information relative to insurance coverage for newborn children.

1. a. The Commissioner of Health, in consultation with the Commissioner of Banking and Insurance, shall prepare and make available to each health care professional in the State informational literature on health insurance coverage for newborn children, which is to be provided to new parents in accordance with subsection b. of this section. At a minimum, the information shall inform new parents of: (1) the period of time during which applicable State and federal laws require a parent's health insurance policy to provide coverage for a newborn child; and (2) how to obtain coverage for the child after that period under the parent's policy, a separate private health insurance policy, or a public health coverage plan. The commissioner may make the informational literature available to health care professionals by posting it on the Department of Health's Internet website or by other electronic means.

b. The Department of Health shall require each health care professional in the State to provide new parents, including adoptive parents, with the informational literature specified in section a. of this section. The informational literature shall be distributed to the mother and any other adult family member, including adult adoptive family members where possible, during the mother's prenatal care appointments in the last trimester of pregnancy.

c. As used in this section "health care professional" means an individual who is licensed or certified pursuant to Title 45 of the Revised Statutes, and who provides prenatal health care services as a part of the individual's authorized scope of professional practice.

C.26:1A-36.16 Rules, regulations.

2. The Commissioner of Health, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations to effectuate the purposes of this act.

3. This act shall take effect on the first day of the fourth month next following the date of enactment, except that the Commissioner of Health, in consultation with the Commissioner of Banking and Insurance, may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved July 21, 2017.

CHAPTER 154

AN ACT concerning the use of county and municipal open space trust funds for the acquisition of lands, and amending P.L.1997, c.24.

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

1. Section 1 of P.L.1997, c.24 (C.40:12-15.1) is amended to read as follows:

C.40:12-15.1 Definitions relative to recreation, conservation, floodplain protection, farmland, and historic preservation.

1. As used in P.L.1997, c.24 (C.40:12-15.1 et seq.):

"Acquisition" or "acquire" means the securing of a fee simple or a lesser interest in land, including but not limited to an easement restricting development, by gift, purchase, installment purchase agreement, devise, or condemnation, and includes the demolition of structures on, the removal of debris from, and the restoration of those lands to a natural state or to a state useful for recreation and conservation purposes.

"Blue Acres project" means any project to acquire, for recreation and conservation purposes, lands that have been damaged by, or may be prone

to incurring damage caused by, storms or storm-related flooding, or that may buffer or protect other lands from such damage, and includes the demolition of structures on, the removal of debris from, and the restoration of those lands to a natural state or to a state useful for recreation and conservation purposes.

"Charitable conservancy" means a corporation or trust exempt from federal income taxation under paragraph (3) of subsection (c) of section 501 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.501(c)(3)), whose purposes include (1) acquisition and preservation of lands in a natural, scenic, or open condition, or (2) historic preservation of historic properties, structures, facilities, sites, areas, or objects, or the acquisition of such properties, structures, facilities, sites, areas, or objects for historic preservation purposes.

"County trust fund" means a "County Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund" created pursuant to subsection c. of section 2 of P.L.1997, c.24 (C.40:12-15.2).

"Development" means any improvement to land acquired for recreation and conservation purposes designed to expand and enhance its utilization for those purposes.

"Farmland" means land actively devoted to agricultural or horticultural use that is valued, assessed, and taxed pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.).

"Farmland preservation purposes" means the long-term preservation of farmland for agricultural or horticultural use.

"Historic preservation" means the performance of any work relating to the stabilization, repair, rehabilitation, renovation, restoration, improvement, protection, or preservation of an historic property, structure, facility, site, area, or object.

"Historic property, structure, facility, site, area, or object" means any property, structure, facility, site, area, or object approved for inclusion, or which meets the criteria for inclusion, in the New Jersey Register of Historic Places pursuant to P.L.1970, c.268 (C.13:1B-15.128 et seq.).

"Land" or "lands" means real property, including improvements thereof or thereon, rights-of-way, water, lakes, riparian and other rights, easements, privileges and all other rights or interests of any kind or description in, relating to or connected with real property.

"Municipal trust fund" means a "Municipal Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund" created pursuant to subsection c. of section 7 of P.L.1997, c.24 (C.40:12-15.7).

"Public indoor recreation" means public recreation in enclosed structures or facilities, and includes but is not limited to swimming pools, basketball courts, and ice skating rinks open for public use.

"Recreation and conservation purposes" means the use of lands for parks, open space, natural areas, ecological and biological study, forests, water reserves, wildlife preserves, fishing, hunting, camping, boating, winter sports, or similar uses for either public outdoor recreation or conservation of natural resources, or both, or the use of lands for public indoor recreation.

2. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 155

AN ACT concerning information about the availability of beds in certain residential facilities and supplementing Title 30 of the Revised Statutes.

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

C.30:4-177.66 Information relative to open beds in certain residential facilities.

1. a. The Division of Mental Health and Addiction Services in the Department of Human Services shall oversee the development and maintenance of a data dashboard report, which shall collect and track the daily information received pursuant to section 2 of this act about the number of open beds that are available for treatment for individuals in need of mental health or substance use disorder treatment in each facility in the State that is licensed to provide:

(1) long term or extended care services for mental health or substance use disorders and receives State or county funding, including, but not limited to, a psychiatric facility, psychiatric unit of a general hospital, short-term care facility, and special psychiatric hospital, as those terms are defined in section 2 of P.L.1987, c.116 (C.30:4-27.2), and a residential health care facility as defined in section 1 of P.L.1953, c.212 (C.30:11A-1); or

(2) acute or intermediate level of care services for mental health or a substance use disorder and receives State or county funding, including, but not limited to, a psychiatric facility, psychiatric unit of a general hospital, short-term care facility, and special psychiatric hospital, as those terms are defined in section 2 of P.L.1987, c.116 (C.30:4-27.2).

b. The information maintained in the data dashboard report shall include, by county:

(1) the address and telephone number of the facility;

(2) the type of services provided by the facility;

(3) the licensed bed capacity of the facility; and

(4) the number of open beds that are available for the provision of mental health or substance use disorder services, based on the information received pursuant to section 2 of this act.

c. The information described in subsection b. of this section shall be:

(1) prominently displayed on the website of the department;

(2) made available to the public, upon request, through the Statewide 2-1-1 telephone system; and

(3) made available using any other means that the Commissioner of Human Services deems appropriate.

d. The commissioner is authorized to solicit, receive, and accept grants, funds, or anything of value from any public or private entity and receive and accept contributions of money, property, labor, or any other thing of value from any legitimate source for the purpose of the development and maintenance of a data dashboard report pursuant to this act.

C.30:4-177.67 Submission of information by facility.

2. Each facility in the State that is licensed to provide mental health or substance use disorder services, as provided for in section 1 of this act, and receives State or county funding shall submit to the data dashboard report, no less than once a day, information advising of the number of open beds that are available for the provision of mental health or substance use disorder services on that day.

C.30:4-177.68 Workgroup.

3. a. The division shall convene a workgroup which shall include, at a minimum, one representative from each of the following organizations:

(1) the New Jersey Hospital Association;

(2) the New Jersey Chapter of the American College of Emergency Physicians;

(3) the Health Care Association of New Jersey;

(4) LeadingAge New Jersey; and

(5) other stakeholders as the division deems appropriate.

b. The workgroup shall assist the division and the department in the monitoring of the data reporting requirements as provided for in section 2 of this act, including, but not limited to the following parameters:

(1) definitions of all data elements;

(2) protocols for data reporting;

(3) qualifications of a person who submits data pursuant to section 2 of this act;

(4) facility compliance with the provisions of this act;

(5) development of a "real-time" reporting mechanism; and

(6) any other area of interest that the workgroup deems appropriate.

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

Approved July 21, 2017.

CHAPTER 156

AN ACT concerning fencing activities involving stolen domestic companion animals and amending P.L.1981, c.167.

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

1. Section 7 of P.L.1981, c.167 (C.2C:20-7.1) is amended to read as follows:

C.2C:20-7.1 Fencing.

7. Fencing. a. Possession of altered property. Any dealer in property who knew or should have known that the identifying features such as serial numbers and permanently affixed labels of property in his possession have been removed or altered without the consent of the manufacturer is guilty of possession of altered property. It is a defense to a prosecution under this subsection that a person lawfully possesses the usual indicia of ownership in addition to mere possession.

b. (1) Dealing in stolen property. A person is guilty of dealing in stolen property if he traffics in, or initiates, organizes, plans, finances, directs, manages or supervises trafficking in stolen property. This paragraph shall not apply to dealing in stolen property consisting of a domestic companion animal, addressed in paragraph (2) of this subsection.

(2) Dealing in stolen domestic companion animals. A person is guilty of dealing in stolen domestic companion animals if he traffics in, or initiates, organizes, plans, finances, directs, manages or supervises trafficking in stolen property consisting of a domestic companion animal.

New Jersey State Library

c. (1) For any violation of this section, other than dealing in stolen domestic companion animals, the value of the property involved in the violation shall be determined by the trier of fact for the purpose of determining the grade of the offense, and the value of the property involved in the violation may be aggregated in determining the grade of the offense where the acts or conduct constituting a violation were committed pursuant to one scheme or course of conduct, whether from the same person or several persons.

(2) A violation of this section for dealing in stolen domestic companion animals constitutes a crime of the third degree.

d. It is an affirmative defense to a prosecution under this section that the actor:

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

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

e. In addition to the presumptions contained in subsection b. of N.J.S.2C:20-7, the following presumptions are available in the prosecution for a fencing offense:

(1) Proof of the purchase or sale of property at a price substantially below its fair market value, unless satisfactorily explained, gives rise to an inference that the person buying or selling the property knew that it had been stolen;

(2) Proof of the purchase or sale of property by a dealer in that property, out of the regular course of business, or without the usual indicia of ownership other than mere possession, or the property or the job lot of which it is a part was bought, received, possessed or controlled in broken succession of title, so that it cannot be traced, by appropriate documents, in unbroken succession to the manufacturer, in all cases where the regular course of business reasonably indicates records of purchase, transfer or sale, unless satisfactorily explained, gives rise to an inference that the person buying or selling the property knew that it had been stolen; and

(3) Proof that a person buying or selling property of the sort received obtained such property without having ascertained by reasonable inquiry that the person from whom he obtained it had a legal right to possess or control it gives rise to an inference that such person knew that it had been stolen.

2. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 157

AN ACT concerning foreclosure of residential properties and amending and supplementing P.L.1995, c.244.

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

1. Section 3 of P.L.1995, c.244 (C.2A:50-55) is amended to read as follows:

C.2A:50-55 Definitions.

3. As used in this act:

"Deed in lieu of foreclosure" means a voluntary, knowing and uncoerced conveyance by the residential mortgage debtor to the residential mortgage lender of all claim, interest and estate in the property subject to the mortgage. In order for a conveyance to be voluntary, the debtor shall have received notice of, and been fully apprised of the debtor's rights as specified in section 4 of this act. For purposes of this act, "voluntarily surrendered" has the same meaning as "deed in lieu of foreclosure."

"Immediate family" means the debtor, the debtor's spouse, or the mother, father, sister, brother or child of the debtor or debtor's spouse.

"Non-residential mortgage" means a mortgage, security interest or the like which is not a residential mortgage. If a mortgage document includes separate tracts or properties, those portions of the mortgage document covering the non-residential tracts or properties shall be a non-residential mortgage.

"Obligation" means a promissory note, bond or other similar evidence of a duty to pay.

"Office" means the Office of Foreclosure within the Administrative Office of the Courts.

"Residential mortgage" means a mortgage, security interest or the like, in which the security is a residential property such as a house, real property or condominium, which is occupied, or is to be occupied, by the debtor, who is a natural person, or a member of the debtor's immediate family, as that person's residence. This act shall apply to all residential mortgages wherever made, which have as their security such a residence in the State of New Jersey, provided that the real property which is the subject of the mortgage shall not have more than four dwelling units, one of which shall be, or is planned to be, occupied by the debtor or a member of the debtor's

immediate family as the debtor's or member's residence at the time the loan is originated.

"Residential mortgage debtor" or "debtor" means any person shown on the record of the residential mortgage lender as being obligated to pay the obligation secured by the residential mortgage.

"Residential mortgage lender" or "lender" means any person, corporation, or other entity which makes or holds a residential mortgage, and any person, corporation or other entity to which such residential mortgage is assigned.

"Servicer" means the person, corporation or other entity responsible for servicing a residential mortgage loan, including a residential mortgage lender who makes or holds a loan if the lender also services the loan.

"Servicing" means managing the mortgage loan account on a daily basis, including collecting and crediting periodic loan payments, managing escrow accounts, or enforcing the terms of the mortgage or note.

"Short sale" means the sale of real property in which the lender or servicer agrees to release the lien that is secured by a residential mortgage on the property upon receipt of a lesser amount than is owed on the mortgage.

C.2A:50-56.2 Response by servicers to offer relative to short sale.

2. a. A servicer shall respond to a good faith offer from a seller, seller's agent, or authorized third party to purchase the property through a short sale within 60 days of the date of the offer. A response would include an approval, a denial, or a request for further information. If the servicer decides not to approve a short sale, or fails to respond to the seller's, seller's agent's, or authorized third party's offer within 60 days, any deposit made by the buyer in connection with the purchase of the property shall be refunded in its entirety and the potential purchaser shall have no further obligation with respect to the sale or other disposition of the property.

b. Nothing in this section shall constitute a limitation on the ability of the servicer and debtor to participate in the New Jersey Judiciary's Foreclosure Mediation Program or any other form of mediation or settlement discussion, or enter into an agreement as a result of that mediation or settlement discussion.

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

Approved July 21, 2017.

CHAPTER 158

AN ACT allowing gross income taxpayers to use their gross income tax returns to make voluntary contributions to the Boy Scouts of America Councils in New Jersey, supplementing Title 54A of the New Jersey Statutes.

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

C.54A:9-25.42 "Boy Scouts of America Councils in New Jersey Fund."

1. a. There is established in the Department of the Treasury a special fund to be known as the "Boy Scouts of America Councils in New Jersey Fund."

b. For taxable years beginning on or after the date of enactment of this section, each taxpayer shall have the opportunity to indicate on the taxpayer's New Jersey gross income tax return that a portion of the taxpayer's gross income tax refund or an enclosed contribution be deposited in the Boy Scouts of America Councils in New Jersey Fund and be distributed in equal amounts among the chartered local councils of the Boy Scouts of America in New Jersey to support programs and services.

c. The costs incurred by the Division of Taxation for collection or administration attributable to the Boy Scouts of America Councils in New Jersey Fund may be deducted from contributions collected pursuant to this section, as determined by the Director of the Division of Budget and Accounting. The State Treasurer shall deposit net contributions collected pursuant to this section into the Boy Scouts of America Councils in New Jersey Fund for distribution in equal amounts among the chartered local councils of the Boy Scouts of America in New Jersey to support programs and services.

d. The Legislature shall annually appropriate all moneys deposited in the Boy Scouts of America Councils in New Jersey Fund established pursuant to subsection a. of this section for distribution in equal amounts among the chartered local councils of the Boy Scouts of America in New Jersey to support programs and services. The distribution shall be administered by the Monmouth Council of Boy Scouts of America or its successor. To administer the distribution amongst the chartered local councils of the Boy Scouts of America in New Jersey, the Monmouth Council of Boy Scouts of America shall establish an account and make the distribution in equal amounts among the chartered local councils of the Boy Scouts of America in New Jersey on no less than an annual basis.

2. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 159

AN ACT authorizing the Unclaimed Property Administrator to verify certain governmental debts before delivering abandoned property, supplementing Title 46 of the Revised Statutes.

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

C.46:30B-79.1 Certain claims treated as refund of tax for satisfying debt.

1. If a person is allowed a claim for unclaimed property filed pursuant to R.S.46:30B-77, the Administrator shall treat the payment as a refund of tax for the limited purpose of satisfying debt, if any, through the Setoff of Individual Liability program established pursuant to section 1 of P.L.1981, c.239 (C.54A:9-8.1).

2. This act shall take effect immediately and apply to claims submitted to the Administrator on or after the date of enactment.

Approved July 21, 2017.

CHAPTER 160

AN ACT concerning suspension of certain licenses and repealing P.L.1999, c.54.

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

Repealer.

1. P.L.1999, c.54 (C.45:1-21.2 and C.2A:13-12) is repealed.

2. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 161

AN ACT concerning Medicaid coverage for diabetes treatment and amending P.L.1968, c.413.

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

1. Section 6 of P.L.1968, c.413 (C.30:4D-6) is amended to read as follows:

C.30:4D-6 Basic medical care and services.

6. a. Subject to the requirements of Title XIX of the federal Social Security Act, the limitations imposed by this act and by the rules and regulations promulgated pursuant thereto, the department shall provide medical assistance to qualified applicants, including authorized services within each of the following classifications:

(1) Inpatient hospital services;

(2) Outpatient hospital services;

(3) Other laboratory and X-ray services;

(4) (a) Skilled nursing or intermediate care facility services;

(b) Early and periodic screening and diagnosis of individuals who are eligible under the program and are under age 21, to ascertain their physical or mental health status and the health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby, as may be provided in regulations of the Secretary of the federal Department of Health and Human Services and approved by the commissioner;

(5) Physician's services furnished in the office, the patient's home, a hospital, a skilled nursing, or intermediate care facility or elsewhere.

As used in this subsection, "laboratory and X-ray services" includes HIV drug resistance testing, including, but not limited to, genotype assays that have been cleared or approved by the federal Food and Drug Administration, laboratory developed genotype assays, phenotype assays, and other assays using phenotype prediction with genotype comparison, for persons diagnosed with HIV infection or AIDS.

b. Subject to the limitations imposed by federal law, by this act, and by the rules and regulations promulgated pursuant thereto, the medical assistance program may be expanded to include authorized services within each of the following classifications:

(1) Medical care not included in subsection a.(5) above, or any other type of remedial care recognized under State law, furnished by licensed practitioners within the scope of their practice, as defined by State law;

(2) Home health care services;

(3) Clinic services;

(4) Dental services;

(5) Physical therapy and related services;

(6) Prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select;

(7) Optometric services;

(8) Podiatric services;

(9) Chiropractic services;

(10) Psychological services;

(11) Inpatient psychiatric hospital services for individuals under 21 years of age, or under age 22 if they are receiving such services immediately before attaining age 21;

(12) Other diagnostic, screening, preventive, and rehabilitative services, and other remedial care;

(13) Inpatient hospital services, nursing facility services, and intermediate care facility services for individuals 65 years of age or over in an institution for mental diseases;

(14) Intermediate care facility services;

(15) Transportation services;

(16) Services in connection with the inpatient or outpatient treatment or care of substance use disorder, when the treatment is prescribed by a physician and provided in a licensed hospital or in a narcotic and substance use disorder treatment center approved by the Department of Health pursuant to P.L.1970, c.334 (C.26:2G-21 et seq.) and whose staff includes a medical director, and limited to those services eligible for federal financial participation under Title XIX of the federal Social Security Act;

(17) Any other medical care and any other type of remedial care recognized under State law, specified by the Secretary of the federal Department of Health and Human Services, and approved by the commissioner;

(18) Comprehensive maternity care, which may include: the basic number of prenatal and postpartum visits recommended by the American College of Obstetrics and Gynecology; additional prenatal and postpartum visits that are medically necessary; necessary laboratory, nutritional assessment and counseling, health education, personal counseling, managed care, outreach, and follow-up services; treatment of conditions which may

complicate pregnancy; and physician or certified nurse-midwife delivery services;

(19) Comprehensive pediatric care, which may include: ambulatory, preventive, and primary care health services. The preventive services shall include, at a minimum, the basic number of preventive visits recommended by the American Academy of Pediatrics;

(20) Services provided by a hospice which is participating in the Medicare program established pursuant to Title XVIII of the Social Security Act, Pub.L.89-97 (42 U.S.C. s.1395 et seq.). Hospice services shall be provided subject to approval of the Secretary of the federal Department of Health and Human Services for federal reimbursement;

(21) Mammograms, subject to approval of the Secretary of the federal Department of Health and Human Services for federal reimbursement, including one baseline mammogram for women who are at least 35 but less than 40 years of age; one mammogram examination every two years or more frequently, if recommended by a physician, for women who are at least 40 but less than 50 years of age; and one mammogram examination every year for women age 50 and over;

(22) Upon referral by a physician, advanced practice nurse, or physician assistant of a person who has been diagnosed with diabetes, gestational diabetes, or pre-diabetes, in accordance with standards adopted by the American Diabetes Association :

(a) Expenses for diabetes self-management education or training to ensure that a person with diabetes, gestational diabetes, or pre-diabetes can optimize metabolic control, prevent and manage complications, and maximize quality of life. Diabetes self-management education shall be provided by an in-State provider who is:

(i) a licensed, registered, or certified health care professional who is certified by the National Certification Board of Diabetes Educators as a Certified Diabetes Educator, or certified by the American Association of Diabetes Educators with a Board Certified-Advanced Diabetes Management credential, including, but not limited to: a physician, an advanced practice or registered nurse, a physician assistant, a pharmacist, a chiropractor, a dietitian registered by a nationally recognized professional association of dietitians, or a nutritionist holding a certified nutritionist specialist (CNS) credential from the Board for Certification of Nutrition Specialists ; or

(ii) an entity meeting the National Standards for Diabetes Self-Management Education and Support, as evidenced by a recognition by the American Diabetes Association or accreditation by the American Association of Diabetes Educators;

(b) Expenses for medical nutrition therapy as an effective component of the person's overall treatment plan upon a: diagnosis of diabetes, gestational diabetes, or pre-diabetes; change in the beneficiary's medical condition, treatment, or diagnosis; or determination of a physician, advanced practice nurse, or physician assistant that reeducation or refresher education is necessary. Medical nutrition therapy shall be provided by an in-State provider who is a dietitian registered by a nationally-recognized professional association of dietitians, or a nutritionist holding a certified nutritionist specialist (CNS) credential from the Board for Certification of Nutrition Specialists, who is familiar with the components of diabetes medical nutrition therapy;

(c) For a person diagnosed with pre-diabetes, items and services furnished under an in-State diabetes prevention program that meets the standards of the National Diabetes Prevention Program, as established by the federal Centers for Disease Control and Prevention; and

(d) Expenses for any medically appropriate and necessary supplies and equipment recommended or prescribed by a physician, advanced practice nurse, or physician assistant for the management and treatment of diabetes, gestational diabetes, or pre-diabetes, including, but not limited to: equipment and supplies for self-management of blood glucose; insulin pens; insulin pumps and related supplies; and other insulin delivery devices.

c. Payments for the foregoing services, goods, and supplies furnished pursuant to this act shall be made to the extent authorized by this act, the rules and regulations promulgated pursuant thereto and, where applicable, subject to the agreement of insurance provided for under this act. The payments shall constitute payment in full to the provider on behalf of the recipient. Every provider making a claim for payment pursuant to this act shall certify in writing on the claim submitted that no additional amount will be charged to the recipient, the recipient's family, the recipient's representative or others on the recipient's behalf for the services, goods, and supplies furnished pursuant to this act.

No provider whose claim for payment pursuant to this act has been denied because the services, goods, or supplies were determined to be medically unnecessary shall seek reimbursement from the recipient, his family, his representative or others on his behalf for such services, goods, and supplies provided pursuant to this act; provided, however, a provider may seek reimbursement from a recipient for services, goods, or supplies not authorized by this act, if the recipient elected to receive the services, goods or supplies with the knowledge that they were not authorized.

d. Any individual eligible for medical assistance (including drugs) may obtain such assistance from any person qualified to perform the service or services required (including an organization which provides such services, or arranges for their availability on a prepayment basis), who undertakes to provide the individual such services.

No copayment or other form of cost-sharing shall be imposed on any individual eligible for medical assistance, except as mandated by federal law as a condition of federal financial participation.

e. Anything in this act to the contrary notwithstanding, no payments for medical assistance shall be made under this act with respect to care or services for any individual who:

(1) Is an inmate of a public institution (except as a patient in a medical institution); provided, however, that an individual who is otherwise eligible may continue to receive services for the month in which he becomes an inmate, should the commissioner determine to expand the scope of Medicaid eligibility to include such an individual, subject to the limitations imposed by federal law and regulations, or

(2) Has not attained 65 years of age and who is a patient in an institution for mental diseases, or

(3) Is over 21 years of age and who is receiving inpatient psychiatric hospital services in a psychiatric facility; provided, however, that an individual who was receiving such services immediately prior to attaining age 21 may continue to receive such services until the individual reaches age 22. Nothing in this subsection shall prohibit the commissioner from extending medical assistance to all eligible persons receiving inpatient psychiatric services; provided that there is federal financial participation available.

f. (1) A third party as defined in section 3 of P.L.1968, c.413 (C.30:4D-3) shall not consider a person's eligibility for Medicaid in this or another state when determining the person's eligibility for enrollment or the provision of benefits by that third party.

(2) In addition, any provision in a contract of insurance, health benefits plan, or other health care coverage document, will, trust, agreement, court order, or other instrument which reduces or excludes coverage or payment for health care-related goods and services to or for an individual because of that individual's actual or potential eligibility for or receipt of Medicaid benefits shall be null and void, and no payments shall be made under this act as a result of any such provision.

(3) Notwithstanding any provision of law to the contrary, the provisions of paragraph (2) of this subsection shall not apply to a trust agreement that is established pursuant to 42 U.S.C. s.1396p(d)(4)(A) or (C) to sup-

plement and augment assistance provided by government entities to a person who is disabled as defined in section 1614(a)(3) of the federal Social Security Act (42 U.S.C. s.1382c (a)(3)).

g. The following services shall be provided to eligible medically needy individuals as follows:

(1) Pregnant women shall be provided prenatal care and delivery services and postpartum care, including the services cited in subsection a.(1), (3), and (5) of this section and subsection b.(1)-(10), (12), (15), and (17) of this section, and nursing facility services cited in subsection b.(13) of this section.

(2) Dependent children shall be provided with services cited in subsection a.(3) and (5) of this section and subsection b.(1), (2), (3), (4), (5), (6), (7), (10), (12), (15), and (17) of this section, and nursing facility services cited in subsection b.(13) of this section.

(3) Individuals who are 65 years of age or older shall be provided with services cited in subsection a.(3) and (5) of this section and subsection b.(1)-(5), (6) excluding prescribed drugs, (7), (8), (10), (12), (15), and (17) of this section, and nursing facility services cited in subsection b.(13) of this section.

(4) Individuals who are blind or disabled shall be provided with services cited in subsection a.(3) and (5) of this section and subsection b.(1)-(5), (6) excluding prescribed drugs, (7), (8), (10), (12), (15), and (17) of this section, and nursing facility services cited in subsection b.(13) of this section.

(5) (a) Inpatient hospital services, subsection a.(1) of this section, shall only be provided to eligible medically needy individuals, other than pregnant women, if the federal Department of Health and Human Services discontinues the State's waiver to establish inpatient hospital reimbursement rates for the Medicare and Medicaid programs under the authority of section 601(c)(3) of the Social Security Act Amendments of 1983, Pub.L.98-21 (42 U.S.C. s.1395ww(c)(5)). Inpatient hospital services may be extended to other eligible medically needy individuals if the federal Department of Health and Human Services directs that these services be included.

(b) Outpatient hospital services, subsection a.(2) of this section, shall only be provided to eligible medically needy individuals if the federal Department of Health and Human Services discontinues the State's waiver to establish outpatient hospital reimbursement rates for the Medicare and Medicaid programs under the authority of section 601(c)(3) of the Social Security Amendments of 1983, Pub.L.98-21 (42 U.S.C. s.1395ww(c)(5)). Outpatient hospital services may be extended to all or to certain medically needy individuals if the federal Department of Health and Human Services

directs that these services be included. However, the use of outpatient hospital services shall be limited to clinic services and to emergency room services for injuries and significant acute medical conditions.

(c) The division shall monitor the use of inpatient and outpatient hospital services by medically needy persons.

h. In the case of a qualified disabled and working individual pursuant to section 6408 of Pub.L.101-239 (42 U.S.C. s.1396d), the only medical assistance provided under this act shall be the payment of premiums for Medicare part A under 42 U.S.C. ss.1395i-2 and 1395r.

i. In the case of a specified low-income Medicare beneficiary pursuant to 42 U.S.C. s.1396a(a)10(E)iii, the only medical assistance provided under this act shall be the payment of premiums for Medicare part B under 42 U.S.C. s.1395r as provided for in 42 U.S.C. s.1396d(p)(3)(A)(ii).

j. In the case of a qualified individual pursuant to 42 U.S.C. s.1396a(aa), the only medical assistance provided under this act shall be payment for authorized services provided during the period in which the individual requires treatment for breast or cervical cancer, in accordance with criteria established by the commissioner.

2. Within 180 days after the enactment of this act, the Commissioner of Human Services shall apply for such State plan amendments or waivers as may be necessary to implement the provisions of this act and to secure federal financial participation for State Medicaid expenditures under the federal Medicaid program.

3. The Commissioner of Human Services shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the purposes of this act; except that, notwithstanding any provision of P.L.1968, c.410 to the contrary, the commissioner shall adopt, immediately upon filing with the Office of Administrative Law, such regulations as the commissioner deems necessary to implement the provisions of this act, which shall be effective for a period not to exceed six months and shall thereafter be amended, adopted, or readopted by the commissioner in accordance with the requirements of P.L.1968, c.410.

4. This act shall take effect immediately, except that the provisions of section 1 shall remain inoperable until the commissioner receives approval, from the United States Secretary of Health and Human Services, of the State plan amendments or waivers that are necessary to obtain federal fi-

nancial participation for the State Medicaid expenditures that are to be made pursuant to that section.

Approved July 21, 2017.

CHAPTER 162

AN ACT concerning school safety and supplementing chapter 17 of Title 18A of the New Jersey Statutes.

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

C.18A:17-43.2 New Jersey School Safety Specialist Academy, Certification programs.

1. a. There is established in the Department of Education the New Jersey School Safety Specialist Academy. It shall be the purpose of the academy to serve as a central repository for best practices, training standards, and compliance oversight in all matters regarding school safety and security, including prevention efforts, intervention efforts, and emergency preparedness planning. The academy shall: provide, free of charge, ongoing professional development on national and State best practices, as well as the most current resources on school safety and security; assume a lead role in setting the vision for school safety and security in the State; and provide a coordinated and interdisciplinary approach to providing technical assistance and guidance to schools throughout the State.

b. The academy shall develop and implement a School Safety Specialist Certification Program. A school safety specialist appointed pursuant to section 2 of this act shall be required to acquire the certification. The certification program shall provide training, free of charge, to newly-appointed school safety specialists in the areas of bullying, hazing, truancy, Internet safety, emergency planning, emergency drills, drugs, weapons, gangs and school policing, and any other areas deemed necessary by the academy. The academy shall also offer annual training sessions for certified school safety specialists. The academy shall develop training modules in both traditional and online formats.

C.18A:17-43.3 Designation of school safety specialist.

2. The superintendent in each school district shall designate a school administrator as a school safety specialist for the district. The school safety

specialist shall: be responsible for the supervision and oversight for all school safety and security personnel, policies, and procedures in the school district; ensure that these policies and procedures are in compliance with State law and regulations; and provide the necessary training and resources to school district staff in matters relating to school safety and security. The school safety specialist shall also serve as the school district liaison with local law enforcement and national, State, and community agencies and organizations in matters of school safety and security.

3. This act shall take effect on the 180th day after the date of enactment.

Approved July 21, 2017.

CHAPTER 163

AN ACT concerning unemployment benefits and amending R.S.43:21-6.

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

1. R.S.43:21-6 is amended to read as follows:

Claims for benefits.

43:21-6. (a) Filing. (1) Claims for benefits shall be made in accordance with such regulations as the Director of the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Workforce Development of the State of New Jersey may approve. Each employer shall post and maintain on his premises printed notices of his subject status, of such design, in such numbers and at such places as the director of the division may determine to be necessary to give notice thereof to persons in the employer's service. Each employer shall give to each individual at the time he becomes unemployed, for any reason, whether the unemployment is permanent or temporary, a printed copy of benefit instructions. The benefit instructions given to the individual shall include, but not be limited to, the following information: (A) the date upon which the individual becomes unemployed, and, in the case that the unemployment is temporary, to the extent possible, the date upon which the individual is expected to be recalled to work; and (B) that the individual may lose some or all of the benefits to which he is entitled if he fails to file a claim in a timely manner. Both the

aforesaid notices and instructions, including information detailing the time sensitivity of filing a claim, shall be supplied by the division to employers without cost to them. Nothing in this section shall be construed so as to require an employer to re-hire an individual formerly in the employer's service.

(2) Any claimant may choose to certify, cancel or close his claim for unemployment insurance benefits at any time, 24 hours a day and seven days a week, via the Internet on a website developed by the division; however, any claim that is certified, cancelled or closed after 7:00 PM will not be processed by the division until the next scheduled posting date.

(b) (1) Procedure for making initial determinations with respect to benefit years commencing on or after January 1, 1953.

A representative or representatives designated by the director of the division and hereafter referred to as a "deputy" shall promptly examine the claim, and shall notify the most recent employing unit and, successively as necessary, each employer in inverse chronological order during the base year. Such notification shall require said employing unit and employer to furnish such information to the deputy as may be necessary to determine the claimant's eligibility and his benefit rights with respect to the employer in question.

In his discretion, the director may appoint special deputies to make initial or subsequent determinations under subsection (f) of R.S.43:21-4 and subsection (d) of R.S.43:21-5.

If any employer or employing unit fails to respond to the request for information within 10 days after the mailing, or communicating by electronic means, of such request, the deputy shall rely entirely on information from other sources, including an affidavit to the best of the knowledge and belief of the claimant with respect to his wages and time worked. Except in the event of fraud, if it is determined that any information in such affidavit is erroneous, no penalty shall be imposed on the claimant.

The deputy shall make an initial determination contingent upon the receipt of all necessary information and notify the claimant no later than three weeks from the date on which the division received the claim for benefits. If an initial determination cannot be made due to the lack of documentation, notification will be sent to the claimant providing a status of the claim. The division will then have an additional two weeks to obtain the missing information in order to make the initial determination and advise the claimant accordingly. The initial determination shall show the weekly benefit amount payable, the maximum duration of benefits with respect to the employer to whom the determination relates, and the ratio of benefits chargeable to the employer's account for benefit years commencing on or after July 1, 1986, and also shall show whether the claimant is ineligible or

disqualified for benefits under the initial determination. The employer whose account may be charged for benefits payable pursuant to said determination shall be promptly notified thereof.

Whenever an initial determination is based upon information other than that supplied by an employer because such employer failed to respond to the deputy's request for information, such initial determination and any subsequent determination thereunder shall be incontestable by the noncomplying employer, as to any charges to his employer's account because of benefits paid prior to the close of the calendar week following the receipt of his reply. Such initial determination shall be altered if necessary upon receipt of information from the employer, and any benefits paid or payable with respect to weeks occurring subsequent to the close of the calendar week following the receipt of the employer's reply shall be paid in accordance with such altered initial determination.

The deputy shall issue a separate initial benefit determination with respect to each of the claimant's base year employers, starting with the most recent employer and continuing as necessary in the inverse chronological order of the claimant's last date of employment with each such employer. If an appeal is taken from an initial determination, as hereinafter provided, by any employer other than the first chargeable base year employer or for benefit years commencing on or after July 1, 1986, that employer from whom the individual was most recently separated, then such appeal shall be limited in scope to include only one or more of the following matters:

(A) The correctness of the benefit payments authorized to be made under the determination;

(B) Fraud in connection with the claim pursuant to which the initial determination is issued;

(C) The refusal of suitable work offered by the chargeable employer filing the appeal;

(D) Gross misconduct as provided in subsection (b) of R.S.43:21-5.

The amount of benefits payable under an initial determination may be reduced or canceled if necessary to avoid payment of benefits for a number of weeks in excess of the maximum specified in subsection (d) of R.S.43:21-3.

Unless the claimant or any interested party, within seven calendar days after delivery of notification of an initial determination or within 10 calendar days after such notification was mailed to his or their last-known address and addresses, files an appeal from such decision, such decision shall be final and benefits shall be paid or denied in accordance therewith, except for such determinations as may be altered in benefit amounts or duration as

provided in this paragraph. Benefits payable for periods pending an appeal and not in dispute shall be paid as such benefits accrue; provided that insofar as any such appeal is or may be an appeal from a determination to the effect that the claimant is disqualified under the provisions of R.S.43:21-5 or any amendments thereof or supplements thereto, benefits pending determination of the appeal shall be withheld only for the period of disqualification as provided for in said section, and notwithstanding such appeal, the benefits otherwise provided by this act shall be paid for the period subsequent to such period of disqualification; and provided, also, that if there are two determinations of entitlement, benefits for the period covered by such determinations shall be paid regardless of any appeal which may thereafter be taken, but no employer's account shall be charged with benefits so paid, if the decision is finally reversed.

(2) Procedure for making initial determinations in certain cases of concurrent employment, with respect to benefit years commencing on or after January 1, 1953 and prior to benefit years commencing on or after July 1, 1986.

Notwithstanding any other provisions of this Title, if an individual shows to the satisfaction of the deputy that there were at least 13 weeks in his base period in each of which he earned wages from two or more employers totaling $30.00 or more but in each of which there was no single employer from whom he earned as much as $100.00, then such individual's claim shall be determined in accordance with the special provisions of this paragraph. In such case, the deputy shall determine the individual's eligibility for benefits, his average weekly wage, weekly benefit rate and maximum total benefits as if all his base year employers were a single employer. Such determination shall apportion the liability for benefit charges thereunder to the individual's several base year employers so that each employer's maximum liability for charges thereunder bears approximately the same relation to the maximum total benefits allowed as the wages earned by the individual from each employer during the base year bears to his total wages earned from all employers during the base year. Such initial determination shall also specify the individual's last date of employment within the base year with respect to each base year employer, and such employers shall be charged for benefits paid under said initial determination in the inverse chronological order of such last date of employment.

(3) Procedure for making subsequent determinations with respect to benefit years commencing on or after January 1, 1953. The deputy shall make determinations with respect to claims for benefits thereafter in the course of the benefit year, in accordance with any initial determination allowing benefits, and under which benefits have not been exhausted, and

each notification of a benefit payment shall be a notification of an affirmative subsequent determination. The allowance of benefits by the deputy on any such determination, or the denial of benefits by the deputy on any such determination, shall be appealable in the same manner and under the same limitations as is provided in the case of initial determinations.

(c) Appeals. Unless such appeal is withdrawn, an appeal tribunal, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and the determination. The parties shall be duly notified of such tribunal's decision, together with its reasons therefor, which shall be deemed to be the final decision of the board of review, unless further appeal is initiated pursuant to subsection (e) of this section within 10 days after the date of notification or mailing of the decision for any decision made on or before December 1, 2010, or within 20 days after the date of notification or mailing of such decision for any decision made after December 1, 2010.

(d) Appeal tribunals. To hear and decide disputed benefit claims, including appeals from determinations with respect to demands for refunds of benefits under subsection (d) of R.S.43:21-16, the director with the approval of the Commissioner of Labor and Workforce Development shall establish impartial appeal tribunals consisting of a salaried body of examiners under the supervision of a Chief Appeals Examiner, all of whom shall be appointed pursuant to the provisions of Title 11A of the New Jersey Statutes, Civil Service and other applicable statutes.

(e) Board of review. The board of review may on its own motion affirm, modify, or set aside any decision of an appeal tribunal on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence, or may permit any of the parties to such decision to initiate further appeals before it. The board of review shall permit such further appeal by any of the parties interested in a decision of an appeal tribunal which is not unanimous and from any determination which has been overruled or modified by any appeal tribunal. The board of review may remove to itself or transfer to another appeal tribunal the proceedings on any claim pending before an appeal tribunal. Any proceedings so removed to the board of review shall be heard by a quorum thereof in accordance with the requirements of subsection (c) of this section. The board of review shall promptly notify the interested parties of its findings and decision.

(f) Procedure. The manner in which disputed benefit claims, and appeals from determinations with respect to (1) claims for benefits and (2) demands for refunds of benefits under subsection (d) of R.S.43:21-16 shall be presented, the reports thereon required from the claimant and from employ-

ers, and the conduct of hearings and appeals shall be in accordance with rules prescribed by the board of review for determining the rights of the parties, whether or not such rules conform to common law or statutory rules of evidence and other technical rules of procedure. A full and complete record shall be kept of all proceedings in connection with a disputed claim. All testimony at any hearing upon a disputed claim shall be recorded, but need not be transcribed unless the disputed claim is further appealed.

(g) Witness fees. Witnesses subpoenaed pursuant to this section shall be allowed fees at a rate fixed by the director. Such fees and all expenses of proceedings involving disputed claims shall be deemed a part of the expense of administering this chapter (R.S.43:21-1 et seq.).

(h) Court review. Any decision of the board of review shall become final as to any party upon the mailing of a copy thereof to such party or to his attorney, or upon the mailing of a copy thereof to such party at his last-known address. The Division of Unemployment and Temporary Disability Insurance and any party to a proceeding before the board of review may secure judicial review of the final decision of the board of review. Any party not joining in the appeal shall be made a defendant; the board of review shall be deemed to be a party to any judicial action involving the review of, or appeal from, any of its decisions, and may be represented in any such judicial action by any qualified attorney, who may be a regular salaried employee of the board of review or has been designated by it for that purpose, or, at the board of review's request, by the Attorney General.

(i) Failure to give notice. The failure of any public officer or employee at any time heretofore or hereafter to give notice of determination or decision required in subsections (b), (c) and (e) of this section, as originally passed or amended, shall not relieve any employer's account of any charge by reason of any benefits paid, unless and until that employer can show to the satisfaction of the director of the division that the said benefits, in whole or in part, would not have been charged or chargeable to his account had such notice been given. Any determination hereunder by the director shall be subject to court review.

(j) With respect to benefit payments made on or after October 22, 2013, an employer's account shall not be relieved of charges related to a benefit payment that was made erroneously from the division if it is determined that:

(1) The erroneous benefit payment was made because the employer, or an agent of the employer, failed to respond in a timely or adequate manner to a request from the division for information related to the claim for benefits; and

(2) The employer, or an agent of the employer, has established a pattern of failing to respond in a timely or adequate manner to requests from the division for information related to claims for benefits.

Determinations of the division prohibiting the relief of charges pursuant to this subsection shall be subject to appeal in the same manner as other determinations of the division related to the charging of employer accounts.

For purposes of subsection (j) of this section:

"Erroneous benefit payment" means a benefit payment that, except for the failure by the employer, or an agent of the employer, to respond in a timely or adequate manner to a request from the division for information with respect to the claim for benefits, would not have been made; and

"Pattern of failing" means repeated documented failure on the part of the employer, or an agent of the employer, to respond to requests from the division to the employer or employer's agent for information related to a claim for benefits, except that an employer, or an agent of an employer, shall not be determined to have engaged in a "pattern of failing" if the number of failures to respond to requests from the division for information related to claims for benefits during the previous 365 calendar days is less than three, or if the number of failures is less than two percent of the number of requests from the division, whichever is greater.

(k) The Department of Labor and Workforce Development shall establish and maintain a procedure by which personnel access rights to the department's primary system for unemployment claims receipt and processing are comprehensively reviewed every calendar quarter. The procedure shall include an evaluation of access needs to the primary unemployment claims receipt and processing system for all department personnel and the adjustment, addition, or deletion of access rights for department personnel based on the quarterly review.

2. This act shall take effect on the 90th day following enactment.

Approved July 21, 2017.

CHAPTER 164

AN ACT concerning the Departments of Corrections and Human Services and amending P.L.1938, c.380.

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

1. Section 1 of P.L.1938, c.380 (C.30:4-67.1) is amended to read as follows:

C.30:4-67.1 Deposit, maintenance of funds; use of funds and interest.

1. The chief executive officer of any institution coming within the jurisdiction of the Department of Corrections or Human Services is hereby empowered to deposit and maintain the funds of any inmate or person receiving services from the Department of Human Services, as applicable, in a special fund for the use and benefit of the inmate or person, or for the payment of the inmate's or person's maintenance in the institution, as a court of competent jurisdiction may by order direct. A general ledger shall be maintained in the office of each institution which shall contain a separate account for each inmate or person and indicate the amount on deposit for the inmate or person.

Any interest paid by a bank or trust company wherein the fund is maintained may be utilized by the board of managers of the institution for the use, benefit, and general welfare of the inmate population as a whole or for the use, benefit, and general welfare of the person receiving services from the Department of Human Services, as applicable.

2. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 165

AN ACT concerning strict liability vehicular homicide and designated "Ralph and David's Law," supplementing chapter 11 of Title 2C of the New Jersey Statutes, and amending various sections of the statutory law.

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

C.2C:11-5.3 Strict liability vehicular homicide.

1. a. Criminal homicide constitutes strict liability vehicular homicide when it is caused by driving a vehicle while intoxicated in violation of R.S.39:4-50 or operating a vessel under the influence of alcohol or drugs in violation of section 3 of P.L.1952, c.157 (C.12:7-46).

b. Strict liability vehicular homicide is a crime of the third degree, but the presumption of nonimprisonment set forth in subsection e. of N.J.S.2C:44-1 shall not apply.

c. The provisions of N.J.S.2C:2-3 governing the causal relationship between conduct and result shall not apply in a prosecution under this section. For purposes of this offense, the defendant's act of operating a motor vehicle while intoxicated in violation of R.S.39:4-50 or operating a vessel under the influence of alcohol or drugs in violation of section 3 of P.L.1952, c.157 (C.12:7-46) is the cause of death when:

(1) The operation of the motor vehicle or vessel is an antecedent but for which the death would not have occurred; and

(2) The death was not:

(a) too remote in its occurrence as to have a just bearing on the defendant's liability; or

(b) too dependent upon the conduct of another person which was unrelated to the defendant's operation of a motor vehicle or vessel as to have a just bearing on the defendant's liability.

d. It shall not be a defense to a prosecution under this section that the decedent contributed to his own death by reckless or negligent conduct or operation of a motor vehicle or vessel.

e. Nothing in this section shall be deemed to preclude, if the evidence so warrants, an indictment and conviction for any other offense.

2. N.J.S.2C:11-2 is amended to read as follows:

Criminal homicide.

2C:11-2. Criminal homicide.

a. A person is guilty of criminal homicide if he purposely, knowingly, recklessly or, under the circumstances set forth in N.J.S.2C:11-5 or section 1 of P.L.2017, c.165 (C.2C:11-5.3), causes the death of another human being.

b. Criminal homicide is murder, manslaughter or death by auto or vessel.

3. N.J.S.2C:11-5 is amended to read as follows:

Death by auto or vessel.

2C:11-5. Death by auto or vessel.

a. Criminal homicide constitutes reckless vehicular homicide when it is caused by driving a vehicle or vessel recklessly.

Proof that the defendant fell asleep while driving or was driving after having been without sleep for a period in excess of 24 consecutive hours may give rise to an inference that the defendant was driving recklessly. Proof that the defendant was driving while intoxicated in violation of R.S.39:4-50 or was operating a vessel under the influence of alcohol or

drugs in violation of section 3 of P.L.1952, c.157 (C.12:7-46) shall give rise to an inference that the defendant was driving recklessly. Proof that the defendant was operating a hand-held wireless telephone while driving a motor vehicle in violation of section 1 of P.L.2003, c.310 (C.39:4-97.3) may give rise to an inference that the defendant was driving recklessly. Nothing in this section shall be construed to in any way limit the conduct or conditions that may be found to constitute driving a vehicle or vessel recklessly.

b. Except as provided in paragraph (3) of this subsection, reckless vehicular homicide is a crime of the second degree.

(1) If the defendant was operating the auto or vessel while under the influence of any intoxicating liquor, narcotic, hallucinogenic or habit-producing drug, or with a blood alcohol concentration at or above the prohibited level as prescribed in R.S.39:4-50, or if the defendant was operating the auto or vessel while his driver's license or reciprocity privilege was suspended or revoked for any violation of R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-50.4a), by the Chief Administrator of the New Jersey Motor Vehicle Commission pursuant to P.L.1982, c.85 (C.39:5-30a et seq.), or by the court for a violation of R.S.39:4-96, the defendant shall be sentenced to a term of imprisonment by the court. The term of imprisonment shall include the imposition of a minimum term. The minimum term shall be fixed at, or between, one-third and one-half of the sentence imposed by the court or three years, whichever is greater, during which the defendant shall be ineligible for parole.

(2) The court shall not impose a mandatory sentence pursuant to paragraph (1) of this subsection unless the grounds therefor have been established at a hearing. At the hearing, which may occur at the time of sentencing, the prosecutor shall establish by a preponderance of the evidence that the defendant was operating the auto or vessel while under the influence of any intoxicating liquor, narcotic, hallucinogenic or habit-producing drug, or with a blood alcohol concentration at or above the level prescribed in R.S.39:4-50 or that the defendant was operating the auto or vessel while his driver's license or reciprocity privilege was suspended or revoked for any violation of R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-50.4a), by the Chief Administrator of the New Jersey Motor Vehicle Commission pursuant to P.L.1982, c.85 (C.39:5-30a et seq.), or by the court for a violation of R.S.39:4-96. In making its findings, the court shall take judicial notice of any evidence, testimony or information adduced at the trial, plea hearing, or other court proceedings and shall also consider the presentence report and any other relevant information.

(3) Reckless vehicular homicide is a crime of the first degree if the defendant was operating the auto or vessel while in violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) while:

(a) on any school property used for school purposes which is owned by or leased to any elementary or secondary school or school board, or within 1,000 feet of such school property;

(b) driving through a school crossing as defined in R.S.39:1-1 if the municipality, by ordinance or resolution, has designated the school crossing as such; or

(c) driving through a school crossing as defined in R.S.39:1-1 knowing that juveniles are present if the municipality has not designated the school crossing as such by ordinance or resolution.

A map or true copy of a map depicting the location and boundaries of the area on or within 1,000 feet of any property used for school purposes which is owned by or leased to any elementary or secondary school or school board produced pursuant to section 1 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under subparagraph (a) of this paragraph.

It shall be no defense to a prosecution for a violation of subparagraph (a) or (b) of this paragraph that the defendant was unaware that the prohibited conduct took place while on or within 1,000 feet of any school property or while driving through a school crossing. Nor shall it be a defense to a prosecution under subparagraph (a) or (b) of this paragraph that no juveniles were present on the school property or crossing zone at the time of the offense or that the school was not in session.

(4) If the defendant was operating the auto or vessel in violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a), the defendant's license to operate a motor vehicle shall be suspended for a period of between five years and life, which period shall commence upon completion of any prison sentence imposed upon that person.

c. For good cause shown, the court may, in accepting a plea of guilty under this section, order that such plea not be evidential in any civil proceeding.

d. Nothing herein shall be deemed to preclude, if the evidence so warrants, an indictment and conviction for aggravated manslaughter under the provisions of subsection a. of N.J.S.2C:11-4.

As used in this section, "auto or vessel" means all means of conveyance propelled otherwise than by muscular power.

e. Any person who violates paragraph (3) of subsection b. of this section shall forfeit the auto or vessel used in the commission of the offense, unless the defendant can establish at a hearing, which may occur at the time

of sentencing, by a preponderance of the evidence that such forfeiture would constitute a serious hardship to the family of the defendant that outweighs the need to deter such conduct by the defendant and others. In making its findings, the court shall take judicial notice of any evidence, testimony or information adduced at the trial, plea hearing, or other court proceedings and shall also consider the presentence report and any other relevant information. Forfeiture pursuant to this subsection shall be in addition to, and not in lieu of, civil forfeiture pursuant to chapter 64 of this title.

4. Section 1 of P.L.1997, c.111 (C.2C:11-5.1) is amended to read as follows:

C.2C:11-5.1 Knowingly leaving scene of accident under certain circumstances; crime, sentencing.

1. A motor vehicle operator who knows he is involved in an accident and knowingly leaves the scene of that accident under circumstances that violate the provisions of R.S.39:4-129 shall be guilty of a crime of the second degree if the accident results in the death of another person.

If the evidence so warrants, nothing in this section shall be deemed to preclude an indictment and conviction for aggravated manslaughter under the provisions of N.J.S.2C:11-4, reckless vehicular homicide under the provisions of N.J.S.2C:11-5 or strict liability vehicular homicide under the provisions of section 1 of P.L.2017, c.165 (C.2C:11-5.3).

Notwithstanding the provisions of N.J.S.2C:1-8 or any other provisions of law, a conviction arising under this section shall not merge with a conviction for aggravated manslaughter under the provisions of N.J.S.2C:11-4, reckless vehicular homicide under the provisions of N.J.S.2C:11-5 or strict liability vehicular homicide under the provisions of section 1 of P.L.2017, c.165 (C.2C:11-5.3) and a separate sentence shall be imposed upon each such conviction.

Notwithstanding the provisions of N.J.S.2C:44-5 or any other provisions of law, when the court imposes multiple sentences of imprisonment for more than one offense, those sentences shall run consecutively.

For the purposes of this section, neither knowledge of the death nor knowledge of the violation are elements of the offense and it shall not be a defense that the operator of the motor vehicle was unaware of the death or of the provisions of R.S.39:4-129.

5. Section 1 of P.L.2014, c.17 (C.2C:11-5.2) is amended to read as follows:

C.2C:11-5.2 Leaving scene of boating accident; crime, sentencing.

1. a. Whenever any vessel, as defined in section 2 of P.L.1995, c.401 (C.12:7-71), is involved in an accident upon the waters of this State, and the operator of that vessel knows he is involved in an accident and knowingly leaves the scene of that accident under circumstances that violate the provisions of section 11 of P.L.1962, c.73 (C.12:7-34.46), that operator shall be guilty of a crime of the second degree if the accident results in the death of another person, and shall be guilty of a crime of the third degree if the accident results in serious bodily injury to another person. The presumption of nonimprisonment set forth in N.J.S.2C:44-1 shall not apply to persons convicted under the provisions of this section.

b. If the evidence so warrants, nothing in this section shall be deemed to preclude an indictment and conviction for aggravated manslaughter under the provisions of N.J.S.2C:11-4, reckless vehicular homicide under the provisions of N.J.S.2C:11-5 or strict liability vehicular homicide under the provisions of section 1 of P.L.2017, c.165 (C.2C:11-5.3).

c. Notwithstanding the provisions of N.J.S.2C:1-8 or any other provisions of law, a conviction arising under this section shall not merge with a conviction for aggravated manslaughter under the provisions of N.J.S.2C:11-4, reckless vehicular homicide under the provisions of N.J.S.2C:11-5 or strict liability vehicular homicide under the provisions of section 1 of P.L.2017, c.165 (C.2C:11-5.3) and a separate sentence shall be imposed upon each such conviction.

d. Notwithstanding the provisions of N.J.S.2C:44-5 or any other provisions of law, when the court imposes multiple sentences of imprisonment for more than one offense, those sentences shall run consecutively.

e. For the purposes of this section, knowledge of the death, knowledge of the serious bodily injury, or knowledge of the violation shall not be elements of the offense and it shall not be a defense that the operator of the vessel was unaware of the death or of the provisions of section 11 of P.L.1962, c.73 (C.12:7-34.46).

6. N.J.S.2C:44-1 is amended to read as follows:

Criteria for withholding or imposing sentence of imprisonment.

2C:44-1. a. In determining the appropriate sentence to be imposed on a person who has been convicted of an offense, the court shall consider the following aggravating circumstances:

(1) The nature and circumstances of the offense, and the role of the actor therein, including whether or not it was committed in an especially heinous, cruel, or depraved manner;

(2) The gravity and seriousness of harm inflicted on the victim, including whether or not the defendant knew or reasonably should have known that the victim of the offense was particularly vulnerable or incapable of resistance due to advanced age, ill-health, or extreme youth, or was for any other reason substantially incapable of exercising normal physical or mental power of resistance;

(3) The risk that the defendant will commit another offense;

(4) A lesser sentence will depreciate the seriousness of the defendant's offense because it involved a breach of the public trust under chapters 27 and 30, or the defendant took advantage of a position of trust or confidence to commit the offense;

(5) There is a substantial likelihood that the defendant is involved in organized criminal activity;

(6) The extent of the defendant's prior criminal record and the seriousness of the offenses of which he has been convicted;

(7) The defendant committed the offense pursuant to an agreement that he either pay or be paid for the commission of the offense and the pecuniary incentive was beyond that inherent in the offense itself;

(8) The defendant committed the offense against a police or other law enforcement officer, correctional employee or fireman, acting in the performance of his duties while in uniform or exhibiting evidence of his authority; the defendant committed the offense because of the status of the victim as a public servant; or the defendant committed the offense against a sports official, athletic coach or manager, acting in or immediately following the performance of his duties or because of the person's status as a sports official, coach or manager;

(9) The need for deterring the defendant and others from violating the law;

(10) The offense involved fraudulent or deceptive practices committed against any department or division of State government;

(11) The imposition of a fine, penalty or order of restitution without also imposing a term of imprisonment would be perceived by the defendant or others merely as part of the cost of doing business, or as an acceptable contingent business or operating expense associated with the initial decision to resort to unlawful practices;

(12) The defendant committed the offense against a person who he knew or should have known was 60 years of age or older, or disabled;

(13) The defendant, while in the course of committing or attempting to commit the crime, including the immediate flight therefrom, used or was in possession of a stolen motor vehicle;

(14) The offense involved an act of domestic violence, as that term is defined in subsection a. of section 3 of P.L.1991, c. 261 (C.2C:25-19), committed in the presence of a child under 16 years of age; and

(15) The offense involved an act of domestic violence, as that term is defined in subsection a. of section 3 of P.L.1991, c. 261 (C.2C:25-19) and the defendant committed at least one act of domestic violence on more than one occasion.

b. In determining the appropriate sentence to be imposed on a person who has been convicted of an offense, the court may properly consider the following mitigating circumstances:

(1) The defendant's conduct neither caused nor threatened serious harm;

(2) The defendant did not contemplate that his conduct would cause or threaten serious harm;

(3) The defendant acted under a strong provocation;

(4) There were substantial grounds tending to excuse or justify the defendant's conduct, though failing to establish a defense;

(5) The victim of the defendant's conduct induced or facilitated its commission;

(6) The defendant has compensated or will compensate the victim of his conduct for the damage or injury that he sustained, or will participate in a program of community service;

(7) The defendant has no history of prior delinquency or criminal activity or has led a law-abiding life for a substantial period of time before the commission of the present offense;

(8) The defendant's conduct was the result of circumstances unlikely to recur;

(9) The character and attitude of the defendant indicate that he is unlikely to commit another offense;

(10) The defendant is particularly likely to respond affirmatively to probationary treatment;

(11) The imprisonment of the defendant would entail excessive hardship to himself or his dependents;

(12) The willingness of the defendant to cooperate with law enforcement authorities;

(13) The conduct of a youthful defendant was substantially influenced by another person more mature than the defendant.

c. (1) A plea of guilty by a defendant or failure to so plead shall not be considered in withholding or imposing a sentence of imprisonment.

(2) When imposing a sentence of imprisonment the court shall consider the defendant's eligibility for release under the law governing parole, including time credits awarded pursuant to Title 30 of the Revised Statutes, in determining the appropriate term of imprisonment.

d. Presumption of imprisonment. The court shall deal with a person who has been convicted of a crime of the first or second degree, or a crime of the third degree where the court finds that the aggravating factor in paragraph (5), (14) or (15) of subsection a. applies, by imposing a sentence of imprisonment unless, having regard to the character and condition of the defendant, it is of the opinion that his imprisonment would be a serious injustice which overrides the need to deter such conduct by others. Notwithstanding the provisions of subsection e. of this section, the court shall deal with a person who has been convicted of theft of a motor vehicle or of the unlawful taking of a motor vehicle and who has previously been convicted of either offense by imposing a sentence of imprisonment unless, having regard to the character and condition of the defendant, it is of the opinion that his imprisonment would be a serious injustice which overrides the need to deter such conduct by others.

e. The court shall deal with a person convicted of an offense other than a crime of the first or second degree, who has not previously been convicted of an offense, without imposing a sentence of imprisonment unless, having regard to the nature and circumstances of the offense and the history, character and condition of the defendant, it is of the opinion that his imprisonment is necessary for the protection of the public under the criteria set forth in subsection a., except that this subsection shall not apply if the court finds that the aggravating factor in paragraph (5), (14) or (15) of subsection a. applies or if the person is convicted of any of the following crimes of the third degree: theft of a motor vehicle; unlawful taking of a motor vehicle; eluding; strict liability vehicular homicide pursuant to section 1 of P.L.2017, c.165 (C.2C:11-5.3); if the person is convicted of a crime of the third degree constituting use of a false government document in violation of subsection c. of section 1 of P.L.1983, c.565 (C.2C:21-2.1); if the person is convicted of a crime of the third degree constituting distribution, manufacture or possession of an item containing personal identifying information in violation of subsection b. of section 6 of P.L.2003, c.184 (C.2C:21-17.3); if the person is convicted of a crime of the third or fourth degree constituting bias intimidation in violation of N.J.S.2C:16-1; if the person is convicted of a crime of the third degree under paragraph (12) of

subsection b. of N.J.S.2C:12-1 or section 2 of P.L.1997, c.111 (C.2C:12-1.1); or if the person is convicted of a crime of the third or fourth degree under the provisions of section 1 or 2 of P.L.2007, c.341 (C.2C:33-29 or C.2C:33-30).

f. Presumptive Sentences. (1) Except for the crime of murder, unless the preponderance of aggravating or mitigating factors, as set forth in 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 subparagraph (a) of this paragraph to a term of 15 years for a crime of the first degree;

(c) To a term of seven years for a crime of the second degree;

(d) To a term of four years for a crime of the third degree; and

(e) To a term of nine months for a crime of the fourth degree.

In imposing a minimum term pursuant to subsection b. of N.J.S.2C:43-6, the sentencing court shall specifically place on the record the aggravating factors set forth in this section which justify the imposition of a minimum term.

Unless the preponderance of mitigating factors set forth in subsection b. weighs in favor of a lower term within the limits authorized, sentences imposed pursuant to paragraph (1) of subsection a. of N.J.S.2C:43-7 shall have a presumptive term of life imprisonment. Unless the preponderance of aggravating and mitigating factors set forth in subsections a. and b. weighs in favor of a higher or lower term within the limits authorized, sentences imposed pursuant to paragraph (2) of subsection a. of N.J.S.2C:43-7 shall have a presumptive term of 50 years' imprisonment; sentences imposed pursuant to paragraph (3) of subsection a. of N.J.S.2C:43-7 shall have a presumptive term of 15 years' imprisonment; and sentences imposed pursuant to paragraph (4) of subsection a. of N.J.S.2C:43-7 shall have a presumptive term of seven years' imprisonment.

In imposing a minimum term pursuant to subsection b. of N.J.S.2C:43-7, the sentencing court shall specifically place on the record the aggravating factors set forth in this section which justify the imposition of a minimum term.

(2) In cases of convictions for crimes of the first or second degree where the court is clearly convinced that the mitigating factors substantially outweigh the aggravating factors and where the interest of justice demands,

the court may sentence the defendant to a term appropriate to a crime of one degree lower than that of the crime for which he was convicted. If the court does impose sentence pursuant to this paragraph, or if the court imposes a noncustodial or probationary sentence upon conviction for a crime of the first or second degree, such sentence shall not become final for 10 days in order to permit the appeal of such sentence by the prosecution.

g. Imposition of Noncustodial Sentences in Certain Cases. If the court, in considering the aggravating factors set forth in subsection a., finds the aggravating factor in paragraph (2), (5), (10), or (12) of subsection a. and does not impose a custodial sentence, the court shall specifically place on the record the mitigating factors which justify the imposition of a 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.

7. Section 1 of P.L.2006, c.28 (C.2B:12-17.2) is amended to read as follows:

C.2B:12-17.2 Motor vehicle offenses involving death, bodily injury, Superior Court exclusive jurisdiction; prosecution guidelines.

1. a. In any matter concerning Title 39 of the Revised Statutes where death or serious bodily injury has occurred, regardless of whether the death or serious bodily injury is an element of the offense or violation, the Superior Court shall have exclusive jurisdiction over the offense or violation until such time that the Superior Court transfers the matter to the municipal court. For the purposes of this section, the term "serious bodily injury" shall have the meaning set forth in subsection b. of N.J.S.2C:11-1.

b. The Attorney General may develop guidelines establishing procedures to be followed for prosecutions involving violations of N.J.S.2C:11-4, N.J.S.2C:11-5, section 1 of P.L.2017, c.165 (C.2C:11-5.3) or section 1 of P.L.1997, c.111 (C.2C:11-5.1) or criminal offenses involving serious bodily injury and underlying motor vehicle offenses arising from the same incident consistent with the provisions of P.L.2006, c.28 (C.2B:12-17.2 et al.).

8. N.J.S.2C:29-8 is amended to read as follows:

Corrupting or influencing a jury.

2C:29-8. Corrupting or Influencing a Jury.

Any person who, directly or indirectly, corrupts, influences or attempts to corrupt or influence a jury or juror to be more favorable to the one side than to the other by promises, persuasions, entreaties, threats, letters, money, entertainment or other sinister means; or any person who employs any unfair or fraudulent practice, art or contrivance to obtain a verdict, or attempts to instruct a jury or juror beforehand at any place or time, or in any manner or way, except in open court at the trial of the cause, by the strength of the evidence, the arguments of the parties or their counsel, or the opinion or charge of the court is guilty of a crime.

a. Corrupting or influencing a jury is a crime of the first degree if the conduct occurs in connection with an official proceeding involving any of the following crimes, as enumerated in subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2), and the actor employs force or threat of force:

(1) N.J.S.2C:11-3, murder;

(2) N.J.S.2C:11-4, aggravated manslaughter or manslaughter;

(3) N.J.S.2C:11-5, reckless vehicular homicide or strict liability vehicular homicide under the provisions of section 1 of P.L.2017, c.165 (C.2C:11-5.3);

(4) subsection b. of N.J.S.2C:12-1, aggravated assault;

(5) subsection b. of section 1 of P.L.1996, c.14 (C.2C:12-11), disarming a law enforcement officer;

(6) N.J.S.2C:13-1, kidnapping;

(7) subsection a. of N.J.S.2C:14-2, aggravated sexual assault;

(8) subsection b. of N.J.S.2C:14-2 and paragraph (1) of subsection c. of N.J.S.2C:14-2, sexual assault;

(9) N.J.S.2C:15-1, robbery;

(10) section 1 of P.L.1993, c.221 (C.2C:15-2), carjacking;

(11) paragraph (1) of subsection a. of N.J.S.2C:17-1, aggravated arson;

(12) N.J.S.2C:18-2, burglary;

(13) subsection a. of N.J.S.2C:20-5, extortion;

(14) subsection b. of section 1 of P.L.1997, c.185 (C.2C:35-4.1), booby traps in manufacturing or distribution facilities;

(15) N.J.S.2C:35-9, strict liability for drug induced deaths;

(16) section 2 of P.L.2002, c.26 (C.2C:38-2), terrorism;

(17) section 3 of P.L.2002, c.26 (C.2C:38-3), producing or possessing chemical weapons, biological agents or nuclear or radiological devices; or

(18) N.J.S.2C:41-2, racketeering, when it is a crime of the first degree.

b. Corrupting or influencing a jury is a crime of the second degree if the actor employs force or threat of force and the conduct occurs in connec-

tion with an action which does not involve any of the crimes enumerated in subsection a. of this section.

c. Otherwise, corrupting or influencing a jury is a crime of the third degree, provided, however, that the presumption of nonimprisonment set forth in subsection e. of 2C:44-1 for persons who have not previously been convicted of an offense shall not apply.

9. N.J.S.2C:52-2 is amended to read as follows:

Indictable offenses.

2C:52-2. Indictable Offenses.

a. In all cases, except as herein provided, wherein a person has been convicted of a crime under the laws of this State and who has not been convicted of any prior or subsequent crime, whether within this State or any other jurisdiction, and has not been convicted of a disorderly persons or petty disorderly persons offense on more than two occasions may, after the expiration of a period of 10 years from the date of his most recent conviction, payment of fine, satisfactory completion of probation or parole, or release from incarceration for that crime or for any disorderly persons or petty disorderly persons offense, whichever is later, present an expungement application to the Superior Court in the county in which the conviction for the crime was adjudged, which contains a duly verified petition as provided in N.J.S.2C:52-7 for the criminal conviction sought to be expunged, and may also contain additional duly verified petitions for no more than two convictions for any disorderly persons or petty disorderly persons offenses, praying that the conviction, or convictions if applicable, and all records and information pertaining thereto be expunged. The petition for each conviction appended to an application shall comply with the requirements set forth in N.J.S.2C:52-1 et seq.

Notwithstanding the provisions of the preceding paragraph, a petition may be filed and presented, and the court may grant an expungement pursuant to this section, although less than 10 years has expired in accordance with the requirements of the preceding paragraph where the court finds:

(1) less than 10 years has expired from the satisfaction of a fine, but the ten-year time requirement is otherwise satisfied, and the court finds that the person substantially complied with any payment plan ordered pursuant to N.J.S.2C:46-1 et seq., or could not do so due to compelling circumstances affecting his ability to satisfy the fine; or

(2) at least five years has expired from the date of his conviction, payment of fine, satisfactory completion of probation or parole, or release from

incarceration, whichever is later; the person has not been convicted of a crime, disorderly persons offense, or petty disorderly persons offense since the time of the conviction; and the court finds in its discretion that expungement is in the public interest, giving due consideration to the nature of the offense, and the applicant's character and conduct since conviction.

In determining whether compelling circumstances exist for the purposes of paragraph (1) of this subsection, a court may consider the amount of the fine or fines imposed, the person's age at the time of the offense, the person's financial condition and other relevant circumstances regarding the person's ability to pay.

Although subsequent convictions for no more than two disorderly or petty disorderly persons offenses shall not be an absolute bar to relief, the nature of those conviction or convictions and the circumstances surrounding them shall be considered by the court and may be a basis for denial of relief if they or either of them constitute a continuation of the type of unlawful activity embodied in the criminal conviction for which expungement is sought.

b. Records of conviction pursuant to statutes repealed by this Code for the crimes of murder, manslaughter, treason, anarchy, kidnapping, rape, forcible sodomy, arson, perjury, false swearing, robbery, embracery, or a conspiracy or any attempt to commit any of the foregoing, or aiding, assisting or concealing persons accused of the foregoing crimes, shall not be expunged.

Records of conviction for the following crimes specified in the New Jersey Code of Criminal Justice shall not be subject to expungement: N.J.S.2C:11-1 et seq. (Criminal Homicide), except death by auto as specified in N.J.S.2C:11-5 and strict liability vehicular homicide as specified in section 1 of P.L.2017, c.165 (C.2C:11-5.3); N.J.S.2C:13-1 (Kidnapping); section 1 of P.L.1993, c.291 (C.2C:13-6) (Luring or Enticing); section 1 of P.L.2005, c.77 (C.2C:13-8) (Human Trafficking); N.J.S.2C:14-2 (Sexual Assault or Aggravated Sexual Assault); subsection a. of N.J.S.2C:14-3 (Aggravated Criminal Sexual Contact); if the victim is a minor, subsection b. of N.J.S.2C:14-3 (Criminal Sexual Contact); if the victim is a minor and the offender is not the parent of the victim, N.J.S.2C:13-2 (Criminal Restraint) or N.J.S.2C:13-3 (False Imprisonment); N.J.S.2C:15-1 (Robbery); N.J.S.2C:17-1 (Arson and Related Offenses); subsection a. of N.J.S.2C:24-4 (Endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child, or causing the child other harm); paragraph (4) of subsection b. of N.J.S.2C:24-4 (Photographing or filming a child in a prohibited sexual act or for portrayal in a sexually sug-

gestive manner); paragraph (3) of subsection b. of N.J.S.2C:24-4 (Causing or permitting a child to engage in a prohibited sexual act or the simulation of an act, or to be portrayed in a sexually suggestive manner); subparagraph (a) of paragraph (5) of subsection b. of N.J.S.2C:24-4 (Distributing, possessing with intent to distribute or using a file-sharing program to store items depicting the sexual exploitation or abuse of a child); subparagraph (b) of paragraph (5) of subsection b. of N.J.S.2C:24-4 (Possessing or viewing items depicting the sexual exploitation or abuse of a child); section 8 of P.L.2017, c.141 (C.2C:24-4.1) (Leader of a child pornography network); N.J.S.2C:28-1 (Perjury); N.J.S.2C:28-2 (False Swearing); paragraph (4) of subsection b. of N.J.S.2C:34-1 (Knowingly promoting the prostitution of the actor's child); section 2 of P.L.2002, c.26 (C.2C:38-2) (Terrorism); subsection a. of section 3 of P.L.2002, c.26 (C.2C:38-3) (Producing or Possessing Chemical Weapons, Biological Agents or Nuclear or Radiological Devices); and conspiracies or attempts to commit such crimes.

Records of conviction for any crime committed by a person holding any public office, position or employment, elective or appointive, under the government of this State or any agency or political subdivision thereof and any conspiracy or attempt to commit such a crime shall not be subject to expungement if the crime involved or touched such office, position or employment.

c. In the case of conviction for the sale or distribution of a controlled dangerous substance or possession thereof with intent to sell, expungement shall be denied except where the crimes involve:

(1) Marijuana, where the total quantity sold, distributed or possessed with intent to sell was 25 grams or less;

(2) Hashish, where the total quantity sold, distributed or possessed with intent to sell was five grams or less; or

(3) Any controlled dangerous substance provided that the conviction is of the third or fourth degree, where the court finds that expungement is consistent with the public interest, giving due consideration to the nature of the offense and the petitioner's character and conduct since conviction.

d. In the case of a State licensed physician or podiatrist convicted of an offense involving drugs or alcohol or pursuant to section 14 or 15 of P.L.1989, c.300 (C.2C:21-20 or 2C:21-4.1), the court shall notify the State Board of Medical Examiners upon receipt of a petition for expungement of the conviction and records and information pertaining thereto.

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

Licensing of drivers; classification.

39:3-10. A person shall not drive a motor vehicle on a public highway in this State unless the person is under supervision while participating in a behind-the-wheel driving course pursuant to section 6 of P.L.1977, c.25 (C.39:3-13.2a) or is in possession of a validated permit, or a probationary or basic driver's license issued to that person in accordance with this article.

A person under 18 years of age shall not be issued a basic license to drive motor vehicles, and a person shall not be issued a validated permit, including a validated examination permit, until the applicant has passed a satisfactory examination and other requirements as to the applicant's ability as an operator. The examination shall include: a test of the applicant's vision; the applicant's ability to understand traffic control devices; the applicant's knowledge of safe driving practices, including the dangers of driving a vehicle in an aggressive manner, which shall include, but not be limited to, unexpectedly altering the speed of a vehicle, making improper or erratic traffic lane changes, disregarding traffic control devices, failing to yield the right of way, and following another vehicle too closely; the applicant's knowledge of the effects that ingestion of alcohol or drugs has on a person's ability to operate a motor vehicle; the applicant's knowledge of the dangers of carbon monoxide poisoning from motor vehicles and techniques for the safe operation and proper maintenance of a motor vehicle; the applicant's knowledge of portions of the mechanism of motor vehicles as is necessary to insure the safe operation of a vehicle of the kind or kinds indicated by the applicant; and the applicant's knowledge of the laws and ordinary usages of the road. A person shall not sit for an examination for any permit without exhibiting photo identification deemed acceptable by the commission, unless that person is a high school student participating in a course of automobile driving education approved by the State Department of Education and conducted in a public, parochial, or private school of this State, pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1). The commission may waive the written law knowledge examination for any person 18 years of age or older possessing a valid driver's license issued by any other state, the District of Columbia, or the United States Territories of American Samoa, Guam, Puerto Rico, or the Virgin Islands. The commission shall be required to provide that person with a booklet that highlights those motor vehicle laws unique to New Jersey. A road test shall be required for a probationary license and serve as a demonstration of the applicant's ability to operate a vehicle of the class designated. During the road test, an applicant may use a rear visibility system, parking sensors, or other technology in-

stalled on the motor vehicle that enables the applicant to view areas directly behind the vehicle or alerts the applicant of obstacles while parking.

A person shall not sit for a road test unless that person exhibits photo identification deemed acceptable by the commission. A high school student who has completed a course of behind-the-wheel automobile driving education approved by the State Department of Education and conducted in a public, parochial, or private school of this State, who has been issued a special learner's permit pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1) prior to January 1, 2003, shall not be required to exhibit photo identification in order to sit for a road test. The commission may waive the road test for any person 18 years of age or older possessing a valid driver's license issued by any other state, the District of Columbia, or the United States Territories of American Samoa, Guam, Puerto Rico, or the Virgin Islands. The road test shall be given on public streets, where practicable and feasible, but may be preceded by an off-street screening process to assess basic skills. The commission shall approve locations for the road test which pose no more than a minimal risk of injury to the applicant, the examiner, and other motorists. New locations for the road test shall not be approved unless the test can be given on public streets.

A person who successfully completes a road test for a motorcycle license or a motorcycle endorsement when operating a motorcycle or motorized scooter with an engine displacement of less than 231 cubic centimeters shall be issued a motorcycle license or endorsement restricting the person's operation of the vehicles to any motorcycle with an engine displacement of 500 cubic centimeters or less. A person who successfully completes a road test for a motorcycle license or motorcycle endorsement when operating a motorcycle with an engine displacement of 231 or more cubic centimeters shall be issued a motorcycle license or endorsement without any restriction as to engine displacement. Any person who successfully completes an approved motorcycle safety education course established pursuant to the provisions of section 1 of P.L.1991, c.452 (C.27:5F-36) shall be issued a motorcycle license or endorsement without restriction as to engine displacement.

The commission shall issue a basic driver's license to operate a motor vehicle other than a motorcycle to a person over 18 years of age who previously has not been licensed to drive a motor vehicle in this State or another jurisdiction only if that person has: (1) operated a passenger automobile in compliance with the requirements of this Title for not less than one year, not including any period of suspension or postponement, from the date of issuance of a probationary license pursuant to section 4 of P.L.1950, c.127 (C.39:3-13.4); (2) not been assessed more than two motor vehicle points;

(3) not been convicted in the previous year for a violation of R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-50.4a), section 1 of P.L.1992, c.189 (C.39:4-50.14), R.S.39:4-129, N.J.S.2C:11-5, section 1 of P.L.2017, c.165 (C.2C:11-5.3), subsection c. of N.J.S.2C:12-1, or any other motor vehicle-related violation the commission determines to be significant and applicable pursuant to regulation; and (4) passed an examination of the applicant's ability to operate a motor vehicle pursuant to this section.

The commission shall expand the driver's license examination by 20 percent. The additional questions to be added shall consist solely of questions developed in conjunction with the Department of Health concerning the use of alcohol or drugs as related to highway safety. The commission shall develop, in conjunction with the Department of Health, supplements to the driver's manual which shall include information necessary to answer any question on the driver's license examination concerning alcohol or drugs as related to highway safety.

Up to 20 questions may be added to the examination on subjects to be determined by the commission that are of particular relevance to youthful drivers, including the dangers of driving a vehicle in an aggressive manner, which shall include, but not be limited to, unexpectedly altering the speed of a vehicle, making improper or erratic traffic lane changes, disregarding traffic control devices, failing to yield the right of way, and following another vehicle too closely, after consultation with the Director of the Division of Highway Traffic Safety in the Department of Law and Public Safety.

The commission shall expand the driver's license examination to include a question asking whether the applicant is aware of the provisions of the "Revised Uniform Anatomical Gift Act," P.L.2008, c.50 (C.26:6-77 et al.) and the procedure for indicating on the driver's license the intention to make a donation of body organs or tissues pursuant to section 1 of P.L.1978, c.181 (C.39:3-12.2).

The commission shall expand the driver's license examination to include a question asking whether the applicant is aware of the dangers of failing to comply with this State's motor vehicle traffic laws and the "STOP for Nikhil Safety Pledge" set forth in subsection e. of R.S.39:3-41.

The commission shall expand the driver's license examination to include questions concerning the dangers of carbon monoxide poisoning from motor vehicles and techniques for the safe operation and proper maintenance of a motor vehicle.

Any person applying for a driver's license to operate a motor vehicle or motorized bicycle in this State shall surrender to the commission any current driver's license issued to the applicant by another state or jurisdiction

upon the applicant's receipt of a driver's license for this State. The commission shall refuse to issue a driver's license if the applicant fails to comply with this provision. An applicant for a permit or license who is less than 18 years of age, and who holds a permit or license for a passenger automobile issued by another state or country that is valid or has expired within a time period designated by the commission, shall be subject to the permit and license requirements and penalties applicable to State permit and license applicants who are of the same age; except that if the other state or country has permit or license standards substantially similar to those of this State, the credentials of the other state or country shall be acceptable.

The commission shall create classified licensing of drivers covering the following classifications:

a. Motorcycles, except that for the purposes of this section, motorcycle shall not include any three-wheeled motor vehicle equipped with a single cab with glazing enclosing the occupant, seats similar to those of a passenger vehicle or truck, seat belts and automotive steering or any vehicle defined as a motorcycle pursuant to R.S.39:1-1 having a motor with a maximum piston displacement that is less than 50 cubic centimeters or a motor that is rated at no more than 1.5 brake horsepower with a maximum speed of no more than 35 miles per hour on a flat surface.

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

c. (Deleted by amendment, P.L.1999, c.28)

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

Every applicant for a license under classification b. shall be a holder of a basic driver's license. Any issuance of a license under classification b. shall be by endorsement on the basic driver's license.

A driver's license for motorcycles may be issued separately, but if issued to the holder of a basic driver's license, it shall be by endorsement on the basic driver's license. The holder of a basic driver's license or a separately issued motorcycle license shall be authorized to operate a motorcycle having a motor with a maximum piston displacement that is less than 50 cubic centimeters or a motor that is rated at no more than 1.5 brake horsepower with a maximum speed no more than 35 miles per hour on a flat surface.

The commission, upon payment of the lawful fee and after it or a person authorized by it has examined the applicant and is satisfied of the applicant's ability as an operator, may, in its discretion, issue a license to the

applicant to drive a motor vehicle. The license shall authorize the person to drive any registered vehicle, of the kind or kinds indicated.

The license shall expire, except as otherwise provided, during the fourth calendar year following the date in which the license was issued and on the same calendar day as the person's date of birth. If the person's date of birth does not correspond to a calendar day of the fourth calendar year, the license shall expire on the last day of the person's birth month.

The commission may, at its discretion and for good cause shown, issue licenses which shall expire on a date fixed by it. If the commission issues a license to a person who has demonstrated authorization to be present in the United States for a period of time shorter than the standard period of the license, the commission shall fix the expiration date of the license at a date based on the period in which the person is authorized to be present in the United States under federal immigration laws. The commission may renew the license only if it is demonstrated that the person's continued presence in the United States is authorized under federal law. The fee for licenses with expiration dates fixed by the commission shall be fixed by the commission in amounts proportionately less or greater than the fee herein established.

The required fee for a license for the license period shall be as follows:

Motorcycle license or endorsement: $18.

Omnibus or school bus endorsement: $18.

Basic driver's license: $18.

The commission shall waive the payment of fees for issuance of omnibus endorsements whenever an applicant establishes to the commission's satisfaction that the applicant will use the omnibus endorsement exclusively for operating omnibuses owned by a nonprofit organization duly incorporated under Title 15 or 16 of the Revised Statutes or Title 15A of the New Jersey Statutes.

The commission shall issue licenses for the following license period on and after the first day of the calendar month immediately preceding the commencement of the period, the licenses to be effective immediately.

All applications for renewals of licenses shall be made in a manner prescribed by the commission and in accordance with procedures established by it.

The commission in its discretion may refuse to grant a permit or license to drive motor vehicles to a person who is, in its estimation, not a proper person to be granted a permit or license, but a defect of the applicant shall not debar the applicant from receiving a permit or license unless it can be shown by tests approved by the commission that the defect incapacitates the applicant from safely operating a motor vehicle.

In addition to requiring an applicant for a driver's license to submit satisfactory proof of identity and age, the commission also shall require the applicant to provide, as a condition for obtaining a permit and license, satisfactory proof that the applicant's presence in the United States is authorized under federal law.

If the commission has reasonable cause to suspect that any document presented by an applicant as proof of identity, age, or legal residency is altered, false, or otherwise invalid, the commission shall refuse to grant the permit or license until the time when the document may be verified by the issuing agency to the commission's satisfaction.

A person violating this section shall be subject to a fine not exceeding $500 or imprisonment in the county jail for not more than 60 days, but if that person has never been licensed to drive in this State or any other jurisdiction, the applicant shall be subject to a fine of not less than $200 and, in addition, the court shall issue an order to the commission requiring the commission to refuse to issue a license to operate a motor vehicle to the person for a period of not less than 180 days. The penalties provided for by this paragraph shall not be applicable in cases where failure to have actual possession of the operator's license is due to an administrative or technical error by the commission.

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

As used in this section:

"Parking sensors" means proximity sensors which use either electromagnetic or ultrasonic technology and are designed to alert the driver to obstacles while parking.

"Rear visibility system" means devices or components installed on a motor vehicle at the time of manufacture that allow a forward facing driver to view a visual image of the area directly behind the vehicle.

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

Examination permits.

39:3-13. The chief administrator may, in the chief administrator's discretion, issue to a person over 17 years of age an examination permit, under the hand and seal of the chief administrator, allowing such person, for the purpose of fitting the person to become a licensed driver, to operate a designated class of motor vehicles other than passenger automobiles and motorcycles for a specified period of not more than 90 days, while in the com-

pany and under the supervision of a driver licensed to operate such designated class of motor vehicles.

The chief administrator, in the chief administrator's discretion, may issue for a specified period of not less than one year a passenger automobile or motorcycle-only examination permit to a person over 17 years of age regardless of whether a person has completed a course of behind-the-wheel automobile driving education pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1). An examination permit applicant who is under 18 years of age shall obtain the signature of a parent or guardian for submission to the commission on a form prescribed by the chief administrator. The chief administrator shall postpone for six months the driving privileges of any person who submits a fraudulent signature for a parent or guardian.

For six months immediately following the validation of an examination permit, and until the holder passes the road test, the holder who is less than 21 years of age shall operate the passenger automobile only when accompanied by, and under the supervision of, a New Jersey licensed driver who is at least 21 years of age and has been licensed to drive a passenger automobile for not less than three years. The holder of an examination permit who is at least 21 years of age shall operate the passenger automobile for the first three months under such supervision and until the holder passes the road test. The supervising driver of the passenger automobile shall sit in the front seat of the vehicle. Whenever operating a vehicle while in possession of an examination permit, the holder of the permit shall operate the passenger automobile with only one additional passenger in the vehicle excluding dependents of the permit holder, except that this passenger restriction shall not apply when the permit holder is at least 21 years of age or when the permit holder is accompanied by a parent or guardian. Further, the holder of the passenger automobile permit who is less than 21 years of age shall not drive during the hours between 11:01 p.m. and 5 a.m.; provided, however, that this condition may be waived for an emergency which, in the judgment of local police, is of sufficient severity and magnitude to substantially endanger the health, safety, welfare, or property of a person, or for any bona fide employment or religion-related activity if the employer or appropriate religious authority provides written verification of such activity in a manner provided for by the chief administrator. The holder of the examination permit shall not use any hand-held or hands-free interactive wireless communication device, except in an emergency, while operating a moving passenger automobile on a public road or highway. "Use" shall include, but not be limited to, talking or listening on any hand-held or hands-free interactive wireless communication device or operating its keys,

buttons, or other controls. The passenger automobile permit holder shall ensure that all occupants of the vehicle are secured in a properly adjusted and fastened seat belt or child restraint system.

The holder of an examination permit subject to the provisions of section 1 of P.L.1977, c.23 (C.39:3-10b) shall not operate a motorcycle at any time from a half-hour after sunset to a half-hour before sunrise. A motorcycle operated by the holder of an examination permit shall carry only the operator and shall not be operated on any toll road over which the New Jersey Turnpike Authority or the South Jersey Transportation Authority has jurisdiction or on any limited-access interstate highway.

The holder of any examination permit shall not operate a motorcycle having a motor with a maximum piston displacement that is less than 50 cubic centimeters or a motor that is rated at no more than 1.5 brake horsepower with a maximum speed of no more than 35 miles per hour on a flat surface at any time from a half-hour after sunset to a half-hour before sunrise and shall not operate the motorcycle with any other passenger. The holder of any examination permit shall not operate such a motorcycle upon limited-access interstate highways or public roads or highways with a posted speed limit greater than 35 miles per hour.

An applicant for an examination permit subject to the provisions of section 1 of P.L.1977, c.23 (C.39:3-10b), who is less than 18 years of age, shall be required to successfully complete a motorcycle safety education course established pursuant to the provisions of section 1 of P.L.1991, c.452 (C.27:5F-36) as a condition for obtaining a motorcycle license or endorsement.

The chief administrator shall provide the holder of an examination permit with two removable, transferable, highly visible, reflective decals indicating that the driver of the vehicle may be the holder of an examination permit. The decals shall be designed by the chief administrator, in consultation with the Division of Highway Traffic Safety in the Department of Law and Public Safety. The chief administrator may charge a fee for the decals not to exceed the actual cost of producing and distributing the decals. The decals shall be displayed in a manner prescribed by the chief administrator, in consultation with the Division of Highway Traffic Safety in the Department of Law and Public Safety, and shall be clearly visible to law enforcement officers. The holder of an examination permit shall not operate a vehicle unless the decals are displayed. The decal shall be removed once the driver's examination permit period has ended.

When notified by a court of competent jurisdiction that an examination permit holder has been convicted of a violation which causes the permit

holder to accumulate more than two motor vehicle points or has been convicted of a violation of R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; section 1 of P.L.2017, c.165 (C.2C:11-5.3), subsection c. of N.J.S.2C:12-1; or any other motor vehicle-related law the chief administrator deems significant and applicable pursuant to regulation, in addition to any other penalty that may be imposed, the chief administrator shall, without the exercise of discretion or a hearing, suspend the examination permit holder's examination permit for 90 days. The chief administrator shall restore the permit following the term of the permit suspension if the permit holder satisfactorily completes a remedial training course of not less than four hours which may be given by the commission, a driving school licensed by the chief administrator pursuant to section 2 of P.L.1951, c.216 (C.39:12-2), or any Statewide safety organization approved by the chief administrator. The course shall be subject to oversight by the commission according to its guidelines. The permit holder shall also remit a course fee prior to the commencement of the course. The chief administrator also shall postpone without the exercise of discretion or a hearing the issuance of a basic license for 90 days if the chief administrator is notified by a court of competent jurisdiction that the examination permit holder, after completion of the remedial training course, has been convicted of any motor vehicle violation which results in the imposition of any motor vehicle points or has been convicted of a violation of R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5, subsection c. of N.J.S.2C:12-1; or any other motor vehicle-related law the chief administrator deems significant and applicable pursuant to regulation. When the chief administrator is notified by a court of competent jurisdiction that an examination permit holder has been convicted of any alcohol or drug-related offense unrelated to the operation of a motor vehicle and is not otherwise subject to any other suspension penalty therefor, the chief administrator shall, without the exercise of discretion or a hearing, suspend the examination permit for six months.

An examination permit for a motorcycle or a commercial motor vehicle issued to a person with a disability, as determined by the New Jersey Motor Vehicle Commission after consultation with the Department of Education, shall be valid for nine months or until the completion of the road test portion of the license examination, whichever period is shorter.

Each permit shall be sufficient license for the person to operate such designated class of motor vehicles in this State during the period specified, while in the company of and under the control of a driver licensed by this

State to operate such designated class of motor vehicles, or, in the case of a commercial driver license permit, while in the company of and under the control of a holder of a valid commercial driver license for the appropriate license class and with the appropriate endorsements issued by this or any other state. Such person, as well as the licensed driver, except for a motor vehicle examiner administering a driving skills test, shall be held accountable for all violations of this subtitle committed by such person while in the presence of the licensed driver. In addition to requiring an applicant for an examination permit to submit satisfactory proof of identity and age, the chief administrator also shall require the applicant to provide, as a condition for obtaining the permit, satisfactory proof that the applicant's presence in the United States is authorized under federal law. If the chief administrator has reasonable cause to suspect that any document presented by an applicant as proof of identity, age, or legal residency is altered, false, or otherwise invalid, the chief administrator shall refuse to grant the permit until such time as the document may be verified by the issuing agency to the chief administrator's satisfaction.

The holder of an examination permit shall be required to take a road test in order to obtain a probationary license. No road test for any person who has been issued an examination permit to operate a passenger vehicle shall be given unless the person has met the requirements of this section. No road test for a probationary license shall be given unless the applicant has first secured an examination permit and no such road test shall be scheduled for an applicant who has secured an examination permit for a passenger vehicle or a motorcycle for which an endorsement is not required until at least six months for an applicant under 21 years of age or three months for an applicant 21 years of age or older shall have elapsed following the validation of the examination permit for practice driving or, in the case of an examination permit for other vehicles, until 20 days have elapsed. In the case of an omnibus endorsement or school bus, no road test shall be scheduled until at least 10 days shall have elapsed. Every applicant for an examination permit to qualify for an omnibus endorsement or an articulated vehicle endorsement shall be a holder of a valid basic driver's license.

The required fees for special learner's permits and examination permits shall be as follows:

Basic driver's license.....up to $10
Motorcycle license or endorsement.....$ 5
Omnibus or school bus endorsement.....$25

The chief administrator shall waive the payment of fees for issuance of examination permits for omnibus endorsements whenever the applicant establishes to the chief administrator's satisfaction that said applicant will use the omnibus endorsement exclusively for operating omnibuses owned by a nonprofit organization duly incorporated under Title 15 or 16 of the Revised Statutes or Title 15A of the New Jersey Statutes.

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

As a condition for the issuance of an examination permit under this section, the chief administrator shall secure a digitized picture of the applicant. The picture shall be stored in a manner prescribed by the chief administrator and may be displayed on the examination permit.

The chief administrator may require that whenever a person to whom an examination permit has been issued has reconstructive or cosmetic surgery which significantly alters the person's facial features, the person shall notify the chief administrator who may require the picture of the person to be updated.

Specific use of the examination permit and any information stored or encoded, electronically or otherwise, in relation thereto shall be in accordance with P.L.1997, c.188 (C.39:2-3.3 et seq.) and the federal "Driver's Privacy Protection Act of 1994," Pub.L.103-322. Notwithstanding the provisions of any other law to the contrary, the digitized picture or any access thereto or any use thereof shall not be sold, leased, or exchanged for value.

12. Section 6 of P.L.1977, c.25 (C.39:3-13.2a) is amended to read as follows:

C.39:3-13.2a Special learner's permit; use, hours.

6. a. Any person to whom a special learner's permit has been issued pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1), upon successful completion of a State approved written examination, eye examination, and an approved minimum six-hour behind-the-wheel driving course, shall be entitled to retain the special learner's permit in his own possession. The special learner's permit shall be validated by the commission for the purpose of driving a motor vehicle on a public highway in this State after the holder has successfully met the necessary examination requirements, and

upon the successful completion of a behind-the-wheel driving course. Such person may operate a motor vehicle of the class for which a basic driver's license is required except during the hours between 11:01 p.m. and 5:00 a.m. while in the company and under the supervision, from the front passenger seat, of a licensed motor vehicle driver of this State who is over 21 years of age and has been licensed to drive a passenger automobile for at least three years. Such special permit shall be valid until such person's seventeenth birthday or until he qualifies for a probationary license. Except during an instructional period of a behind-the-wheel driving course, the holder of a special permit shall operate a passenger automobile with only the following passengers: (1) the supervising passenger; (2) any parent, guardian, or dependent of the special permit holder; and (3) one additional passenger. The holder of the special learner's permit shall not use any hand-held or hands-free interactive wireless communication device, except in an emergency, while operating a moving passenger automobile on a public road or highway. "Use" shall include, but not be limited to, talking or listening on any hand-held or hands-free interactive wireless communication device or operating its keys, buttons, or other controls. All occupants of the automobile shall be secured in a properly adjusted and fastened seat belt or child restraint system.

The chief administrator shall provide the holder of a special learner's permit with two removable, transferable, highly visible, reflective decals indicating that the driver of the vehicle may be the holder of a special learner's permit. The decals shall be designed by the chief administrator, in consultation with the Division of Highway Traffic Safety in the Department of Law and Public Safety. The chief administrator may charge a fee for the decals not to exceed the actual cost of producing and distributing the decals. The decals shall be displayed in a manner prescribed by the chief administrator, in consultation with the Division of Highway Traffic Safety in the Department of Law and Public Safety, and shall be clearly visible to law enforcement officers. The holder of a special learner's permit shall not operate a vehicle unless the decals are displayed. The decal shall be removed once the driver's special learner's permit period has ended.

b. When notified by a court of competent jurisdiction that a special learner's permit holder has been convicted of a violation which causes the permit holder to accumulate more than two motor vehicle points or has been convicted of a violation of R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; section 1 of P.L.2017, c.165 (C.2C:11-5.3), subsection c. of N.J.S.2C:12-1; or any other motor vehicle-related law the chief administrator determines

to be significant and applicable pursuant to regulation, and in addition to any other penalty that may be imposed, the chief administrator shall, without the exercise of discretion or a hearing, suspend the holder's special learner's permit for 90 days. The chief administrator shall restore the permit following the term of the permit suspension if the permit holder, regardless of age, satisfactorily completes a remedial training course of not less than four hours which may be given by the commission, a driving school licensed by the chief administrator pursuant to section 2 of P.L.1951, c.216 (C.39:12-2), or any Statewide safety organization approved by the chief administrator. The course shall be administered pursuant to rules and regulations promulgated by the chief administrator and subject to oversight by the commission. The authority of the chief administrator to suspend, revoke, or deny issuance of an initial or renewal license to operate a driving school or an instructor's license, and to assess fines, pursuant to P.L.1951, c.216 (C.39:12-1 et seq.) shall apply to any violations related to the administration of a remedial training course. The permit holder shall also remit a course fee prior to the commencement of the course. If, after completion of the remedial training course, the chief administrator is notified by a court of competent jurisdiction that the special learner's permit holder has been convicted of any motor vehicle violation which results in the imposition of any motor vehicle points or has been convicted of a violation of R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1; or any other motor vehicle-related law the chief administrator deems significant and applicable pursuant to regulation, the chief administrator, without the exercise of discretion or a hearing, shall also postpone the issuance of a basic license for 90 days. When the chief administrator is notified by a court of competent jurisdiction that a special learner's permit holder has been convicted of any alcohol or drug-related offense unrelated to the operation of a motor vehicle and he is not otherwise subject to any other suspension penalty therefor, the chief administrator shall, without the exercise of discretion or a hearing, suspend the special learner's permit for six months.

13. Section 4 of P.L.1950, c.127 (C.39:3-13.4) is amended to read as follows:

C.39:3-13.4 Probationary driver's license.

4. a. The holder of a special learner's permit shall be entitled to a probationary driver's license (1) upon attaining the age of 17 years, (2) upon the satisfactory completion of an approved behind-the-wheel driver training

course as indicated upon the face of the special permit over the signature of the principal of the school or the person operating the driving school in which the course was conducted, (3) upon the completion of six months' driving experience with a validated special learner's permit in compliance with the provisions of section 6 of P.L.1977, c.25 (C.39:3-13.2a), and (4) upon passing the road test pursuant to R.S.39:3-10.

b. The holder of a probationary license shall be permitted to operate the passenger automobile with only one additional passenger in the vehicle besides any dependent of the probationary license holder, except that this passenger restriction shall not apply when the holder of the probationary license is at least 21 years of age or the probationary license holder is accompanied by a parent or guardian. Further, the holder of the probationary license who is under 21 years of age shall not drive during the hours between 11:01 p.m. and 5 a.m.; provided however, that this condition may be waived for an emergency which, in the judgment of local police, is of sufficient severity and magnitude to substantially endanger the health, safety, welfare, or property of a person or for any bona fide employment or religion-related activity if the employer or appropriate religious authority provides written verification of such activity in a manner provided for by the chief administrator.

c. The holder of the probationary license shall not use any hand-held or hands-free interactive wireless communication device, except in an emergency, while operating a moving passenger automobile on a public road or highway. "Use" shall include, but not be limited to, talking or listening on any hand-held or hands-free interactive wireless communication device or operating its keys, buttons, or other controls. In addition, the holder of the probationary license shall ensure that all occupants of the vehicle are secured in a properly adjusted and fastened seat belt or child restraint system.

d. In addition to any other penalties provided under law, the holder of a probationary license who accumulates more than two motor vehicle points or is convicted of a violation of R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; section 1 of P.L.2017, c.165 (C.2C:11-5.3); subsection c. of N.J.S.2C:12-1; or any other motor vehicle law the chief administrator deems to be significant and applicable pursuant to regulation shall, for the first violation, be required to satisfactorily complete a remedial training course of not less than four hours which may be given by the commission, a driving school licensed by the chief administrator pursuant to section 2 of P.L.1951, c.216 (C.39:12-2), or any Statewide safety organization approved

by the chief administrator. The course shall be administered pursuant to rules and regulations promulgated by the chief administrator and subject to oversight by the commission. The authority of the chief administrator to suspend, revoke, or deny issuance of an initial or renewal license to operate a driving school or an instructor's license, and to assess fines, pursuant to P.L.1951, c.216 (C.39:12-1 et seq.) shall apply to any violations related to the administration of a remedial training course. The license holder shall also remit a course fee prior to the commencement of the course.

e. When notified by a court of competent jurisdiction that a probationary license holder has been convicted of a second or subsequent violation, in addition to any other penalties provided under law, the chief administrator shall, without the exercise of discretion or a hearing, suspend the probationary license for three months, and shall postpone eligibility for a basic license for an equivalent period. In addition, when the chief administrator is notified by a court of competent jurisdiction that a probationary license holder has been convicted of any alcohol or drug-related offense unrelated to the operation of a motor vehicle, and he is not otherwise subject to any other suspension penalty therefor, the chief administrator shall, without the exercise of discretion or a hearing, suspend the probationary license for six months.

f. The chief administrator shall provide the holder of a probationary license with two removable, transferable, highly visible, reflective decals indicating that the driver of the vehicle may be the holder of a probationary license. The decals shall be designed by the chief administrator, in consultation with the Division of Highway Traffic Safety in the Department of Law and Public Safety. The chief administrator may charge a fee for the decals not to exceed the actual cost of producing and distributing the decals. The decals shall be displayed in a manner prescribed by the chief administrator, in consultation with the Division of Highway Traffic Safety in the Department of Law and Public Safety, and shall be clearly visible to law enforcement officers. The holder of a probationary license shall not operate a vehicle unless the decals are displayed. The decal shall be removed once the driver's probationary license period has ended.

g. A probationary license may be sent by mail and shall be clearly identifiable and distinguishable in appearance from a basic license by any name, mark, color, or device deemed appropriate by the chief administrator.

14. Section 3 of P.L.1959, c.56 (C.39:3-33.5) is amended to read as follows:

C.39:3-33.5 Restrictions upon issuance of certain license plates.

3. Except as provided for courtesy marks in section 2 of P.L.2000, c.15 (C.39:3-33.5a), no particular identifying mark or special organization license plate issued pursuant to P.L.1987, c.374 (C.39:3-27.35) may be issued to any applicant who:

(a) for the 10-year period next preceding the date of application for a particular identifying mark or special organization license plate has been convicted of a violation of either section 39:4-50, or section 39:4-96 of this Title or section 2 of P.L.1966, c.142 (C.39:4-50.2) or has been convicted of a violation of a law of a substantially similar nature in another jurisdiction; or

(b) has been convicted of a violation of N.J.S.2C:11-5 or section 1 of P.L.2017, c.165 (C.2C:11-5.3); or

(c) for the two-year period next preceding his application for a particular identifying mark or a special organization license plate has had his driving privileges in this State or in another jurisdiction revoked or suspended for any reason whatsoever.

15. Section 2 of P.L.2000, c.15 (C.39:3-33.5a) is amended to read as follows:

C.39:3-33.5a Restrictions upon issuance of courtesy mark.

2. No courtesy mark may be issued to any applicant who:

a. has been convicted of a violation of either section 39:4-50, or section 39:4-96 of this Title or section 2 of P.L.1966, c.142 (C.39:4-50.2) or has been convicted of a violation of a law of a substantially similar nature in another jurisdiction; or

b. has been convicted of a violation of N.J.S.2C:11-5 or section 1 of P.L.2017, c.165 (C.2C:11-5.3); or

c. for the two-year period next preceding his application for a courtesy mark has had his driving privileges in this State or in another jurisdiction revoked or suspended for any reason whatsoever.

16. Section 7 of P.L.2011, c.13 (C.39:3-76.11) is amended to read as follows:

C.39:3-76.11 Certain motorcycles prohibited on certain roads.

7. A motorcycle having a motor with a maximum piston displacement that is less than 50 cubic centimeters or a motor that is rated at no more than 1.5 brake horsepower with a maximum speed of no more than 35 miles per hour on a flat surface shall not be operated upon limited-access

interstate highways or public roads or highways with posted speed limits greater than 35 miles per hour.

Every person operating a motorcycle upon a public road or highway shall be subject to all of the duties applicable to the driver of a vehicle under chapter 4 of Title 39 of the Revised Statutes , N.J.S.2C:11-5 , section 1 of P.L.2017, c.165 (C.2C:11-5.3) and all amendments and supplements thereto.

17. Section 2 of P.L.2003, c.23 (C.39:5-54) is amended to read as follows:

C.39:5-54 Procedure for law enforcement officer stopping person with diplomatic immunity.

2. Whenever a person with diplomatic immunity is stopped by a State, county or municipal law enforcement officer who has probable cause to believe that the person has violated N.J.S.2C:11-5, section 1 of P.L.2017, c.165 (C.2C:11-5.3), subsection c. of N.J.S.2C:12-1, R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-50.4a) or section 2 of P.L.1972, c.197 (C.39:6B-2), or has committed a motor vehicle moving violation, the law enforcement officer shall:

a. As soon as practicable, contact the United States Department of State office to verify the driver's status and immunity;

b. Record all relevant information from the person's driver's license or identification card, including a driver's license or identification card issued by the United States Department of State;

c. Within five working days after the date of the stop, forward to the Division of Motor Vehicles the following information:

(1) A vehicle accident report if the person was involved in an accident;

(2) A copy of any citation or other charging document that was issued, if any; and

(3) A written report describing the incident if no citation or charging document was issued.

18. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 166

AN ACT concerning parking for persons with a disability and amending P.L.1949, c.280.

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

1. Section 1 of P.L.1949, c.280 (C.39:4-204) is amended to read as follows:

C.39:4-204 "Person with a disability" defined.

1. The phrase "person with a disability" means:

a. any person who has lost the use of one or more limbs as a consequence of paralysis, amputation, or other permanent disability or who has a permanent disability as to be unable to ambulate without the aid of an assisting device or whose mobility is otherwise limited as certified by a physician with a plenary license to practice medicine and surgery in this State or a bordering State; a podiatrist licensed to practice in this State or a bordering state; a physician stationed at a military or naval installation located in this State who is licensed to practice in any state; a chiropractic physician licensed to practice in this State or a bordering state; a physician assistant licensed to practice in this State or a bordering state; or a nurse practitioner licensed to practice in this State or a bordering state ; or

b. any citizen and resident of this State honorably discharged or released under honorable circumstances from active service in any branch of the Armed Forces of the United States who is adjudicated by the United States Department of Veterans Affairs, or its successor, as being permanently 100 percent disabled.

2. Section 2 of P.L.1949, c.280 (C.39:4-205) is amended to read as follows:

C.39:4-205 Person with a disability identification card.

2. The Chief Administrator of the New Jersey Motor Vehicle Commission shall issue, at the expense of the State of New Jersey, person with a disability identification cards upon the application of qualifying persons with disabilities and after an investigation of the qualifying status of each applicant. The card shall, amongst other things, identify the persons with disabilities and the registration number of the vehicle for which any wheelchair symbol license plates have been issued under the provisions of section 3 of

P.L.1949, c.280 (C.39:4-206) and shall state that he is a person with a disability validly qualified to receive a card, that the card is for the exclusive use of the person to whom it has been duly issued, is nontransferable and will be forfeited if presented by any other person, and that any abuse of any privilege, benefit, precedence, or consideration granted to any person to whom the card may be issued will be sufficient cause for revocation of the card, corresponding windshield placard and wheelchair symbol license plates, and the same may be forfeited or revoked accordingly, and in the absence of forfeiture or revocation the card shall be valid until the last day of the 36th calendar month following the calendar month in which that card was issued.

Every application for the issuance or renewal of a person with a disability identification card shall contain a statement signed by a physician, podiatrist, chiropractic physician, physician assistant, or nurse practitioner licensed to practice in this State or a bordering state or a physician stationed at a military or naval installation located in this State who is licensed to practice in any state, certifying that the applicant's stated disability qualifies the applicant to meet the definition of "person with a disability" pursuant to section 1 of P.L.1949, c.280 (C.39:4-204). A person who qualifies as a veteran with a permanent disability pursuant to subsection b. of section 1 of P.L.1949, c.280 (C.39:4-204) may submit, in lieu of a statement signed by a certified medical professional, an application that contains a statement signed by a representative of the United States Department of Veterans Affairs certifying that the person is permanently 100 percent disabled.

In order to be approved, the application for a person with a disability identification card shall be submitted to the commission not more than 60 days following the date upon which a physician, podiatrist, chiropractic physician, physician assistant, nurse practitioner, or representative of the United States Department of Veterans Affairs certifies that the applicant meets the definition of "person with a disability" pursuant to section 1 of P.L.1949, c.280 (C.39:4-204). The application shall also include any additional information pertinent to the certification which the chief administrator, in the chief administrator's discretion, may require, including, but not limited to, the National Provider Identifier or state-issued licensing number of the physician, podiatrist, chiropractic physician, physician assistant, or nurse practitioner who certifies the applicant's eligibility for a person with a disability identification card.

3. This act shall take effect on the first day of the seventh month next following enactment, except the chief administrator may take any anticipa-

tory administrative action in advance as shall be necessary for the implementation of this act.

Approved July 21, 2017.

CHAPTER 167

AN ACT concerning the use of prescription opioids by students who participate in sports and supplementing chapter 40 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:40-41.10 Educational fact sheet relative to use, misuse of opioid drugs for sports-related injuries.

1. a. The Commissioner of Education, in consultation with the Commissioner of Health, shall develop within 120 days of the effective date of this act, an educational fact sheet that provides information concerning the use and misuse of opioid drugs in the event that a student-athlete or cheerleader is prescribed an opioid for a sports-related injury.

b. A school district or nonpublic school that participates in an interscholastic sports program or cheerleading program shall distribute the educational fact sheet annually to the parents or guardians of student-athletes and cheerleaders and shall obtain a signed acknowledgment of the receipt of the fact sheet by the student-athlete or cheerleader and his parent or guardian.

2. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 168

AN ACT designating the USS New Jersey as the New Jersey State Ship.

WHEREAS, The USS New Jersey, also known as the Battleship New Jersey, was launched in 1942 and was engaged in three wars, World War II, the Korean War, and the Vietnam War, and has become one of the most decorated battleships in the naval history of the United States; and

WHEREAS, In addition to the engagement during wars, the USS New Jersey was also deployed in Lebanon, Thailand, and Australia, and was decommissioned in 1991 after an honorable and lengthy service to the country; and

WHEREAS, The USS New Jersey now resides in Camden, New Jersey, as an educational museum, informing the public about the storied history of the ship, and providing children opportunities to learn about science, technology, the arts and mathematics; and

WHEREAS, The USS New Jersey also offers a unique overnight experience to visitors to have a glimpse of life on the ship, where visitors sleep in the bunks used by sailors and eat meals in the mess hall; and

WHEREAS, By designating the USS New Jersey as the State Ship, the State of New Jersey recognizes the vital role this ship played in the country's naval history; now, therefore,

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

C.52:9A-11 USS New Jersey designated State ship.

1. The USS New Jersey is designated as the New Jersey State Ship.

2. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 169

AN ACT concerning the Law Against Discrimination and supplementing Title 10 of the Revised Statutes.

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

C.10:5-29.11 Civil penalty concerning person with a disability accompanied by guide or service dogs; complaint, action with Division on Civil Rights.

1. a. Any person who interferes with or denies the access of a person with a disability accompanied by a service or guide dog to any public facility in violation of section 1 of P.L.1971, c.130 (C.10:5-29) shall, in addition to any other relief or affirmative action provided by law, be liable to a civil penalty of not less than:

(1) $250 for the first violation;

(2) $500 for the second violation; and

(3) $1,000 for the third and each subsequent violation.

b. The penalty shall be collected pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary proceeding before the municipal court having jurisdiction. A law enforcement officer having enforcement authority in that municipality shall issue a summons for a violation of the provisions of subsection a. of this section, and shall serve and execute all process with respect to the enforcement of this section consistent with the Rules of Court.

The issuance of a summons pursuant to this subsection shall not prohibit an aggrieved party from filing a complaint or action with the Division on Civil Rights or in the Superior Court of New Jersey alleging a violation of the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.), based on the same incident or conduct. In any instance where an aggrieved party files a complaint or action with the Division on Civil Rights or in the Superior Court of New Jersey alleging a violation of the "Law Against Discrimination" based on the same incident or conduct for which a civil penalty has been imposed pursuant to subsection a. of this section, the Division on Civil Rights or Superior Court of New Jersey, as the case may be, shall make a de novo ruling and any adjudication by the municipal court shall not constitute res judicata for the complaint or action filed with the Division on Civil Rights or in the Superior Court of New Jersey.

c. The penalties assessed under this section shall be payable to the State Treasurer and shall be appropriated to the Department of Law and Public Safety to fund educational programs for law enforcement officers on the right of a person with a disability to have a service or guide dog in a place of public accommodation.

d. The Attorney General shall establish a public awareness campaign to inform the public about the provisions of this act.

2. This act shall take effect on the first day of the third month next following enactment.

Approved July 21, 2017.

CHAPTER 170

AN ACT establishing the "High School to College Readiness Commission."

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

1. There is established a High School to College Readiness Commission for the purpose of examining issues and developing recommendations to enhance student preparation for postsecondary education, and to raise the awareness of students and parents on the admission requirements and the financial and other issues associated with postsecondary education. The commission shall consist of 18 members as follows: the Commissioner of Education, ex officio, or a designee; the Secretary of Higher Education, ex officio, or a designee; the Executive Director of the Higher Education Student Assistance Authority, ex officio, or a designee; 11 members appointed by the Governor, including a representative of the New Jersey School Boards Association, a representative of the New Jersey Principals and Supervisors Association, a representative of the New Jersey Association of School Administrators, two representatives of the New Jersey Education Association, two representatives of the American Federation of Teachers New Jersey, a representative of the New Jersey Parent-Teacher Association, a representative of the New Jersey Council of County Vocational-Technical Schools, and two parents of students enrolled in a public school; two members appointed by the President of the Senate, including a representative of the State colleges and universities established pursuant to chapter 64 of Title 18A of the New Jersey Statutes, and a representative of the public research universities; and two members appointed by the Speaker of the General Assembly, including a representative of the county colleges, and a representative of the independent institutions of higher education.

2. Appointments to the commission shall be made within 30 days of the effective date of this act. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made. Members of the commission shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties within the limits of funds made available to the commission for its purposes.

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

4. Staff and related support services shall be provided to the commission by the Department of Education. The commission shall be entitled to call to its assistance and avail itself of the services of the employees of any State, county or municipal department, board, bureau, commission or agency it may require and as may be available for its purposes.

5. It shall be the duty of the commission to study and develop recommendations on issues related to enhancing student preparation for postsecondary education and raising the awareness of students and parents on the admission requirements and the financial and other issues associated with postsecondary education, including:

a. the development of guidelines for high school students to create individual graduation plans which identify the courses necessary to meet State and local graduation requirements and college admission requirements;

b. the promotion of dual enrollment programs in which high schools partner with institutions of higher education to offer coursework that may be applied towards both high school graduation requirements and postsecondary degrees;

c. the expansion of access to advanced placement courses to increase the number of high school students who have the opportunity to earn college credit while enrolled in high school;

d. the expansion of financial literacy instruction for high school students and their parents to ensure that the instruction is provided continuously throughout a student's enrollment in high school, and that the instruction includes information on available State and federal tuition assistance programs, grants, scholarships, student loan programs, and issues concerning student loan debt and the requirements associated with the repayment of that debt;

e. the early identification of students who are at risk of not being college-ready by the time of high school graduation, and the development and implementation of effective support services and remediation to provide those students with the necessary skills; and

f. any other proposals that the commission feels would increase the preparedness of high school students for postsecondary education.

6. The commission shall issue a report of its findings and recommendations to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), no later than one year following its organizational meeting.

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

Approved July 21, 2017.

CHAPTER 171

AN ACT concerning students who are English language learners and supplementing chapter 35 of Title 18A of the New Jersey Statutes.

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

C.18A:35-26.1 Guidance on identifying English language learners for gifted and talented programs.

1. a. The Commissioner of Education shall develop guidance for school districts concerning the identification of English language learners for gifted and talented programs. The purposes and objectives of the guidance shall be to:

(1) assist school districts in identifying English language learners in grades kindergarten through 12 who are gifted and talented so that they may be matched with programs that will help them achieve in accordance with their full capabilities; and

(2) provide guidelines on appropriate identification methods that may help reduce the underrepresentation of English language learners in gifted and talented programs.

b. The guidance developed by the commissioner shall include, but not be limited to, information on: recognizing and addressing potential challenges in the process of identifying English language learners who are gifted and talented; the use of multiple methods and measures in assessing the eligibility of English language learners for gifted and talented programs; and the importance of professional development for and collaboration among teachers in the identification process, including teachers of English language learner programs, teachers of gifted and talented programs, and general classroom teachers.

2. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 172

AN ACT concerning thoroughbred horse racing and amending P.L.2001, c.199.

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 annually no fewer than 141 thoroughbred race dates, except that the thoroughbred permit holder may decrease the annual number of scheduled thoroughbred race dates to no fewer than 50 thoroughbred race dates upon written consent from the New Jersey Thoroughbred Horsemen's Association.

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 75 standardbred race dates upon written consent from the Standardbred Breeders' and Owners' Association of New Jersey.

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 75 standardbred race dates upon written consent from the Standardbred Breeders' and Owners' Association of New Jersey.

d. (Deleted by amendment, P.L.2017, c.172)

2. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 173

AN ACT concerning violations of certain occupational licensing laws and amending P.L.1987, c.442 and P.L.2007, c.211.

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

1. Section 8 of P.L.1987, c.442 (C.45:14C-12.3) is amended to read as follows:

C.45:14C-12.3 Exclusive licensing procedure.

8. a. On or after the effective date of P.L.1987, c.442 (C.45:14C-12.1 et seq.), a person shall not work as a master plumber or use the title or designation of master plumber unless licensed pursuant to the provisions of P.L.1987, c.442 (C.45:14C-12.1 et seq.).

b. On or after the effective date of P.L.1987, c.442 (C.45:14C-12.1 et seq.), a person, firm, partnership, corporation or other legal entity shall not engage in the business of plumbing contracting or advertise in any manner as a plumbing contractor or use the title or designation of plumbing contractor unless authorized to act as a plumbing contractor pursuant to the provisions of P.L.1987, c.442 (C.45:14C-12.1 et seq.).

c. In addition to any penalty authorized pursuant to the provisions of section 12 of P.L.1978, c.73 (C.45:1-25), any person, firm, partnership, corporation or other legal entity that knowingly violates any provision of this section shall be guilty of a crime of the fourth degree.

2. Section 7 of P.L.2007, c.211 (C.45:16A-7) is amended to read as follows:

C.45:16A-7 Licensure required for use of certain titles.

7. a. A person shall not work as a Master HVACR contractor or use the title or designation of "licensed Master HVACR contractor" or "Master HVACR contractor" unless licensed pursuant to the provisions of P.L.2007, c.211 (C.45:16A-1 et seq.).

b. A person, firm, partnership, corporation or other legal entity shall not engage in the business of HVACR contracting or advertise in any manner as a Master HVACR contractor or use the title or designation of "licensed Master HVACR contractor" or "Master HVACR contractor" unless authorized to act as a Master HVACR contractor pursuant to the provisions of P.L.2007, c.211 (C.45:16A-1 et seq.).

c. In addition to any penalty authorized pursuant to the provisions of section 12 of P.L.1978, c.73 (C.45:1-25), any person, firm, partnership, corporation or other legal entity that knowingly violates any provision of this section shall be guilty of a crime of the fourth degree.

3. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 174

AN ACT establishing a Gold Star Family Counseling program and a related tax credit and supplementing Title 38A and Title 54A of the New Jersey Statutes.

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

C.38A:3-51 Findings, declarations relative to a Gold Star Family Counseling program.

1. The Legislature finds and declares that:

a. Residents of New Jersey have answered the call to fight for our country many times as members of the United States military and as members of the New Jersey National Guard.

b. Throughout history, New Jersey residents have made the ultimate sacrifice for their country and have given their life for our freedom.

c. The family members left behind after the untimely deaths of these brave service members, known as Gold Star family members, are often left with emotional wounds who need the caring intervention of a mental health professional to grieve and learn to live with the new reality of their loved one's passing.

d. The United States Department of Veterans Affairs has taken the lead to provide mental health care to veterans and certain family members with the establishment of the Care Enough to Share program which links mental health professionals with an opportunity to volunteer their time and talents to help the nation's veterans and certain family members by providing mental health counseling.

e. It is honorable and necessary that the State of New Jersey assist these family Gold Star family members in their grief by establishing programs that can link mental health care professionals with the family members to provide the needed mental health care free of charge to the families.

C.38A:3-52 Definitions relative to a Gold Star Family Counseling program.

2. As used in this act:

"Gold Star family member" means an individual who is a New Jersey resident and is the surviving spouse, domestic partner, partner in a civil union, parent, brother, sister, child, legal guardian, or other legal custodian, whether of the whole blood or the half blood, of by adoption, of a member of the Armed Forces of the United States or the National Guard who died while on active duty for the United States.

"Mental health care professional" means a person who provides mental health services and is licensed or otherwise authorized, pursuant to Title 45 of the Revised Statutes, to practice a health care profession that is regulated by one of the following: the State Board of Medical Examiners; the State Board of Psychological Examiners; the State Board of Social Work Examiners; the State Board of Marriage and Family Therapy Examiners; the Alcohol and Drug Counselor Committee; the Professional Counselor Examiners Committee; and the Certified Psychoanalysts Advisory Committee.

C.38A:3-53 "Gold Star Family Counseling Program."

3. There is established in the Department of Military and Veterans' Affairs the "Gold Star Family Counseling Program." The purpose of this program is to link mental health care professionals with Gold Star family members to facilitate the provision of mental health counseling free of charge to the Gold Star family members. The Adjutant General of the Department of Military and Veterans' Affairs shall create and implement the "Gold Star Family Counseling Program" as follows.

a. The department shall recruit mental health care professionals to donate professional counseling hours to provide mental health counseling to Gold Star family members. The department may coordinate the recruitment efforts with the federal Department of Veterans' Affairs.

b. The department shall coordinate with the federal Department of Veterans Affairs to maintain a list of mental health care professionals who are available to provide professional mental health counseling hours to Gold Star family members.

c. The department shall maintain and distribute the list of available mental health care professionals on a Statewide basis and shall distribute the list of available mental health care professionals to each county Veteran Service office for the distribution thereof.

d. The department shall create a system for monitoring and verifying the donated hours to facilitate the tax credit provided to mental health care professionals pursuant to section 6 of P.L.2017, c.174 (C.54A:4-16).

e. The department shall provide documentation annually to the mental health care professional for submission to the Department of the Treasury

to verify the amount of tax credit the mental health care professional is eligible to request annually pursuant to section 6 of P.L.2017, c.174 (C.54A:4-16). The amount of annual tax credit shall be determined by the department as the sum of the hours of donated counseling provided to the Gold Star family member multiplied by the documented compensation rate applied to these hours. To determine the compensation rate, the department shall use the calendar year TRICARE rate for the service provided in the geographic location in which the service is provided. The department shall limit the cumulative hours which are authorized for the annual tax credit to a minimum of 20 hours and a maximum of 40 hours per year, per professional.

C.38A:3-54 Immunity from civil liability.

4. All mental health care professionals volunteering for the "Gold Star Family Counseling Program" established pursuant to P.L.2017, c.174 (C.38A:3-51 et al.) shall be immune from civil liability as provided in P.L.1991, c.270 (C.2A:62A-16 et seq.).

C.38A:3-55 Grants for development, implementation.

5. The Adjutant General may apply for and accept on behalf of the State any grants from the federal government or any agency thereof, or from any foundation, corporation, association or individual, except for education grants or federal funds for education grants, and may comply with the terms, conditions and limitations thereof, to develop and implement the "Gold Star Family Counseling Program" established pursuant to P.L.2017, c.174 (C.38A:3-51 et al.). Any money so received may be expended by the department, subject to any limitations imposed in such grants, upon warrant of the Director of the Division of Budget and Accounting of the Department of the Treasury.

C.54A:4-16 Tax credit.

6. a. For taxable years beginning on or after January 1, next following the effective date of P.L.2017, c.174 (C.38A:3-51 et al.), a taxpayer shall be allowed a credit against the tax otherwise due for the taxable year under the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., in an amount equal to the amount documented annually by the Department of Military and Veterans' Affairs for the Gold Star Family Counseling Program as established pursuant to section 3 of P.L.2017, c.174 (C.38A:3-53).

b. The order of priority of the application of the credit allowed pursuant to this section and any other credits allowed against the New Jersey gross income tax due pursuant to N.J.S.54A:1-1 et seq. for a taxable year shall be as prescribed by the director.

The amount of the credit applied against the New Jersey gross income tax due pursuant to N.J.S.54A:1-1 et seq. shall not reduce a taxpayer's New Jersey gross income tax liability to an amount less than zero.

c. A business entity that is classified as a partnership for federal income tax purposes shall not be allowed a credit directly, but the amount of credit of a taxpayer in respect of a distributive share of entity income, shall be determined by allocating to the taxpayer that proportion of the credit acquired by the entity that is equal to the taxpayer's share, whether or not distributed, of the total distributive income or gain of the entity for its taxable year ending within or with the taxpayer's taxable year.

A New Jersey S Corporation shall not be allowed a credit directly under the gross income tax, but the amount of credit of a taxpayer in respect of a pro rata share of S Corporation income, shall be determined by allocating to the taxpayer that proportion of the credit acquired by the New Jersey S Corporation that is equal to the taxpayer's share, whether or not distributed, of the total pro rata share of S Corporation income of the New Jersey S Corporation for its privilege period ending within or with the taxpayer's taxable year.

7. The Adjutant General shall, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt any rules and regulations necessary to carry out the provisions of this act.

8. This act shall take effect on or after January 1 next following enactment, except the Adjutant General may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act.

Approved July 21, 2017.

CHAPTER 175

AN ACT concerning the extension of certain benefits to certain family members of military personnel who died while on active duty and supplementing and amending various parts of the statutory law.

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

C.38A:15-9 List of possessors of Gold Star Family license plate, driver's license, identification card; fraudulent use; violations, penalties.

1. a. The department shall maintain a list of each person possessing a Gold Star Family license plate, issued pursuant to section 2 of P.L.2011, c.17 (C.39:3-27.142), and each person holding a driver's license or identification card with a Gold Star Family designation, issued pursuant to section 1 of P.L.2013, c.165 (C.39:3-10f6) or section 2 of P.L.1980, c.47 (C.39:3-29.3), respectively. The department shall distribute the list to the appropriate representative of a State veteran service entity in each county.

b. It shall be unlawful for any person:

(1) To have in the person's possession any canceled, fictitious, fraudulently altered, or fraudulently obtained driver's license or identification card with a Gold Star Family designation;

(2) To lend a driver's license or identification card with a Gold Star Family designation to any other person or knowingly permit the use thereof by another;

(3) To display or represent a driver's license or identification card with a Gold Star Family designation not issued to the person as being the person's card;

(4) To permit any unlawful use of a driver's license or identification card with a Gold Star Family designation issued to the person;

(5) To photograph, photostat, duplicate, or in any way reproduce a driver's license or identification card with a Gold Star Family designation, or facsimile thereof, in such a manner that it could be mistaken for a valid driver's license or identification card with a Gold Star Family designation, or to display or have in the person's possession any such photograph, photostat, duplicate, reproduction, or facsimile; or

(6) To alter a driver's license or identification card with a Gold Star Family designation in any manner.

c. A person who violates any provision of subsection b. of this section shall be liable to a civil penalty of $1,000. The civil penalty shall be collected pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary proceeding before the municipal court having jurisdiction.

C.45:1-15.6 Charge for professional, occupations license under certain circumstances; prohibited.

2. Notwithstanding the provision of any law, rule, or regulation to the contrary, a professional or occupational board, designated in section 2 of P.L.1978, c.73 (C.45:1-15), that issues a professional or occupational license, certificate of registration, or certification shall not charge a license

fee for the issuance of a license to an applicant who holds a driver's license or identification card with a Gold Star Family designation issued pursuant to section 1 of P.L.2013, c.165 (C.39:3-10f6) or section 2 of P.L.1980, c.47 (C.39:3-29.3), respectively.

3. Section 1 of P.L.2007, c.275 (C.13:1L-12.1) is amended to read as follows:

C.13:1L-12.1 Free admission for veterans, Gold Star Family members to State park or forest.

1. a. (1) The department shall not charge an admission fee for entrance into a State park or forest by any veteran during an event held by a veterans' organization. In addition, the department shall not charge a facilities fee of any kind to any veterans' organization using a State park or forest for an event.

(2) The department shall not charge an admission fee or facilities fee of any kind for entrance into a State park or forest by a person holding a driver's license or identification card with a Gold Star Family designation issued pursuant to section 1 of P.L.2013, c.165 (C.39:3-10f6) or section 2 of P.L.1980, c.47 (C.39:3-29.3), respectively.

b. As used in this section:

"Veteran" means any resident of the State who has been honorably discharged or released under honorable circumstances from active service in any branch of the armed forces of the United States, or 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; and

"Veterans' organization" means the American Legion, Veterans of Foreign Wars, or other veterans' organizations chartered under federal law, or any service foundation of such an organization recognized in its bylaws.

4. Section 4 of P.L.1989, c.162 (C.38A:3-6.6) is amended to read as follows:

C.38A:3-6.6 Admission to certain veterans' facility for persons without sufficient financial ability.

4. The following persons, if they are without sufficient financial ability to provide for their support and necessary care in the community, may be admitted to a veterans' facility:

a. A disabled veteran who has been a resident of New Jersey for at least two years prior to the date of application;

b. The spouse of any person who has been admitted to a veterans' facility, provided that the spouse is not less than 50 years of age and has been married to such person for a period of not less than 10 years;

c. The surviving spouse of a person who died an honorable death while in the active military service of the United States, or who was a disabled veteran at the time of death, provided that the surviving spouse was the person's spouse at the time of the person's service or was married to the person not less than 10 years prior to the date of application and has not married since the person's death, and provided that the surviving spouse has been a resident of New Jersey for at least two years prior to the date of application;

d. The parent of a person who was a resident of New Jersey at the time of entry into, and who died an honorable death in time of war or emergency while in, the active military service of the United States, provided that the parent has been a resident of New Jersey for at least two years prior to the date of application; and

e. A person holding a driver's license or identification card with a Gold Star Family designation issued pursuant to section 1 of P.L.2013, c.165 (C.39:3-10f6) or section 2 of P.L.1980, c.47 (C.39:3-29.3), respectively.

This section shall not be construed to prevent a veteran who actually served in a New Jersey military organization, and who is qualified for admission except for the required period of State residence, from being admitted to a veterans' facility, but preference shall be given to persons who have been residents of the State for a period of at least two years prior to application.

5. Section 1 of P.L.2013, c.165 (C.39:3-10f6) is amended to read as follows:

C.39:3-10f6 Display of veteran, Gold Star Family status on driver's licenses, identification cards.

1. a. (1) In addition to the requirements for the form and content of a motor vehicle driver's license under R.S.39:3-10 and a probationary license issued under section 4 of P.L.1950, c.127 (C.39:3-13.4), the Chief Administrator of the New Jersey Motor Vehicle Commission shall, upon submission of satisfactory proof, designate on an initial license, renewal license, or probationary license, as appropriate, that the license holder is a veteran of the Armed Forces of the United States of America. The designation of veteran status on an initial license, renewal license, or probationary license shall not be deemed sufficient valid proof of veteran status for official governmental purposes when any other statute, or any regulation or other directive of a governmental entity, requires documentation of veteran status.

(2) In addition to the requirements for the form and content of a motor vehicle driver's license under R.S.39:3-10 and a probationary license issued under section 4 of P.L.1950, c.127 (C.39:3-13.4), the Chief Administrator of the New Jersey Motor Vehicle Commission shall, upon submission of satisfactory proof, designate on an initial license, renewal license, or probationary license, as appropriate, that the license holder is a Gold Star Family member. The commission shall provide to the Department of Military and Veterans' Affairs personal identifying information of any person issued a driver's license with a Gold Star Family designation pursuant to this section.

b. For the purpose of this section:

"Gold Star Family member" means a spouse, domestic partner, partner in a civil union, parent, brother, sister, child, legal guardian, or other legal custodian, whether of the whole or half blood or by adoption, of a member of the Armed Forces of the United States or National Guard, who lost his or her life while on active duty for the United States.

"Veteran" means a person who has been honorably discharged from the active military service of the United States.

"Satisfactory proof" means, in the case of a veteran, a copy of form DD-214 or federal activation orders showing service under Title 10, section 672 or section 12301, of the United States Code, or a county veteran identification card only if issuance of the card requires a copy of form DD-214 discharge papers or approved separation forms as outlined by all branches of the military and duly recorded by the county clerk's office. In the case of a Gold Star Family member, satisfactory proof includes any or all of the following:

(1) a certification from the Department of New Jersey of American Gold Star Mothers, Inc., or any other organization formed for the support of family members of members of the Armed Forces of the United States or National Guard, who lost their lives while on active duty for the United States, that the applicant is either the spouse, domestic partner, partner in a civil union, parent, brother, sister, child, legal guardian, or other legal custodian, whether of the whole or half blood or by adoption, of a member of the armed forces or National Guard who died while on active duty for the United States; or

(2) (a) documentation deemed acceptable by the Adjutant General, including, but not limited to, a federal DD Form 1300, Report of Casualty, or a federal DD Form 2064, Certificate of Death Overseas, which identifies the member of the Armed Forces of the United States or National Guard who died while on active duty for the United States; and

New Jersey State Library

(b) documentation indicating the applicant's relationship to the service member.

6. Section 2 of P.L.2011, c.17 (C.39:3-27.142) is amended to read as follows:

C.39:3-27.142 Application procedure, documentation.

2. a. Application for issuance of a Gold Star Family license plate shall be made to the chief administrator on forms and in a manner prescribed by the chief administrator. In order to be deemed complete, an application shall be accompanied by proof satisfactory to the Chief Administrator that the applicant is a family member of a member of the armed services who died while on active duty for the United States. Proof satisfactory may include any or all of the following:

(1) a certification from the Department of New Jersey of American Gold Star Mothers, Inc., or any other organization formed for the support of parents of members of the armed services who lost their lives while on active duty for the United States, that the applicant is either the spouse, domestic partner, partner in a civil union, parent, brother, sister, child, legal guardian or other legal custodian, whether of the whole or half blood or by adoption, of a member of the armed services who died while on active duty for the United States;

(2) documentation deemed acceptable by the Chief Administrator, including but not limited to a federal DD Form 1300, Report of Casualty, which identifies the member of the armed services who died while on active duty for the United States;

(3) documentation indicating the applicant's relationship to the service member; or

(4) a driver's license or identification card with a Gold Star Family designation issued pursuant to section 1 of P.L.2013, c.165 (C.39:3-10f6) or section 2 of P.L.1980, c.47 (C.39:3-29.3), respectively.

The chief administrator may consult with the Adjutant General of the Department of Military and Veterans' Affairs when establishing the documentation that may constitute satisfactory proof of an applicant's relationship to a deceased service member. In instances where an applicant is unable to produce documentation deemed acceptable to the Chief Administrator, the Adjutant General shall assist the chief administrator in making a determination of the applicant's eligibility for a Gold Star Family license plate.

b. The chief administrator may designate a representative of the Department of New Jersey of American Gold Star Mothers, Inc., or any other

organization formed for the support of parents of members of the armed services who lost their lives while on active duty for the United States, who shall serve as a liaison between such organization and the commission. The chief administrator may require an applicant for a Gold Star Family license plate to submit the application to the representative for approval. Upon approval, the representative shall certify on the application that the applicant is either the spouse, domestic partner, partner in a civil union, parent, brother, sister, child, legal guardian or other legal custodian, whether of the whole or half blood or by adoption, of a member of the armed services who died while on active duty for the United States and thereby eligible for receipt of the Gold Star Family license plate. The application shall then be forwarded to the chief administrator for final approval.

c. The commission shall provide to the Department of Military and Veterans' Affairs personal identifying information of any person issued a Gold Star Family license plate pursuant to this section.

7. Section 2 of P.L.1980, c.47 (C.39:3-29.3) is amended to read as follows:

C.39:3-29.3 Identification cards, issuance; contents.

2. a. (1) The New Jersey Motor Vehicle Commission shall issue an identification card to any resident of the State who is 14 years of age or older and who is not the holder of a valid permit or basic driver's license. The identification card shall attest to the true name, correct age, and veteran status, upon submission of satisfactory proof, by any veteran, and shall contain other identifying data as certified by the applicant for such identification card. Every application for an identification card shall be signed and verified by the applicant and shall be accompanied by the written consent of at least one parent or the person's legal guardian if the person is under 17 years of age and shall be supported by such documentary evidence of the age, identity, and veteran status, or blindness, or disability of such person as the chief administrator may require. In addition to requiring an applicant for an identification card to submit satisfactory proof of identity, age, and, if appropriate, veteran status, the chief administrator also shall require the applicant to provide, as a condition for obtaining the card, satisfactory proof that the applicant's presence in the United States is authorized under federal law. If the chief administrator has reasonable cause to suspect that any document presented by an applicant as proof of identity, age, veteran status, or legal residency is altered, false or otherwise invalid, the chief administrator shall re-

fuse to grant the identification card until such time as the document may be verified by the issuing agency to the chief administrator's satisfaction.

(2) In addition to the requirements for the form and content of an identification card pursuant to this section, the Chief Administrator of the New Jersey Motor Vehicle Commission shall, upon submission of satisfactory proof, designate on an identification card that the card holder is a Gold Star Family member. The commission shall provide to the Department of Military and Veterans' Affairs personal identifying information for any person issued an identification card with a Gold Star Family designation pursuant to this section.

b. The designation of veteran status on an identification card shall not be deemed sufficient valid proof of veteran status for official governmental purposes when any other statute, or any regulation or other directive of a governmental entity, requires documentation of veteran status.

c. For the purpose of this section:

"Gold Star Family member" means a spouse, domestic partner, partner in a civil union, parent, brother, sister, child, legal guardian, or other legal custodian, whether of the whole or half blood or by adoption, of a member of the Armed Forces of the United States or National Guard, who lost his or her life while on active duty for the United States.

"Veteran" means a person who has been honorably discharged from the active military service of the United States; and

"Satisfactory proof" means, in the case of a veteran, a copy of form DD-214 or federal activation orders showing service under Title 10, section 672 or section 12301, of the United States Code, or a county veteran identification card only if issuance of the card requires a copy of form DD-214 discharge papers or approved separation forms as outlined by all branches of the military and duly recorded by the county clerk's office. In the case of a Gold Star Family member, satisfactory proof includes any or all of the following:

(1) a certification from the Department of New Jersey of American Gold Star Mothers, Inc., or any other organization formed for the support of family members of members of the Armed Forces of the United States or National Guard, who lost their lives while on active duty for the United States, that the applicant is either the spouse, domestic partner, partner in a civil union, parent, brother, sister, child, legal guardian, or other legal custodian, whether of the whole or half blood or by adoption, of a member of the armed forces or National Guard who died while on active duty for the United States; or

(2) (a) documentation deemed acceptable by the Adjutant General, including, but not limited to, a federal DD Form 1300, Report of Casualty, or a federal DD Form 2064, Certificate of Death Overseas, which identifies

the member of the Armed Forces of the United States or National Guard who died while on active duty for the United States; and

(b) documentation indicating the applicant's relationship to the service member.

8. Section 1 of P.L.1955, c.49 (C.40:61-22.20) is amended to read as follows:

C.40:61-22.20 Municipal control over beaches, etc., fees.

1. a. The governing body of any municipality bordering on the Atlantic Ocean, tidal water bays or rivers which owns or shall acquire, by any deed of dedication or otherwise, lands bordering on the ocean, tidal water bays or rivers, or easement rights therein, for a place of resort for public health and recreation and for other public purposes shall have the exclusive control, government and care thereof and of any boardwalk, bathing and recreational facilities, safeguards and equipment, now or hereafter constructed or provided thereon, and may, by ordinance, make and enforce rules and regulations for the government and policing of such lands, boardwalk, bathing facilities, safeguards and equipment; provided, that such power of control, government, care and policing shall not be construed in any manner to exclude or interfere with the operation of any State law or authority with respect to such lands, property and facilities. Any such municipality may, in order to provide funds to improve, maintain and police the same and to protect the same from erosion, encroachment and damage by sea or otherwise, and to provide facilities and safeguards for public bathing and recreation, including the employment of lifeguards, by ordinance, make and enforce rules and regulations for the government, use, maintenance and policing thereof and provide for the charging and collecting of reasonable fees for the registration of persons using said lands and bathing facilities, for access to the beach and bathing and recreational grounds so provided and for the use of the bathing and recreational facilities, but no such fees shall be charged or collected from children under the age of 12 years.

b. A municipality may by ordinance provide that no fees, or reduced fees, shall be charged to:

(1) persons 65 or more years of age;

(2) persons who meet the disability criteria for disability benefits under Title II of the federal Social Security Act (42 U.S.C. s.401 et seq.);

(3) persons in active military service in any of the Armed Forces of the United States and to their spouse or dependent children over the age of 12 years;

(4) persons who are active members of the New Jersey National Guard who have completed Initial Active Duty Training and to their spouse or dependent children over the age of 12 years. As used in this paragraph, "Initial Active Duty Training" means Basic Military Training, for members of the New Jersey Air National Guard, and Basic Combat Training and Advanced Individual Training, for members of the New Jersey Army National Guard;

(5) persons who have served in any of the Armed Forces of the United States and who were discharged or released therefrom under conditions other than dishonorable and who either have served at least 90 days in active duty or have been discharged or released from active duty by reason of a service-incurred injury or disability. The Adjutant General of the New Jersey Department of Military and Veterans' Affairs shall promulgate rules and regulations pertaining to veteran eligibility under this paragraph; and

(6) persons holding a driver's license or identification card with a Gold Star Family designation issued pursuant to section 1 of P.L.2013, c.165 (C.39:3-10f6) or section 2 of P.L.1980, c.47 (C.39:3-29.3), respectively.

c. A municipality providing for no fees or reduced fees pursuant to paragraph (3), (4), (5), or (6) of subsection b. of this section shall track, in a manner deemed appropriate by the governing body of the municipality, the number of persons who qualify under the provisions of those paragraphs.

d. A person who qualifies for free access to beaches and bathing and recreational grounds and free use of bathing and recreational facilities pursuant to paragraph (3), (4), (5), or (6) of subsection b. of this section may, in lieu of obtaining and presenting a municipal beach tag or similar admission pass to gain such access and use, present a valid military identification card, form DD-214 or similar document, or State driver's license or identification card indicating that the holder is a veteran of the Armed Forces of the United States or a Gold Star Family member.

9. Section 4 of P.L.2015, c.81 (C.52:16A-115) is amended to read as follows:

C.52:16A-115 Authority, powers of division.

4. The Division of the State Museum in the Department of State is hereby authorized and empowered to:

a. employ an executive director of the New Jersey State Museum;

b. prescribe rules and regulations consistent with the laws and rules of the State of New Jersey for the operation of the museum, including those relating to operations, capital projects, collections, exhibits, and services;

c. on behalf of the State and in furtherance of the purposes of the museum, solicit, receive and administer gifts, bequests, and devises of property of any kind whatsoever, and grants from agencies of the United States government;

d. make purchases for the collections and dispose of items in the collections by sale or auction;

e. enter into contracts with individuals, organizations, and institutions for services or endeavors furthering the objectives of the museum's programs;

f. prepare and implement a fiscal plan for the museum which shall include support from the State of New Jersey and the private sector;

g. submit an annual operational and capital funding request to the Governor through the Department of State and the Division of Budget and Accounting in the Department of the Treasury and to expend or authorize the expenditure of funds derived from such sources and funds as are appropriated annually to the museum;

h. manage and control the museum, together with its contents, furnishings, and other properties;

i. care for and preserve property belonging to the museum;

j. provide auxiliary services such as for the sale of books, periodicals, and art supplies and to provide facilities for the operation of food and beverage services at the museum;

k. impose an admission charge to the museum, if deemed appropriate, except the division shall not impose an admission charge to a veteran, active member of the Armed Forces of the United States or National Guard, or a person holding a driver's license or identification card with a Gold Star Family designation issued pursuant to section 1 of P.L.2013, c.165 (C.39:3-10f6) or section 2 of P.L.1980, c.47 (C.39:3-29.3), respectively;

l. adopt bylaws for the museum's governance;

m. operate branch museums and to give technical advice to other museums;

n. collect, preserve, and exhibit, in cooperation with the Department of Military and Veterans' Affairs, Medals of Honor and related memorabilia; and

o. provide, within the limits of funds appropriated therefor, for a program of maintenance and support for services by the Newark Museum Association for the educational and recreational use and benefit of the public.

10. This act shall take effect on the first day of the sixth month next following the date of enactment, except that the Chief Administrator of the

Motor Vehicle Commission may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act.

Approved July 21, 2017.

CHAPTER 176

AN ACT concerning certain discrimination in provision of health benefits coverage and health care services and supplementing various parts of the statutory law.

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

C.17:48-6oo Hospital service corporation to provide coverage regardless of gender identity, expression.

1. a. Notwithstanding any other law or regulation to the contrary, a hospital service corporation contract that provides hospital and medical expense benefits and is delivered, issued, executed, or renewed in this State pursuant to P.L.1938, c.366 (C.17:48-1 et seq.), or approved for issuance or renewal in this State, by the Commissioner of Banking and Insurance on or after the effective date of this act, shall not contain any provision that discriminates, and the hospital service corporation shall not discriminate, on the basis of a covered person's or prospective covered person's gender identity or expression or on the basis that the covered person or prospective covered person is a transgender person.

b. The discrimination prohibited by this section shall include:

(1) denying, cancelling, limiting or refusing to issue or renew a contract on the basis of a covered person's or prospective covered person's gender identity or expression, or for the reason that the covered person or prospective covered person is a transgender person;

(2) demanding or requiring a payment or premium that is based in whole or in part on a covered person's or prospective covered person's gender identity or expression, or for the reason that the covered person or prospective covered person is a transgender person;

(3) designating a covered person's or prospective covered person's gender identity or expression, or the fact that a covered person or prospective covered person is a transgender person, as a preexisting condition for which coverage will be denied or limited; or

(4) denying or limiting coverage, or denying a claim, for services including but not limited to the following, due to a covered person's gender identity or expression or for the reason that the covered person is a transgender person:

(a) health care services related to gender transition if coverage is available for those services under the contract when the services are not related to gender transition, including but not limited to hormone therapy, hysterectomy, mastectomy, and vocal training; or

(b) health care services that are ordinarily or exclusively available to individuals of one sex when the denial or limitation is due only to the fact that the covered person is enrolled as belonging to the other sex or has undergone, or is in the process of undergoing, gender transition.

c. For the purposes of this section:

"Gender expression" means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

"Gender identity" means a person's internal sense of their own gender, regardless of the sex the person was assigned at birth.

"Gender transition" means the process of changing a person's outward appearance, including physical sex characteristics, to accord with the person's actual gender identity.

"Transgender person" means a person who identifies as a gender different from the sex assigned to the person at birth.

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

e. Nothing in this section shall preclude the hospital service corporation from performing utilization review, including periodic review of the medical necessity of a particular service.

C.17:48A-7ll Medical service corporation to provide coverage regardless of gender identity, expression.

2. a. Notwithstanding any other law or regulation to the contrary, a medical service corporation contract that provides hospital and medical expense benefits and is delivered, issued, executed, or renewed in this State pursuant to P.L.1940, c.74 (C.17:48A-1 et seq.), or approved for issuance or renewal in this State, by the Commissioner of Banking and Insurance on or after the effective date of this act, shall not contain any provision that discriminates, and the medical service corporation shall not discriminate, on the basis of a covered person's or prospective covered person's gender

identity or expression or on the basis that the covered person or prospective covered person is a transgender person.

b. The discrimination prohibited by this section shall include:

(1) denying, cancelling, limiting or refusing to issue or renew a contract on the basis of a covered person's or prospective covered person's gender identity or expression, or for the reason that the covered person or prospective covered person is a transgender person;

(2) demanding or requiring a payment or premium that is based in whole or in part on a covered person's or prospective covered person's gender identity or expression, or for the reason that the covered person or prospective covered person is a transgender person;

(3) designating a covered person's or prospective covered person's gender identity or expression, or the fact that a covered person or prospective covered person is a transgender person, as a preexisting condition for which coverage will be denied or limited; or

(4) denying or limiting coverage, or denying a claim, for services including but not limited to the following, due to a covered person's gender identity or expression or for the reason that the covered person is a transgender person:

(a) health care services related to gender transition if coverage is available for those services under the contract when the services are not related to gender transition, including but not limited to hormone therapy, hysterectomy, mastectomy, and vocal training; or

(b) health care services that are ordinarily or exclusively available to individuals of one sex when the denial or limitation is due only to the fact that the covered person is enrolled as belonging to the other sex or has undergone, or is in the process of undergoing, gender transition.

c. For the purposes of this section:

"Gender expression" means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

"Gender identity" means a person's internal sense of their own gender, regardless of the sex the person was assigned at birth.

"Gender transition" means the process of changing a person's outward appearance, including physical sex characteristics, to accord with the person's actual gender identity.

"Transgender person" means a person who identifies as a gender different from the sex assigned to the person at birth.

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

e. Nothing in this section shall preclude the medical service corporation from performing utilization review, including periodic review of the medical necessity of a particular service.

C.17:48E-35.39 Health service corporation to provide coverage regardless of gender identity, expression.

3. a. Notwithstanding any other law or regulation to the contrary, a health service corporation contract that provides hospital and medical expense benefits and is delivered, issued, executed, or renewed in this State pursuant to P.L.1985, c.236 (C.17:48E-1 et seq.), or approved for issuance or renewal in this State, by the Commissioner of Banking and Insurance on or after the effective date of this act, shall not contain any provision that discriminates, and the health service corporation shall not discriminate, on the basis of a covered person's or prospective covered person's gender identity or expression or on the basis that the covered person or prospective covered person is a transgender person.

b. The discrimination prohibited by this section shall include:

(1) denying, cancelling, limiting or refusing to issue or renew a contract on the basis of a covered person's or prospective covered person's gender identity or expression, or for the reason that the covered person or prospective covered person is a transgender person;

(2) demanding or requiring a payment or premium that is based in whole or in part on a covered person's or prospective covered person's gender identity or expression, or for the reason that the covered person or prospective covered person is a transgender person;

(3) designating a covered person's or prospective covered person's gender identity or expression, or the fact that a covered person or prospective covered person is a transgender person, as a preexisting condition for which coverage will be denied or limited; or

(4) denying or limiting coverage, or denying a claim, for services including but not limited to the following, due to a covered person's gender identity or expression or for the reason that the covered person is a transgender person:

(a) health care services related to gender transition if coverage is available for those services under the contract when the services are not related to gender transition, including but not limited to hormone therapy, hysterectomy, mastectomy, and vocal training; or

(b) health care services that are ordinarily or exclusively available to individuals of one sex when the denial or limitation is due only to the fact that the covered person is enrolled as belonging to the other sex or has undergone, or is in the process of undergoing, gender transition.

c. For the purposes of this section:

"Gender expression" means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

"Gender identity" means a person's internal sense of their own gender, regardless of the sex the person was assigned at birth.

"Gender transition" means the process of changing a person's outward appearance, including physical sex characteristics, to accord with the person's actual gender identity.

"Transgender person" means a person who identifies as a gender different from the sex assigned to the person at birth.

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

e. Nothing in this section shall preclude the health service corporation from performing utilization review, including periodic review of the medical necessity of a particular service.

C.17B:26-2.1ii Individual health insurance policy to provide coverage regardless of gender identity, expression.

4. a. Notwithstanding any other law or regulation to the contrary, an individual health insurance policy that provides hospital and medical expense benefits and is delivered, issued, executed, or renewed in this State pursuant to N.J.S.17B:26-1 et seq., or approved for issuance or renewal in this State, by the Commissioner of Banking and Insurance on or after the effective date of this act, shall not contain any provision that discriminates, and the insurer shall not discriminate, on the basis of a covered person's or prospective covered person's gender identity or expression or on the basis that the covered person or prospective covered person is a transgender person.

b. The discrimination prohibited by this section shall include:

(1) denying, cancelling, limiting or refusing to issue or renew a policy on the basis of a covered person's or prospective covered person's gender identity or expression, or for the reason that the covered person or prospective covered person is a transgender person;

(2) demanding or requiring a payment or premium that is based in whole or in part on a covered person's or prospective covered person's gen-

der identity or expression, or for the reason that the covered person or prospective covered person is a transgender person;

(3) designating a covered person's or prospective covered person's gender identity or expression, or the fact that a covered person or prospective covered person is a transgender person, as a preexisting condition for which coverage will be denied or limited; or

(4) denying or limiting coverage, or denying a claim, for services including but not limited to the following, due to a covered person's gender identity or expression or for the reason that the covered person is a transgender person:

(a) health care services related to gender transition if coverage is available for those services under the policy when the services are not related to gender transition, including but not limited to hormone therapy, hysterectomy, mastectomy, and vocal training; or

(b) health care services that are ordinarily or exclusively available to individuals of one sex when the denial or limitation is due only to the fact that the covered person is enrolled as belonging to the other sex or has undergone, or is in the process of undergoing, gender transition.

c. For the purposes of this section:

"Gender expression" means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

"Gender identity" means a person's internal sense of their own gender, regardless of the sex the person was assigned at birth.

"Gender transition" means the process of changing a person's outward appearance, including physical sex characteristics, to accord with the person's actual gender identity.

"Transgender person" means a person who identifies as a gender different from the sex assigned to the person at birth.

d. The provisions of this section shall apply to those individual health insurance policies in which the insurer has reserved the right to change the premium.

e. Nothing in this section shall preclude the insurer from performing utilization review, including periodic review of the medical necessity of a particular service.

C.17B:27-46.1oo Group health insurance policy to provide coverage regardless of gender identity, expression.

5. a. Notwithstanding any other law or regulation to the contrary, a group health insurance policy that provides hospital and medical expense

benefits and is delivered, issued, executed, or renewed in this State pursuant to N.J.S.17B:27-26 et seq., or approved for issuance or renewal in this State, by the Commissioner of Banking and Insurance on or after the effective date of this act, shall not contain any provision that discriminates, and the insurer shall not discriminate, on the basis of a covered person's or prospective covered person's gender identity or expression or on the basis that the covered person or prospective covered person is a transgender person.

b. The discrimination prohibited by this section shall include:

(1) denying, cancelling, limiting or refusing to issue or renew a policy on the basis of a covered person's or prospective covered person's gender identity or expression, or for the reason that the covered person or prospective covered person is a transgender person;

(2) demanding or requiring a payment or premium that is based in whole or in part on a covered person's or prospective covered person's gender identity or expression, or for the reason that the covered person or prospective covered person is a transgender person;

(3) designating a covered person's or prospective covered person's gender identity or expression, or the fact that a covered person or prospective covered person is a transgender person, as a preexisting condition for which coverage will be denied or limited; or

(4) denying or limiting coverage, or denying a claim, for services including but not limited to the following, due to a covered person's gender identity or expression or for the reason that the covered person is a transgender person:

(a) health care services related to gender transition if coverage is available for those services under the policy when the services are not related to gender transition, including but not limited to hormone therapy, hysterectomy, mastectomy, and vocal training; or

(b) health care services that are ordinarily or exclusively available to individuals of one sex when the denial or limitation is due only to the fact that the covered person is enrolled as belonging to the other sex or has undergone, or is in the process of undergoing, gender transition.

c. For the purposes of this section:

"Gender expression" means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

"Gender identity" means a person's internal sense of their own gender, regardless of the sex the person was assigned at birth.

"Gender transition" means the process of changing a person's outward appearance, including physical sex characteristics, to accord with the person's actual gender identity.

"Transgender person" means a person who identifies as a gender different from the sex assigned to the person at birth.

d. The provisions of this section shall apply to those group health insurance policies in which the insurer has reserved the right to change the premium.

e. Nothing in this section shall preclude the insurer from performing utilization review, including periodic review of the medical necessity of a particular service.

C.17B:27A-7.22 Individual health benefits plan to provide coverage regardless of gender identity, expression.

6. a. Notwithstanding any other law or regulation to the contrary, an individual health benefits plan that provides hospital and medical expense benefits and is delivered, issued, executed, or renewed in this State pursuant to P.L.1992, c.161 (C.17B:27A-2 et seq.), or approved for issuance or renewal in this State, by the Commissioner of Banking and Insurance on or after the effective date of this act, shall not contain any provision that discriminates, and the carrier shall not discriminate, on the basis of a covered person's or prospective covered person's gender identity or expression or on the basis that the covered person or prospective covered person is a transgender person.

b. The discrimination prohibited by this section shall include:

(1) denying, cancelling, limiting or refusing to issue or renew a contract on the basis of a covered person's or prospective covered person's gender identity or expression, or for the reason that the covered person or prospective covered person is a transgender person;

(2) demanding or requiring a payment or premium that is based in whole or in part on a covered person's or prospective covered person's gender identity or expression, or for the reason that the covered person or prospective covered person is a transgender person;

(3) designating a covered person's or prospective covered person's gender identity or expression, or the fact that a covered person or prospective covered person is a transgender person, as a preexisting condition for which coverage will be denied or limited; or

(4) denying or limiting coverage, or denying a claim, for services including but not limited to the following, due to a covered person's gender

identity or expression or for the reason that the covered person is a transgender person:

(a) health care services related to gender transition if coverage is available for those services under the contract when the services are not related to gender transition, including but not limited to hormone therapy, hysterectomy, mastectomy, and vocal training; or

(b) health care services that are ordinarily or exclusively available to individuals of one sex when the denial or limitation is due only to the fact that the covered person is enrolled as belonging to the other sex or has undergone, or is in the process of undergoing, gender transition.

c. For the purposes of this section:

"Gender expression" means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

"Gender identity" means a person's internal sense of their own gender, regardless of the sex the person was assigned at birth.

"Gender transition" means the process of changing a person's outward appearance, including physical sex characteristics, to accord with the person's actual gender identity.

"Transgender person" means a person who identifies as a gender different from the sex assigned to the person at birth.

d. The provisions of this section shall apply to all those health benefits plans in which the carrier has reserved the right to change the premium.

e. Nothing in this section shall preclude the carrier from performing utilization review, including periodic review of the medical necessity of a particular service.

C.17B:27A-19.26 Small employer health benefits plan to provide coverage regardless of gender identity, expression.

7. a. Notwithstanding any other law or regulation to the contrary, a small employer health benefits plan that provides hospital and medical expense benefits and is delivered, issued, executed, or renewed in this State pursuant to P.L.1992, c.162 (C.17B:27A-17 et seq.), or approved for issuance or renewal in this State, by the Commissioner of Banking and Insurance on or after the effective date of this act, shall not contain any provision that discriminates, and the carrier shall not discriminate, on the basis of a covered person's or prospective covered person's gender identity or expression or on the basis that the covered person or prospective covered person is a transgender person.

b. The discrimination prohibited by this section shall include:

(1) denying, cancelling, limiting or refusing to issue or renew a contract on the basis of a covered person's or prospective covered person's gender identity or expression, or for the reason that the covered person or prospective covered person is a transgender person;

(2) demanding or requiring a payment or premium that is based in whole or in part on a covered person's or prospective covered person's gender identity or expression, or for the reason that the covered person or prospective covered person is a transgender person;

(3) designating a covered person's or prospective covered person's gender identity or expression, or the fact that a covered person or prospective covered person is a transgender person, as a preexisting condition for which coverage will be denied or limited; or

(4) denying or limiting coverage, or denying a claim, for services including but not limited to the following, due to a covered person's gender identity or expression or for the reason that the covered person is a transgender person:

(a) health care services related to gender transition if coverage is available for those services under the contract when the services are not related to gender transition, including but not limited to hormone therapy, hysterectomy, mastectomy, and vocal training; or

(b) health care services that are ordinarily or exclusively available to individuals of one sex when the denial or limitation is due only to the fact that the covered person is enrolled as belonging to the other sex or has undergone, or is in the process of undergoing, gender transition.

c. For the purposes of this section:

"Gender expression" means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

"Gender identity" means a person's internal sense of their own gender, regardless of the sex the person was assigned at birth.

"Gender transition" means the process of changing a person's outward appearance, including physical sex characteristics, to accord with the person's actual gender identity.

"Transgender person" means a person who identifies as a gender different from the sex assigned to the person at birth.

d. The provisions of this section shall apply to those health benefits plans in which the carrier has reserved the right to change the premium.

e. Nothing in this section shall preclude the carrier from performing utilization review, including periodic review of the medical necessity of a particular service.

C.26:2J-4.40 Health maintenance organization to provide coverage regardless of gender identity, expression.

8. a. Notwithstanding any other law or regulation to the contrary, a health maintenance organization contract that provides hospital and medical expense benefits and is delivered, issued, executed, or renewed in this State pursuant to P.L.1973, c.337 (C.26:2J-1 et seq.), or approved for issuance or renewal in this State, by the Commissioner of Banking and Insurance on or after the effective date of this act, shall not contain any provision that discriminates, and the health maintenance organization shall not discriminate, on the basis of a covered person's or prospective covered person's gender identity or expression or on the basis that the covered person or prospective covered person is a transgender person.

b. The discrimination prohibited by this section shall include:

(1) denying, cancelling, limiting or refusing to issue or renew a contract on the basis of a covered person's or prospective covered person's gender identity or expression, or for the reason that the covered person or prospective covered person is a transgender person;

(2) demanding or requiring a payment or premium that is based in whole or in part on a covered person's or prospective covered person's gender identity or expression, or for the reason that the covered person or prospective covered person is a transgender person;

(3) designating a covered person's or prospective covered person's gender identity or expression, or the fact that a covered person or prospective covered person is a transgender person, as a preexisting condition for which coverage will be denied or limited; or

(4) denying or limiting coverage, or denying a claim, for services including but not limited to the following, due to a covered person's gender identity or expression or for the reason that the covered person is a transgender person:

(a) health care services related to gender transition if coverage is available for those services under the contract when the services are not related to gender transition, including but not limited to hormone therapy, hysterectomy, mastectomy, and vocal training; or

(b) health care services that are ordinarily or exclusively available to individuals of one sex when the denial or limitation is due only to the fact

that the covered person is enrolled as belonging to the other sex or has undergone, or is in the process of undergoing, gender transition.

c. For the purposes of this section:

"Gender expression" means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

"Gender identity" means a person's internal sense of their own gender, regardless of the sex the person was assigned at birth.

"Gender transition" means the process of changing a person's outward appearance, including physical sex characteristics, to accord with the person's actual gender identity.

"Transgender person" means a person who identifies as a gender different from the sex assigned to the person at birth.

d. The provisions of this section shall apply to those contracts for health care services under which the health maintenance organization has reserved the right to change the schedule of charges for enrollee coverage.

e. Nothing in this section shall preclude the health maintenance organization from performing utilization review, including periodic review of the medical necessity of a particular service.

C.52:14-17.29x State Health Benefits Commission contracts to provide coverage regardless of gender identity, expression.

9. a. Notwithstanding any other law or regulation to the contrary, the State Health Benefits Commission shall ensure that every contract purchased by the commission on or after the effective date of this act that provides hospital and medical expense benefits shall not contain any provision that discriminates, and the commission shall ensure there is no discrimination, on the basis of a covered person's or prospective covered person's gender identity or expression or on the basis that the covered person or prospective covered person is a transgender person.

b. The discrimination prohibited by this section shall include:

(1) denying, cancelling, limiting or refusing to issue or renew a contract on the basis of a covered person's or prospective covered person's gender identity or expression, or for the reason that the covered person or prospective covered person is a transgender person;

(2) demanding or requiring a payment or premium that is based in whole or in part on a covered person's or prospective covered person's gender identity or expression, or for the reason that the covered person or prospective covered person is a transgender person;

(3) designating a covered person's or prospective covered person's gender identity or expression, or the fact that a covered person or prospective covered person is a transgender person, as a preexisting condition for which coverage will be denied or limited; or

(4) denying or limiting coverage, or denying a claim, for services including but not limited to the following, due to a covered person's gender identity or expression or for the reason that the covered person is a transgender person:

(a) health care services related to gender transition if coverage is available for those services under the contract when the services are not related to gender transition, including but not limited to hormone therapy, hysterectomy, mastectomy, and vocal training; or

(b) health care services that are ordinarily or exclusively available to individuals of one sex when the denial or limitation is due only to the fact that the covered person is enrolled as belonging to the other sex or has undergone, or is in the process of undergoing, gender transition.

c. For the purposes of this section:

"Gender expression" means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

"Gender identity" means a person's internal sense of their own gender, regardless of the sex the person was assigned at birth.

"Gender transition" means the process of changing a person's outward appearance, including physical sex characteristics, to accord with the person's actual gender identity.

"Transgender person" means a person who identifies as a gender different from the sex assigned to the person at birth.

d. Nothing in this section shall preclude the carrier from performing utilization review, including periodic review of the medical necessity of a particular service.

C.52:14-17.46.6i School Employees' Health Benefits Commission to provide coverage regardless of gender identity, expression.

10. a. Notwithstanding any other law or regulation to the contrary, the School Employees' Health Benefits Commission shall ensure that every contract purchased by the commission on or after the effective date of this act that provides hospital and medical expense benefits shall not contain any provision that discriminates, and the commission shall ensure there is no discrimination, on the basis of a covered person's or prospective covered

person's gender identity or expression or on the basis that the covered person or prospective covered person is a transgender person.

b. The discrimination prohibited by this section shall include:

(1) denying, cancelling, limiting or refusing to issue or renew a contract on the basis of a covered person's or prospective covered person's gender identity or expression, or for the reason that the covered person or prospective covered person is a transgender person;

(2) demanding or requiring a payment or premium that is based in whole or in part on a covered person's or prospective covered person's gender identity or expression, or for the reason that the covered person or prospective covered person is a transgender person;

(3) designating a covered person's or prospective covered person's gender identity or expression, or the fact that a covered person or prospective covered person is a transgender person, as a preexisting condition for which coverage will be denied or limited; or

(4) denying or limiting coverage, or denying a claim, for services including but not limited to the following, due to a covered person's gender identity or expression or for the reason that the covered person is a transgender person:

(a) health care services related to gender transition if coverage is available for those services under the contract when the services are not related to gender transition, including but not limited to hormone therapy, hysterectomy, mastectomy, and vocal training; or

(b) health care services that are ordinarily or exclusively available to individuals of one sex when the denial or limitation is due only to the fact that the covered person is enrolled as belonging to the other sex or has undergone, or is in the process of undergoing, gender transition.

c. For the purposes of this section:

"Gender expression" means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

"Gender identity" means a person's internal sense of their own gender, regardless of the sex the person was assigned at birth.

"Gender transition" means the process of changing a person's outward appearance, including physical sex characteristics, to accord with the person's actual gender identity.

"Transgender person" means a person who identifies as a gender different from the sex assigned to the person at birth.

d. Nothing in this section shall preclude the carrier from performing utilization review, including periodic review of the medical necessity of a particular service.

C.30:7E-7 Contracted health care providers to provide coverage regardless of gender identity, expression.

11. a. Notwithstanding the provisions of any other law or regulation to the contrary, any contract between a health care provider and the New Jersey Department of Corrections, the Juvenile Justice Commission, the State Parole Board, or any other State or local entity, which contract provides health care services to the State's inmate population, shall not contain any provision that discriminates, and the State or local entity contracting for services shall ensure there is no discrimination, on the basis of a person's gender identity or expression or on the basis that the person is a transgender person.

b. The discrimination prohibited by this section shall include:

(1) denying, cancelling, limiting or refusing to issue or renew a contract on the basis of a covered person's or prospective covered person's gender identity or expression, or for the reason that the covered person or prospective covered person is a transgender person;

(2) demanding or requiring a payment or premium that is based in whole or in part on a covered person's or prospective covered person's gender identity or expression, or for the reason that the covered person or prospective covered person is a transgender person;

(3) designating a covered person's or prospective covered person's gender identity or expression, or the fact that a covered person or prospective covered person is a transgender person, as a preexisting condition for which coverage will be denied or limited; or

(4) denying or limiting coverage, or denying a claim, for services including but not limited to the following, due to a covered person's gender identity or expression or for the reason that the covered person is a transgender person:

(a) health care services related to gender transition if coverage is available for those services under the contract when the services are not related to gender transition, including but not limited to hormone therapy, hysterectomy, mastectomy, and vocal training; or

(b) health care services that are ordinarily or exclusively available to individuals of one sex when the denial or limitation is due only to the fact that the covered person is enrolled as belonging to the other sex or has undergone, or is in the process of undergoing, gender transition.

c. For the purposes of this section:

"Gender expression" means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

"Gender identity" means a person's internal sense of their own gender, regardless of the sex the person was assigned at birth.

"Gender transition" means the process of changing a person's outward appearance, including physical sex characteristics, to accord with the person's actual gender identity.

"Transgender person" means a person who identifies as a gender different from the sex assigned to the person at birth.

d. Nothing in this section shall preclude a State or local entity contracting for services pursuant to this section from performing utilization review, including periodic review of the medical necessity of a particular service.

C.30:4D-9.1 Medicaid contract providers to provide coverage regardless of gender identity, expression.

12. a. Notwithstanding the provisions of any other law or regulation to the contrary, any contract between a carrier and the Division of Medical Assistance and Health Services in the Department of Human Services that provides benefits to persons who are eligible for Medicaid under P.L.1968, c.413 (C.30:4D-1 et seq.) shall not contain any provision that discriminates, and the carrier shall not discriminate, on the basis of a covered person's or prospective covered person's gender identity or expression or on the basis that the covered person or prospective covered person is a transgender person.

b. The discrimination prohibited by this section shall include:

(1) denying, cancelling, limiting or refusing to issue or renew a contract on the basis of a covered person's or prospective covered person's gender identity or expression, or for the reason that the covered person or prospective covered person is a transgender person;

(2) demanding or requiring a payment or premium that is based in whole or in part on a covered person's or prospective covered person's gender identity or expression, or for the reason that the covered person or prospective covered person is a transgender person;

(3) designating a covered person's or prospective covered person's gender identity or expression, or the fact that a covered person or prospective covered person is a transgender person, as a preexisting condition for which coverage will be denied or limited; or

(4) denying or limiting coverage, or denying a claim, for services including but not limited to the following, due to a covered person's gender

identity or expression or for the reason that the covered person is a transgender person:

(a) health care services related to gender transition if coverage is available for those services under the contract when the services are not related to gender transition, including but not limited to hormone therapy, hysterectomy, mastectomy, and vocal training; or

(b) health care services that are ordinarily or exclusively available to individuals of one sex when the denial or limitation is due only to the fact that the covered person is enrolled as belonging to the other sex or has undergone, or is in the process of undergoing, gender transition.

c. For the purposes of this section:

"Gender expression" means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

"Gender identity" means a person's internal sense of their own gender, regardless of the sex the person was assigned at birth.

"Gender transition" means the process of changing a person's outward appearance, including physical sex characteristics, to accord with the person's actual gender identity.

"Transgender person" means a person who identifies as a gender different from the sex assigned to the person at birth

d. Nothing in this section shall preclude the carrier from performing utilization review, including periodic review of the medical necessity of a particular service.

13. This act shall take effect on the first day of the fourth month next following enactment.

Approved July 21, 2017.

CHAPTER 177

AN ACT requiring gubernatorial candidates' statements to be posted online and amending P.L.1974, c.26.

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

1. Section 12 of P.L.1974, c.26 (C.19:44A-37) is amended to read as follows:

C.19:44A-37 Statements from gubernatorial candidates; posting on websites.

12. The Election Law Enforcement Commission shall, on or before the forty-fifth day prior to the date on which the general election is to be held, supply each county clerk with the text of statements from each candidate for election to the office of Governor. Each candidate for the office of Governor who wishes a statement to be posted on the county clerk's website on his behalf shall submit to the commission, on forms provided by it, his proposed statement which shall not exceed 500 words in length. Each county clerk shall cause the statements submitted by all such candidates to be posted on the county clerk's website in a conspicuous location and available as a hardcopy upon request, with a short explanation prepared by the commission that such statements are provided pursuant to this law to assist the voters of this State in making their determination among the candidates for the office of Governor. The statements shall also be posted in a conspicuous location on the websites of the Division of Elections and the Election Law Enforcement Commission.

The sample ballot shall note that gubernatorial statements are available upon request to the county clerk, on the county clerk's website and the websites of the Division of Elections and the Election Law Enforcement Commission.

The cost of posting such statements shall be paid for by the counties; except that any cost to the counties resulting from the posting of such statements shall be reimbursed from State funds appropriated to the commission for that purpose on claim therefor made by the county clerk to the commission.

2. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 178

AN ACT concerning Montclair State University and supplementing and amending Title 18A of the New Jersey Statutes.

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

C.18A:64N-1 Short title.

1. This act shall be known and may be cited as the "Montclair State University Act."

C.18A:64N-2 Findings, declarations relative to Montclair State University.

2. The Legislature finds and declares that:

a. Montclair State University is a State university located in Montclair, Little Falls, Clifton, and Branchville, New Jersey, currently operating pursuant to the authority granted to State colleges by N.J.S.18A:64-1 et seq. and P.L.1994, c.48 (C.18A:3B-1 et seq.).

b. Building on a distinguished 108-year history, Montclair State University is a leading institution of higher education in New Jersey. The university's 10 colleges and schools serve 21,000 undergraduate and graduate students in more than 300 doctoral, master's, and baccalaureate level programs.

c. Montclair State University is currently comprised of the College of Humanities and Social Sciences, the College of Science and Mathematics, the College of Education and Human Services, the Feliciano School of Business, the College of the Arts, the John J. Cali School of Music, the School of Communication and Media, the Graduate School, the School of Nursing, and the New Jersey School of Conservation.

d. Effective February 1, 2016, the national Carnegie Classification of Institutions of Higher Education, which is the widely recognized classification of United States institutions of higher education, recognized Montclair State University as a Research Doctoral University, based on the substantial growth at the institution in doctoral-level education and research activity.

e. Effective March 31, 2016, the Office of the Secretary of Higher Education officially changed Montclair State University's programmatic mission to a doctoral degree-granting institution.

f. Pursuant to the Carnegie Classification of Institutions of Higher Education, doctoral universities are ranked at three levels: Research 1, which have the highest research activity; Research 2, which have higher research activity; and Research 3, which have moderate research activity. Among the public universities in New Jersey, Rutgers-New Brunswick is a Research 1 university; NJIT and Rutgers-Newark are Research 2 universities; and Montclair State University and Rowan University are Research 3 universities. Of these institutions, only Montclair State University has not been recognized as a public research university by the State of New Jersey.

g. Montclair State University has successfully expanded its research activities and doctoral programs and its ability to attract federal funds for

research from the National Science Foundation, the National Institutes of Health, the National Aeronautics and Space Administration, the United States Department of Education, and other federal agencies.

h. Examples of important faculty research initiatives at the university include projects: to develop medical countermeasures for botulinum neurotoxin; to better evaluate drugs that inhibit, and find the causative agents of, Parkinson's Disease; to study the catastrophic collapse of ice shelves in the Antarctic; to solve the challenges of positioning autonomous vehicles in the ocean; to understand how urban students can come to think of themselves as mathematicians; to understand the sociodemographic factors contributing to racial and ethnic disparities in cancer prevention; to study the psychological effects on victims of natural disasters such as Superstorm Sandy; to evaluate the effectiveness of the portfolio management model being utilized in urban elementary schools; and to understand the unpredictable dynamics of stochastic disease spread.

i. These contributions to knowledge and the offering of advanced higher education programs are reflective of Montclair State University's historic contributions to New Jersey. Established in 1908, Montclair State University was the first of the State colleges to offer graduate programs in 1932.

j. In the past 15 years, Montclair State University has worked strategically and aggressively to grow enrollment, faculty, and facilities, and that growth has enabled the university to expand its educational programs and research initiatives in service to the State and the nation.

k. In light of Montclair State University's actual and successful transformation to a public research doctoral university and in recognition of the university's change in programmatic mission, it is appropriate at this time to designate Montclair State University as a public research university.

C.18A:64N-3 Designation as public research university.

3. As used in this act "Montclair State University," hereinafter referred to as "university," shall, unless the context clearly indicates to the contrary, include and mean the public research university herein designated "Montclair State University" as presently and hereafter constituted, including all departments, colleges, schools, centers, branches, educational and other units and extensions thereof, extension and cooperative education programs, continuing education programs and all other departments of higher education maintained by the educational entity of the university.

C.18A:64N-4 Body corporate and politic.

4. There is hereby established a body corporate and politic to be known as Montclair State University. The exercise by the university of the powers conferred by this act shall be deemed to be public and essential governmental functions necessary for the welfare of the State and the people of New Jersey.

C.18A:64N-5 Public policy.

5. It is declared to be the public policy of the State that the university shall be given a high degree of self-government and that the governance and conduct of the university shall be free of partisanship.

C.18A:64N-6 Board of trustees.

6. The board of trustees of the university is continued and shall have and exercise the powers, authority, rights and privileges and shall be subject to the duties, obligations, and responsibilities set forth in this act.

C.18A:64N-7 Composition, size of board; terms.

7. a. The composition and size of the board of trustees shall be determined by the board; however, the board shall have not less than seven nor more than 15 members. The members shall be appointed by the Governor with the advice and consent of the Senate. The board of trustees shall recommend potential new members to the Governor. The terms of office of appointed members shall be for six years beginning on July 1 and ending on June 30. Each member shall serve until his successor shall have been appointed and qualified and vacancies shall be filled in the same manner as the original appointments for the remainders of the unexpired terms. Any member of a board of trustees may be removed by the Governor for cause upon notice and opportunity to be heard.

b. Members of the board as of the effective date of this act shall continue in office until the expiration of their respective terms and the qualification in office of their successors.

c. All voting members of the board of trustees, before undertaking the duties of their office, shall take and subscribe an oath or affirmation to support the Constitution of the State of New Jersey and of the United States, to bear allegiance to the government of the State, and to perform the duties of their office faithfully, impartially and justly, to the best of their ability.

d. Members of the board of trustees shall not receive compensation for their services. Each trustee shall be reimbursed for actual expenses reasonably incurred in the performance of his duties or in rendering service as a member of or on behalf of the board or any committee of the board.

e. The board of trustees shall elect its chairperson from among its voting members annually in July. The board shall select such other officers from among its members as shall be deemed necessary.

f. A voting member of the board of trustees shall not be a salaried official of the State of New Jersey, or receive remuneration for services from the university. If any member of the board shall become ineligible by reason of the foregoing, a vacancy in his office as trustee shall thereby occur.

g. The board of trustees shall have the power to appoint and regulate the duties, functions, powers and procedures of committees, standing or special, from its members and such advisory committees or bodies as it may deem necessary or conducive to the efficient management and operation of the university, consistent with this act and other applicable statutes.

C.18A:64N-8 Election of student representatives.

8. The board of trustees of the university shall provide for the election of two student representatives, who shall be full-time, regularly matriculated students in good academic standing, and who shall be 18 years of age or older and citizens of the United States. The student representatives shall be elected by the members of the student government association to serve on the board of trustees for terms of two years commencing at the next organization of the board.

a. A student shall be elected for a two-year term, but shall serve during the first year as an alternate member, and as a voting member during the second year.

Any vacancies which occur shall be filled by the student governing body for the unexpired term only.

b. The standards for eligibility for student representatives on the board of trustees shall be the same as those required for other student government officers.

c. The student members shall be entitled to full participation in all activities of the board except that they shall not participate in:

(1) Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective officer or employee or current officer or employee employed or appointed by the board, unless all the individual employees or appointees whose rights could be adversely affected request in writing that the matter or matters be discussed at a public meeting;

(2) Any matter involving the purchase, lease, acquisition or sale of real property with public funds, the setting of banking rates or investment of

public funds, where it could adversely affect the public interest if discussion of these matters were disclosed; and

(3) Any pending or anticipated litigation in which the board is, or may become, a party, where it could adversely affect the public interest if discussion of these matters were disclosed, or any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

d. Upon assuming office, the students shall agree to adhere to such standards of responsibility and confidentiality as are established by the board of trustees.

C.18A:64N-9 Powers, duties.

9. The board of trustees of Montclair State University shall have the general supervision over and be vested with the conduct of the university. It shall have the power and duty to:

a. Adopt and use a corporate seal;

b. Determine the educational curriculum and program of the university;

c. Determine policies for the organization, administration, and development of the university;

d. Study the educational and financial needs of the university, annually acquaint the Governor and Legislature with the condition of the university, and prepare and submit an annual request for appropriation to the Division of Budget and Accounting in the Department of the Treasury in accordance with law;

e. Disburse all moneys appropriated to the university by the Legislature and all moneys received from tuition, fees, auxiliary services and other sources;

f. Direct and control expenditures and transfers of funds appropriated to the university in accordance with the provisions of the State budget and appropriation acts of the Legislature, and, as to funds received from other sources, direct and control expenditures and transfers in accordance with the terms of any applicable trusts, gifts, bequests, or other special provisions, reporting changes and additions thereto and transfers thereof to the Director of the Division of Budget and Accounting in the Department of the Treasury. All accounts of the university shall be subject to audit by the State at any time;

g. In accordance with the provisions of the State budget and appropriation acts of the Legislature, appoint and fix the compensation and term of office of a president of the university who shall be the executive officer of the university and an ex officio member of the board of trustees, without vote, and shall serve at the pleasure of the board of trustees;

h. In accordance with the provisions of the State budget and appropriation acts of the Legislature, appoint, upon nomination of the president, such deans and other members of the academic, administrative, and teaching staffs as shall be required and fix their compensation and terms of employment;

i. Consistent with the provisions of its budget, this act and any and all controlling collective bargaining agreements, have the power, upon nomination or recommendation of the president, to appoint, remove, promote and transfer all other officers, agents, or employees which may be required to carry out the provisions of this act and prescribe qualifications for those positions, and assign requisite duties and determine and fix respective compensation for those positions in accordance with duly adopted salary program parameters;

j. Grant diplomas, certificates or degrees;

k. Enter into contracts and agreements with the State or any of its political subdivisions or with the United States, or with any public body, department or other agency of the State or the United States or with any individual, firm or corporation which are deemed necessary or advisable by the board for carrying out the provisions of this act. A contract or agreement pursuant to this subsection may require a municipality to undertake obligations and duties to be performed subsequent to the expiration of the term of office of the elected governing body of such municipality which initially entered into or approved said contract or agreement, and the obligations and duties so incurred by such municipality shall be binding and of full force and effect, notwithstanding that the term of office of the elected governing body of such municipality which initially entered into or approved said contract or agreement, shall have expired;

l. Exercise the right of eminent domain, pursuant to the provisions of the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.), to acquire any property or interest therein;

m. Adopt, after consultation with the president and faculty, bylaws and make and promulgate such rules, regulations, and orders, not inconsistent with the provisions of this act as are necessary and proper for the administration and operation of the university and the carrying out of its purposes;

n. Establish fees for room and board sufficient for the operation, maintenance, and rental of student housing and food services facilities;

o. Fix and determine tuition rates and other fees to be paid by students;

p. Accept from any government or governmental department, agency or other public or private body or from any other source grants or contributions of money or property which the board may use for or in aid of any of its purposes;

q. Acquire, by gift, purchase, condemnation or otherwise, own, lease, dispose of, use and operate property, whether real, personal or mixed, or any interest therein, which is necessary or desirable for university purposes;

r. Employ architects to plan buildings; secure bids for the construction of buildings and for the equipment thereof; make contracts for the construction of buildings and for equipment; and supervise the construction of buildings;

s. Manage and maintain, and provide for the payment of all charges on and expenses in respect of, all properties utilized by the university;

t. Borrow money and to secure the same by a mortgage on its property or any part thereof, and to enter into any credit agreement for the needs of the university, as deemed requisite by the board, in such amounts and for such time and upon such terms as may be determined by the board, provided that no such borrowing shall be deemed or construed to create or constitute a debt, liability, or a loan or pledge of the credit or be payable out of property or funds, other than moneys appropriated for that purpose, of the State;

u. Authorize any new program, educational department or school consistent with the programmatic mission of the institution or approved by the Secretary of Higher Education;

v. Adopt standing operating rules and procedures for the purchase of all equipment, materials, supplies and services; however, no contract on behalf of the university shall be entered into for the purchase of services, materials, equipment and supplies, for the performance of any work, or for the hiring of equipment or vehicles, where the sum to be expended exceeds $33,000 or the amount determined by the Governor as provided herein, unless the university shall first publicly advertise for bids and shall award the contract to that responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the university, price and other factors considered. Such advertising shall not be required in those exceptions created by the board of trustees of the university, which shall be in substance those exceptions contained in sections 4 and 5 of P.L.1954, c.48 (C.52:34-9 and 10) and section 5 of P.L.1986, c.43 (C.18A:64-56) or for the supplying of any product or the rendering of any service by a public utility subject to the jurisdiction of the Board of Public Utilities of this State and tariffs and schedules of the charges made, charged, or exacted by the public utility for any such products to be supplied or services to be rendered are filed with the said board. Commencing July 1, 2017 and every two years thereafter, the Governor, in consultation with the Department of the Treasury, shall adjust the threshold amount set forth in this paragraph in direct proportion to the rise or fall of the consumer price index for all urban consumers in the

New York City and the Philadelphia areas as reported by the United States Department of Labor. The Governor shall notify the university of the adjustment. The adjustment shall become effective on July 1 of the year in which it is reported.

This subsection shall not prevent the university from having any work performed by its own employees, nor shall it apply to repairs, or to the furnishing of materials, supplies or labor, or the hiring of equipment or vehicles, when the safety or protection of its or other public property or the public convenience requires or the exigency of the university's service will not admit of such advertisement. In such case, the university shall, by resolution passed by the affirmative vote of its board of trustees, declare the exigency or emergency to exist, and set forth in the resolution the nature and approximate amount to be expended; shall maintain appropriate records as to the reason for such awards; and shall report regularly to its board of trustees on all such purchases, the amounts and the reasons therefor;

w. Invest certain moneys in such obligations, securities and other investments as the board shall deem prudent, consistent with the purposes and provisions of this act and in accordance with State and federal law, as follows:

Investment in not-for-profit corporations or for-profit corporations organized and operated pursuant to the provisions of subsection x. of this section may utilize income realized from the sale or licensing of intellectual property as well as the reinvestment of earnings on intellectual property. Investment in not-for-profit corporations may also utilize income from overhead grant fund recovery as permitted by federal law as well as other university funds except those specified in paragraph 5 of subsection x. of this section;

x. (1) Participate as the general partner or as a limited partner, either directly or through a subsidiary corporation created by the university, in limited partnerships, general partnerships, or joint ventures engaged in the development, manufacture, or marketing of products, technology, scientific information or services and create or form for-profit or not-for-profit corporations to engage in such activities; provided that any such participation shall be consistent with the mission of the university and the board shall have determined that such participation is prudent;

(2) The decision to participate in any activity described in paragraph (1) of this subsection, including the creation or formation of for-profit or not-for-profit corporations, shall be articulated in the minutes of the board of trustees meeting in which the action was approved;

(3) The provisions of P.L.1971, c.182 (C.52:13D-12 et seq.) shall continue to apply to the university, its employees, and officers;

(4) Nothing herein shall be deemed or construed to create or constitute a debt, liability, or a loan or pledge of the credit or be payable out of property or funds of the State;

(5) Funds directly appropriated to the university from the State or derived from the university's academic programs shall not be utilized by the for-profit or not-for-profit corporations organized and operated pursuant to this subsection in the development, manufacture, or marketing of products, technology or scientific information;

(6) Employees of any joint venture, subsidiary corporation, partnership, or other jural entity entered into or owned wholly or in part by the university shall not be deemed public employees;

(7) A joint venture, subsidiary corporation, partnership, or other jural entity entered into or owned wholly or in part by the university shall not be deemed an instrumentality of the State of New Jersey;

(8) Income realized by the university as a result of participation in the development, manufacture, or marketing of products, technology, or scientific information may be invested or reinvested pursuant to subsection w. of this section or any other provision of this act or State or federal law or retained by the board for use in furtherance of any of the purposes of this act or of other applicable statutes;

(9) The board shall annually report to the State Treasurer on the operation of all joint ventures, subsidiary corporations, partnerships, or such other jural entities entered into or owned wholly or in part by the university;

y. Sue and be sued in its own name;

z. Retain independent counsel including representation by the Attorney General in accordance with subsection h. of section 6 of P.L.1994, c.48 (C.18A:3B-6);

aa. (1) Procure and enter into contracts for any type of insurance and indemnify against loss or damage to property from any cause, including loss of use and occupancy, against death or injury of any person, against employees' liability, against any act of any member, officer, employee or servant of the university, whether part-time, full-time, compensated or non-compensated in the performance of the duties of his office or employment or any other insurable risk. In addition, the university shall carry its own liability insurance or maintain an actuarially sound program of self insurance. Any joint venture, subsidiary corporation, or partnership or such other jural entity entered into or owned wholly or in part by the university shall carry insurance or maintain reserves in such amounts as are determined by an actuary to be sufficient to meet its actual or accrued claims;

(2) Moneys in the fund known as the Self-Insurance Trust Fund administered by the State Treasurer shall continue to be available to the university solely to indemnify and defend claims against the university and its employees, officers and servants but only to the extent that the university has elected on behalf of itself and its employees to obtain representation from the Attorney General pursuant to subsection h. of section 6 of P.L.1994, c.48 (C.18A:3B-6) and such entity or individuals would have been entitled to defense and indemnification pursuant to the "New Jersey Tort Claims Act," N.J.S.59:1-1 et seq., as a State entity or State employee but for the provision of subsection z. of this section. Any expenditure of such funds shall be made only in accordance with the provisions of the "New Jersey Tort Claims Act," N.J.S.59:1-1 et seq., including but not limited to the provisions of chapters 10, 10A and 11 of Title 59 of the New Jersey Statutes. Nothing herein shall be construed to authorize the use of the Self-Insurance Trust Fund to indemnify or insure in any way, directly or indirectly the activities of any joint venture, partnership or corporation entered into or created by the university pursuant to subsection x. of this section;

bb. Create auxiliary organizations subject to the provisions of P.L.1982, c.16 (C.18A:64-26 et seq.);

cc. Adopt a code of ethics that complies with the requirements of all statutes applicable to the institution, including, but not limited, to the "Higher Education Restructuring Act of 1994," P.L.1994, c.48 (C.18A:3B-1 et al.), the "New Jersey Conflicts of Interest Law," P.L.1971, c.182 (C.52:13D-12 et seq.), regulations of the State Ethics Commission, and any applicable executive orders; and

dd. Establish a procedure for the confidential, anonymous submission of employee concerns regarding alleged wrongdoing at the university.

C.18A:64N-10 Public-private partnership agreements.

10. Notwithstanding the provisions of section 43 of P.L.2009, c.90 (C.18A:64-85) to the contrary, the university may enter into a public-private partnership agreement in accordance with the provisions of that section.

C.18A:64N-11 Participating contracting unit in competitive pricing system.

11. a. The university is authorized to be a participating contracting unit in a cooperative pricing system established pursuant to the laws of this State.

b. The university may make purchases and contract for services through the use of a nationally-recognized and accepted cooperative purchasing agreement, including a cooperative purchasing agreement in existence as of the effective date of P.L.2016, c.50 (C.18A:64-63.1 et al.), in

accordance with the provisions of paragraph (3) of subsection b. of section 7 of P.L.1996, c.16 (C.52:34-6.2).

c. The State Treasurer may promulgate rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), which are necessary to effectuate the purposes of this section.

C.18A:64N-12 Functions, powers duties relative to investment, reinvestment of certain funds, purchase, sale.

12. All functions, powers and duties relating to the investment or reinvestment of funds other than those funds specified in subsection w. of section 9 of P.L.2017, c.178 (C.18A:64N-9) within the jurisdiction of the board of trustees including the purchase, sale, or exchange of any investments or securities may be exercised and performed by the Director of the Division of Investment in the Department of the Treasury in accordance with the provisions of P.L.1950, c.270 (C.52:18A-79 et seq.) if so authorized by the board. Before any such investment, reinvestment, purchase, sale, or exchange shall be made by the director for or on behalf of the board of trustees, the Director of the Division of Investment shall submit the details thereof to the board, which shall, itself or by its finance committee, within 48 hours, exclusive of Sundays and public holidays, after such submission to it, file with the director its written acceptance or rejection of such proposed investment, reinvestment, purchase, sale, or exchange; and the director shall have authority to make such investment, reinvestment, purchase, sale, or exchange for or on behalf of the board, unless there shall have been filed with him a written rejection thereof by the board or its finance committee as herein provided. The board of trustees shall determine from time to time the cash requirements of the various funds and accounts established by it and the amount available for investment, all of which shall be certified to the State Treasurer and the Director of the Division of Investment.

The finance committee of the board of trustees shall consist of three members of the board who shall be appointed in the same manner and for the same term as other committees of the board are appointed.

C.18A:64N-13 Internet website for board of trustees.

13. The university shall maintain an Internet website for the board of trustees. The purpose of the website shall be to provide increased public access to board operations and activities. The following information shall be posted on the board's website:

a. the board's rules, regulations, resolutions, and official policy statements;

b. notice, posted at least five business days prior to a meeting of the board or any of its committees, setting forth the time, date, location, and agenda of the meeting;

c. the minutes of each meeting of the board and its committees; and

d. information on any contract entered into by the board that was not competitively bid and the statutory authority for the contracting process.

The website shall be updated on a regular basis.

C.18A:64N-14 Additional powers, duties.

14. The board of trustees, in addition to the other powers and duties provided herein, shall be vested with the right of perpetual succession and shall have and exercise all the powers, rights, and privileges that are incident to the proper governance, conduct, and management of the university and the control of its properties and funds and such powers granted to the university or the board or reasonably implied, may be exercised without recourse or reference to any department or agency of the State, except as otherwise provided by this act.

C.18A:64N-15 Appointment, compensation of president.

15. The board shall appoint and fix the compensation of a president of the university. The president shall be responsible to the board of trustees and shall have such powers as shall be requisite for the executive management and conduct of the university in all departments, branches and divisions, and for the execution and enforcement of bylaws, ordinances, rules, regulations, statutes, and orders governing the management, conduct and administration of the university.

C.18A:64N-16 Immunity from personal liability.

16. No trustee or officer of the university shall be personally liable for any debt, obligation, or other liability of the university or incurred by or on behalf of the university or any constituent unit thereof.

C.18A:64N-17 Advice to Governor, Legislature.

17. The board of trustees shall advise the Governor and Legislature, in consultation with the Secretary of Higher Education and the President's Council and successor bodies, on the manner in which the facilities and services of the university may be utilized so as to increase the efficiency of the public education system and provide, maintain, and improve upon the quality of higher education for the people of the State. The board of trustees shall make recommendations to the Governor and the Legislature respecting the needs for the facilities and services of the university as an educational instrumentality of the State for that purpose.

C.18A:64N-18 University deemed employer for certain purposes.

18. Subject to the provisions of P.L.1969, c.242 (C.18A:66-167 et seq.) and except as otherwise provided by law, the university shall be deemed to be an employer for the purposes of the "Public Employees' Retirement System Act," P.L.1954, c.84 (C.43:15A-1 et seq.), and shall also be deemed to be a "public agency or organization" within the meaning of section 71 of that act (C.43:15A-71). Further, the university's commissioned police officers shall be eligible for participation in and subject to the provisions of the "Police and Firemen's Retirement Systems Act," P.L.1944, c.255 (C.43:16A-1 et seq.), and the university shall be deemed an employer within the meaning of that act.

C.18A:64N-19 Construction of act.

19. Nothing herein contained shall be construed to impair, annul or affect any vested rights, grants, privileges, exemptions, immunities, powers, prerogatives, franchises, or advantages heretofore obtained or enjoyed by the university or any constituent unit thereof, under any authority or any act of this State or under any grant, deed, conveyance, transfer, lease, estate, remainder, expectancy, trust, gift, donation, legacy, devise, endowment or fund, all of which are hereby ratified and confirmed except insofar as the same may have expired, be or have been repealed or altered, or may be inconsistent with this act or with existing provisions of law; subject however, thereto and to all of the rights, obligations, relations, conditions, terms, trust, duties, and liabilities to which the same are subject.

C.18A:64N-20 Current officers unaffected; exceptions.

20. The enactment and adoption of this act shall not, of itself, affect the official, operational, or organizational status of any officer of the university or any and all outstanding authorizations of any officer, agent, or employee to take specified action, or any and all outstanding commitments or undertakings of or by the university, except and only to the extent that any of the same may be inconsistent with this act.

C.18A:64N-21 Effect of establishment of body corporate and politic known as Montclair State University.

21. Upon the establishment of the body corporate and politic known as Montclair State University:

a. All appropriations, grants, debt service, research funds, and other monies available to Montclair State University prior to the effective date of this act and to become available shall be transferred to the university by the Director of the Division of Budget and Accounting in the Department of the

Treasury and shall be available for the objects and purposes for which appropriated, subject to any terms, restrictions, limitations or other requirements imposed by the State budget;

b. All other grants, gifts, other moneys and property available to Montclair State University prior to the effective date of this act and to become available to or for Montclair State University shall be transferred to the university and shall be available for the objects and purposes of the university, subject to any terms, restrictions, limitations or other requirements imposed by State and federal law or otherwise;

c. All employees of Montclair State University prior to the effective date of this act shall become employees of the university. Nothing in this act shall be construed so as to deprive any person of any right of tenure or under any retirement system or to any pension, disability, social security or similar benefit, to which the person is entitled by law or contractually. All persons employed at Montclair State University shall continue to be represented by the majority representative that represented them on the effective date of this act, shall continue to be represented by the executive branch Statewide collective negotiations units they were in on the effective date of this act, and shall continue to be covered by the collective negotiations agreements that were in effect on the effective date of this act. Pursuant to section 12 of P.L.1986, c.42 (C.18A:64-21.1), the Governor shall continue to function as the public employer under the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), for persons employed at Montclair State University. The executive branch Statewide collective negotiations units referenced in this section are the units specified in subsection b. of section 1 of P.L.2005, c.142 (C.34:13A-5.10). The employees of Montclair State University employed on the effective date of this act shall not be considered new employees for any purpose and shall retain any accrued seniority, rank, and tenure, which shall be applied when determining eligibility for all benefits, including all paid leave time, longevity increases, promotions and health benefits. Nothing in this act shall be construed to deprive any person employed at Montclair State University of any tenure rights or to in any manner affect the tenure, rank, or academic track of any employees holding a faculty position. Such tenure, rank and academic track shall continue to be through Montclair State University and shall be held or granted pursuant to the authority of the board of trustees of Montclair State University for all current and future employees employed at Montclair State University. Nothing in this act shall be construed to deprive any officers or employees employed at Montclair State University of

their rights, privileges, obligations or status under any pension, retirement, health benefits system, civil service law or any other law of this State;

d. All files, papers, records, equipment and other personal property of Montclair State University shall be transferred to the university; and

e. All orders, rules or regulations theretofore made or promulgated by Montclair State University shall continue in full force and effect as the orders, rules and regulations of the university until amended or repealed by the university.

C.18A:64N-22 Certain actions unaffected.

22. This act shall not affect actions or proceedings, civil or criminal, brought by or against Montclair State University, but such actions or proceedings may be prosecuted or defended in the same manner and to the same effect by the university as if the foregoing provisions had not taken effect; nor shall any of the foregoing provisions affect any order or regulation made by, or other matters or proceedings before, Montclair State University, and all such matters or proceedings pending before Montclair State University on the effective date of this act shall be continued by the university, as if the foregoing provisions had not taken effect.

C.18A:64N-23 Reference to public research university.

23. Whenever in any law, rule, regulation, contract, document, judicial or administrative proceeding or otherwise, reference is made to Montclair State University, the same shall mean and refer to Montclair State University, herein referred to as "university," established as a public research university pursuant to the provisions of this act.

C.18A:64N-24 Powers of Secretary of Higher Education.

24. The general powers of supervision and control of the Secretary of Higher Education at the request of the Governor over Montclair State University include the power to visit the university to examine into its manner of conducting its affairs and to enforce an observance of its laws and regulations and the laws of the State.

C.18A:64N-25 Governance of contract claims and suits.

25. Notwithstanding any of the provisions of the "New Jersey Contractual Liability Act" (N.J.S.59:13-1 et seq.) to the contrary, contract claims and suits against the university shall be governed by that act.

C.18A:64N-26 Warranty by contractor.

26. Every contract or agreement negotiated, awarded or made pursuant to this act shall contain a suitable warranty by the contractor that no person

or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by the contractor for the purpose of securing business, for the breach or violation of which warranty the university shall have the right to annul such contract without liability or in its discretion to deduct from the contract price or consideration the full amount of such commission, percentage, brokerage or contingent fee.

C.18A:64N-27 Violation, misdemeanor.

27. Any person willfully authorizing, consenting to, making or procuring to be made payment of university funds for or on account of any purchase, contract or agreement known to him to have been made or entered into in violation of any of the provisions of this act shall be guilty of a misdemeanor.

C.18A:64N-28 Prohibitions relative to purchase, acquisition of property or services.

28. The payment of any fee, commission or compensation of any kind or the granting of any gift or gratuity of any kind, either directly or indirectly, whether or not in connection with any purchase, sale or contract, to any person employed by Montclair State University, having any duties or responsibilities in connection with the purchase or acquisition of any property or services by the university, by or on behalf of any seller or supplier who has made, negotiated, solicited or offered to make and contract to sell or furnish real or personal property or services to the university is hereby prohibited. Any person offering, paying, giving, soliciting or receiving any fee, commission, compensation, gift or gratuity in violation of this section shall be guilty of a misdemeanor.

C.18A:64N-29 Terms of present board members.

29. The provisions of this act shall not alter the term of any member of the board, not specifically abolished herein, lawfully in office as of the effective date of this act, or require the reappointment thereof.

C.18A:64N-30 Construction.

30. No provision of this act shall be deemed or construed to create or constitute a debt, liability, or a loan or pledge of the credit, of the State of New Jersey.

C.18A:64N-31 Liberal construction.

31. This act, being deemed and declared necessary for the welfare of the State and the people of New Jersey to provide for the development of public higher education in the State and thereby to improve the quality and increase the efficiency of the public system of educational services of the State, shall be liberally construed to effectuate the purposes and intent thereof.

C.18A:64N-32 Allocation to Department of State.

32. In accordance with the provisions of section 27 of P.L.1994, c.48 (C.18A:3B-27), the university is allocated to the Department of State for the purposes of complying with the provisions of Article V, Section IV, Paragraph 1 of the New Jersey Constitution. Notwithstanding this allocation, the university shall be independent of any supervision or control of the Department of State or any board, commission, or officer thereof and the allocation shall not in any way affect the principles of institutional autonomy established by that act and as otherwise enumerated herein.

C.18A:64N-33 Rights, obligations of employers, employees unaffected.

33. Nothing in P.L.2017, c.178 (C.18A:64N-1 et al.) shall be construed to modify or contravene the rights and obligations of employers or employees under the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.).

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

State administrative leave.

11A:6-6. State administrative leave. Administrative leave for personal reasons including religious observances for full-time State employees or those employees of Rutgers, The State University, New Jersey Institute of Technology, Rowan University, and Montclair State University who perform services similar to those performed by employees of the New Jersey State colleges who are in the career service shall be three working days per calendar year. Administrative leave shall not be cumulative and any administrative leave unused by an employee at the end of any year shall be cancelled.

35. N.J.S.11A:6-17 is amended to read as follows:

Supplemental compensation.

11A:6-17. Supplemental compensation; employees of Rutgers, The State University, New Jersey Institute of Technology, Rowan University,

and Montclair State University. The supplemental compensation provided under this chapter shall also be paid to each employee of Rutgers, The State University, New Jersey Institute of Technology, Rowan University, and Montclair State University who performs services similar to those performed by employees of the New Jersey State colleges who are in the career service or who have been granted sick leave under terms and conditions similar to career service employees, including those employees of Rutgers, The State University who are members of the Newark Employees' Retirement System.

36. Section 3 of P.L.1994, c.48 (C.18A:3B-3) is amended to read as follows:

C.18A:3B-3 Definitions.

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

"Authority" means the Higher Education Student Assistance Authority established pursuant to N.J.S.18A:71A-3;

"Commission" means the New Jersey Commission on Higher Education established by this act;

"Council" means the New Jersey Presidents' Council established by this act;

"Council of County Colleges" means the New Jersey Council of County Colleges established pursuant to N.J.S.18A:64A-26;

"County college" means an educational institution established by one or more counties, pursuant to chapter 64A of Title 18A of the New Jersey Statutes;

"Educational research and services corporation" means a nonprofit corporation whose voting members are public research universities, State colleges, county colleges, public institutions of higher education primarily located in the State of New Jersey, and nonprofit independent institutions of higher education that receive direct State aid;

"Programmatic Mission" means all program offerings consistent within those levels of academic degrees or certificates that the institution has been authorized to grant by the State Board of Higher Education prior to the effective date of this act or approved thereafter by the commission;

"Public Research University" means Rutgers, The State University of New Jersey, Rowan University, the New Jersey Institute of Technology, and Montclair State University;

"State college" means any of 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.

37. Section 6 of P.L.1994, c.48 (C.18A:3B-6) is amended to read as follows:

C.18A:3B-6 Powers, duties of governing boards of institutions of higher education.

6. The governing board of each public institution of higher education shall have the following general powers and duties to fulfill its mission and the Statewide goals in cooperation with other institutions and the State coordinating structures:

a. To develop an institutional plan and to determine the programs and degree levels to be offered by the institution consistent with this plan and the institution's programmatic mission;

b. To have authority over all matters concerning the supervision and operations of the institution including fiscal affairs, the employment and compensation of staff not classified under Title 11A of the New Jersey Statutes, and capital improvements in accordance with law;

c. To set tuition and fees; however, prior to the date of the adoption of a tuition or fee schedule or an overall institutional budget, and with reasonable notice thereof, the governing board shall conduct a public hearing at such times and places as will provide those members of the college community who wish to testify with an opportunity to be heard;

d. To establish admission standards and requirements and standards for granting diplomas, certificates and degrees;

e. To recommend for appointment by the Governor, members to the institution's governing board. The recommendation shall be made with regard to the mission of the institution and the diversity of the community to be served;

f. To have final authority to determine controversies and disputes concerning tenure, personnel matters of employees not classified under Title 11A of the New Jersey Statutes, and other issues arising under Title 18A of the New Jersey Statutes involving higher education except as otherwise provided herein. Any matter arising under this subsection may be assigned to an administrative law judge, an independent hearing officer or to a subcommittee of the governing board for hearing and initial decision by the board, except for tenure hearings under N.J.S.18A:6-18. Any hearings conducted pursuant to this section shall conform to the requirements of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The

final administrative decision of a governing board of a public institution of higher education is appealable to the Superior Court, Appellate Division;

g. To invest and reinvest the funds of the institution; however, institutions which invest the funds of the institution through the Director of the Division of Investment in the Department of the Treasury on or before the effective date of this act shall continue to do so, unless this requirement is waived by the State Treasurer on an annual basis, which waiver shall not be unreasonably withheld;

h. To retain legal counsel of the institution's choosing. State entities may choose representation by the Attorney General; however, as to claims of a tortious nature, the institution shall elect within 75 days of the effective date of this act whether it, and its employees, shall be represented in all such matters by the Attorney General. If the institution elects not to be represented by the Attorney General, it shall be considered and its employees considered employees of a sue and be sued entity for the purposes of the "New Jersey Tort Claims Act" only. The institution shall be required in that circumstance to provide its employees with defense and indemnification consistent with the terms and conditions of the Tort Claims Act in lieu of the defense and indemnification that such employees would otherwise seek and be entitled to from the Attorney General pursuant to N.J.S.59:10-1 et seq. and P.L.1972, c.48 (C.59:10A-1 et seq.);

i. To be accountable to the public for fulfillment of the institution's mission and Statewide goals and for effective management of the institution;

j. To submit a request for State support to the Division of Budget and Accounting in the Department of the Treasury and to the commission in accordance with the provisions of this act;

k. To have prepared and made available to the public an annual financial statement, and a statement setting forth generally the moneys expended for government relations, public relations and legal costs;

l. To have prepared an annual independent financial audit, which audit and any management letters regarding that audit shall be deemed public documents.

These powers and duties are in addition to and not a limitation of the specific powers and duties provided for the governing board of each public institution under chapter 64, 64A, 64G, 64E, or 64M of Title 18A of the New Jersey Statutes, or P.L.2017, c.178 (C.18A:64N-1 et al.). If the provisions of this section are inconsistent with these specific powers and duties, the specific powers and duties shall govern.

38. Section 12 of P.L.1994, c.48 (C.18A:3B-12) is amended to read as follows:

C.18A:3B-12 Executive board.

12. a. There shall be established an executive board which performs such duties as determined by the council. The executive board shall be composed of 16 members as follows:

The president of Rutgers, The State University;

The president of New Jersey Institute of Technology;

The president of Rowan University;

The president of Montclair State University;

Three presidents of State Colleges who shall be selected by the presidents of this sector;

Five presidents of county colleges who shall be selected by the presidents of this sector;

Three presidents of independent institutions who shall be selected by the presidents of this sector;

One president of the proprietary schools which have been authorized to offer licensed degree programs who shall be selected by the presidents of these proprietary schools.

b. The chair of the executive board shall be rotated among the following: one of the presidents of Rutgers, The State University of New Jersey, the president of Rowan University, the president of New Jersey Institute of Technology, and the president of Montclair State University; a president selected by the presidents of the State Colleges; a president selected by the presidents of the county colleges; and a president selected by the presidents of the independent institutions. The chair of the executive board shall serve for a two-year period. Biennially, the executive board shall select the chair in the manner provided above**, but not necessarily in the order provided above.**

c. The chair of the executive board shall also serve as the chair of the council.

39. Section 1 of P.L.2009, c.308 (C.18A:3B-46) is amended to read as follows:

C.18A:3B-46 Definitions relative to structure and fiscal management of higher education.

1. As used in this act:

"Commission" means the New Jersey Commission on Higher Education established pursuant to section 13 of P.L.1994, c.48 (C.18A:3B-13);

"Public research university" means Rutgers, The State University of New Jersey, Rowan University, the New Jersey Institute of Technology, and Montclair State University;

"State college" means the State colleges or universities established pursuant to chapter 64 of Title 18A of the New Jersey Statutes.

40. Section 1 of P.L.1985, c.161 (C.18A:64-45) is amended to read as follows:

C.18A:64-45 New Jersey Association of State Colleges and Universities.

1. There is established a body corporate and politic, with corporate succession, to be known as the New Jersey Association of State Colleges and Universities. New Jersey City University, Kean University, Ramapo College of New Jersey, Richard Stockton College of New Jersey, Thomas Edison State College, The College of New Jersey and The William Paterson University of New Jersey shall constitute the membership of the association.

41. Section 2 of P.L.1985, c.161 (C.18A:64-46) is amended to read as follows:

C.18A:64-46 Membership of association.

2. The association shall consist of seven voting members to be appointed as follows: one member from each member institution's boards of trustees, appointed by the members thereof. In addition the presidents of the member institutions shall serve as ex officio, nonvoting members.

Members shall serve without compensation but shall be entitled to be reimbursed for all reasonable and necessary expenses.

42. Section 1 of P.L.1981, c.148 (C.18A:64I-1) is amended to read as follows:

C.18A:64I-1 Certain land used in perpetuity.

1. The 240 acre tract of land known as the New Jersey School of Conservation, located in Stokes State Forest, Sussex county, New Jersey, together with all the buildings thereon, and under the management and control of the Division of Parks, Forestry and Recreation in the Department of Environmental Protection, shall be used in perpetuity as a school for environmental field study under the direction of the Board of Trustees of Montclair State University.

43. Section 2 of P.L.1981, c.148 (C.18A:64I-2) is amended to read as follows:

C.18A:64I-2 Expenditure of funds from appropriations.

2. The Board of Trustees of Montclair State University shall expend such sum or sums of money as may be included in any annual appropriations act for the expenses necessary for the educational program of the New Jersey School of Conservation, including the maintenance of the buildings and grounds necessary for that program.

44. Section 2 of P.L.1985, c.103 (C.18A:64J-2) is amended to read as follows:

C.18A:64J-2 Definitions.

2. For the purposes of this act:

a. "Advanced technology center" means one or more outstanding programs or departments at New Jersey's public and private institutions of higher education, which are provided substantial and concentrated financial support to promote their development into national-level bases for innovative technology research.

b. "Business incubation facilities" means low-cost, short-term occupancy, rental spaces wherein assistance is granted to a targeted network of new companies employing selected technologies congruent with the strengths of the State's public and private institutions of higher education.

c. "Commission" means the Governor's Commission on Science and Technology as created by Executive Order No. 12 of 1982 or its successor which is established by the Legislature.

d. "Consortium" means a cooperative arrangement between two or more institutions of higher education to pursue a program for strengthening academic programs, improving administration or providing for other special needs.

e. "Innovation partnership grants" means matching grants to academic researchers performing applied research in emerging technologies at any of the State's public and private institutions of higher education, which are of strategic importance to the New Jersey economy, under regulations adopted by the commission pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

f. "Private institutions of higher education" means independent colleges, universities or institutes incorporated and located in New Jersey, which by virtue of law or character or license are nonprofit educational institutions authorized to grant academic degrees and which provide a level of education which is equivalent to the education provided by the State's public institutions of higher education as attested by the receipt of and con-

tinuation of regional accreditation by the Middle States Association of Colleges and Schools, and which are eligible to receive State aid under the provisions of the Constitution of the United States and the Constitution of the State of New Jersey, but does not include any educational institution dedicated primarily to the education or training of ministers, priests, rabbis or other professional persons in the field of religion.

g. "Public institutions of higher education" means Rutgers, The State University, the State colleges, the New Jersey Institute of Technology, Rowan University, Montclair State University, the county colleges and any other public university or college now or hereafter established or authorized by law.

h. "Technology extension services" means programs that not only accelerate the application and transfer of technological innovations by the State's public and private institutions of higher education to existing industry, but also adapt these innovations to the requirements of individual business operations.

45. Section 2 of P.L.1985, c.104 (C.18A:64J-9) is amended to read as follows:

C.18A:64J-9 Definitions.

2. For the purposes of this act:

a. "Advanced technology center" means one or more outstanding programs or departments at New Jersey's public and private institutions of higher education, which are provided substantial and concentrated financial support to promote their development into national-level bases for innovative technology research.

b. "Business incubation facilities" means low-cost, short-term occupancy, rental spaces wherein assistance is granted to a targeted network of new companies employing selected technologies congruent with the strengths of the State's public and private institutions of higher education.

c. "Commission" means the Governor's Commission on Science and Technology as created by Executive Order No. 12 of 1982 or its successor which is established by the Legislature.

d. "Innovation partnership grants" means matching grants to academic researchers performing applied research in emerging technologies at any of the State's public and private institutions of higher education, which are of strategic importance to the New Jersey economy, under regulations adopted by the commission pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

e. "Private institutions of higher education" means independent colleges or universities incorporated and located in New Jersey, which by virtue of law or character or license are nonprofit educational institutions authorized to grant academic degrees and which provide a level of education which is equivalent to the education provided by the State's public institutions of higher education as attested by the receipt of and continuation of regional accreditation by the Middle States Association of Colleges and Schools, and which are eligible to receive State aid under the provisions of the Constitution of the United States and the Constitution of the State of New Jersey, but does not include any educational institution dedicated primarily to the education or training of ministers, priests, rabbis or other professional persons in the field of religion.

f. "Public institutions of higher education" means Rutgers, The State University, the State colleges, the New Jersey Institute of Technology, Rowan University, Montclair State University, the county colleges and any other public university or college now or hereafter established or authorized by law.

g. "Technology extension services" means programs that not only accelerate the application and transfer of technological innovations by the State's public and private universities to existing industry, but also adapt these innovations to the requirements of individual business operations.

46. Section 2 of P.L.1985, c.105 (C.18A:64J-16) is amended to read as follows:

C.18A:64J-16 Definitions.

2. For the purposes of this act:

a. "Advanced technology center" means one or more outstanding programs or departments at New Jersey's public and private institutions of higher education, which are provided substantial and concentrated financial support to promote their development into national-level bases for innovative technology research.

b. "Business incubation facilities" means low-cost, short-term occupancy, rental spaces wherein assistance is granted to a targeted network of new companies employing selected technologies congruent with the strengths of the State's public and private institutions of higher education.

c. "Commission" means the Governor's Commission on Science and Technology as created by Executive Order No. 12 of 1982 or its successor which is established by the Legislature.

d. "Innovation partnership grants" means matching grants to academic researchers performing applied research in emerging technologies at any of the State's public and private institutions of higher education, which are of strategic importance to the New Jersey economy, under regulations adopted by the commission pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

e. "Private institutions of higher education" means independent colleges or universities incorporated and located in New Jersey, which by virtue of law or character or license are nonprofit educational institutions authorized to grant academic degrees and which provide a level of education which is equivalent to the education provided by the State's public institutions of higher education as attested by the receipt of and continuation of regional accreditation by the Middle States Association of Colleges and Schools, and which are eligible to receive State aid under the provisions of the Constitution of the United States and the Constitution of the State of New Jersey, but does not include any educational institution dedicated primarily to the education or training of ministers, priests, rabbis or other professional persons in the field of religion.

f. "Public institutions of higher education" means Rutgers, The State University, the State colleges, the New Jersey Institute of Technology, Rowan University, Montclair State University, the county colleges and any other public university or college now or hereafter established or authorized by law.

g. "Technology extension services" means programs that not only accelerate the application and transfer of technological innovations by the State's public and private institutions of higher education to existing industry, but also adapt these innovations to the requirements of individual business operations.

47. Section 2 of P.L.1985, c.106 (C.18A:64J-23) is amended to read as follows:

C.18A:64J-23 Definitions.

2. For the purposes of this act:

a. "Advanced technology center" means one or more outstanding programs or departments at New Jersey's public and private institutions of higher education, which are provided substantial and concentrated financial support to promote their development into national-level bases for innovative technology research.

b. "Business incubation facility" means low-cost, short-term occupancy, rental spaces wherein assistance is granted to a targeted network of new companies employing selected technologies congruent with the strengths of the State's public and private institutions of higher education.

c. "Commission" means the Governor's Commission on Science and Technology as created by Executive Order No. 12 of 1982 or its successor which is established by the Legislature.

d. "Innovation partnership grants" means matching grants to academic researchers performing applied research in emerging technologies at any of the State's public and private institutions of higher education, which are of strategic importance to the New Jersey economy, under regulations adopted by the commission pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

e. "Private institutions of higher education" means independent colleges or universities incorporated and located in New Jersey, which by virtue of law or character or license are nonprofit educational institutions authorized to grant academic degrees and which provide a level of education which is equivalent to the education provided by the State's public institutions of higher education as attested by the receipt of and continuation of regional accreditation by the Middle States Association of Colleges and Schools, and which are eligible to receive State aid under the provisions of the Constitution of the United States and the Constitution of the State of New Jersey, but does not include any educational institution dedicated primarily to the education or training of ministers, priests, rabbis or other professional persons in the field of religion.

f. "Public institutions of higher education" means Rutgers, The State University, the State colleges, the New Jersey Institute of Technology, Rowan University, Montclair State University, the county colleges and any other public university or college now or hereafter established or authorized by law.

g. "Technology extension services" means programs that not only accelerate the application and transfer of technological innovations by the State's public and private institutions of higher education to existing industry, but also adapt these innovations to the requirements of individual business operations.

48. Section 2 of P.L.1985, c.366 (C.18A:64J-30) is amended to read as follows:

C.18A:64J-30 Definitions.

2. For the purposes of this act:

a. "Advanced technology center" means one or more outstanding programs or departments at New Jersey's public and private institutions of higher education which are provided substantial and concentrated financial support to promote their development into national level bases for innovative technology research;

b. "Business incubation facilities" means low cost, short-term occupancy rental spaces wherein assistance is granted to a targeted network of new companies employing selected technologies congruent with the strengths of the State's public and private institutions of higher education;

c. "Commission" means the New Jersey Commission on Science and Technology as created by P.L.1985, c.102 (C.52:9X-1 et seq.);

d. "Innovation partnership grants" means matching grants to academic researchers performing applied research in emerging technologies at any of the State's public and private institutions of higher education which are of strategic importance to the New Jersey economy under regulations adopted by the commission pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.);

e. "Private institutions of higher education" means independent colleges or universities incorporated and located in New Jersey, which by virtue of law or character or license, are nonprofit educational institutions authorized to grant academic degrees and provide a level of education which is equivalent to the education provided by the State's public institutions of higher education as attested by the receipt of and continuation of regional accreditation by the Middle States Association of Colleges and Schools, and which are eligible to receive State aid under the provisions of the Constitution of the United States and the Constitution of the State of New Jersey, but does not include any educational institution dedicated primarily to the education or training of ministers, priests, rabbis or other professional persons in the field of religion;

f. "Public institutions of higher education" means Rutgers, The State University, the State colleges, the New Jersey Institute of Technology, Rowan University, Montclair State University, the county colleges and any other public university or college now or hereafter established or authorized by law;

g. "Technology extension services" means programs that not only accelerate the application and transfer of technological innovations by the State's public and private institutions of higher education to existing industry, but also adapt these innovations to the requirements of individual business operations.

49. Section 2 of P.L.1985, c.397 (C.18A:64J-39) is amended to read as follows:

C.18A:64J-39 Definitions.

2. For the purposes of this act:

a. "Advanced technology center" means one or more outstanding programs or departments at New Jersey's public and private institutions of higher education, which are provided substantial and concentrated financial support to promote their development into national-level bases for innovative technology research;

b. "Business incubation facilities" means low-cost, short-term occupancy rental spaces wherein assistance is granted to a targeted network of new companies employing selected technologies congruent with the strengths of the State's public and private institutions of higher education;

c. "Commission" means the New Jersey Commission on Science and Technology as created by P.L.1985, c.102 (C.52:9X-1 et seq.);

d. "Innovation partnership grants" means matching grants to academic researchers performing applied research in emerging technologies at any of the State's public and private institutions of higher education, which are of strategic importance to the New Jersey economy, under regulations adopted by the commission pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.);

e. "Private institutions of higher education" means independent colleges or universities incorporated and located in New Jersey, which by virtue of law or character or license are nonprofit educational institutions authorized to grant academic degrees and provide a level of education which is equivalent to the education provided by the State's public institutions of higher education as attested by the receipt of and continuation of regional accreditation by the Middle States Association of Colleges and Schools, and which are eligible to receive State aid under the provisions of the Constitution of the United States and the Constitution of the State of New Jersey, but does not include any educational institution dedicated primarily to the education or training of ministers, priests, rabbis or other professional persons in the field of religion;

f. "Public institutions of higher education" means Rutgers, The State University, the State colleges, the New Jersey Institute of Technology, Rowan University, Montclair State University, the county colleges and any other public university or college now or hereafter established or authorized by law;

g. "Technology extension services" means programs that not only accelerate the application and transfer of technological innovations by the State's public and private institutions of higher education to existing industry, but also adapt these innovations to the requirements of individual business operations.

50. Section 4 of P.L.2009, c.4 (C.18A:65A-1) is amended to read as follows:

C.18A:65A-1 Implementation of energy savings improvement program by public institution of higher education; definitions.

4. a. (1) The board of trustees of a public institution of higher education may implement an energy savings improvement program in the manner provided by this section whenever it determines that the savings generated from reduced energy use from the program will be sufficient to cover the cost of the program's energy conservation measures as set forth in an energy savings plan. Under such a program, a board of trustees may enter into an energy savings services contract with an energy services company to implement the program or the board may authorize separate contracts to implement the program. The provisions of: N.J.S.18A:64-1 et seq., in the case of any State college; P.L.1995, c.400 (C.18A:64E-12 et seq.), in the case of the New Jersey Institute of Technology; N.J.S.18A:65-1 et seq., in the case of Rutgers, the State University; P.L.2012, c.45 (C.18A:64M-1 et al.), in the case of Rowan University; P.L.2017, c.178 (C.18A:64N-1 et al.), in the case of Montclair State University; and N.J.S.18A:64A-1 et seq., in the case of the county colleges; shall apply to any contracts awarded pursuant to this section to the extent that the provisions of such law are not inconsistent with any provision of this section.

In the case of Rutgers, the State University, references in this section to the board of trustees shall mean the Rutgers board of governors.

(2) An educational facility alteration required to properly implement other energy efficiency or energy conservation measures, or both, may be included as part of an energy savings services contract, in which case, notwithstanding any other provision of law, rule, regulation, or order to the contrary, the facility alteration may be undertaken or supervised by the energy services company performing the energy savings services contract if:

(a) the total cost of the improvement does not exceed 15 percent of the total cost of the work to be performed under the energy savings services contract; and

(b) (i) the improvement is necessary to conform to a law, rule, or regulation, or order, or (ii) an analysis within an approved proposal, or the board of trustees, at the time of the award of the proposal, demonstrates that there is an economic advantage to the board of trustees implementing the improvement as part of the energy savings services contract, and the savings rationale for the improvement is documented and supported by reasonable justification.

b. (1) To be eligible to enter into an energy savings services contract, an energy services company shall be a commercial entity that is qualified to provide energy savings services in accordance with the provisions of this section. A public institution of higher education may enter into an energy savings services contract through public advertising for bids and the receipt of bids therefor.

(2) (a) Public works activities performed under an energy savings improvement program shall be subject to all requirements regarding public bidding, bid security, performance guarantees, insurance and other public contracting requirements that are applicable to public works contracts, to the extent not inconsistent with this section. A general contractor, energy services company serving as general contractor, or any subcontractor hired for the furnishing of plumbing and gas fitting and all kindred work, and of steam and hot water heating and ventilating apparatus, steam power plants and kindred work, and electrical work, structural steel and ornamental iron work, shall be classified by the Division of Property Management and Construction in the Department of the Treasury in order to perform public works activities under an energy savings improvement program.

(b) Individuals or organizations performing energy audits, acting as commissioning agents, or conducting verification of energy savings plans, implementation of energy conservation measures, or verifying guarantees shall be prequalified by the Division of Property Management and Construction in the Department of the Treasury to perform their work under an energy savings improvement program.

(c) Where there is a need for compatibility of a direct digital control system with previously installed control systems and equipment, the bid specifications may include a requirement for proprietary goods, and if so included, the bid specification shall set forth an allowance price for its supply which shall be used by all bidders in the public bidding process.

(3) (a) An energy services company may be designated as the general contractor for improvements to be made pursuant to an energy savings plan, provided that the hiring of subcontractors that are required to be classified pursuant to subparagraph (a) of paragraph (2) of this subsection shall be

performed in accordance with the procedures and requirements set forth pursuant to the public bidding requirements of the board of trustees. A contract with an energy savings company shall include, but not be limited to: preparation of an energy savings plan; the responsibilities of the parties for project schedules, installations, performance and quality, payment of subcontractors, project completion, commissioning, savings implementation; a requirement that the savings to be achieved by energy conservation measures be verified upon commissioning of the improvements; allocation of State and federal rebates and tax credits; and any other provisions deemed necessary by the parties.

(b) All workers performing public works activities for subcontractors awarded contracts by an energy services company pursuant to this section shall be paid prevailing wages in accordance with the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.). All subcontractors shall comply with the provisions of "The Public Works Contractor Registration Act," P.L.1999, c.238 (C.34:11-56.48 et seq.). Only firms appropriately classified as contractors by the Division of Property Management and Construction shall be eligible to be awarded a contract as a subcontractor of an energy services company under this section for performing public works activities pursuant to regulations adopted by the Division of Property Management and Construction.

(c) In order to expedite communications with an energy services company and facilitate the implementation of an energy savings improvement program, a board of trustees may designate or appoint an employee of the public institution of higher education with decision-making authority to coordinate with the energy services company and to address issues associated with the implementation of an energy savings improvement program as they arise, provided that any decision requiring a change order shall be made only upon the approval of the board of trustees of the public institution of higher education.

(4) A subsidiary or wholly-owned or partially-owned affiliate of the energy services company shall not be an eligible contractor or subcontractor under an energy savings services contract.

c. An energy savings improvement program may be financed through a lease-purchase agreement or through the issuance of energy savings obligations pursuant to this subsection.

(1) An energy savings improvement program may be financed through a lease-purchase agreement between a board of trustees and an energy services company or other public or private entity. Under a lease-purchase agreement, ownership of the energy savings equipment or improved facili-

ties shall pass to the board of trustees when all lease payments have been made. Notwithstanding the provisions of any other law to the contrary, the duration of such a lease-purchase agreement shall not exceed 15 years, except that the duration of a lease purchase agreement for a combined heat and power or cogeneration project shall not exceed 20 years. For the purposes of this paragraph, the duration of the repayment term of a lease-purchase agreement shall commence on the date upon which construction and installation of the energy savings equipment, "combined heat and power facility" or "cogeneration facility," as those terms are defined pursuant to section 3 of P.L.1999, c.23 (C.48:3-51), or other energy conservation measures undertaken pursuant to the energy savings plan, have been completed.

(2) Any lease-purchase or other agreement entered into in connection with an energy savings improvement program may be a general obligation of the public institution of higher education pursuant to this subsection, and may contain: a clause making it subject to the availability and appropriation annually of sufficient funds as may be required to meet the extended obligation; and a non-substitution clause maintaining that if the agreement is terminated for non-appropriation, the board of trustees may not replace the leased equipment or facilities with equipment or facilities that perform the same or similar functions.

(3) A board of trustees may arrange for incurring energy savings obligations to finance an energy savings improvement program and may enter into any agreement with the New Jersey Educational Facilities Authority or other persons in connection with the issuance by the authority of its obligations on behalf of the public institution of higher education in order to finance the institution's energy savings improvement program. Energy savings obligations may be funded through appropriations for utility services in the annual budget of the board, or incurred as a general obligation of the public institution of higher education in connection with the issuance by the New Jersey Educational Facilities Authority of bonds or notes pursuant to N.J.S.18A:72A-2 et seq., or, in the case of a county college, by a sponsoring county as a refunding bond pursuant to N.J.S.40A:2-52 et seq., including the issuance of bond anticipation notes as may be necessary, provided that all such bonds and notes mature within the periods authorized for such energy savings obligations.

(4) Lease-purchase agreements and energy savings obligations shall not be used to finance maintenance, guarantees, or verification of guarantees of energy conservation measures. Lease-purchase agreements and energy savings obligations may be used to finance the cost of an energy audit or the cost of verification of energy savings as part of adopting an energy savings

plan. Maturity schedules of lease-purchase agreements or energy savings obligations shall not exceed the estimated average useful life of the energy conservation measures.

d. (1) The energy audit component of an energy savings improvement program shall be conducted either by the board of trustees or by a qualified third party retained by the board for that purpose. It shall not be conducted by an energy services company subsequently hired to develop an energy savings improvement program. The energy audit shall identify the current energy use of any or all facilities and energy conservation measures that can be implemented in which the energy savings and energy efficiency could be realized and maximized.

(2) To implement an energy savings improvement program, a board of trustees shall develop an energy savings plan that consists of one or more energy conservation measures. The plan shall:

(a) contain the results of an energy audit;

(b) describe the energy conservation measures that will comprise the program;

(c) estimate greenhouse gas reductions resulting from those energy savings;

(d) identify all design and compliance issues that require the professional services of an architect or engineer and identify who will provide these services;

(e) include an assessment of risks involved in the successful implementation of the plan;

(f) identify the eligibility for, and costs and revenues associated with the PJM Independent System Operator for demand response and curtailable service activities;

(g) include schedules showing calculations of all costs of implementing the proposed energy conservation measures and the projected energy savings;

(h) identify maintenance requirements necessary to ensure continued energy savings, and describe how they will be fulfilled; and

(i) if developed by an energy services company, a description of, and cost estimates of an energy savings guarantee.

All professionals providing engineering services under the plan shall have errors and omissions insurance.

(3) Prior to the adoption of the plan, the board of trustees shall contract with a qualified third party to verify the projected energy savings to be realized from the proposed program have been calculated as required by subsection e. of this section.

(4) Upon adoption, the plan shall be submitted to the Board of Public Utilities, which shall post it on the Internet on a public webpage maintained for such purpose. If the board of trustees maintains its own website, it shall also post the plan on that site. The Board of Public Utilities may require periodic reporting concerning the implementation of the plan.

(5) Verification by a qualified third party shall be required when energy conservation measures are placed in service or commissioned, to ensure the savings projected in the energy savings plan shall be achieved.

(6) Energy-related capital improvements that do not reduce energy usage may be included in an energy savings improvement program but the cost of such improvements shall not be financed as a lease-purchase or through energy savings obligations authorized by subsection c. of this section. Nothing herein is intended to prevent the financing of such capital improvements through otherwise authorized means.

(7) A qualified third party when required by this subsection may include an employee of the public institution of higher education who is properly trained and qualified to perform such work.

e. (1) (a) The calculation of energy savings for the purposes of determining that the energy savings resulting from the program will be sufficient to cover the cost of the program's energy conservation measures, as provided in subsection a. of this section, shall involve determination of the dollar amount saved through implementation of an energy savings improvement program using the guidelines of the International Performance Measurement and Verification Protocol or other protocols approved by the Board of Public Utilities and standards adopted by the Board of Public Utilities pursuant to this section. The calculation shall include all applicable State and federal rebates and tax credits, but shall not include the cost of an energy audit and the cost of verifying energy savings. The calculation shall state which party has made application for rebates and credits and how these applications translate into energy savings.

(b) During the procurement phase of an energy savings improvement program, an energy services company's proposal submitted in response to a request for proposal shall not include a savings calculation that assumes, includes, or references capital cost avoidance savings, the current or projected value of a "solar renewable energy certificate," as defined pursuant to section 3 of P.L.1999, c.23 (C.48:3-51), or other environmental or similar attributes or benefits of whatever nature that derive from the generation of renewable energy, and any costs or discounts associated with maintenance services, an energy savings guarantee, or third party verification of energy conservation measures and energy savings. The calculation of energy sav-

ings shall utilize and specifically reference as a benchmark the actual demand and energy components of the public utility tariff rate applicable to the board of trustees then in effect, and not a blended rate that aggregates, combines, or restates in any manner the distinct demand and energy components of the public utility tariff rate into a single combined or restated tariff rate. If an energy services company submits a proposal to a board of trustees that does not calculate projected energy savings in the manner required by this subsection, such proposal shall be rejected by the board of trustees.

(2) For the purposes of this section, the Board of Public Utilities shall adopt standards and uniform values for interest rates and escalation of labor, electricity, oil, and gas, as well as standards for presenting these costs in a life cycle and net present value format, standards for the presentation of obligations for carbon reductions, and other standards that the board may determine necessary.

f. (1) When an energy services company is awarded an energy savings services contract, it shall offer the board of trustees the option to purchase, for an additional amount, an energy savings guarantee. The guarantee, if accepted by a separate vote of the board of trustees, shall insure that the energy savings resulting from the energy savings improvement program, determined periodically over the duration of the guarantee, will be sufficient to defray all payments required to be made pursuant to the lease-purchase agreement or energy savings obligation, and if the savings are not sufficient, the energy services company will reimburse the board of trustees for any additional amounts. Annual costs of a guarantee shall not be financed or included as costs in an energy savings plan but shall be fully disclosed in an energy savings plan.

(2) When a guaranteed energy savings option is purchased, the contract shall require a qualified third party to verify the energy savings at intervals established by the parties.

(3) When an energy services company is awarded an energy savings services contract to provide or perform goods or services for the purpose of enabling a board of trustees to conserve energy through energy efficiency equipment, including a "combined heat and power facility" as that term is defined pursuant to section 3 of P.L.1999, c.23 (C.48:3-51), on a self-funded basis, such contract shall extend for a term of up to 15 years for energy efficiency projects, and for up to 20 years for a combined heat and power facility after construction completion. If a board of trustees shall elect to contract with an energy services company for an energy savings guarantee in connection with a contract awarded pursuant to this section, such guarantee may extend for a term of up to 15 years for energy efficien-

cy projects, or up to 20 years for a combined heat and power facility after construction completion.

g. As used in this section:

"direct digital control systems" means the devices and computerized control equipment that contain software and computer interfaces that perform the logic that control a building's heating, ventilating, and air conditioning system. Direct digital controls shall be open protocol format and shall meet the interoperability guidelines established by the American Society of Heating, Refrigerating and Air-Conditioning Engineers;

"educational facility" means a structure suitable for use as a dormitory, dining hall, student union, administrative building, academic building, library, laboratory, research facility, classroom, athletic facility, health care facility, teaching hospital, and parking, maintenance, storage or utility facility or energy conservation measures and other structures or facilities related thereto or required or useful for the instruction of students or the conducting of research or the operation of an institution for higher education, and public libraries, and the necessary and usual attendant and related facilities and equipment, but shall not include any facility used or to be used for sectarian instruction or as a place for religious worship;

"energy conservation measure" means an improvement that results in reduced energy use, including, but not limited to, installation of energy efficient equipment; demand response equipment; combined heat and power systems; facilities for the production of renewable energy; water conservation measures, fixtures or facilities; building envelope improvements that are part of an energy savings improvement program; and related control systems for each of the foregoing;

"energy related capital improvement" means a capital improvement that uses energy but does not result in a reduction of energy use;

"energy saving obligation" means a bond, note or other agreement evidencing the obligation to repay borrowed funds incurred in order to finance energy saving improvements;

"energy savings" means a measured reduction in fuel, energy, operating or maintenance costs resulting from the implementation of one or more energy conservation measures services when compared with an established baseline of previous fuel, energy, operating or maintenance costs, including, but not limited to, future capital replacement expenditures avoided as a result of equipment installed or services performed as part of an energy savings plan;

"energy savings improvement program" means an initiative of a public institution of higher education to implement energy conservation measures in existing facilities, provided that the value of the energy savings resulting

from the program will be sufficient to cover the cost of the program's energy conservation measures;

"energy savings plan" means the document that describes the actions to be taken to implement the energy savings improvement program;

"energy savings services contract" means a contract with an energy savings company to develop an energy savings plan, prepare bid specifications, manage the performance, provision, construction, and installation of energy conservation measures by subcontractors, to offer a guarantee of energy savings derived from the implementation of an energy savings plan, and may include a provision to manage the bidding process;

"energy services company" means a commercial entity that is qualified to develop and implement an energy savings plan in accordance with the provisions of this section;

"public works activities" means any work subject to the provisions of P.L.1963, c.150 (C.34:11-56.25 et seq.); and

"water conservation measure" means an alteration to a facility or equipment that reduces water consumption, maximizes the efficiency of water use, or reduces water loss.

h. (1) The State Treasurer and the Board of Public Utilities may take such action as is deemed necessary and consistent with the intent of this section to implement its provisions.

(2) The State Treasurer and the Board of Public Utilities may adopt implementation guidelines or directives, and adopt such administrative rules, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary for the implementation of those agencies' respective responsibilities under this section, except that notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the State Treasurer and the Board of Public Utilities may adopt, immediately upon filing with the Office of Administrative Law, such rules and regulations as deemed necessary to implement the provisions of this act which shall be effective for a period not to exceed 12 months and shall thereafter be amended, adopted or re-adopted in accordance with the provisions of P.L.1968, c.410 (C.52:14B-1 et seq.).

51. Section 3 of P.L.1969, c.242 (C.18A:66-169) is amended to read as follows:

C.18A:66-169 Definitions.

3. As used in this act:

a. "Accumulated deductions" means those contributions as defined in N.J.S.18A:66-2 or in section 6 of P.L.1954, c.84 (C.43:15A-6).

b. "Base salary" means a participant's regular base or contractual salary. It shall exclude bonus, overtime or other forms of extra compensation such as (1) longevity lump sum payments, (2) lump sum terminal sick leave or vacation pay, (3) the value of maintenance, (4) individual pay adjustments made within or at the conclusion of the participant's final year of service, (5) retroactive salary adjustments or other pay adjustments made in the participant's final year of service unless such adjustment was made as a result of a general pay adjustment for all personnel of the department or institution, (6) any unscheduled individual adjustment made in the final year to place the member at the maximum salary level within his salary range and (7) any pay for services rendered during the summer vacation period by a participant who is required to work only 10 months of the year.

c. "Base annual salary" means the base salary upon which contributions by the member and his employer to the alternate benefit program were based during the last year of creditable service.

d. (Deleted by amendment, P.L.1994, c.48).

e. (Deleted by amendment, P.L.2012, c.45)

f. "County colleges" means the colleges so defined in N.J.S.18A:64A-1.

g. "Division of Pensions" means the division established in the Department of the Treasury pursuant to section 1 of P.L.1955, c.70 (C.52:18A-95) and is the agency responsible for the administration of the alternate benefit program of the State and county colleges and for the administration of the group life and disability insurances of all alternate benefit programs established in the State for public employees.

h. "Full-time officers" and "full-time members of the faculty" shall include the president, vice president, secretary and treasurer of the respective school. "Full-time" shall also include eligible full-time officers and full-time members of the faculty who are granted sabbaticals or leaves of absence with pay where the compensation paid is 50% or more of the base salary at the time the leave commences and the period of eligibility terminates with the end of the school year following the year in which the sabbatical began. "Part-time" shall be defined as an appointment where the employee receives a salary or wages for a period of less than 50% of the normal work week. These definitions shall apply to teaching or administrative staff members or to employees serving in a dual capacity where the appointment includes teaching as well as administrative duties.

i. "Group Annuity Plan" refers to the Group Annuity Contract R-134 between the Board of Trustees of the New Jersey Institute of Technology and the Prudential Insurance Company of America.

j. "Member" or "participant" means a full-time officer or a full-time member of the faculty participating in the alternate benefit program, and after the effective date of P.L.2008, c.89, means an adjunct faculty member or a part-time instructor whose employment agreement begins after that effective date.

k. "New Jersey Institute of Technology" means the Newark College of Engineering.

l. "Pension reserve" means those moneys as defined in N.J.S.18A:66-2 or in section 6 of P.L.1954, c.84 (C.43:15A-6).

m. "Rutgers, The State University" means the institution of higher education described in chapter 65 of Title 18A of the New Jersey Statutes.

n. "State Colleges" means the colleges so described in chapter 64 of Title 18A of the New Jersey Statutes and any former State college designated as a public research university pursuant to P.L.2012, c.45 (C.18A:64M-1 et al.) and P.L.2017, c.178 (C.18A:64N-1 et al.).

o. "Mutual fund company" means an investment company or trust regulated by the federal "Investment Company Act of 1940," 15 U.S.C.s. 80a-1 et seq.

52. Section 4 of P.L.1969, c.242 (C.18A:66-170) is amended to read as follows:

C.18A:66-170 Alternate benefit program.

4. All full-time officers and all full-time members of the faculty of Rutgers, The State University, the Newark College of Engineering, Rowan University, Montclair State University, the State and county colleges and all regularly appointed teaching and administrative staff members in applicable positions, as determined by the Director of the Division of Pensions in the Department of the Treasury, shall be eligible and shall participate in the alternate benefit program, except those persons appointed in a part-time or temporary capacity, physicians and dentists holding employment in positions titled intern, resident or fellow on or after the effective date of this amendatory act, persons compensated on a fee basis, persons temporarily in the United States under an F or J visa and members of the Teachers' Pension and Annuity Fund, the Public Employees' Retirement System, the Police and Firemen's Retirement System or the Group Annuity Plan, who did not elect to transfer to the alternate benefit program in accordance with the

provisions of chapter 64C or 65 of Title 18A of the New Jersey Statutes, P.L.1967, c.278 (C.18A:66-130 et seq.), or P.L.1967, c.281 (C.18A:66-142 et seq.), or P.L.1968, c.181 (C.18A:66-154 et seq.). An eligible person who has been enrolled in the alternate benefit program for at least one year pursuant to this section may continue to be enrolled in the program, notwithstanding promotion or transfer to a position within the institution not otherwise eligible for the program.

Any person participating in the alternate benefit program shall be ineligible for membership in the Teachers' Pension and Annuity Fund, the Public Employees' Retirement System, the Police and Firemen's Retirement System or the Group Annuity Plan and any person electing to participate in the alternate benefit program shall thereby waive all rights and benefits provided by the Teachers' Pension and Annuity Fund, the Public Employees' Retirement System, the Police and Firemen's Retirement System or the Group Annuity Plan as a member of said fund, system or plan, except as herein and otherwise provided by law or under terms of the Group Annuity Plan.

Any person required to participate in the alternate benefit program by reason of employment, who at the time of such employment is a member of the Teachers' Pension and Annuity Fund, shall be permitted to transfer his membership in said fund to the Public Employees' Retirement System, by waiving all rights and benefits which would otherwise be provided by the alternate benefit program. Any such new employee who is a member of the Public Employees' Retirement System will be permitted to continue his membership in that system, by waiving all rights and benefits which would otherwise be provided by the alternate benefit program. Such waivers shall be accomplished by filing forms satisfactory to the Division of Pensions within 30 days of the beginning date of employment.

Any person receiving a benefit by reason of his retirement from any retirement or pension system of the State of New Jersey or any political subdivision thereof shall be ineligible to participate in the alternate benefit program.

No person eligible for participation in the alternate benefit program shall be eligible for, or receive, benefits under chapters 4 and 8B of Title 43 of the Revised Statutes.

The alternate benefit programs established pursuant to this act are deemed to be pension funds or retirement systems for purposes of P.L.1968, c.23 (C.43:3C-1 et seq.).

53. Section 7 of P.L.1969, c.242 (C.18A:66-173) is amended to read as follows:

C.18A:66-173 Transfer to alternate benefit program.

7. (a) When a member of the Teachers' Pension and Annuity Fund or the Public Employees' Retirement System or the Police and Firemen's Retirement System elects to transfer to an alternate benefit program by filing the proper application form declaring his election to participate in such alternate benefit program, the respective retirement system shall transfer the amount of his accumulated deductions as of the date of transfer to his individual account in the program.

(b) There shall also be transferred from the contingent reserve fund or the pension fund of the Teachers' Pension and Annuity Fund or the Public Employees' Retirement System or the Police and Firemen's Retirement System or from the Group Annuity Plan to the individual's account in the alternate benefit program, the pension reserve required as of the date of his transfer to provide a pension for each year of service credited to the account of the member as set forth in N.J.S.18A:66-36 or N.J.S.18A:66-44 or as set forth in section 38 or section 48 of P.L.1954, c.84 as such sections have been amended and supplemented as of July 1, 1969 (C.43:15A-38, C.43:15A-48) or as set forth in section 17 of P.L.1964, c.241 (C.43:16A-11.2) or section 5 of P.L.1944, c.255 (C.43:16A-5) or for each year of service credited under the Group Annuity Plan. Such transfer from the contingent reserve fund or the pension fund of the Teachers' Pension and Annuity Fund or the Public Employees' Retirement System or the Police and Firemen's Retirement System or the Group Annuity Plan shall be made at the time of the member's transfer to the alternate benefit program in the case of any such member who has then met the eligibility requirements for a pension under the aforementioned N.J.S.18A:66-36, or N.J.S.18A:66-44, or section 38 or section 48 of P.L.1954, c.84 (C.43:15A-38, C.43:15A-48) or section 17 of P.L.1964, c.241 (C.43:16A-11.2) or section 5 of P.L.1944, c.255 (C.43:16A-5) or the Group Annuity Plan. In the case of any member who elects to participate in the alternate benefit program who has not then met the eligibility requirements for a pension under N.J.S.18A:66-36 or N.J.S.18A:66-44, or under section 38 or section 48 of P.L.1954, c.84 (C.43:15A-38, C.43:15A-48) or section 17 of P.L.1964, c.241 (C.43:16A-11.2) or section 5 of P.L.1944, c.255 (C.43:16A-5) or under the Group Annuity Plan, the transfer from the contingent reserve fund or the pension fund of the Teachers' Pension and Annuity Fund or the Public Employees' Retirement System or the Police and Firemen's Retirement System or the Group Annuity Plan shall be effected at the time such requirements have been met, taking into account for the purpose of such eligibility requirement his years of membership service at the time of his election and his subsequent years of service as a full-time member of the faculty of Rutgers, The State University, the New Jersey Insti-

tute of Technology, Rowan University, Montclair State University, or the State or county colleges or as an eligible employee of the Department of Higher Education, or at the time he shall have 10 years of credit for New Jersey service and becomes physically incapacitated for the performance of duty if he had been a member of the Teachers' Pension and Annuity Fund or the Public Employees' Retirement System or the Police and Firemen's Retirement System as of the date of transfer.

The annuity to be used in determining the amount of pension is the actuarial equivalent of the member's accumulated deductions transferred from the Teachers' Pension and Annuity Fund or the Public Employees' Retirement System or the Police and Firemen's Retirement System to the date the member attains 60 years of age, if subsequent to the date of election. The amount of pension is that established by formula within N.J.S.18A:66-44 or section 48 of P.L.1954, c.84 as such sections have been amended and supplemented as of July 1, 1969 (C.43:15A-48) or section 5 of P.L.1944, c.255 (C.43:16A-5) or under the Group Annuity Plan, and changes to N.J.S.18A:66-44 or section 48 of P.L.1954, c.84 (C.43:15A-48) or section 5 of P.L.1944, c.255 (C.43:16A-5) enacted subsequent to this act or the Group Annuity Plan shall have no application to the provisions of this act.

In the event that the eligibility requirement under N.J.S.18A:66-36 or under section 38 of P.L.1954, c.84 (C.43:15A-38) or section 17 of P.L.1964, c.241 (C.43:16A-11.2) or under the Group Annuity Plan is changed at some future date to permit members to become eligible for such benefit prior to the completion of 15 years of service, the transfer of the reserve from the contingent reserve fund or the pension fund of the Teachers' Pension and Annuity Fund or the Public Employees' Retirement System or the Police and Firemen's Retirement System or from the Group Annuity Plan shall be effective as of the date the member who had elected the alternate benefit program meets the amended eligibility requirement or the effective date of the amendment, whichever is later.

In the event an option is available with respect to the distribution of employee and employer contributions between fixed and variable annuities under the alternate benefit program, the employee shall have the right to determine the percentage distribution of these funds subject to any limitations imposed by the designated insurer or insurers.

(c) No transfer of pension reserves shall be made pursuant to this section where more than two consecutive years elapse in which no employer contributions to an alternate benefit program are required.

54. Section 8 of P.L.1969, c.242 (C.18A:66-174) is amended to read as follows:

C.18A:66-174 Reduction of payments from compensation of participants; employer contributions.

8. (a) Rutgers, The State University and the New Jersey Institute of Technology shall reduce the compensation of each participant in the alternate benefit program 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 Rutgers, The State University, the New Jersey Institute of Technology, Rowan University, and Montclair State University 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 pursuant 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.

55. Section 24 of P.L.1969, c.242 (C.18A:66-190) is amended to read as follows:

C.18A:66-190 Authority to enter into agreements for annuity purchases; method of payment; limitations.

24. The Board of Governors of Rutgers, The State University, the Board of Trustees of the New Jersey Institute of Technology, the Board of Trustees of Rowan University, the Board of Trustees of Montclair State University, and the boards of trustees of State and county colleges, are hereby authorized to enter into an agreement with each employee participating in the alternate benefit program whereby the employee agrees to take a reduction in salary with respect to amounts earned after the effective date of such agreement in return for the agreement of the respective institution to use a corresponding amount to purchase an annuity for such employee so as to obtain the benefits afforded under section 403(b) of the federal Internal Revenue Code, as amended. Any such agreement shall specify the amount of such reduction, the effective date thereof, and shall be legally binding and irrevocable with respect to amounts earned while the agreement is in effect; provided, however, that such agreement may be terminated after it has been in effect for a period of not less than one year upon notice in writing by either

party, and provided further that not more than one such agreement shall be entered into during any taxable year of the employee. For the purposes of this section, any annuity or other contract which meets the requirements of section 403(b) of the federal Internal Revenue Code, as amended, may be utilized. The amount of the reduction in salary under any agreement entered into between the institutions and any employee pursuant to this section shall not exceed the limitations set forth in P.L.93-406 (Employment Retirement Income Security Act of 1974) and Section 415(c) of the Internal Revenue Code of 1954 as amended for such year.

Amounts payable pursuant to this section by an institution on behalf of an employee for a pay period shall be transmitted and credited not later than the fifth business day after the date on which the employee is paid for that pay period.

56. Section 25 of P.L.1969, c.242 (C.18A:66-191) is amended to read as follows:

C.18A:66-191 Prohibited payments; authorized payments.

25. No retirement, death or other benefit shall be payable by the State, Rutgers, The State University, the New Jersey Institute of Technology, Rowan University, Montclair State University, or the Division of Pensions under the alternate benefit program. Benefits shall be payable to participating employees and their beneficiaries only by the designated insurers or mutual fund companies under the terms of the contracts.

57. Section 3 of P.L.1969, c.142 (C.18A:71-30) is amended to read as follows:

C.18A:71-30 Definitions.

3. As used in this act, unless the context clearly indicates otherwise, the following terms shall have the following meanings:

(a) The term "board" shall mean the Board of Directors of the New Jersey Educational Opportunity Fund created by section 4 of P.L.1968, c.142 (C.18A:71-31).

(b) (Deleted by amendment, P.L.1994, c.48).

(c) The term "department" shall mean the Department of State.

(d) The term "fund" shall mean the New Jersey Educational Opportunity Fund created by section 4 of P.L.1968, c.142 (C.18A:71-31).

(e) The term "higher education" shall mean that education which is provided by any or all of the public institutions of higher education as herein defined or any or all equivalent private institutions.

(f) The term "public institutions of higher education" shall mean and include Rutgers, The State University, the New Jersey Institute of Technology, Rowan University, Montclair State University, the seven State colleges, the county colleges, and any other public universities, colleges or county colleges now or hereafter established or authorized by law.

58. N.J.S.18A:71A-4 is amended to read as follows:

Board of the authority.

18A:71A-4. a. The Board of the Higher Education Student Assistance Authority shall consist of 18 members as follows: the State Treasurer, ex-officio, or a designee; the Secretary of Higher Education, ex-officio, or a designee from among the public members of the commission; the chairperson of the Board of Directors of the Educational Opportunity Fund, ex-officio, or a designee from among the public members of the board; five representatives from eligible institutions in this State, including one from Rutgers, the State University, one from either the New Jersey Institute of Technology, Rowan University, or Montclair State University, one from the county colleges, one from the State colleges, and one from the independent institutions of higher education in the State; two students from different collegiate institutional sectors; seven public members who shall be residents of this State, including one who shall represent a lender party to a participation agreement with the authority; and the executive director of the authority, or designee, who shall be an ex-officio, non-voting member of the board.

b. The seven public members, including the lender member, shall be appointed by the Governor with the advice and consent of the Senate. No more than four of the public members shall be members of the same political party. The institutional representatives shall be nominated by the respective institution in the case of Rutgers, the State University, New Jersey Institute of Technology, Rowan University, and Montclair State University. The remaining institutional representatives shall be nominated by the respective sector association. Institutional representatives shall be appointed by the Governor with the advice and consent of the Senate. The student members shall be the individuals that the Student Advisory Committee elects as its chairperson and vice-chairperson. The Student Advisory Committee shall be created by the board to include students from all collegiate

institutional sectors. The necessary appointments shall be made within 45 days of the enactment of P.L.1999, c.46 (N.J.S.18A:71A-1 et al.).

c. Public and institutional members of the board shall serve a term of four years and until a successor is appointed and qualified, except in the case of the first members so appointed, four of whom shall be appointed for a term of four years, four of whom shall be appointed for a term of three years, two of whom shall be appointed for a term of two years, and two of whom shall be appointed for a term of one year. Student members shall serve a term of office not to exceed two years. Any vacancy in the membership of the board, occurring otherwise than by expiration of term, shall be filled in the same manner as the original appointment or election was made, but for the unexpired term only.

59. Section 3 of P.L.2000, c.163 (C.18A:71B-55) is amended to read as follows:

C.18A:71B-55 Definitions regarding scholarship.

3. As used in this act, the following terms shall have the following meanings:

"Board" means the Board of Trustees of the Tony Pompelio Commemorative Scholarship Fund for the children of crime victims created pursuant to this act.

"Chairman" means the Chairman of the Violent Crimes Compensation Board.

"Executive director" means the chief executive and administrative officer of the authority.

"Authority" means the Higher Education Student Assistance Authority established pursuant to N.J.S.18A:71A-1 et seq., the "Higher Education Student Assistance Authority Law," or any body, entity, commission, or department succeeding to the principal functions thereof or to whom the powers conferred upon the authority by N.J.S.18A:71A-1 et seq. shall be given by law.

"Public Institutions of Higher Education" means the State colleges and universities created pursuant to chapter 64 of Title 18A of the New Jersey Statutes; the county colleges; the New Jersey Institute of Technology; Rutgers, the State University; Rowan University; Montclair State University; and any other public universities, colleges, county colleges and junior colleges now or hereafter established or authorized by law.

60. N.J.S.18A:72A-3 is amended to read as follows:

Definitions.

18A:72A-3. As used in this act, the following words and terms shall have the following meanings, unless the context indicates or requires another or different meaning or intent:

"Authority" means the New Jersey Educational Facilities Authority created by this chapter or any board, body, commission, department or officer succeeding to the principal functions thereof or to whom the powers conferred upon the authority by this chapter shall be given by law;

"Bond" means bonds or notes of the authority issued pursuant to this chapter;

"County college capital project" means any capital project of a county college certified pursuant to section 2 of P.L.1971, c.12 (C.18A:64A-22.2) and approved by the State Treasurer for funding pursuant to the "County College Capital Projects Fund Act," P.L.1997, c.360 (C.18A:72A-12.2 et seq.);

"Dormitory" means a housing unit with necessary and usual attendant and related facilities and equipment, and shall include a dormitory of a public or private school, or of a public or private institution of higher education;

"Educational facility" means a structure suitable for use as a dormitory, dining hall, student union, administration building, academic building, library, laboratory, research facility, classroom, athletic facility, health care facility, teaching hospital, and parking maintenance storage or utility facility and other structures or facilities related thereto or required or useful for the instruction of students or the conducting of research or the operation of an institution for higher education, and public libraries, and the necessary and usual attendant and related facilities and equipment, but shall not include any facility used or to be used for sectarian instruction or as a place for religious worship;

"Emerging needs program" means a program at one or more public or private institutions of higher education directed to meeting new and advanced technology needs or to supporting new academic programs in science and technology;

"Higher education equipment" means any property consisting of, or relating to, scientific, engineering, technical, computer, communications or instructional equipment;

"Participating college" means a public institution of higher education or private college which, pursuant to the provisions of this chapter, participates with the authority in undertaking the financing and construction or acquisition of a project;

"Project" means a dormitory or an educational facility or any combination thereof, or a county college capital project;

"Private college" means an institution for higher education other than a public college, situated within the State and which, by virtue of law or charter, is a nonprofit educational institution empowered to provide a program of education beyond the high school level;

"Private institution of higher education" means independent colleges or universities incorporated and located in New Jersey, which by virtue of law or character or license, are nonprofit educational institutions authorized to grant academic degrees and which provide a level of education which is equivalent to the education provided by the State's public institutions of higher education as attested by the receipt of and continuation of regional accreditation by the Middle States Association of Colleges and Schools, and which are eligible to receive State aid;

"Public institution of higher education" means Rutgers, The State University, the State colleges, the New Jersey Institute of Technology, Rowan University, Montclair State University, the county colleges and any other public university or college now or hereafter established or authorized by law;

"School" means a secondary school, military school, or boarding school;

"University" means Rutgers, The State University.

61. N.J.S.18A:72A-26 is amended to read as follows:

Powers and duties of treasurer; institutions under State jurisdiction.

18A:72A-26. In order to provide new dormitories and to enable the construction and financing thereof, to refinance indebtedness hereafter created by the authority for the purpose of providing a dormitory or dormitories or additions or improvements thereto, or for any one or more of said purposes, but for no other purpose unless authorized by law, each of the following bodies shall have the powers hereafter enumerated to be exercised upon such terms and conditions, including the fixing of any consideration or rental to be paid or received, as it shall determine by resolution as to such property and each shall be subject to the performance of the duties hereafter enumerated, that is to say, the treasurer as to such as are located on land owned by the State or by the authority, the board of governors of the university, the board of trustees of the New Jersey Institute of Technology, Rowan University, or Montclair State University, the board of trustees of a State college or the board of trustees of a county college as to such as are located on land owned by the university or by the particular college respectively, namely:

a. The power to sell and to convey to the authority title in fee simple in any such land and any existing dormitories thereon owned by the State or owned by the board of trustees of a county college or the power to sell and to convey to the authority such title as the university or the college respectively may have in any such land and any existing dormitories thereon.

b. The power to lease to the authority any land and any existing dormitories thereon so owned for a term or terms not exceeding 50 years each.

c. The power to lease or sublease from the authority, and to make available, any such land and existing dormitories conveyed or leased to the authority under subsections a. and b. of this section, and any new dormitories erected upon such land or upon any other land owned by the authority, any rentals to be payable, as to the university or as to any such college from available funds other than moneys appropriated to it by the State.

d. The power and duty, upon receipt of notice of any assignment by the authority of any lease or sublease made under subsection c. of this section, or of any of its rights under any such lease or sublease, to recognize and give effect to such assignment, and to pay to the assignee thereof rentals or other payments then due or which may become due under any such lease or sublease which has been so assigned by the authority.

62. N.J.S.18A:72A-27.1 is amended to read as follows:

Powers and duties, revenue producing facilities.

18A:72A-27.1. In addition to the powers and duties with respect to dormitories given under N.J.S.18A:72A-26 and 18A:72A-27 the treasurer, the board of governors of the university, the board of trustees of the New Jersey Institute of Technology, the board of trustees of a State college, the board of trustees of Rowan University, the board of trustees of Montclair State University, and the board of trustees of a county college shall also have the same power and be subject to the same duties in relation to any conveyance, lease or sublease made under subsection a., b., or c. of section 18A:72A-26, with respect to revenue producing facilities; that is to say, structures or facilities which produce revenues sufficient to pay the rentals due and to become due under any lease or sublease made under subsection c. of section 18A:72A-26 including, without limitation, student unions and parking facilities.

63. Section 48 of P.L.2009, c.90 (C.18A:72A-82) is amended to read as follows:

C.18A:72A-82 Definitions relative to higher education partnership agreements.

48. As used in sections 48 and 49 of P.L.2009, c.90 (C.18A:72A-82 and C.18A:72A-83):

"Board" means the Local Finance Board established in the Division of Local Government Services in the Department of Community Affairs.

"Bonds" mean bonds, notes or other obligations issued to finance or refinance higher education projects by a municipality, or on behalf of a municipality by a county improvement authority created pursuant to the "county improvement authorities law," P.L.1960, c.183 (C.40:37A-44 et seq.).

"Higher education partnership agreement" means an agreement between a municipality and an institution of higher education providing for the issuance of bonds by the municipality, a county improvement authority or a redevelopment entity, and the pledge of payments by the institution of higher education to secure those bonds to finance a higher education project, or part thereof.

"Higher education project" means the establishment and construction of higher education buildings and the expansion and construction of additional facilities at, and the acquisition of additional and upgraded equipment for existing higher education buildings, including but not limited to the planning, erecting, purchasing, improving, developing, constructing, reconstructing, extending, rehabilitating, renovating, upgrading, demolishing and equipping of facilities at institutions of higher education.

"Institution of higher education" means: Rutgers, The State University; a State college or university established pursuant to chapter 64 of Title 18A of the New Jersey Statutes; the New Jersey Institute of Technology; Rowan University; Montclair State University; a county college and any other public university or college now or hereafter established or authorized by State law; and any college or university incorporated and located in New Jersey, which by virtue of law or character or license is a nonprofit educational institution authorized to grant academic degrees and which provides a level of education which is equivalent to the education provided by the State's public institutions of higher education, as attested by the receipt of and continuation of regional accreditation by the Middle States Association of Colleges and Schools, and which is eligible to receive State aid under the provisions of the Constitution of the United States and the Constitution of the State of New Jersey, but does not include any educational institution dedicated primarily to the education or training of ministers, priests, rabbis or other professional persons in the field of religion.

"Municipality" means the municipal governing body or an entity acting on behalf of the municipality if permitted by the federal Internal Revenue

Code of 1986, or, if a redevelopment agency or redevelopment entity is established in the municipality pursuant to P.L.1992, c.79 (C.40A:12A-1 et seq.) and the municipality so provides, the redevelopment agency or entity so established.

64. Section 3 of P.L.1985, c.493 (C.18A:72H-3) is amended to read as follows:

C.18A:72H-3 Definitions.

3. As used in this act:

a. "Auditory impairment" means an inability to hear within normal limits due to a physical impairment or dysfunction of auditory mechanisms characterized by: (i) deafness, (ii) hearing impairment, (iii) hardness of hearing, or (iv) deaf-blindness. "Deaf" means an auditory impairment is so severe that the individual does not process linguistic information through hearing, with or without amplification, and the student's educational performance is adversely affected. "Hearing impairment" means an impairment in hearing, whether permanent or fluctuating, which adversely affects the individual's educational performance. "Deaf-blind" means concomitant hearing and visual disabilities, the combination of which causes such severe communication and other developmental and educational needs that the child cannot be accommodated in special education programs solely for children with deafness or children with blindness.

b. "Competent authority" means any doctor of medicine or any doctor of osteopathy licensed to practice medicine and surgery in this State.

c. (Deleted by amendment, P.L.1994, c.48).

d. "Eligible student" means any student admitted to a public or independent institution of higher education who has a visual impairment, auditory impairment or specific learning disability within guidelines established by the Commission on Higher Education pursuant to regulations promulgated under P.L.1985, c.493 (C.18A:72H-1 et seq.).

e. "Independent institution of higher education" means a college or university incorporated and located in New Jersey, which by virtue of law or character or license is a nonprofit educational institution authorized to grant academic degrees and which provides a level of education which is equivalent to the education provided by the State's public institutions of higher education, as attested by the receipt of and continuation of regional accreditation by the Middle States Association of Colleges and Schools, and which is eligible to receive State aid under the provisions of the Constitution of the United States and the Constitution of the State of New Jersey,

but does not include any educational institution dedicated primarily to the education or training of ministers, priests, rabbis or other professional persons in the field of religion.

f. "Learning disability" means a significant barrier to learning caused by a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself as a disability that affects the ability to listen, think, speak, read, write, spell, or do mathematical calculations. The disorder includes conditions such as perceptual disability, brain injury, attention deficit hyperactivity disorder, dyslexia, and developmental aphasia. This term shall not include learning problems which are primarily the result of visual, hearing, or motor disabilities, intellectual disabilities, emotional disturbances, or environmental, cultural, or economic disadvantage.

g. "Program" means the Higher Education Services Program for Students with Visual Impairments, Auditory Impairments, and Learning Disabilities established pursuant to this act.

h. "Public institution of higher education" means Rutgers, The State University, the New Jersey Institute of Technology, Rowan University, Montclair State University, the State colleges and the county colleges.

i. "Support services" or "supportive services" means services that assist eligible students in obtaining a college education and include, but are not limited to, interpreters, note takers, and tutors.

j. "Visual impairment" means when an individual's better eye with correction does not exceed 20/200 or where there is a field defect in the better eye in which the diameter of the field is no greater than 20 degrees.

65. Section 2 of P.L.2005, c.379 (C.34:11-56.59) is amended to read as follows:

C.34:11-56.59 Definitions relative to prevailing wage levels for employees furnishing State building services.

2. As used in this act:

"Commissioner" means the Commissioner of Labor and Workforce Development or the commissioner's duly authorized representatives.

"Building services" means any cleaning or building maintenance work, including but not limited to sweeping, vacuuming, floor cleaning, cleaning of rest rooms, collecting refuse or trash, window cleaning, engineering, securing, patrolling, or other work in connection with the care, securing, or maintenance of an existing building, except that "building services" shall not include any maintenance work or other public work for which a con-

tractor is required to pay the "prevailing wage" as defined in section 2 of P.L.1963, c.150 (C.34:11-56.26).

"Leased by the State" means that not less than 55% of the property or premises is leased by the State, provided that the portion of the property or premises that is leased by the State measures more than 20,000 square feet.

"Prevailing wage for building services "means the wage and benefit rates designated by the commissioner based on the determinations made by the General Services Administration pursuant to the federal "Service Contract Act of 1965" (41 U.S.C. s.351 et seq.), for the appropriate localities and classifications of building service employees.

"The State" means the State of New Jersey and all of its departments, bureaus, boards, commissions, agencies and instrumentalities, including any State institutions of higher education, but does not include political subdivisions.

"State institutions of higher education," means Rutgers, The State University of New Jersey, Rowan University, the New Jersey Institute of Technology, and Montclair State University, and any of the State colleges or universities established pursuant to chapter 64 of Title 18A of the New Jersey Statutes, but does not include any county college established pursuant to chapter 64A of Title 18A of the New Jersey Statutes.

66. Section 12 of P.L.1978, c.39 (C.52:18A-174) is amended to read as follows:

C.52:18A-174 Deferred compensation plan expanded.

12. Subject to the independent approval of the State Treasurer, the board may authorize the transfer of funds necessary to permit individuals employed at the New Jersey Institute of Technology, Rutgers, The State University, Rowan University, Montclair State University, and any other agency, authority, commission, or instrumentality of State government which has an independent corporate existence, to participate in the plan.

67. Section 1 of P.L.1959, c.40 (C.52:27B-56.1) is amended to read as follows:

C.52:27B-56.1 Joint purchases.

1. The Director of the Division of Purchase and Property may, by joint action, purchase any articles used or needed by the State and the Palisades Interstate Park Commission, the New Jersey Highway Authority, the New Jersey Turnpike Authority, the Delaware River Joint Toll Bridge Commission, the Port Authority of New York and New Jersey, the South Jersey Port

Corporation, the Passaic Valley Sewerage Commission, the Delaware River Port Authority, Rutgers, The State University, Rowan University, Montclair State University, the New Jersey Sports and Exposition Authority, the New Jersey Housing Finance Agency, the New Jersey Mortgage Finance Authority, the New Jersey Health Care Facilities Financing Authority, the New Jersey Education Facilities Authority, the New Jersey Economic Development Authority, the South Jersey Transportation Authority, the Hackensack Meadowlands Development Commission, the New Jersey Water Supply Authority, the Higher Education Student Assistance Authority or any other agency, commission, board, authority or other such governmental entity which is established and is allocated to a State department or any bi-state governmental entity of which the State of New Jersey is a member.

68. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 179

AN ACT requiring certain State and local government agency employees with access to federal tax information to undergo criminal history background checks, supplementing Title 40A of the New Jersey Statutes and Title 52 of the Revised Statutes.

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

C.40A:9-2.1 Criminal history record background checks for certain employees of local government agencies.

1. a. A local government agency may authorize an individual employed by that agency or employed or utilized by a contractor of that agency to have access to federal tax information if it has been determined, consistent with the requirements and standards of this section, that criminal history record information does not exist on file in the Federal Bureau of Investigation, Identification Division, or in the State Bureau of Identification in the Division of State Police, which would disqualify the individual from having access to federal tax information in accordance with standards established by subsection e. of this section. Additionally, a local government agency may otherwise authorize an individual employed by that agency or em-

ployed or utilized by a contractor of that agency to have access to federal tax information to the extent permitted by federal Internal Revenue Service standards governing access to federal tax information.

b. A local government agency that obtains federal tax information shall have criminal history record background checks conducted in accordance with subsection c. of this section for an individual employed by that agency or employed or utilized by a contractor of that agency who has been identified by the agency head or the agency head's designee as being authorized to have access to federal tax information. Additionally, a follow-up criminal history record background check shall be conducted at least once every ten years for an individual employed by that agency or employed or utilized by a contractor of that agency as a condition of having continued access to federal tax information. The provisions of this subsection shall apply to a current or prospective employee of a local government agency as to whom the head of the agency or the agency head's designee determines that federal Internal Revenue Service standards governing access to federal tax information requires a criminal history record background check. The provisions of this subsection also shall apply to an individual who is employed or utilized by a contractor who provides goods or services to a local government agency if in the performance of the contract the individual has or will have access to federal tax information and as to whom the agency head of the contracting agency or the agency head's designee determines that federal Internal Revenue Service standards governing access to federal tax information require a criminal history record background check.

c. (1) On behalf of a local government agency, the jurisdictional State agency head is authorized to exchange fingerprint data with and receive criminal history record information from the Federal Bureau of Investigation and the Division of State Police for use in making determinations required by this act. The Division of State Police also shall promptly notify the jurisdictional State agency if an individual who was the subject of a criminal history record background check conducted pursuant to this section is convicted of a crime or offense in this State after the date that the criminal history record background check was performed. Upon receipt of such notification, the jurisdictional State agency head shall make a determination regarding the individual's qualification to access federal tax information. A criminal history record background check shall not be performed pursuant to this act unless the employee or individual shall have furnished written consent to the check.

(2) An individual determined to require a criminal history record background check in accordance with subsection b. of this section shall submit

to the jurisdictional State agency head that individual's name, address, and fingerprints taken by a State or municipal law enforcement agency or by a private entity under contract with the State.

(3) The fingerprints of each individual subject to a criminal history record background check in accordance with subsection b. of this section and the written consent of that individual shall be submitted to the Superintendent of State Police for a criminal history record background check to be performed. The superintendent shall compare these fingerprints with fingerprints on file with the Bureau of Identification in the Division of State Police, Department of Law and Public Safety, and the Federal Bureau of Investigation, consistent with State and federal laws, rules, and regulations.

(4) The cost of a criminal history record background check, including all costs for administering and processing the check, may be borne by the local government agency or by the current or prospective employee in the case of a current or prospective employee of a local government agency. Nothing in this act shall require a local government agency to bear the cost of a criminal history record background check in the case of an individual employed or utilized by a contractor.

(5) (a) If a prospective employee or individual employed or utilized by a contractor refuses to consent to, or cooperate in, the securing of a criminal history record background check required by subsection b. of this section, the local government agency shall not employ or utilize that person in a position for which access to federal tax information is required.

(b) If a current employee of a local government agency refuses to consent to, or cooperate in, the securing of a criminal history record background check required by subsection b. of this section, the employing agency shall terminate that employee's access to federal tax information and may remove that employee from any position requiring such access, but shall make a reasonable effort to retain that individual as an employee in another position within the agency that does not require access to federal tax information and for which the current employee is qualified.

(6) Criminal history record information subject to federal confidentiality requirements may only be used for the purposes of making, supporting, or defending decisions regarding the appointment, hiring, or retention of employees or for complying with any requirements of the federal Internal Revenue Service regarding access to federal tax information.

d. A local government agency whose employees' job duties require access to federal tax information shall establish a policy for background investigations applicable to current and prospective employees and individuals employed or utilized by contractors subject to subsection b. of this section.

e. An individual shall be disqualified from having access to federal tax information if that individual's criminal history background check reveals a record of conviction of any of the following crimes or offenses:

(1) in New Jersey, any crime or disorderly persons offense:

(a) involving theft as set forth in chapter 20 of Title 2C of the New Jersey Statutes; or

(b) involving forgery or fraudulent practices as set forth in chapter 21 of Title 2C of the New Jersey Statutes; or

(2) in any other state or jurisdiction, of conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in paragraph (1) of this subsection.

f. (1) Notwithstanding the provisions of subsection e. of this section, an individual shall not be disqualified from having access to federal tax information on the basis of a conviction disclosed by a criminal history background check performed pursuant to subsection b. of this section if the individual has affirmatively demonstrated to the jurisdictional State agency head clear and convincing evidence of the individual's rehabilitation. In determining whether an individual has affirmatively demonstrated rehabilitation, the following factors shall be considered:

(a) the nature and responsibility of the position involved in which access to federal tax information is authorized or required;

(b) the nature and seriousness of the offense;

(c) the circumstances under which the offense occurred;

(d) the date of the offense;

(e) the age of the individual when the offense was committed;

(f) whether the offense was an isolated or repeated incident;

(g) any social conditions which may have contributed to the offense; and

(h) any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the individual under their supervision.

(2) The jurisdictional State agency head shall make the final determination regarding the disqualification from access to federal tax information by an individual with a criminal conviction specified under this section.

g. For purposes of this section:

"Contractor" means a contractor or subcontractor that provides goods or services to a local government agency.

"Federal tax information" means federal tax returns and return information, and information derived therefrom, in the possession or control of a local government agency which is covered by the confidentiality protections of the federal Internal Revenue Code and subject to the safeguarding requirements of paragraph (4) of subsection (p) of section 6103 of the federal Internal Revenue Code (26 U.S.C. s.6103), including federal Internal Revenue Service oversight.

"Jurisdictional State agency" means a State department with jurisdiction over a local government agency or the function performed by a local government agency for which the local government agency requires access to federal tax information to perform its official duties. Examples of a jurisdictional State agency include the Department of Human Services for county welfare agencies or the Department of the Treasury for local taxation boards.

"Jurisdictional State agency head" means the commissioner of a department in the Executive branch of State government or an individual in that department designated by the commissioner, which department serves as the jurisdictional State agency with respect to a local government agency.

"Local government agency" means a county or municipality of the State or a division, office, agency, bureau, or instrumentality thereof.

C.52:18A-258 Criminal history background checks for certain employees of State agencies.

2. a. A State agency may authorize an individual employed by that agency or employed or utilized by a contractor of that agency to have access to federal tax information if it has been determined, consistent with the requirements and standards of this section, that criminal history record information does not exist on file in the Federal Bureau of Investigation, Identification Division, or in the State Bureau of Identification in the Division of State Police, which would disqualify the individual from having access to federal tax information in accordance with standards established by subsection e. of this section. Additionally, a State agency may otherwise authorize an individual employed by that agency or employed or utilized by a contractor of that agency to have access to federal tax information to the extent permitted by federal Internal Revenue Service standards governing access to federal tax information.

b. A State agency that obtains federal tax information shall have criminal history record background checks conducted in accordance with subsection c. of this section for an individual employed by that agency or employed or utilized by a contractor of that agency who has been identified by the agency head as being authorized to have access to federal tax infor-

mation. Additionally, a follow-up criminal history record background check shall be conducted at least once every ten years for an individual employed by that agency or employed or utilized by a contractor of that agency as a condition of having continued access to federal tax information. The provisions of this subsection shall apply to a current or prospective employee of a State agency as to whom the head of the agency determines that federal Internal Revenue Service standards governing access to federal tax information requires a criminal history record background check. The provisions of this subsection also shall apply to an individual who is employed or utilized by a contractor who provides goods or services to a State agency if in the performance of the contract the individual has or will have access to federal tax information and as to whom the agency head of the contracting agency determines that federal Internal Revenue Service standards governing access to federal tax information require a criminal history record background check.

c. (1) The agency head of a State agency is authorized to exchange fingerprint data with and receive criminal history record information from the Federal Bureau of Investigation and the Division of State Police for use in making determinations required by this act. The Division of State Police also shall promptly notify the State agency if an individual who was the subject of a criminal history record background check conducted pursuant to this section is convicted of a crime or offense in this State after the date that the criminal history record background check was performed. Upon receipt of such notification, the agency head shall make a determination regarding the individual's qualification to access federal tax information. A criminal history record background check shall not be performed pursuant to this act unless the employee or individual shall have furnished written consent to the check.

(2) An individual determined to require a criminal history record background check in accordance with subsection b. of this section shall submit to the agency head that individual's name, address, and fingerprints taken by a State or municipal law enforcement agency or by a private entity under contract with the State.

(3) The fingerprints of each individual subject to a criminal history record background check in accordance with subsection b. of this section and the written consent of that individual shall be submitted to the Superintendent of State Police for a criminal history record background check to be performed. The superintendent shall compare these fingerprints with fingerprints on file with the Bureau of Identification in the Division of State

Police, Department of Law and Public Safety, and the Federal Bureau of Investigation, consistent with State and federal laws, rules, and regulations.

(4) The cost of a criminal history record background check, including all costs for administering and processing the check, shall be borne by the State agency in the case of a current or prospective employee of the State agency. Nothing in this act shall require the State agency to bear the cost of a criminal history record background check in the case of an individual employed or utilized by a contractor.

(5) (a) If a prospective employee or individual employed or utilized by a contractor refuses to consent to, or cooperate in, the securing of a criminal history record background check required by subsection b. of this section, the State agency shall not employ or utilize that person in a position for which access to federal tax information is required.

(b) If a current employee of a State agency refuses to consent to, or cooperate in, the securing of a criminal history record background check required by subsection b. of this section, the employing agency shall terminate that employee's access to federal tax information and may remove that employee from any position requiring such access, but shall make a reasonable effort to retain that individual as an employee in another position within the agency that does not require access to federal tax information and for which the current employee is qualified.

(6) Criminal history record information subject to federal confidentiality requirements may only be used for the purposes of making, supporting, or defending decisions regarding the appointment, hiring, or retention of employees or for complying with any requirements of the federal Internal Revenue Service regarding access to federal tax information.

d. A State agency whose employees' job duties require access to federal tax information shall establish a policy for background investigations applicable to current and prospective employees and individuals employed or utilized by contractors subject to subsection b. of this section.

e. An individual shall be disqualified from having access to federal tax information if that individual's criminal history background check reveals a record of conviction of any of the following crimes or offenses:

(1) in New Jersey, any crime or disorderly persons offense:

(a) involving theft as set forth in chapter 20 of Title 2C of the New Jersey Statutes; or

(b) involving forgery or fraudulent practices as set forth in chapter 21 of Title 2C of the New Jersey Statutes; or

(2) in any other state or jurisdiction, of conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in paragraph (1) of this subsection.

f. (1) Notwithstanding the provisions of subsection e. of this section, an individual shall not be disqualified from having access to federal tax information on the basis of any conviction disclosed by a criminal history background check performed pursuant to subsection b. of this section if the individual has affirmatively demonstrated to the agency head clear and convincing evidence of the individual's rehabilitation. In determining whether an individual has affirmatively demonstrated rehabilitation, the following factors shall be considered:

(a) the nature and responsibility of the position involved in which access to federal tax information is authorized or required;

(b) the nature and seriousness of the offense;

(c) the circumstances under which the offense occurred;

(d) the date of the offense;

(e) the age of the individual when the offense was committed;

(f) whether the offense was an isolated or repeated incident;

(g) any social conditions which may have contributed to the offense; and

(h) any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the individual under their supervision.

(2) The agency head shall make the final determination regarding the disqualification from access to federal tax information by an individual with a criminal conviction specified under this section.

g. For purposes of this section:

"Agency head" means, with respect to a department in the Executive branch of State government or any division, office, board, commission, council, or bureau allocated to that department, the commissioner of the department or an individual in that department designated by the commissioner and, with respect to the Judicial branch of State government, the Director of the Administrative Office of the Courts or an individual designated by the director.

"Contractor" means a contractor or subcontractor that provides goods or services to a State agency.

"Federal tax information" means federal tax returns and return information, and information derived therefrom, in the possession or control of a

State agency which is covered by the confidentiality protections of the federal Internal Revenue Code and subject to the safeguarding requirements of paragraph (4) of subsection (p) of section 6103 of the federal Internal Revenue Code (26 U.S.C. s.6103), including federal Internal Revenue Service oversight.

"State agency" means a department, division, office, board, commission, council, or bureau in the Executive branch of State government, including the Department of the Treasury, the Department of Human Services, the Department of Labor and Workforce Development, and any other State agency that submits to the federal Internal Revenue Service a request for access to federal tax information to perform its official duties, and the Judicial branch of State government.

3. This act shall take effect immediately.

Approved July 21, 2017.

CHAPTER 180

AN ACT to amend "An Act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 2018 and regulating the disbursement thereof," approved July 4, 2017 (P.L.2017, c.99).

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

1. The following language provision is added to P.L.2017, c.99, the annual appropriation act for fiscal year 2018:

97. Notwithstanding any provision of law, rule, regulation, or order to the contrary, for the period of emergency established pursuant to Executive Order No. 228 issued by the Governor on June 30, 2017, any involuntarily furloughed Executive branch, Judicial branch, or Legislative branch employee shall promptly receive their full salary or wage payment despite the shut down of State programs and functions during that period of emergency.

2. Section 97 of P.L.2017, c.99, the annual appropriation act for fiscal year 2018 is amended to read as follows:

98. This act shall take effect immediately and shall be retroactive to July 1, 2017.

3. This act shall take effect immediately and shall be retroactive to July 1, 2017.

Approved August 1, 2017.

CHAPTER 181

AN ACT concerning volunteer emergency service providers and voting recusals of municipal elective officers, and amending N.J.S.40A:9-4 and N.J.S.40A:14-68.

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

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

Dual office holding.

40A:9-4. (1) It shall be unlawful for a person to hold simultaneously an elective county office and an elective municipal office.

(2) It shall be lawful for a member of the Legislature of the State to hold simultaneously any appointive office or position in county or municipal government.

(3) Nothing contained in this section shall be deemed to prevent the incumbent of any office from abstaining from voting in any matter in which the incumbent believes he or she has a conflict of duty or of interest, nor to prevent a challenge of a right to vote on that account under the principles of the common law or any statute.

(4) a. (Deleted by amendment, P.L.2007, c.161).

b. (Deleted by amendment, P.L.2007, c.161).

c. For the purposes of this section the term "elective office" shall mean an office to which an incumbent is elected by the vote of the general electorate.

(5) Notwithstanding the provision of paragraph (1) of this section, a person who, on the effective date of P.L.2007, c.161, holds simultaneously an elective county office and an elective municipal office may continue to

hold the elective offices simultaneously if service in those elective offices is continuous following the effective date of P.L.2007, c.161.

(6) It shall be lawful for a member of a volunteer fire company, ambulance, first aid, hazardous materials, or rescue squad, including an officer of the company or squad, to serve as an elected official on the governing body of the municipal government wherein the emergency services are provided; however, the volunteer shall recuse himself from any vote concerning the emergency services provider of which he is a member. In municipalities below 5,000 in population, recusal from such votes shall only be required for officers, directors, and trustees of the company or squad.

2. N.J.S.40A:14-68 is amended to read as follows:

Contracts with volunteer fire companies; member holding public office.

40A:14-68. a. In any municipality not having a paid or part-paid fire department and force, the governing body, by ordinance, may contract with a volunteer fire company or companies in such municipality, for purposes of extinguishing fires, upon such terms and conditions as shall be deemed proper. The members of any such company shall be under the supervision and control of said municipality and in performing fire duty shall be deemed to be exercising a governmental function; however, the appointment or election of the chief of the volunteer fire company shall remain the prerogative of the membership of the fire company as set forth in the company's certificate of incorporation or bylaws.

b. A member of a volunteer fire company established pursuant to subsection a. of this section shall not be precluded from holding elected public office on the governing body of the municipal government where the fire company operates, provided that the volunteer recuse himself from any vote involving or concerning the volunteer fire company. In municipalities below 5,000 in population, recusal from such votes shall only be required for officers, directors, and trustees of the volunteer fire company.

3. This act shall take effect immediately.

Approved August 7, 2017.

CHAPTER 182

AN ACT concerning the sale of certain used vehicles and amending P.L.1971, c.76.

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

1. Section 4 of P.L.1971, c.76 (C.39:10-29) is amended to read as follows:

C.39:10-29 Waiver of dealer's obligation; effect.

4. Any agreement of retail sale may contain a provision whereby the purchaser waives the dealer's obligation under section 2 of P.L.1971, c.76 (C.39:10-27); provided, however, a waiver shall be separately stated in the agreement of retail sale and separately signed by the purchaser, and further provided that such a waiver shall include a brief description of known defects that may need to be resolved in order to obtain a certificate of approval for the motor vehicle pursuant to R.S.39:8-2 or R.S.39:8-3. The signing of a waiver by the purchaser shall also serve to eliminate any criminal responsibility placed upon any motor vehicle dealer by P.L.1971, c.76 (C.39:10-26 et seq.).

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

Approved August 7, 2017.

CHAPTER 183

AN ACT requiring local government units to certify compliance with certain federal hiring requirements when filing annual budgets and amending N.J.S.40A:4-5.

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

1. N.J.S.40A:4-5 is amended to read as follows:

Introduction and approval of annual budget.

40A:4-5. The governing body shall introduce and approve the annual budget:

a. In the case of a county, not later than January 26 of the calendar fiscal year.

b. In the case of a municipality, not later than February 10 of the calendar fiscal year; and, in the case of a municipality which operates on the State fiscal year, not later than August 10.

The budget shall be introduced in writing at a meeting of the governing body. Approval thereof shall constitute a first reading which may be by title. Three certified copies of the approved budget shall be transmitted to the director, within three days after approval, together with the governing body's certification that the local unit's hiring practices comply with the "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," as amended, 42 U.S.C. §2000 et seq. (Apr. 25, 2012).

Upon the approval of the budget by the governing body, it shall fix the time and place for the holding of a public hearing upon the budget.

2. This act shall take effect immediately.

Approved August 7, 2017.

CHAPTER 184

AN ACT extending full protection of the Law Against Discrimination to persons having liability for service in the Armed Forces of United States, guaranteeing equal employment opportunity in State contracting to all veterans, and amending various parts of the statutory law.

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

1. Section 4 of P.L.1945, c.169 (C.10:5-4) is amended to read as follows:

C.10:5-4 Obtaining employment and privileges without discrimination; civil right.

4. All persons shall have the opportunity to obtain employment, and to obtain all the accommodations, advantages, facilities, and privileges of any place of public accommodation, publicly assisted housing accommodation, and other real property without discrimination because of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, familial status, disability, liability for service in the Armed Forces of the United States, nationality, sex, gender identity or expression or source of lawful income used for rental or mortgage payments, subject only

to conditions and limitations applicable alike to all persons. This opportunity is recognized as and declared to be a civil right.

2. Section 1 of P.L.1954, c.198 (C.10:5-9.1) is amended to read as follows:

C.10:5-9.1 Enforcement of laws against discrimination in public housing and real property.

1. The Division on Civil Rights in the Department of Law and Public Safety shall enforce the laws of this State against discrimination in housing built with, or leased with the assistance of, public funds or public assistance, pursuant to any law, and in real property, as defined in the law hereby supplemented, because of race, religious principles, color, national origin, ancestry, marital status, affectional or sexual orientation, familial status, disability, liability for service in the Armed Forces of the United States, nationality, sex, gender identity or expression or source of lawful income used for rental or mortgage payments. The said laws shall be so enforced in the manner prescribed in the act to which this act is a supplement.

3. Section 11 of P.L.1945, c.169 (C.10:5-12) is amended to read as follows:

C.10:5-12 Unlawful employment practices, discrimination.

11. It shall be an unlawful employment practice, or, as the case may be, an unlawful discrimination:

a. For an employer, because of the race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, genetic information, pregnancy, sex, gender identity or expression, disability or atypical hereditary cellular or blood trait of any individual, or because of the liability for service in the Armed Forces of the United States or the nationality of any individual, or because of the refusal to submit to a genetic test or make available the results of a genetic test to an employer, to refuse to hire or employ or to bar or to discharge or require to retire, unless justified by lawful considerations other than age, from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment; provided, however, it shall not be an unlawful employment practice to refuse to accept for employment an applicant who has received a notice of induction or orders to report for active duty in the armed forces; provided further that nothing herein contained shall be construed to bar an

employer from refusing to accept for employment any person on the basis of sex in those certain circumstances where sex is a bona fide occupational qualification, reasonably necessary to the normal operation of the particular business or enterprise; provided further that nothing herein contained shall be construed to bar an employer from refusing to accept for employment or to promote any person over 70 years of age; provided further that it shall not be an unlawful employment practice for a club exclusively social or fraternal to use club membership as a uniform qualification for employment, or for a religious association or organization to utilize religious affiliation as a uniform qualification in the employment of clergy, religious teachers or other employees engaged in the religious activities of the association or organization, or in following the tenets of its religion in establishing and utilizing criteria for employment of an employee; provided further, that it shall not be an unlawful employment practice to require the retirement of any employee who, for the two-year period immediately before retirement, is employed in a bona fide executive or a high policy-making position, if that employee is entitled to an immediate non-forfeitable annual retirement benefit from a pension, profit sharing, savings or deferred retirement plan, or any combination of those plans, of the employer of that employee which equals in the aggregate at least $27,000.00; and provided further that an employer may restrict employment to citizens of the United States where such restriction is required by federal law or is otherwise necessary to protect the national interest.

The provisions of subsections a. and b. of section 57 of P.L.2003, c.246 (C.34:11A-20), and the provisions of section 58 of P.L.2003, c.246 (C.26:8A-11), shall not be deemed to be an unlawful discrimination under P.L.1945, c.169 (C.10:5-1 et seq.).

For the purposes of this subsection, a "bona fide executive" is a top level employee who exercises substantial executive authority over a significant number of employees and a large volume of business. A "high policy-making position" is a position in which a person plays a significant role in developing policy and in recommending the implementation thereof.

b. For a labor organization, because of the race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, gender identity or expression, disability, pregnancy, or sex of any individual, or because of the liability for service in the Armed Forces of the United States or nationality of any individual, to exclude or to expel from its membership such individual or to discriminate in any way against any of its members, against any applicant for, or individual included in, any apprentice or other training program or

against any employer or any individual employed by an employer; provided, however, that nothing herein contained shall be construed to bar a labor organization from excluding from its apprentice or other training programs any person on the basis of sex in those certain circumstances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of the particular apprentice or other training program.

c. For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment, or to make an inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, gender identity or expression, disability, nationality, pregnancy, or sex or liability of any applicant for employment for service in the Armed Forces of the United States, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification.

d. For any person to take reprisals against any person because that person has opposed any practices or acts forbidden under this act or because that person has filed a complaint, testified or assisted in any proceeding under this act or to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this act.

e. For any person, whether an employer or an employee or not, to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this act, or to attempt to do so.

f. (1) For any owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation directly or indirectly to refuse, withhold from or deny to any person any of the accommodations, advantages, facilities or privileges thereof, or to discriminate against any person in the furnishing thereof, or directly or indirectly to publish, circulate, issue, display, post or mail any written or printed communication, notice, or advertisement to the effect that any of the accommodations, advantages, facilities, or privileges of any such place will be refused, withheld from, or denied to any person on account of the race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, pregnancy, sex, gender identity or expression, affectional or sexual orientation, disability, liability for service in the Armed Forces of the United States or nationality of such person, or that the patronage or custom thereat

of any person of any particular race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, pregnancy status, sex, gender identity or expression, affectional or sexual orientation, disability, liability for service in the Armed Forces of the United States or nationality is unwelcome, objectionable or not acceptable, desired or solicited, and the production of any such written or printed communication, notice or advertisement, purporting to relate to any such place and to be made by any owner, lessee, proprietor, superintendent or manager thereof, shall be presumptive evidence in any action that the same was authorized by such person; provided, however, that nothing contained herein shall be construed to bar any place of public accommodation which is in its nature reasonably restricted exclusively to individuals of one sex, and which shall include but not be limited to any summer camp, day camp, or resort camp, bathhouse, dressing room, swimming pool, gymnasium, comfort station, dispensary, clinic or hospital, or school or educational institution which is restricted exclusively to individuals of one sex, provided individuals shall be admitted based on their gender identity or expression, from refusing, withholding from or denying to any individual of the opposite sex any of the accommodations, advantages, facilities or privileges thereof on the basis of sex; provided further, that the foregoing limitation shall not apply to any restaurant as defined in R.S.33:1-1 or place where alcoholic beverages are served.

(2) Notwithstanding the definition of "a place of public accommodation" as set forth in subsection l. of section 5 of P.L.1945, c.169 (C.10:5-5), for any owner, lessee, proprietor, manager, superintendent, agent, or employee of any private club or association to directly or indirectly refuse, withhold from or deny to any individual who has been accepted as a club member and has contracted for or is otherwise entitled to full club membership any of the accommodations, advantages, facilities or privileges thereof, or to discriminate against any member in the furnishing thereof on account of the race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, pregnancy, sex, gender identity, or expression, affectional or sexual orientation, disability, liability for service in the Armed Forces of the United States or nationality of such person.

In addition to the penalties otherwise provided for a violation of P.L.1945, c.169 (C.10:5-1 et seq.), if the violator of paragraph (2) of subsection f. of this section is the holder of an alcoholic beverage license issued under the provisions of R.S.33:1-12 for that private club or association, the matter shall be referred to the Director of the Division of Alcoholic Beverage Control who shall impose an appropriate penalty in accordance with the procedures set forth in R.S.33:1-31.

g. For any person, including but not limited to, any owner, lessee, sublessee, assignee or managing agent of, or other person having the right of ownership or possession of or the right to sell, rent, lease, assign, or sublease any real property or part or portion thereof, or any agent or employee of any of these:

(1) To refuse to sell, rent, lease, assign, or sublease or otherwise to deny to or withhold from any person or group of persons any real property or part or portion thereof because of race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, pregnancy, sex, gender identity or expression, affectional or sexual orientation, familial status, disability, liability for service in the Armed Forces of the United States, nationality, or source of lawful income used for rental or mortgage payments;

(2) To discriminate against any person or group of persons because of race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, pregnancy, sex, gender identity or expression, affectional or sexual orientation, familial status, disability, liability for service in the Armed Forces of the United States, nationality or source of lawful income used for rental or mortgage payments in the terms, conditions or privileges of the sale, rental or lease of any real property or part or portion thereof or in the furnishing of facilities or services in connection therewith;

(3) To print, publish, circulate, issue, display, post or mail, or cause to be printed, published, circulated, issued, displayed, posted or mailed any statement, advertisement, publication or sign, or to use any form of application for the purchase, rental, lease, assignment or sublease of any real property or part or portion thereof, or to make any record or inquiry in connection with the prospective purchase, rental, lease, assignment, or sublease of any real property, or part or portion thereof which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, pregnancy, sex, gender identity, or expression, affectional or sexual orientation, familial status, disability, liability for service in the Armed Forces of the United States, nationality, or source of lawful income used for rental or mortgage payments, or any intent to make any such limitation, specification or discrimination, and the production of any such statement, advertisement, publicity, sign, form of application, record, or inquiry purporting to be made by any such person shall be presumptive evidence in any action that the same was authorized by such person; provided, however, that nothing contained in this subsection shall be construed to bar any person from refusing to sell, rent, lease, assign or sublease or from ad-

vertising or recording a qualification as to sex for any room, apartment, flat in a dwelling or residential facility which is planned exclusively for and occupied by individuals of one sex to any individual of the exclusively opposite sex on the basis of sex provided individuals shall be qualified based on their gender identity or expression;

(4) To refuse to sell, rent, lease, assign, or sublease or otherwise to deny to or withhold from any person or group of persons any real property or part or portion thereof because of the source of any lawful income received by the person or the source of any lawful rent payment to be paid for the real property; or

(5) To refuse to rent or lease any real property to another person because that person's family includes children under 18 years of age, or to make an agreement, rental or lease of any real property which provides that the agreement, rental or lease shall be rendered null and void upon the birth of a child. This paragraph shall not apply to housing for older persons as defined in subsection mm. of section 5 of P.L.1945, c.169 (C.10:5-5).

h. For any person, including but not limited to, any real estate broker, real estate salesperson, or employee or agent thereof:

(1) To refuse to sell, rent, assign, lease or sublease, or offer for sale, rental, lease, assignment, or sublease any real property or part or portion thereof to any person or group of persons or to refuse to negotiate for the sale, rental, lease, assignment, or sublease of any real property or part or portion thereof to any person or group of persons because of race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, familial status, pregnancy, sex, gender identity or expression, affectional or sexual orientation, disability, liability for service in the Armed Forces of the United States, nationality, or source of lawful income used for rental or mortgage payments, or to represent that any real property or portion thereof is not available for inspection, sale, rental, lease, assignment, or sublease when in fact it is so available, or otherwise to deny or withhold any real property or any part or portion of facilities thereof to or from any person or group of persons because of race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, familial status, pregnancy, sex, gender identity or expression, affectional or sexual orientation, disability, liability for service in the Armed Forces of the United States or nationality;

(2) To discriminate against any person because of race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, familial status, pregnancy, sex, gender identity or expression, affectional or sexual orientation, disability, liability for service in the

Armed Forces of the United States, nationality, or source of lawful income used for rental or mortgage payments in the terms, conditions or privileges of the sale, rental, lease, assignment or sublease of any real property or part or portion thereof or in the furnishing of facilities or services in connection therewith;

(3) To print, publish, circulate, issue, display, post, or mail, or cause to be printed, published, circulated, issued, displayed, posted or mailed any statement, advertisement, publication or sign, or to use any form of application for the purchase, rental, lease, assignment, or sublease of any real property or part or portion thereof or to make any record or inquiry in connection with the prospective purchase, rental, lease, assignment, or sublease of any real property or part or portion thereof which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, familial status, pregnancy, sex, gender identity or expression, affectional or sexual orientation, disability, liability for service in the Armed Forces of the United States, nationality, or source of lawful income used for rental or mortgage payments or any intent to make any such limitation, specification or discrimination, and the production of any such statement, advertisement, publicity, sign, form of application, record, or inquiry purporting to be made by any such person shall be presumptive evidence in any action that the same was authorized by such person; provided, however, that nothing contained in this subsection h., shall be construed to bar any person from refusing to sell, rent, lease, assign or sublease or from advertising or recording a qualification as to sex for any room, apartment, flat in a dwelling or residential facility which is planned exclusively for and occupied exclusively by individuals of one sex to any individual of the opposite sex on the basis of sex, provided individuals shall be qualified based on their gender identity or expression;

(4) To refuse to sell, rent, lease, assign, or sublease or otherwise to deny to or withhold from any person or group of persons any real property or part or portion thereof because of the source of any lawful income received by the person or the source of any lawful rent payment to be paid for the real property; or

(5) To refuse to rent or lease any real property to another person because that person's family includes children under 18 years of age, or to make an agreement, rental or lease of any real property which provides that the agreement, rental or lease shall be rendered null and void upon the birth of a child. This paragraph shall not apply to housing for older persons as defined in subsection mm. of section 5 of P.L.1945, c.169 (C.10:5-5).

i. For any person, bank, banking organization, mortgage company, insurance company or other financial institution, lender or credit institution involved in the making or purchasing of any loan or extension of credit, for whatever purpose, whether secured by residential real estate or not, including but not limited to financial assistance for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any real property or part or portion thereof or any agent or employee thereof:

(1) To discriminate against any person or group of persons because of race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, pregnancy, sex, gender identity or expression, affectional or sexual orientation, disability, liability for service in the Armed Forces of the United States, familial status or nationality, in the granting, withholding, extending, modifying, renewing, or purchasing, or in the fixing of the rates, terms, conditions or provisions of any such loan, extension of credit or financial assistance or purchase thereof or in the extension of services in connection therewith;

(2) To use any form of application for such loan, extension of credit or financial assistance or to make record or inquiry in connection with applications for any such loan, extension of credit or financial assistance which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, pregnancy, sex, gender identity or expression, affectional or sexual orientation, disability, liability for service in the Armed Forces of the United States, familial status or nationality or any intent to make any such limitation, specification or discrimination; unless otherwise required by law or regulation to retain or use such information;

(3) (Deleted by amendment, P.L.2003, c.180).

(4) To discriminate against any person or group of persons because of the source of any lawful income received by the person or the source of any lawful rent payment to be paid for the real property; or

(5) To discriminate against any person or group of persons because that person's family includes children under 18 years of age, or to make an agreement or mortgage which provides that the agreement or mortgage shall be rendered null and void upon the birth of a child. This paragraph shall not apply to housing for older persons as defined in subsection mm. of section 5 of P.L.1945, c.169 (C.10:5-5).

j. For any person whose activities are included within the scope of this act to refuse to post or display such notices concerning the rights or

responsibilities of persons affected by this act as the Attorney General may by regulation require.

k. For any real estate broker, real estate salesperson or employee or agent thereof or any other individual, corporation, partnership, or organization, for the purpose of inducing a transaction for the sale or rental of real property from which transaction such person or any of its members may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to race, creed, color, national origin, ancestry, marital status, civil union status, domestic partnership status, familial status, pregnancy, sex, gender identity or expression, affectional or sexual orientation, disability, liability for service in the Armed Forces of the United States, nationality, or source of lawful income used for rental or mortgage payments of the owners or occupants in the block, neighborhood or area in which the real property is located, and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood or area in which the real property is located, including, but not limited to the lowering of property values, an increase in criminal or anti-social behavior, or a decline in the quality of schools or other facilities.

l. For any person to refuse to buy from, sell to, lease from or to, license, contract with, or trade with, provide goods, services or information to, or otherwise do business with any other person on the basis of the race, creed, color, national origin, ancestry, age, pregnancy, sex, gender identity or expression, affectional or sexual orientation, marital status, civil union status, domestic partnership status, liability for service in the Armed Forces of the United States, disability, nationality, or source of lawful income used for rental or mortgage payments of such other person or of such other person's spouse, partners, members, stockholders, directors, officers, managers, superintendents, agents, employees, business associates, suppliers, or customers. This subsection shall not prohibit refusals or other actions (1) pertaining to employee-employer collective bargaining, labor disputes, or unfair labor practices, or (2) made or taken in connection with a protest of unlawful discrimination or unlawful employment practices.

m. For any person to:

(1) Grant or accept any letter of credit or other document which evidences the transfer of funds or credit, or enter into any contract for the exchange of goods or services, where the letter of credit, contract, or other document contains any provisions requiring any person to discriminate against or to certify that he, she or it has not dealt with any other person on the basis of the race, creed, color, national origin, ancestry, age, pregnancy,

sex, gender identity or expression, affectional or sexual orientation, marital status, civil union status, domestic partnership status, disability, liability for service in the Armed Forces of the United States, or nationality of such other person or of such other person's spouse, partners, members, stockholders, directors, officers, managers, superintendents, agents, employees, business associates, suppliers, or customers.

(2) Refuse to grant or accept any letter of credit or other document which evidences the transfer of funds or credit, or refuse to enter into any contract for the exchange of goods or services, on the ground that it does not contain such a discriminatory provision or certification.

The provisions of this subsection shall not apply to any letter of credit, contract, or other document which contains any provision pertaining to employee-employer collective bargaining, a labor dispute or an unfair labor practice, or made in connection with the protest of unlawful discrimination or an unlawful employment practice, if the other provisions of such letter of credit, contract, or other document do not otherwise violate the provisions of this subsection.

n. For any person to aid, abet, incite, compel, coerce, or induce the doing of any act forbidden by subsections l. and m. of section 11 of P.L.1945, c.169 (C.10:5-12), or to attempt, or to conspire to do so. Such prohibited conduct shall include, but not be limited to:

(1) Buying from, selling to, leasing from or to, licensing, contracting with, trading with, providing goods, services, or information to, or otherwise doing business with any person because that person does, or agrees or attempts to do, any such act or any act prohibited by this subsection; or

(2) Boycotting, commercially blacklisting or refusing to buy from, sell to, lease from or to, license, contract with, provide goods, services or information to, or otherwise do business with any person because that person has not done or refuses to do any such act or any act prohibited by this subsection; provided that this subsection shall not prohibit refusals or other actions either pertaining to employee-employer collective bargaining, labor disputes, or unfair labor practices, or made or taken in connection with a protest of unlawful discrimination or unlawful employment practices.

o. For any multiple listing service, real estate brokers' organization or other service, organization or facility related to the business of selling or renting dwellings to deny any person access to or membership or participation in such organization, or to discriminate against such person in the terms or conditions of such access, membership, or participation, on account of race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, familial status, pregnancy, sex,

gender identity or expression, affectional or sexual orientation, disability, liability for service in the Armed Forces of the United States or nationality.

p. Nothing in the provisions of this section shall affect the ability of an employer to require employees to adhere to reasonable workplace appearance, grooming and dress standards not precluded by other provisions of State or federal law, except that an employer shall allow an employee to appear, groom and dress consistent with the employee's gender identity or expression.

q. (1) For any employer to impose upon a person as a condition of obtaining or retaining employment, including opportunities for promotion, advancement or transfers, any terms or conditions that would require a person to violate or forego a sincerely held religious practice or religious observance, including but not limited to the observance of any particular day or days or any portion thereof as a Sabbath or other holy day in accordance with the requirements of the religion or religious belief, unless, after engaging in a bona fide effort, the employer demonstrates that it is unable to reasonably accommodate the employee's religious observance or practice without undue hardship on the conduct of the employer's business. Notwithstanding any other provision of law to the contrary, an employee shall not be entitled to premium wages or premium benefits for work performed during hours to which those premium wages or premium benefits would ordinarily be applicable, if the employee is working during those hours only as an accommodation to his religious requirements. Nothing in this subsection q. shall be construed as reducing:

(a) The number of the hours worked by the employee which are counted towards the accruing of seniority, pension or other benefits; or

(b) Any premium wages or benefits provided to an employee pursuant to a collective bargaining agreement.

(2) For an employer to refuse to permit an employee to utilize leave, as provided for in this subsection q., which is solely used to accommodate the employee's sincerely held religious observance or practice. Except where it would cause an employer to incur an undue hardship, no person shall be required to remain at his place of employment during any day or days or portion thereof that, as a requirement of his religion, he observes as his Sabbath or other holy day, including a reasonable time prior and subsequent thereto for travel between his place of employment and his home; provided that any such absence from work shall, wherever practicable in the reasonable judgment of the employer, be made up by an equivalent amount of time and work at some other mutually convenient time, or shall be charged against any leave with pay ordinarily granted, other than sick leave, and any

such absence not so made up or charged, may be treated by the employer of that person as leave taken without pay.

(3) (a) For purposes of this subsection q., "undue hardship" means an accommodation requiring unreasonable expense or difficulty, unreasonable interference with the safe or efficient operation of the workplace or a violation of a bona fide seniority system or a violation of any provision of a bona fide collective bargaining agreement.

(b) In determining whether the accommodation constitutes an undue hardship, the factors considered shall include:

(i) The identifiable cost of the accommodation, including the costs of loss of productivity and of retaining or hiring employees or transferring employees from one facility to another, in relation to the size and operating cost of the employer.

(ii) The number of individuals who will need the particular accommodation for a sincerely held religious observance or practice.

(iii)For an employer with multiple facilities, the degree to which the geographic separateness or administrative or fiscal relationship of the facilities will make the accommodation more difficult or expensive.

(c) An accommodation shall be considered to constitute an undue hardship if it will result in the inability of an employee to perform the essential functions of the position in which he or she is employed.

(d) (i) The provisions of this subsection q. shall be applicable only to reasonable accommodations of religious observances and shall not supersede any definition of undue hardship or standards for reasonable accommodation of the disabilities of employees.

(ii) This subsection q. shall not apply where the uniform application of terms and conditions of attendance to employees is essential to prevent undue hardship to the employer. The burden of proof regarding the applicability of this subparagraph (d) shall be upon the employer.

r. For any employer to take reprisals against any employee for requesting from any other employee or former employee of the employer information regarding the job title, occupational category, and rate of compensation, including benefits, of any employee or former employee of the employer, or the gender, race, ethnicity, military status, or national origin of any employee or former employee of the employer, regardless of whether the request was responded to, if the purpose of the request for the information was to assist in investigating the possibility of the occurrence of, or in taking of legal action regarding, potential discriminatory treatment concerning pay, compensation, bonuses, other compensation, or benefits. Nothing in this subsection shall be construed to require an employee to dis-

close such information about the employee herself to any other employee or former employee of the employer or to any authorized representative of the other employee or former employee.

s. For an employer to treat, for employment-related purposes, a woman employee that the employer knows, or should know, is affected by pregnancy in a manner less favorable than the treatment of other persons not affected by pregnancy but similar in their ability or inability to work. In addition, an employer of an employee who is a woman affected by pregnancy shall make available to the employee reasonable accommodation in the workplace, such as bathroom breaks, breaks for increased water intake, periodic rest, assistance with manual labor, job restructuring or modified work schedules, and temporary transfers to less strenuous or hazardous work, for needs related to the pregnancy when the employee, based on the advice of her physician, requests the accommodation, unless the employer can demonstrate that providing the accommodation would be an undue hardship on the business operations of the employer. The employer shall not in any way penalize the employee in terms, conditions or privileges of employment for requesting or using the accommodation. Workplace accommodation provided pursuant to this subsection and paid or unpaid leave provided to an employee affected by pregnancy shall not be provided in a manner less favorable than accommodations or leave provided to other employees not affected by pregnancy but similar in their ability or inability to work. This subsection shall not be construed as otherwise increasing or decreasing any employee's rights under law to paid or unpaid leave in connection with pregnancy.

For the purposes of this section "pregnancy" means pregnancy, childbirth, or medical conditions related to pregnancy or childbirth, including recovery from childbirth.

For the purposes of this subsection, in determining whether an accommodation would impose undue hardship on the operation of an employer's business, the factors to be considered include: the overall size of the employer's business with respect to the number of employees, number and type of facilities, and size of budget; the type of the employer's operations, including the composition and structure of the employer's workforce; the nature and cost of the accommodation needed, taking into consideration the availability of tax credits, tax deductions, and outside funding; and the extent to which the accommodation would involve waiver of an essential requirement of a job as opposed to a tangential or non-business necessity requirement.

4. Section 12 of P.L.1992, c.146 (C.10:5-12.5) is amended to read as follows:

C.10:5-12.5 Regulation of land use, housing, unlawful discrimination.

12. a. It shall be an unlawful discrimination for a municipality, county or other local civil or political subdivision of the State of New Jersey, or an officer, employee, or agent thereof, to exercise the power to regulate land use or housing in a manner that discriminates on the basis of race, creed, color, national origin, ancestry, marital status, familial status, sex, gender identity or expression, liability for service in the Armed Forces of the United States, nationality or disability.

b. Notwithstanding the provisions of section 12 of P.L.1945, c.169 (C.10:5-13) any person claiming to be aggrieved by an unlawful discrimination under this section shall enforce this section by private right of action in Superior Court. This section shall not apply to discrimination in housing owned or managed by a municipality, county or other local civil or political subdivision of the State of New Jersey where such discrimination is otherwise prohibited by section 11 of P.L.1945, c.169 (C.10:5-12).

5. Section 1 of P.L.1983, c.197 (C.10:5-39) is amended to read as follows:

C.10:5-39 Definitions.

1. As used in this act:

a. "Affirmative action program for veterans" means a plan guaranteeing to veterans an equal employment opportunity, which includes but is not limited to the following areas: recruitment, selection, hiring, training, promotion, transfer, layoff, return from layoff, compensation, and fringe benefits.

b. "Public works contract" means any contract exceeding $250,000.00 in price to be performed for or on behalf of the State for the construction, alteration, or repair of any building or public work.

c. "Veteran" means any soldier, sailor, marine, airman, nurse or army field clerk, who has served at least 90 days in the active military, naval or air service of the United States and has been discharged or released therefrom under conditions other than dishonorable, and who has presented to the Civil Service Commission of New Jersey full and convincing evidence of such record of service on or before the date of making application for a position governed by this act. The 90-day requirement for active service is exclusive of any time such veteran was assigned: (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 his civilian course and was pursued to completion; or (2) as a cadet or midshipman at one of the service academies; 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 or Air Force 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 he has completed the 90 days' service as herein provided.

6. Section 2 of P.L.1983, c.197 (C.10:5-40) is amended to read as follows:

C.10:5-40 Equal employment opportunities for veterans.

2. Each public works contract shall contain appropriate provisions in which contractors, subcontractors, or their assignees shall guarantee an equal employment opportunity to veterans. If any veteran believes any contractor of the State has failed to comply or refuses to comply with the provisions of the contractor's contract relating to the employment of veterans, such veteran may file a complaint with the State Treasurer, who shall promptly investigate such complaint and take appropriate action.

7. Section 3 of P.L.1983, c.197 (C.10:5-41) is amended to read as follows:

C.10:5-41 Affirmative action program for veterans; investigations.

3. The State Treasurer shall prescribe an affirmative action program for veterans. The Treasurer shall designate an appropriate official in the Department of the Treasury to receive and investigate any complaints charging discriminatory employment practices toward such veterans.

8. This act shall take effect immediately.

Approved August 7, 2017.

CHAPTER 185

AN ACT concerning lead-based paint hazards.

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

1. The Commissioner of Community Affairs shall undertake a review of the implementation of the fiscal year 2016 $10 million funded lead-safe program and shall report findings and recommendations to the Governor and the Legislature no later than December 31, 2017 on the status of the program. The report shall contain, without limitation, a review of the program and its effectiveness, in terms of the cost, the distribution of funds, and the lead-safe methods used.

2. This act shall take effect immediately.

Approved August 7, 2017.

CHAPTER 186

AN ACT concerning the Ombudsman for the Institutionalized Elderly and amending P.L.1977, c.239 and P.L.1983, c.43.

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

1. Section 7 of P.L.1977, c.239 (C.52:27G-7) is amended to read as follows:

C.52:27G-7 Procedures for receiving, responding to complaints.

7. a. The office shall establish and implement procedures for eliciting, receiving, processing, responding to, and resolving complaints from patients, residents, or clients of facilities, the relatives or guardians of such persons, or from interested citizens, public officials, or government agencies having an interest in the matter. The office shall ensure that a system is in place to receive complaints 24 hours per day, seven days per week, whether or not live staff members are available to receive the complaint.

b. When the office receives a complaint or otherwise encounters a deficiency that pertains to a violation of a resident's rights or compliance with State or federal laws or regulations or rules administered by any government agency, it shall make referral thereof directly to the appropriate government agency for action pursuant to applicable federal law and regulations.

c. When the complaint received or the investigation conducted by the office discloses facts that it determines constitute a violation of a resident's

rights or warrant the institution of civil proceedings by a government agency against any person or government agency, the matter shall be referred to the government agency with authority to institute such proceedings pursuant to applicable federal law and regulations.

d. When the complaint received or the investigation conducted by the office reveals information in relation to a violation of a resident's rights or the misconduct or breach of duty of any officer or employee of a facility or a government agency, it shall refer the matter to the appropriate authorities for such action as may be necessary pursuant to applicable federal law and regulations.

e. When the complaint received or the investigation conducted by the office discloses information or facts indicating the commission of criminal offenses or violations of standards of professional conduct, it shall refer the matter, as appropriate, to the Attorney General, county prosecutor, or any other law enforcement official that has jurisdiction to prosecute the crime, or to the professional licensing board concerned.

f. The government agency, prosecuting agency, or professional licensing board, as the case may be in this section, shall report to the office on its findings and actions with respect to all such referrals within 30 days after receipt thereof and every 30 days thereafter until final action on each such referral. The office shall monitor all such referrals and responses and maintain a record thereof. The office shall be authorized to make disclosure of such information as appropriate and as may be necessary to resolve the matter referred.

g. In the event that the complaint of a patient, resident, or client or class of patients, residents, or clients of a facility or facilities cannot be resolved satisfactorily through negotiation with the facility or the appropriate government agency or that an act, practice, policy, or procedure of a facility or government agency does or may adversely affect the health, safety, welfare, or civil or human rights of a patient, resident, or client or class of patients, residents, or clients of a facility or facilities the office may recommend to the appropriate authorities civil litigation on behalf of such patient, resident, or client or class of patients, residents, or clients as it deems appropriate. The office may institute actions for injunctive relief or civil damages.

2. Section 2 of P.L.1983, c.43 (C.52:27G-7.1) is amended to read as follows:

C.52:27G-7.1 Report of suspected abuse.

2. a. Any caretaker, social worker, physician, registered or licensed practical nurse, or other professional or staff member employed at a facility, and any representative of a managed care entity, who, as a result of information obtained in the course of that individual's employment, has reasonable cause to suspect or believe that an institutionalized elderly person is being or has been abused or exploited, shall report such information to the ombudsman or to the person designated by the ombudsman to receive such report. If an individual reporting suspected abuse or exploitation pursuant to this subsection has reasonable cause to suspect or believe that the institutionalized elderly person is or has been the victim of a crime, the individual shall additionally report such information to the local law enforcement agency and to the health administrator of the facility.

(1) If the events that cause the suspicion or belief result in serious bodily injury, the individual shall report the suspicion or belief immediately, but not later than two hours after forming the suspicion or belief.

(2) If the events that cause the suspicion or belief do not result in serious bodily injury, the individual shall report the suspicion or belief immediately, but not later than 24 hours after forming the suspicion or belief.

b. Such report shall contain the name and address of the elderly person, information regarding the nature of the suspected abuse or exploitation and any other information which might be helpful in an investigation of the case and the protection of such elderly person.

c. Any other person having reasonable cause to suspect or believe that an elderly person is being or has been abused or exploited may report such information to the local law enforcement agency and to the ombudsman or the person designated by the ombudsman to receive such report.

d. The name of any person who reports suspected abuse or exploitation pursuant to this act shall not be disclosed, unless the person who reported the abuse or exploitation specifically requests such disclosure or a judicial proceeding results from such report.

e. Any person who reports suspected abuse or exploitation pursuant to this act or who testifies in any administrative or judicial proceeding arising from such report or testimony shall have immunity from any civil or criminal liability on account of such report or testimony, unless such person has acted in bad faith or with malicious purpose.

f. Any person required to report suspected abuse or exploitation pursuant to this act who fails to make such report shall be fined not more than $500, and the facility employing the individual shall be fined not more than $2,500. Such penalty shall be collected and enforced by summary proceed-

ings pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). Each violation of this act shall constitute a separate offense.

g. No provision of this act shall be deemed to require the disclosure of, or penalize the failure to disclose, any information which would be privileged pursuant to the provisions of sections 18 through 23 inclusive of P.L.1960, c.52 (C.2A:84A-18 through 2A:84A-23).

h. When a person has been penalized under this section, a letter making note of the penalty shall immediately be sent by the court to the licensing authority or the professional board, if any, having jurisdiction over the person who has been penalized.

i. The office may bring suit in a court of competent jurisdiction to enforce any of the powers enumerated in this section.

3. Section 11 of P.L.1977, c.239 (C.52:27G-11) is amended to read as follows:

C.52:27G-11 Procedure for handling correspondence; written notice, information relative to rights, entitlements.

11. a. Any correspondence or written communication from any patient, resident, or client of a facility to the office shall, if delivered to or received by the facility, be promptly forwarded, unopened, by the facility to the office. Any correspondence or written communication from the office to any patient, resident, or client of a facility shall, if delivered to or received by the facility, be promptly forwarded, unopened, by the facility to such patient, resident, or client.

b. The office shall prepare and distribute to each facility written notices, in English and Spanish, which set forth the address and telephone number of the office, a brief explanation of the function of the office, the procedure to follow in filing a complaint, and other pertinent information. The notice shall also indicate the option to call 9-1-1.

The administrator of each facility shall ensure that such written notice is given to every patient, resident, or client or the patient's, resident's, or client's guardian upon admission to the facility and to every person already in residence or the person's guardian. The administrator shall also post such written notice in a conspicuous, public place in the facility in the number and manner set forth in the guidelines adopted by the office.

c. The facility shall inform patients, residents, or clients, and their guardians, resident representatives, or families, of their rights and entitlements under State and federal laws and rules and regulations in a format

and language that the recipient understands, by means of the distribution of educational materials as provided in subsection b. of this section.

d. The office shall facilitate the filing of complaints with the office concerning matters within the authority of the office. The measures taken in connection therewith shall include, but need not be limited to, maintenance of a toll-free telephone, either by the office or in conjunction with another appropriate State agency, at least during regular working hours of the office for the filing of complaints.

e. The administrator of each facility shall annually provide all caretakers, social workers, physicians, registered or licensed practical nurses, and other professionals and staff members employed at the facility with a notice explaining the requirements of section 2 of P.L.1983, c.43 (C.52:27G-7.1) concerning the reporting of suspected abuse or exploitation of an institutionalized elderly person, and require, as a condition of employment at the facility, that the employee acknowledge in writing receipt of the notice. The signed acknowledgement shall be retained in the employee's personnel file.

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

Approved August 7, 2017.

CHAPTER 187

AN ACT concerning retired service or guide dogs and amending P.L.1977, c.456.

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

1. Section 4 of P.L.1977, c.456 (C.10:5-29.2) is amended to read as follows:

C.10:5-29.2 Housing accommodations.

4. A person with a disability is entitled to rent, lease or purchase, as other members of the general public, all housing accommodations offered for rent, lease, or compensation in this State, subject to the rights, conditions and limitations established by law. Nothing in this section shall require any person renting, leasing or providing for compensation real property, to modify such property in any way to provide a higher degree of care

for a person with a disability than for any other person. A person with a disability who has a service or guide dog, or who obtains a service or guide dog, or who retains their former service or guide dog as a pet after its retirement from service, shall be entitled to full and equal access to all housing accommodations and shall not be required to pay extra compensation for such service or guide dog or retired pet, but shall be liable for any damages done to the premises by such dog. Any provision in any lease or rental agreement prohibiting maintenance of a pet or pets on or in the premises shall not be applicable to a working service or guide dog, or a retired service or guide dog, owned by a tenant who is a person with a disability.

2. This act shall take effect immediately.

Approved August 7, 2017.

CHAPTER 188

AN ACT designating the Killed in Action flag as an official State flag and supplementing chapter 3 of Title 52 of the Revised Statutes.

WHEREAS, Since our nation's founding, brave men and women have given their lives for this country through their service in the Armed Forces of the United States; and

WHEREAS, This State supports its many resident servicemembers and veterans and is grateful for their sacrifices, especially for the sacrifice of those who paid the ultimate price with their lives; and

WHEREAS, The Killed in Action (K.I.A.) flag seeks to honor those who have fallen in action and ensure that their service is never forgotten; and

WHEREAS, It is believed that, in 1993, a Vietnam veteran, who wished to remain anonymous, visited the Vietnam War Memorial in Washington, D.C., and realized there was no flag in existence at that time that he could leave to honor this nation's fallen heroes; and

WHEREAS, The veteran decided to create a flag and assure the loved ones of fallen heroes that they would always be remembered; and

WHEREAS, The Killed in Action Honor Flag Program began in 2003 in recognition of those who were killed in combat while serving in the United States military and their families; and

WHEREAS, The K.I.A. flag is a red flag which depicts the silhouette of a helmet on top of a firearm next to a servicemember, where the color red

represents the blood shed by members of the United States Armed Forces and Special Services who made the ultimate sacrifice for this country both at home and abroad; and

WHEREAS, It is, therefore, altogether fitting and proper that this State adopt this flag as an official State flag to honor and memorialize all members of the Armed Forces of the United States who were killed in action or died of wounds resulting from injuries received in action; now, therefore,

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

C.52:3-14 Killed in Action flag designated an official State flag.

1. a. The Killed in Action (K.I.A.) flag is designated an official State flag for recognizing members of the Armed Forces of the United States who were killed in action, or died of wounds resulting from injuries received in action, in any war or conflict in which the United States has been involved. The K.I.A. flag is a red flag which depicts the silhouette of a helmet on top of a firearm next to a servicemember.

b. The flag shall be displayed during normal business hours at the State House in Trenton, the principal municipal building in each municipality, and the principal county building in each county seat.

2. This act shall take effect immediately.

Approved August 7, 2017.

CHAPTER 189

AN ACT concerning the necessary care and tethering of certain animals, and supplementing Title 4 of the Revised Statutes, and amending P.L.1941, c.151.

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

C.4:22-17.1 Definitions relative to care, tethering of certain animals.

1. As used in this act:

"Adverse environmental conditions" means (1) when the ambient temperature is 32 degrees Fahrenheit or below in the immediate vicinity of a

dog, domestic companion animal, or service animal, or there are other cold weather or precipitation-related environmental conditions, including, but not limited to, wind, rain, snow, ice, sleet, or hail that a person should reasonably know would pose an adverse risk to the health or safety of a dog, domestic companion animal, or service animal, based on the animal's size, age, physical condition, or thickness of the animal's hair or fur; or (2) when the ambient temperature is 90 degrees Fahrenheit or above in the immediate vicinity of a dog, domestic companion animal, or service animal, or a dog, domestic companion animal, or service animal is exposed to direct sunlight or hot pavement or any other hot surfaces that a person should reasonably know would pose an adverse risk to the health or safety of the animal, based on the animal's size, age, physical condition, or thickness of the animal's hair or fur.

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

"Animal rescue organization facility" means an animal rescue organization facility as defined in section 1 of P.L.1941, c.151 (C.4:19-15.1).

"Domestic companion animal" means any animal commonly referred to as a pet that was bought, bred, raised, or otherwise acquired, in accordance with local ordinances and State and federal law, for the primary purpose of providing companionship to the owner, rather than for business or agricultural purposes. "Domestic companion animal" shall not include "domestic livestock" as defined in subsection c. of section 1 of P.L.1995, c.311 (C.4:22-16.1).

"Kennel" means a kennel as defined in section 1 of P.L.1941, c.151 (C.4:19-15.1) and licensed pursuant to section 8 of P.L.1941, c.151 (C.4:19-15.8).

"Pet shop" means a pet shop as defined in section 1 of P.L.1941, c.151 (C.4:19-15.1) and licensed pursuant to section 8 of P.L.1941, c.151 (C.4:19-15.8).

"Pound" means a pound as defined in section 1 of P.L.1941, c.151 (C.4:19-15.1) and licensed pursuant to section 8 of P.L.1941, c.151 (C.4:19-15.8).

"Proper shelter" means a structure or other type of protection that conforms to the standards and requirements set forth in section 5 of this act, but shall not mean a shelter as defined elsewhere in this section.

"Service animal" means a service animal or a guide dog as defined in subsection e. of section 1 of P.L.2013, c.205 (C.2C:29-3.2), or an animal used for any therapeutic purpose.

"Shelter" means a shelter as defined in section 1 of P.L.1941, c.151 (C.4:19-15.1) and licensed pursuant to section 8 of P.L.1941, c.151 (C.4:19-15.8).

"Tether" means to fasten a dog with a cable, chain, rope, or other similar object to a stationary object, including, but not limited to, a doghouse, tree, stake, pole, fence, or wall, or to a device that is mobile including, but not limited to, a trolley or pulley, in order to restrict the dog's movement. "Tether" also means the cable, chain, rope, or other similar object used to fasten a dog, as applicable.

"Unattended" means that the dog, domestic companion animal, or service animal is outdoors and a person is not also outdoors with the animal, or that the dog, domestic companion animal, or service animal is indoors and a person is not also indoors with the animal.

C.4:22-17.2 Unlawful treatment of certain animals.

2. a. Except as provided in subsections b. and c. of this section, it is unlawful to expose any dog, domestic companion animal, or service animal to adverse environmental conditions for more than 30 minutes, unless the animal has continuous access to proper shelter, as set forth in section 5 of this act.

b. When State or local officials issue an order of evacuation due to weather or other emergency conditions, an owner or other person with custody or control of a dog, domestic companion animal, or service animal shall make every effort to evacuate with the animal, and shall not leave the animal indoors or outdoors while unattended and tethered. If evacuation with the owner or other person with custody or control of the dog, domestic companion animal, or service animal is not an option, the owner or other person with custody or control of the animal shall make every effort to:

(1) deliver the animal to a safe haven not impacted by the emergency, which may include, but is not limited to, a licensed kennel, shelter, or pound, temporary animal shelter established for the purposes of the emergency, the residence of a friend, relative, or other caregiver, or other suitable facility capable of ensuring the animal's safety; or

(2) secure the animal in an indoor area that is clear of hazards and is as protective of the dog, domestic companion animal, or service animal as possible under the circumstances, and alert local emergency responders to the animal's location.

c. The requirements of subsection a. of this section shall not apply to a dog, domestic companion animal, or service animal if any person, including the animal's owner or person with custody or control of the animal:

(1) is in the presence of the animal and exposed to the same adverse environmental conditions as the animal at all times that the animal is exposed to these adverse environmental conditions; and

(2) can see the animal at all times while the animal is exposed to the adverse environmental conditions, unless the person is blind or visually impaired so that the person cannot see the animal due to the blindness or visual impairment, in which case the person shall remain immediately adjacent to the animal at all times while the animal and the person are exposed to the adverse environmental conditions.

As used in this subsection, "blind" means a person whose vision in the person's better eye with proper correction does not exceed 20/200 or who has a field defect in the person's better eye with proper correction which contracts the peripheral field so that the diameter of the visual field subtends an angle no greater than 20 degrees; and "visually impaired" means having a condition in which a person has a corrected visual acuity not exceeding 20/70, but not less than 20/200, in the person's better eye, or in which the peripheral field of the person's vision has contracted so that the diameter of the visual field subtends an angle no greater than 40 degrees but no less than 20 degrees.

d. The requirements of subsections a. and b. of this section shall not apply to any cat living outside with no apparent owner, commonly referred to as, or considered to be, a feral cat.

e. (1) The owner of a dog, domestic companion animal, or service animal shall be liable for a violation of subsection a. of this section that occurs on any property belonging to the owner or on which the owner resides at the time of the violation, regardless of whether the owner is present when the violation occurs.

(2) The person with custody or control of a dog, domestic companion animal, or service animal who is not the owner of the animal shall be liable for a violation of subsection a. of this section that occurs on any property belonging to the person with custody or control of the animal or on which the person with custody or control of the animal resides at the time of the violation, regardless of whether the person is present when the violation occurs.

C.4:22-17.3 Unlawful to cruelly restrain a dog.

3. a. It is unlawful for any person to cruelly restrain a dog.

b. A person cruelly restrains a dog if the person tethers a dog:

(1) which is a nursing female, or which is less than four months old;

(2) outdoors between the hours of 11 p.m. and 5 a.m., but this paragraph shall not take effect until 18 months after the date on which this act takes effect;

(3) in an unoccupied building or upon vacant property;

(4) in a manner that does not permit the dog continuous access to water in a sanitary and liquid state whenever the dog is tethered for more than 30 minutes;

(5) in a manner that exposes the dog to adverse environmental conditions for more than 30 minutes;

(6) by means of a choke collar, prong collar, head harness, or any other type of collar, harness, or similar device other than a properly fitted body harness or buckle-type collar;

(7) by using a chain with metal links that are more than one-quarter of an inch thick, or a tether, collar, or harness to which a weight is attached;

(8) with a tether on which more than one dog is restrained;

(9) with a tether that is less than 15 feet in length or which does not permit the dog to walk at least 15 feet in any one direction; or

(10) with a tether that permits the dog to reach another dog or an object or location that poses a risk of entanglement, strangulation, drowning, or other harm to the health or safety of the dog, including, but not limited to, another dog's tether or a window sill, fence, wall, porch, terrace railing, vehicle, tree, pole, pool, or public road or highway.

c. Paragraphs (2), (9), and (10) of subsection b. of this section shall not apply if any person, including the dog's owner or the person with custody or control of the dog:

(1) is in the presence of the dog at all times while the dog is tethered, whether indoors or outdoors; and

(2) can see the dog at all times while the dog is tethered, unless the person is blind or visually impaired so that the person cannot see the dog due to the blindness or visual impairment, in which case the person shall remain immediately adjacent to the dog at all times while the dog is tethered.

As used in this subsection, "blind" means a person whose vision in the person's better eye with proper correction does not exceed 20/200 or who has a field defect in the person's better eye with proper correction which contracts the peripheral field so that the diameter of the visual field subtends an angle no greater than 20 degrees; and "visually impaired" means having a condition in which a person has a corrected visual acuity not exceeding 20/70, but not less than 20/200, in the person's better eye, or in which the peripheral field of the person's vision has contracted so that the

diameter of the visual field subtends an angle no greater than 40 degrees but no less than 20 degrees.

d. (1) The owner of a dog shall be liable for a violation of subsections a. and b. of this section that occurs on any property belonging to the owner or on which the owner resides at the time of the violation, regardless of whether the owner is present when the violation occurs.

(2) The person with custody or control of a dog who is not the owner of the dog shall be liable for a violation of subsections a. and b. of this section that occurs on any property belonging to the person with custody or control of the dog or on which the person with custody or control of the dog resides at the time of the violation, regardless of whether the person is present when the violation occurs.

(3) Paragraph (9) of subsection b. of this section shall not apply if the dog is indoors and a person is indoors with the dog.

C.4:22-17.4 Unlawful confinement of certain animals.

4. a. It is unlawful to confine a dog, domestic companion animal, or service animal in any structure, room, area, or container that does not comply with the standards and requirements of proper shelter as set forth in section 5 of this act, except as provided in subsections b. and c. of this section.

b. (1) Notwithstanding the requirements of paragraph (1) of subsection a. of section 5 of this act, a person may confine a dog, domestic companion animal, or service animal temporarily in an animal carrier or crate for the purposes enumerated in paragraph (2) of this subsection, provided that (a) during transport, the animal is at all times inside the vehicle being used for transport; and (b) during confinement in the animal carrier or crate, the top of the head of the dog, domestic companion animal, or service animal cannot touch the ceiling of the animal carrier or crate when the animal is in a normal standing position in the animal carrier or crate, and the dog, domestic companion animal, or service animal can easily turn around in a full circle and lie down on its side in the animal carrier or crate.

(2) A person may confine a dog, domestic companion animal, or service animal temporarily in an animal carrier or crate for the purpose of (a) transport; (b) any exhibition, show, contest, or other temporary event at which the skill, breeding, or stamina of the animal is judged or examined; or (c) in the case of a dog, any exhibition, class, training session, or other temporary event at which the dog is used, or is being trained, to hunt wildlife in a lawful manner.

(3) Notwithstanding the requirements of paragraph (1) of subsection a. of section 5 of this act with regard to access to water, a person may confine

a dog, domestic companion animal, or service animal without providing access to water at all times if the animal is confined indoors and in the primary living space of the residence of the owner or other person with custody or control of the animal.

c. (1) The owner of a dog, domestic companion animal, or service animal shall be liable for a violation of subsection a. or b. of this section, as the case may be, that occurs on or in any property belonging to the owner or on which the owner resides or in any vehicle belonging to the owner at the time of the violation, regardless of whether the owner is present when the violation occurs.

(2) The person with custody or control of a dog, domestic companion animal, or service animal who is not the owner of the animal shall be liable for a violation of subsection a. or b. of this section, as the case may be, that occurs on or in any property belonging to the person with custody or control of the animal or on which the person with custody or control of the animal resides or in any vehicle belonging to the person with custody or control of the animal at the time of the violation, regardless of whether the person is present when the violation occurs.

d. Subsection a. of this section shall not apply to:

(1) a facility maintained and used in connection with the practice of veterinary medicine pursuant to R.S.45:16-1 et seq.; or

(2) a licensed kennel, pet shop, shelter, or pound subject to the rules and regulations adopted pursuant to section 14 of P.L.1941, c.151 (C.4:19-15.14) pertaining to the sanitary conduct and operation of kennels, pet shops, shelters, and pounds, which is operating in compliance with those rules and regulations.

C.4:22-17.5 Proper shelter for certain animals.

5. a. Proper shelter for a dog, domestic companion animal, or service animal shall be a structure or other type of protection that meets, at a minimum, the following standards and requirements:

(1) It provides at all times (a) adequate ventilation to allow the dog, domestic companion animal, or service animal to remain dry and maintain a normal body temperature, (b) access to water in a sanitary and liquid state, (c) exposure to natural or artificial light according to a regular cycle of day and night, (d) sufficient space so that the dog, domestic companion animal, or service animal can easily turn around in a full circle and lie down on the animal's side with limbs outstretched, and (e) when the animal is in a normal sitting position in the proper shelter, the top of the head of the animal cannot touch the ceiling of the proper shelter;

(2) It is maintained in a manner to minimize the accumulation of any waste, other debris, precipitation, or other moisture inside, surrounding, and underneath any area or structure providing proper shelter, and to provide reasonable protection from flooding;

(3) It is soundly constructed to prevent the sagging or collapse of any part of the structure or protection, and is maintained in good repair with no exposed sharp points or edges;

(4) It remains in an upright position at all times;

(5) In the event of adverse environmental conditions as set forth in paragraph (1) of the definition of that term in section 1 of this act, it is an enclosed structure that has (a) a solid roof, solid walls with a single opening no larger than necessary to allow the dog, domestic companion animal, or service animal to comfortably enter and exit the structure, and a floor that is not the ground, and (b) insulation, dry bedding, and a windbreak at the entrance that are sufficient to keep the dog, domestic companion animal, or service animal dry and maintain the animal's normal body temperature; and

(6) In the event of adverse environmental conditions as set forth in paragraph (2) of the definition of that term in section 1 of this act, it provides the dog, domestic companion animal, or service animal with adequate shade or other cooling area by natural or artificial means to allow the animal to maintain a normal body temperature.

b. Any part of the residence of an owner, or other person with custody or control, of a dog, domestic companion animal, or service animal shall be proper shelter for a dog, domestic companion animal, or service animal, provided that the part of the residence, and the use thereof, are in compliance with the requirements for proper shelter set forth in this section.

c. Proper shelter for a dog, domestic companion animal, or service animal shall not include:

(1) a crawl space under a building or a part of a building, such as under steps, a deck, or a stoop;

(2) the space under a vehicle;

(3) the inside of a vehicle if the dog, domestic companion animal, or service animal is kept in the vehicle in a manner or for a length of time that a person should reasonably know poses an adverse risk to the health or safety of the animal; or

(4) any structure or protection (a) made from pressure-treated wood which contains the chemicals arsenic or chromium, (b) with a floor consisting of wire or chain-link or having openings through which the paw, hoof, or foot of a dog, domestic companion animal, or service animal, as applica-

ble, can pass, or (c) that is located outdoors and is made from cardboard or other materials that are easily degraded by the elements.

C.4:22-17.6 Responsibilities of DOH, municipality.

6. a. The Department of Health, in consultation with the Attorney General, shall:

(1) provide to each municipality in writing sufficient copies of (a)this act, R.S.4:22-17, and R.S.4:22-26; (b) a plain language description of the provisions and requirements thereof; and (c) a plain language description of how to comply with those provisions and requirements; and

(2) post on its website the materials enumerated in paragraph (1) of this subsection.

b. Each municipality shall:

(1) provide the materials enumerated in and provided pursuant to subsection a. of this section, along with any other information deemed relevant by the municipality, to each person obtaining a license for a dog at the time of licensing; and

(2) post on its website the materials enumerated in and provided pursuant to subsection a. of this section.

The municipality may pay any cost incurred by complying with the requirements of this subsection with fees forwarded to the treasurer of the municipality pursuant to section 11 of P.L.1941, c.151 (C.4:19-15.11).

C.4:22-17.7 Violations, remedies, required actions.

7. a. Upon a showing of probable cause that there has been a violation of this act and submission of proof of issuance of a summons, a court of competent jurisdiction may issue, upon request, an order to any humane law enforcement officer or agent of the New Jersey Society for the Prevention of Cruelty to Animals or county society for the prevention of cruelty to animals, certified animal control officer, or other State or local law enforcement officer to enter onto the private property where a dog, domestic companion animal, or service animal is located and take physical custody of the animal.

b. Notwithstanding the provisions of subsection a. of this section, or any other law, or any rule or regulation adopted pursuant thereto, to the contrary, any humane law enforcement officer or agent of the New Jersey Society for the Prevention of Cruelty to Animals or county society for the prevention of cruelty to animals, certified animal control officer, or other State or local law enforcement officer may immediately enter onto private property where a dog, domestic companion animal, or service animal is

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located and take physical custody of the animal, if the officer or agent has reasonable suspicion to believe that the animal is at risk of imminent harm due to a violation of this act.

c. Upon taking physical custody of a dog, domestic companion animal, or service animal pursuant to subsection a. or b. of this section, the person taking physical custody of the animal shall: (1) post immediately, in a conspicuous place at the location from which the dog, domestic companion animal, or service animal was taken, the notice required pursuant to subsection d. of this section to the owner or person with custody or control of the dog, domestic companion animal, or service animal; and (2) send by registered or certified mail and by ordinary mail the notice described in subsection d. of this section to the address of the location from which the dog, domestic companion animal, or service animal was taken into physical custody.

d. The notice required pursuant to subsection c. of this section shall: (1) provide a description of the dog, domestic companion animal, or service animal; (2) state that the dog, domestic companion animal, or service animal may be euthanized upon a veterinarian's written determination of medical necessity as required by subsection e. of this section; (3) state the statutory authority and reason for taking custody of the dog, domestic companion animal, or service animal; and (4) provide contact information, including at least the name of any applicable office or entity, the name of a person at that office or entity, and a telephone number for the owner or person with custody or control of the dog, domestic companion animal, or service animal to obtain information concerning the animal, the alleged violation, and where the animal is impounded.

e. A dog, domestic companion animal, or service animal taken into physical custody pursuant to subsection a. or b. of this section shall be placed in a licensed shelter, pound, or kennel operating as a shelter or pound to ensure the humane care and treatment of the animal. If, after the dog, domestic companion animal, or service animal has been taken into physical custody, a licensed veterinarian makes a written determination that the animal is in intractable and extreme pain and beyond any reasonable hope of recovery with reasonable veterinary medical treatment, the animal may be euthanized. At any time while the licensed shelter, pound, or kennel operating as a shelter or pound has custody or control of the dog, domestic companion animal, or service animal, it may place the animal in an animal rescue organization facility or a foster home if it determines the placement is in the best interest of the animal.

f. A person shall be issued a correction warning prior to being cited for a violation of this act unless the dog, domestic companion animal, or service animal involved in the violation was seized immediately pursuant to subsection b. of this section. A summons shall be served on the alleged violator as soon as practicable if:

(1) after the seven days have elapsed from the date a correction warning is issued, no correction has been made; or

(2) the dog, domestic companion animal, or service animal involved in the violation was seized immediately pursuant to subsection b. of this section.

If the alleged violator is not the owner of the dog, domestic companion animal, or service animal, the person issuing the correction warning or summons, as applicable, shall also notify the owner of the animal of the violation and provide the owner with a copy of the issued correction warning or summons, as applicable.

g. Any summons issued for a violation of this act shall contain:

(1) a description of the violation and statutory authority; and

(2) contact information identifying, at a minimum (a) the name of the investigating agency or office, and (b) the name of the officer or agent issuing the summons or investigating the alleged violation.

h. Any humane law enforcement officer or agent of the New Jersey Society for the Prevention of Cruelty to Animals or county society for the prevention of cruelty to animals, certified animal control officer, or other State or local law enforcement officer issuing a summons for a violation of this act shall also serve on the alleged violator, with the summons, a written notice of:

(1) the right to voluntarily forfeit ownership or custody of the dog, domestic companion animal, or service animal;

(2) the action or actions required for compliance;

(3) a demand for immediate compliance; and

(4) a telephone number for the investigating agency or office and the investigating officer or agent.

i. Any humane law enforcement officer or agent of the New Jersey Society for the Prevention of Cruelty to Animals or county society for the prevention of cruelty to animals, certified animal control officer, or other State or local law enforcement officer may petition a court of competent jurisdiction to have a dog, domestic companion animal, or service animal confiscated, if not previously seized, and forfeited upon the person being found guilty of, or liable for, a violation of this act. Upon a finding that continued possession of the dog, domestic companion animal, or service

animal by the owner or other person authorized to have custody or control of the animal poses a threat to the health or safety of the animal, the court shall order that the animal be forfeited, placed in an animal rescue organization facility, shelter, pound, or kennel operating as a shelter or pound, and made available for adoption.

j. A person found guilty of, or liable for, a violation of any provision of this act shall be responsible for, and pay, the reasonable costs of caring for the dog, domestic companion animal, or service animal from the date on which physical custody of the animal was taken pursuant to this section until the date the animal is surrendered, forfeited, returned, or euthanized, including, but not limited to, the cost of transporting, sheltering, and feeding the animal, the cost of providing the animal with necessary veterinary care, and if the animal is euthanized, the cost of the euthanasia.

C.4:22-17.8 Violations, penalties for failure to provide necessary care.

8. a. A violation of section 2, 4, or 5 of this act shall constitute failure to provide necessary care pursuant to R.S.4:22-17 and R.S.4:22-26, and a violator shall be subject to the applicable penalties set forth in those sections.

b. A person who violates section 3 of this act shall be subject to:

(1) for a first offense, at the discretion of the court, a fine of $100; and

(2) for a second offense, at the discretion of the court, a fine of $200.

For a third or subsequent offense, the offense shall constitute failure to provide necessary care pursuant to R.S.4:22-17 and R.S.4:22-26, and a violator shall be subject to the applicable penalties set forth in those sections.

c. Beginning on the fourth day after the date of issuance of a summons for a violation pursuant to section 7 of this act, each 30-day period that the owner or other person with custody or control of the dog, domestic companion animal, or service animal is still in possession of the animal and fails to comply with the requirements of this act shall constitute a separate offense.

d. A court may, in its discretion, waive or reduce the amount of any fine imposed for any violation of this act upon the violator demonstrating compliance with this act in the manner as may be prescribed by the court.

C.4:22-17.9 Construction, application of act.

9. No provision of this act, or any rule or regulation adopted pursuant thereto, shall be construed or applied to limit any protection afforded to any dog pursuant to Title 2C of the New Jersey Statutes or any other provisions of Title 4 of the Revised Statutes, any other federal or State law, or rule or

regulation adopted pursuant thereto, or any local ordinance, resolution, rule, or regulation.

10. Section 11 of P.L.1941, c. 151 (C.4:19-15.11) is amended to read as follows:

C.4:19-15.11 Disposition of fees collected.

11. License fees and other moneys collected or received under the provisions of sections 3, 8, 9 and 16 of P.L.1941, c.151 (C.4:19-15.3, C.4:19-15.8, C.4:19-15.9, and C.4:19-15.16), except registration tag fees, shall be forwarded to the treasurer of the municipality within 30 days after collection or receipt and shall be placed in a special account separate from any of the other accounts of the municipality and shall be used for the following purposes only: for collecting, keeping and disposing of dogs liable to seizure under P.L.1941, c.151 (C.4:19-15.1 et seq.) or under local dog control ordinances; for local prevention and control of rabies; for providing antirabic treatment under the direction of the local board of health for any person known or suspected to have been exposed to rabies; for payment of damage to or losses of poultry and domestic animals, except dogs and cats, caused by a dog or dogs; for compliance with the requirements of subsection b. of section 6 of P.L.2017, c.189 (C.4:22-17.6); and for administering the provisions of P.L.1941, c.151 (C.4:19-15.1 et seq.). Any unexpended balance remaining in the special account shall be retained therein until the end of the third fiscal year following and may be used for any of the purposes set forth in this section. At the end of the third fiscal year following, and at the end of each fiscal year thereafter, there shall be transferred from the special account to the general funds of the municipality any amount then in the account which is in excess of the total amount paid into the special account during the last two fiscal years next preceding.

The registration tag fee for each dog shall be forwarded within 30 days after collection by the clerk or other official designated to license dogs to the State Department of Health which department shall forward the sum to the State Treasurer who shall place all such moneys in a special account for use only by the State Department of Health in administering P.L.1941, c.151 (C.4:19-15.1 et seq.) and for the prevention and control of rabies throughout the State, and such account is hereby declared to be a trust fund not subject to legislative appropriation. At the end of the third fiscal year following the adoption of P.L.1941, c.151 (C.4:19-15.1 et seq.) and at the end of each fiscal year thereafter, there shall be withdrawn from this trust fund and transferred to the general funds of the State any amount then in

the trust fund which is in excess of the total amount paid into the trust fund during the last two fiscal years next preceding.

11. This act shall take effect immediately.

Approved August 7, 2017.

CHAPTER 190

AN ACT concerning voluntary contributions through gross income tax returns for maintenance of certain State memorials honoring war veterans, supplementing Chapter 9 of Title 54A of the New Jersey Statutes.

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

C.54A:9-25.43 "NJ Memorials to War Veterans Maintenance Fund."

1. a. There is established in the Department of the Treasury a special fund to be known as the "NJ Memorials to War Veterans Maintenance Fund."

b. Each taxpayer shall have the opportunity to indicate on the taxpayer's New Jersey gross income tax return that a portion of the taxpayer's tax refund or an enclosed contribution shall be deposited in the special fund.

c. Any costs incurred by the Division of Taxation for collection or administration attributable to this act may be deducted from receipts collected pursuant to this act, as determined by the Director of the Division of Budget and Accounting. The State Treasurer shall deposit net contributions collected pursuant to this act into the "NJ Memorials to War Veterans Maintenance Fund."

d. The Legislature shall annually appropriate all funds deposited in the "NJ Memorials to War Veterans Maintenance Fund" established pursuant to this section to the Department of Military and Veterans' Affairs for the purposes of providing maintenance to the memorials honoring New Jersey's veterans from the Korean War, the Vietnam War, and World War II.

2. This act shall take effect immediately and apply to taxable years beginning after enactment.

Approved August 7, 2017.

CHAPTER 191

AN ACT concerning smoking in public places, supplementing Title 26 of the Revised Statutes and amending N.J.S.2C:33-13.

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

C.26:3D-65 Civil penalty for smoking in unauthorized public place.

1. a. A person who smokes or carries lighted tobacco in any public place, including, but not limited to, places of public accommodation, where that activity is prohibited by municipal ordinance under authority of R.S.40:48-1 and 40:48-2 or by the owner or person responsible for the operation of the public place, and when adequate notice of the prohibition on smoking or carrying lighted tobacco has been conspicuously posted, may be subject to a civil penalty of up to $200, which shall be recovered in a civil action by a summary proceeding in the name of the municipality pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The municipal court and the Superior Court shall have jurisdiction of proceedings for the enforcement of the penalty provided by this subsection.

b. The governing body of a municipality may adopt a municipal ordinance to impose a civil penalty, as provided for under subsection a. of this section, as an alternative to the liability for the offense provided for under N.J.S.2C:33-13.

2. N.J.S.2C:33-13 is amended to read as follows:

Smoking in public.

2C:33-13. Smoking in Public. a. Any person who smokes or carries lighted tobacco in or upon any bus or other public conveyance, except group charter buses, specially marked railroad smoking cars, limousines or livery services, and, when the driver is the only person in the vehicle, autocabs, is a petty disorderly person. For the purposes of this section, "bus" includes school buses and other vehicles owned or contracted for by the governing body, board or individual of a nonpublic school, a public or private college, university, or professional training school, or a board of education of a school district, that are used to transport students to and from school and school-related activities; and the prohibition on smoking or carrying lighted tobacco shall apply even if students are not present in the vehicle.

b. Any person who smokes or carries lighted tobacco in any public place, including, but not limited to, places of public accommodation, where

such smoking is prohibited by municipal ordinance under authority of R.S.40:48-1 and 40:48-2 or by the owner or person responsible for the operation of the public place, and when adequate notice of such prohibition has been conspicuously posted, is either: guilty of a petty disorderly persons offense under this section, or subject to a civil penalty under section 1 of P.L.2017, c.191 (C.26:3D-65) if such civil penalty is provided for as an alternative to the offense under this subsection. Notwithstanding the provisions of N.J.S.2C:43-3, the maximum fine which can be imposed for committing a petty disorderly persons offense under this section is $200.

c. The provisions of this section shall supersede any other statute and any rule or regulation adopted pursuant to law, except as provided in section 1 of P.L.2017, c.191 (C.26:3D-65).

3. This act shall take effect immediately.

Approved August 7, 2017.

CHAPTER 192

AN ACT concerning sexual assault training for law enforcement officers and supplementing Title 52 of the Revised Statutes.

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

C.52:4B-54.1 Sexual assault training course for law enforcement officers.

1. a. The Division of Criminal Justice shall develop or approve a training course and curriculum for law enforcement officers on the handling, investigation, and response procedures for reports of sexual assault. This training course and curriculum shall be reviewed at least every two years by the division and modified as need may require. The division shall make the curriculum available to all law enforcement agencies in the State.

b. The Attorney General shall be responsible for ensuring that all law enforcement officers complete in-service training triennially on the handling of sexual assault matters.

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

Approved August 7, 2017.

CHAPTER 193

AN ACT providing for the issuance of special license plates for veterans 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.39:3-27.148 Military Veteran motorcycle license plates.

1. a. Upon proper application, the Chief Administrator of the New Jersey Motor Vehicle Commission shall issue Military Veteran motorcycle license plates for any motorcycle owned or leased and registered in this State. In addition to the registration number and other markings or identification otherwise prescribed by law, the license plate shall display the words, "U.S. Vet" along with an image or other pictorial representation of the flag of the United States of America. The chief administrator, in consultation with the Adjutant General of the Department of Military and Veterans' Affairs, shall select the design of the Military Veteran motorcycle license plates. The Military Veteran motorcycle license plates shall be subject to the provisions of chapter 3 of Title 39 of the Revised Statutes, except as hereinafter otherwise specifically provided.

b. Application for issuance of a Military Veteran motorcycle license plate shall be made to the chief administrator on forms and in a manner prescribed by the chief administrator. The application shall include proof satisfactory to the chief administrator that the applicant is a military veteran and has been honorably discharged as certified on the applicant's DD-214 form or on a Certificate of Release or Discharge from Active Duty. In order to be deemed complete, an application shall be accompanied by a fee of $50, payable to the New Jersey Motor Vehicle Commission, which shall be in addition to the fee otherwise prescribed by law for the registration of a motorcycle. The chief administrator shall collect annually, subsequent to the year of issuance of the Military Veteran motorcycle license plate, a $10 fee for the license plate in addition to the fee otherwise prescribed by law for the registration of a motorcycle. The additional fees required by this subsection shall be deposited in the "Military Veteran Motorcycle License Plate Fund" created pursuant to subsection c. of this section.

The surviving spouse of a deceased veteran, who is eligible to operate a motorcycle in this State under the provisions of R.S.39:3-10, may retain the Military Veteran motorcycle license plates obtained by the deceased spouse pursuant to this section for display on a motorcycle owned or leased by the surviving spouse.

c. There is created in the Department of the Treasury a special nonlapsing fund to be known as the "Military Veteran Motorcycle License Plate Fund." There shall be deposited in the fund the amount collected from all license plate fees collected pursuant to subsection b. of this section, less the amounts necessary to reimburse the commission for administrative costs pursuant to subsection d. of this section. Monies deposited in the fund shall be appropriated annually to the Department of Military and Veterans' Affairs and shall be used to support programs benefiting military veterans. Monies deposited in the fund shall be held in interest-bearing accounts in a public depository as defined pursuant to section 1 of P.L.1970, c.236 (C.17:9-41), and may be invested or reinvested in securities approved by the State Treasurer. Interest or other income earned on monies deposited into the fund, and any monies which may be appropriated or otherwise become available for the purposes of the fund, shall be credited to and deposited in the fund for use as set forth in P.L.2017, c.193 (C.39:3-27.148 et seq.).

d. Prior to the deposit of the additional fees collected pursuant to subsection b. of this section into the "Military Veteran Motorcycle License Plate Fund," amounts thereof as are necessary shall be used to reimburse the commission for all costs reasonably and actually incurred, as stipulated by the chief administrator, for:

(1) designing, producing, issuing, renewing, and publicizing the availability of the Military Veteran motorcycle license plates; and

(2) any computer programming changes that may be initially necessary to implement the Military Veteran motorcycle license plate program in an amount not to exceed $150,000.

The chief administrator shall annually certify to the State Treasurer the average cost per license plate incurred in the immediately preceding year by the commission in producing, issuing, renewing, and publicizing the availability of the Military Veteran motorcycle license plates. The annual certification of the average cost per license plate shall be approved by the Joint Budget Oversight Committee, or its successor.

In the event that the average cost per license plate as certified by the chief administrator and approved by the Joint Budget Oversight Committee, or its successor, is greater than the $50 application fee established in subsection b. of this section in two consecutive fiscal years, the chief administrator may discontinue the issuance of Military Veteran motorcycle license plates.

e. The chief administrator shall notify eligible motorists of the opportunity to obtain Military Veteran motorcycle license plates by publicizing

the availability of the license plates on the commission's website. The Department of Military and Veterans' Affairs, and any other individual or entity designated by the department, may publicize the availability of the Military Veteran motorcycle license plates in any manner that the department deems appropriate.

f. The chief administrator and adjutant general shall develop and enter into an inter-departmental memorandum of agreement setting forth the procedures to be followed in carrying out their respective responsibilities under P.L.2017, c.193 (C.39:3-27.148 et seq.).

g. The adjutant general shall appoint a representative who shall act as a liaison between the Department of Military and Veterans' Affairs and the commission. The liaison shall represent the department in any and all communications with the commission regarding the Military Veteran motorcycle license plates established by P.L.2017, c.193 (C.39:3-27.148 et seq.).

C.39:3-27.149 Contribution of non-public funds, conditions for issuance.

2. a. No State or public funds shall be used by the New Jersey Motor Vehicle Commission for the initial cost of:

(1) designing, producing, issuing, and publicizing the availability of Military Veteran motorcycle license plates; or

(2) any computer programming changes which may be necessary to implement the Military Veteran motorcycle license plate program established by P.L.2017, c.193 (C.39:3-27.148 et seq.).

b. An individual or entity designated by the Department of Military and Veterans' Affairs shall contribute non-public monies in an amount to be determined by the chief administrator, not to exceed a total of $25,000, to be used to offset the initial costs incurred by the commission for designing, producing, issuing, and publicizing the availability of Military Veteran motorcycle license plates, and any computer programming which may be necessary to implement the program. Concerned organizations and individual donors may contribute monies to the department to be used to offset the initial costs incurred by the commission for the Military Veteran motorcycle license plates authorized by P.L.2017, c.193 (C.39:3-27.148 et seq.). Any amount remaining after the payment of the initial cost shall be deposited in the "Military Veteran Motorcycle License Plate Fund" established pursuant to subsection c. of section 1 of P.L.2017, c.193 (C.39:3-27.148).

c. The commission shall not begin designing, producing, issuing, or publicizing the availability of Military Veteran motorcycle license plates, or making any necessary programming changes, until the following requirements have been met:

(1) The individual or entity designated by the Department of Military and Veterans' Affairs has provided the commission with the money necessary, as determined by the chief administrator pursuant to subsection b. of this section, to offset the initial costs incurred by the commission in establishing the Military Veteran motorcycle license plate program; and

(2) The liaison appointed by the department pursuant to subsection g. of section 1 of P.L.2017, c.193 (C.39:3-27.148) has provided the commission with not less than 500 completed applications for Military Veteran motorcycle license plates. These applications shall constitute the initial order for Military Veteran motorcycle license plates and shall be accompanied by a fee representing the total cost of the initial order. The fee shall be determined by multiplying the number of sets of license plates being ordered by the applicable initial fee for each set of license plates as set forth in subsection b. of section 1 of P.L.2017, c.193 (C.39:3-27.148).

3. This act shall take effect immediately, but shall remain inoperative until the first day of the 13th month following the date on which the conditions set forth in paragraphs (1) and (2) of subsection c. of section 2 of P.L.2017, c.193 (C.39:3-27.149) have been satisfied. The chief administrator may take anticipatory acts in advance of that date as may be necessary for the timely implementation of P.L.2017, c.193 (C.39:3-27.148 et seq.). P.L.2017, c.193 (C.39:3-27.148 et seq.) shall expire if the conditions set forth in paragraphs (1) and (2) of subsection c. of section 2 of P.L.2017, c.193 (C.39:3-27.149) are not satisfied by the last day of the 12th month following enactment.

Approved August 7, 2017.

CHAPTER 194

AN ACT designating the striped bass (Morone saxatilis) as the New Jersey State Saltwater Fish and redesignating the brook trout (Salvelinus fontinalis) as the New Jersey State Freshwater Fish, amending the title and body of P.L.1991, c.342, and supplementing chapter 9A of Title 52 of the Revised Statutes.

WHEREAS, The rich marine resources of this State offer a variety of recreational opportunities for residents and visitors and provide the basis for tourism, one of the State's most vital industries; and

WHEREAS, Included in these marine resources are striped bass, which provide enjoyment for those interested in saltwater fishing; and

WHEREAS, The striped bass (Morone saxatilis), also known as the "striper" or "rockfish," is easily identified by the dark horizontal stripes across its silver body; and

WHEREAS, Striped bass can grow to lengths of more than 48 inches, weigh over 50 pounds, and live up to 30 years; and

WHEREAS, Striped bass are native to the Atlantic coastline of North America, ranging from the St. Lawrence River in Canada to the St. Johns River in Florida; and

WHEREAS, The Hudson and Delaware Rivers are important bodies of water for breeding stocks of striped bass; and

WHEREAS, New Jersey's own Navesink River was used to seine the striped bass that were transported to California by train, allowing the successful introduction of the fish to the Pacific coast in 1879; and

WHEREAS, The striped bass has always been an important recreational fish and has helped control the population of non-native gizzard shad (Dorosoma cepedianum); and

WHEREAS, In the early 1980s, overfishing significantly reduced the population of striped bass, requiring strict management measures — including the designation in 2007 of striped bass as a protected game fish and a prohibition on the sale of striped bass caught in certain federal waters — in order to return it to a healthy population status; and

WHEREAS, In 1991, the State of New Jersey prohibited the sale in the State of wild caught striped bass; and

WHEREAS, Striped bass are now at sustainable population levels and able to be enjoyed by many in this State; and

WHEREAS, In acknowledgement of the recreational and environmental importance of this fish, it is fitting and appropriate to designate the striped bass as the official saltwater fish of the State of New Jersey; now, therefore,

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

C.52:9A-6.1 Striped bass designated NJ State Salt Water Fish.

1. The striped bass (Morone saxatilis) is designated as the New Jersey State Saltwater Fish.

Title amended.

2. The title of P.L.1991, c.342 is amended to read as follows:

AN ACT designating the brook trout as the New Jersey State Freshwater Fish.

3. Section 1 of P.L.1991, c.342 (C.52:9A-6) is amended to read as follows:

C.52:9A-6 Designation of State Freshwater Fish.

1. The brook trout (Salvelinus fontinalis) is designated as the New Jersey State Freshwater Fish.

4. This act shall take effect immediately.

Approved August 7, 2017.

CHAPTER 195

AN ACT requiring the New Jersey Turnpike Authority to study the impact of constructing rail stations at certain park and ride facilities.

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

1. The New Jersey Turnpike Authority shall conduct a study and prepare a report concerning potential options for the construction of a rail station at the Vince Lombardi Park and Ride facility in Ridgefield, Bergen County. The proposed rail station shall allow the New Jersey Transit Corporation to provide rail passenger service connecting the proposed rail station to the existing rail station in the Borough of Hawthorne, Passaic County, and to the light rail station at Tonnell Avenue in North Bergen, Hudson County, through the use of the New York, Susquehanna and Western Railway right-of-way. The report shall include, but not be limited to, the following:

a. A description of each possible option to construct a rail station at the Vince Lombardi Park and Ride facility, including the locations for the placement of additional rail stations, which shall provide the facility with service connections to the Main-Bergen County Line and Pascack Valley Line through the use of the New York, Susquehanna and Western Railway right-of-way;

b. An assessment of the feasibility of constructing a rail station at the Vince Lombardi Park and Ride facility, including the technology to be utilized in any new construction of additional rail stations;

c. The estimated cost of each option to construct a rail station at the Vince Lombardi Park and Ride facility, including the estimated cost of the acquisition of property and rights-of-way and the availability of any federal funds to offset the costs of each option;

d. The estimated time of implementation of each option to construct a rail station at the Vince Lombardi Park and Ride facility, including the time necessary for permitting;

e. A projection of the number of residences and businesses that will be negatively impacted by each option to construct a rail station at the Vince Lombardi Park and Ride facility;

f. An assessment of the environmental impact of each option to construct a rail station at the Vince Lombardi Park and Ride facility;

g. An assessment of the impact on potential utilization of the Vince Lombardi Park and Ride facility, including the projected effects on traffic congestion and current motorbus regular route service ridership; and

h. Any other relevant information concerning the feasibility of construction of a rail station at the Vince Lombardi Park and Ride facility.

The report shall include a summary of other possible options which were not discussed in the report and set forth the reasons why those options were not identified as feasible options to construct a rail station at the Vince Lombardi Park and Ride facility.

2. The authority shall report its findings required pursuant to section 1 of P.L.2017, c.195 not later than 12 months following the effective date of this act to the Governor and the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1).

3. This act shall take effect immediately and shall expire on the 30th day following the submission of the report required to be prepared under section 2 of this act.

Approved August 7, 2017.

CHAPTER 196

AN ACT concerning the application of shellfish habitat rules to certain dredging activities, and supplementing Title 12 of the Revised Statutes.

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

C.12:5-3.1 Permit or approval to dredge relative to shellfish habitat rules.

1. a. The Department of Environmental Protection shall not require a person to comply with the requirements of N.J.A.C.7:7-9.2, or any substantially similar rule or regulation concerning shellfish habitat, when the person applies to the department for any permit or other approval to dredge:

(1) the established footprint of a functioning marina in operation on the date of enactment of this act , or the footprint of a marina that was in operation up to 10 years prior to the date of enactment of this act;

(2) along a 75-foot wide direct channel between any marina described in paragraph (1) of this subsection and its docks and the closest State or federal navigation channel serving the locality for the marina;

(3) within 250 feet of a vertical timber or other material bulkhead supporting an upland development with a water dependent use or that had a water dependent use up to 10 years prior to the date of enactment of this act; or

(4) within 250 feet of the mean high water line adjacent to an upland development with a water dependent use or that had a water dependent use up to 10 years prior to the date of enactment of this act.

b. (1) A person dredging pursuant to paragraph (3) or (4) of subsection a. of this section shall dredge only the area of the bay floor that is essential to the water dependent use of the upland development.

(2) Paragraphs (3) and (4) of subsection a. of this section shall not apply to any upland development the construction of which is commenced after the date of enactment of this act, or to an expansion of any water dependent use at any upland development. A person dredging for the purposes of an upland development the construction of which is commenced after the date of enactment of this act, or an expansion of any water dependent use at any upland development, shall be required to address impacts to shellfish habitat in accordance with applicable rules and regulations of the department.

c. Nothing in this section shall be construed to limit the application of any other law, rule, regulation, or ordinance to dredging activities. A person dredging pursuant to subsection a. of this section shall obtain all other permits and approvals for the dredging as may be required pursuant to State or federal law, rule, or regulation, or local ordinance.

d. For the purposes of this section, "water dependent use" includes, but is not limited to, a commercial or residential pier, dock, or marina activ-

ity that takes place on or near the water, such as commissioning or decommissioning a new or used boat, boat repairs, boat docking, boat storage, fish processing plants and other commercial fishing operations, port activities requiring the loading or unloading of vessels, and water-oriented recreation.

2. This act shall take effect immediately.

Approved August 7, 2017.

CHAPTER 197

AN ACT enabling the collection of voluntary contributions for the Jersey Fresh Program through gross income tax returns, and supplementing Title 54A of the New Jersey Statutes.

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

C.54A:9-25.44 "Jersey Fresh Program Fund."

1. a. There is established in the Department of the Treasury a special fund to be known as the "Jersey Fresh Program Fund."

b. Each taxpayer shall have the opportunity to indicate on the taxpayer's New Jersey gross income tax return that a portion of the taxpayer's tax refund or an enclosed contribution shall be deposited in the special fund.

c. Any costs incurred by the Division of Taxation for collection or administration attributable to this section may be deducted from receipts collected pursuant to this section, as determined by the Director of the Division of Budget and Accounting. The State Treasurer shall deposit net contributions collected pursuant to this act into the "Jersey Fresh Program Fund."

d. The Legislature shall annually appropriate all funds deposited in the " Jersey Fresh Program Fund" established pursuant to this section to the Department of Agriculture for the purposes of providing support to the Jersey Fresh Program, which shall include, but need not be limited to, funding advertising, promotional, and quality grading program activities to inform consumers about the availability of locally grown agricultural products.

e. As used in this section, "Jersey Fresh Program" means Jersey Fresh for fruits and vegetables, Jersey Grown for nursery crops, Jersey Seafood for aquacultured and wild-caught fish and shellfish, Jersey Equine for eq-

uine livestock, and Made with Jersey Fresh for processed food made with New Jersey sourced agricultural products.

2. This act shall take effect immediately and apply to taxable years beginning on or after January 1 next following the date of enactment.

Approved August 7, 2017.

CHAPTER 198

AN ACT concerning the NJCLASS loan program and amending N.J.S.18A:71C-23 and N.J.S.18A:71C-25.

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

1. N.J.S.18A:71C-23 is amended to read as follows:

Eligible borrower.

18A:71C-23. Loans under the NJCLASS Loan Program may be made to eligible borrowers. An eligible borrower is an eligible student or any parent or legal guardian providing financial support for a dependent eligible student. The authority shall set maximum loan amounts for each participant based on such factors as the cost of attending the particular institution, family income, value of family assets or other factors the authority may consider relevant. The loans may be secured by such endorsement, co-maker's collateral or other security as may be required by rules and regulations established by the authority. When considering an application, the authority shall use appropriate documents to verify the financial information provided by an eligible borrower or cosigner. The documents that the authority may use to verify the financial information may include, but need not be limited to, certification by the applicants, recent federal income tax returns, current pay stubs, and current bank statements.

2. N.J.S.18A:71C-25 is amended to read as follows:

Maximum loan amounts.

18A:71C-25. a. The authority shall establish maximum annual loan amounts and maximum total loan amounts which may be made under the NJCLASS Loan Program; however, the amount of a NJCLASS Loan Program loan may not exceed, in combination with other financial aid, the total

education costs of attending an eligible institution as determined by that institution.

b. In the case of a student borrower who first borrows under the NJCLASS Loan Program after the effective date of P.L.2017, c.198, the maximum total loan amount which may be made shall not exceed $150,000. The amount of the borrowing cap shall be increased for each academic year over the prior year by the regression-based index value of the Higher Education Price Index. The borrowing cap shall not apply to loans that are consolidating or refinancing existing loans.

c. When establishing the maximum annual loan amount for a student borrower, the authority shall deduct the maximum amount of federal Direct Subsidized Loans available to the student from the available NJCLASS loan amount. If the available interest rate for federal Direct Unsubsidized Loans is lower than the interest rate available to the student under the NJCLASS Loan Program, the authority shall deduct the maximum amount of federal Direct Unsubsidized Loans available to the student from the available NJCLASS loan amount.

3. This act shall take effect immediately.

Approved August 7, 2017.

CHAPTER 199

AN ACT concerning certain flood elevation standards and deed restrictions or agreements, and amending P.L.2013, c.107.

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

1. Section 1 of P.L.2013, c.107 (C.58:16A-103) is amended to read as follows:

C.58:16A-103 Definitions relative to certain flood elevation standards.

1. a. As used in this section:

"Existing structure" means any structure that existed on October 28, 2012.

"Highest applicable flood elevation standard" means the new FEMA base flood elevation plus an additional three feet, or any applicable flood

elevation standard required pursuant to N.J.A.C. 7:13-1.1 et seq. and adopted by the Department of Environmental Protection pursuant to the "Flood Hazard Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.), whichever is higher.

"New and appropriate elevation" means any elevation to which a structure is raised, or is to be raised, that is equal to or higher than the applicable new FEMA base flood elevation, provided, however, in no case shall the new and appropriate elevation exceed the highest applicable flood elevation standard.

"New FEMA base flood elevation" means any base flood elevation proposed or adopted after October 28, 2012, by the Federal Emergency Management Agency.

"Original dimensions" means the exact vertical and horizontal dimensions of a structure as it existed on October 28, 2012.

"Sandy-damaged structure" means any structure that existed on October 28, 2012 and was damaged or destroyed by Hurricane Sandy.

"Structure" means any dwelling or building; however, in the case of attached townhouses or row houses for which title to each townhouse or row house building, including the roof and other structural elements, is held in fee simple, " structure" means a single townhouse or single row house. "Structure" shall not include a unit which is part of a condominium as defined in P.L.1969, c.257 (C.46:8B-1 et seq.).

b. (1) Notwithstanding the provisions of any other law to the contrary, except as otherwise provided pursuant to paragraph (2) of this subsection, a person shall be exempt from any development regulation, including any requirement to apply for a variance therefrom, that otherwise would be violated as a result of raising an existing structure to a new and appropriate elevation, or constructing a staircase or other attendant structure necessitated by such raising, provided, however, this exemption shall apply only to the minimum extent or degree necessary to allow the structure to meet the new and appropriate elevation with adequate means of ingress and egress.

(2) The exemption established pursuant to paragraph (1) of this subsection shall not be available to a person who has altered the original dimensions of a structure if, had the alteration not been made, the structure could have been raised to meet the new and appropriate elevation either without the exemption or with an exemption of lesser degree than is needed with the alteration.

c. (1) Notwithstanding the provisions of any other law to the contrary, except as otherwise provided pursuant to paragraph (2) of this subsection, a person shall be exempt from any development regulation, including any

requirement to apply for a variance therefrom, that otherwise would be violated as a result of using a new and appropriate elevation when lawfully repairing or reconstructing a Sandy-damaged structure, or constructing a staircase or other attendant structure necessitated by use of the new and appropriate elevation, provided, however, this exemption shall apply only to the minimum extent or degree necessary to allow the Sandy-damaged structure to meet the new and appropriate elevation with adequate means of ingress and egress.

(2) The exemption established pursuant to paragraph (1) of this subsection shall not be available to a person whose repair or reconstruction plan would alter the original dimensions of a structure when, if not for the alteration, the structure could otherwise be raised to meet the new and appropriate elevation either without the exemption or with an exemption of lesser degree than is needed with the alteration.

d. Notwithstanding the provisions of any other law to the contrary, any deed restriction or agreement, no matter when entered into or made, that prohibits or has the effect of prohibiting any otherwise lawful raising or constructing of a structure to a new and appropriate elevation is contrary to public policy and therefore shall be unenforceable, except that all other covenants, easements, and restrictions of a common interest community shall remain in force, and costs associated with the construction, repair, or other related improvements to neighboring properties and common elements shall be borne solely by the owner of the structure which will be raised or constructed to a new elevation.

2. This act shall take effect immediately.

Approved August 7, 2017.

CHAPTER 200

AN ACT concerning real estate brokers and amending P.L.2009, c.238.

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

1. Section 23 of P.L.2009, c.238 (C.45:15-16.2a) is amended to read as follows:

C.45:15-16.2a Continuing education required for licensure.

23. a. The New Jersey Real Estate Commission shall require each natural person licensed as a real estate broker, broker-salesperson or salesperson, as a condition of biennial license renewal pursuant to R.S.45:15-10, to complete not more than 16 hours of continuing education requirements imposed by the commission pursuant to this section and sections 24 through 28 of P.L.2009, c.238 (C.45:15-16.2b through 45:15-16.2f). This subsection shall not apply to any real estate broker or broker-salesperson who has been a real estate broker or broker-salesperson for 40 years or more, which shall include any equivalent experience in any other jurisdiction as determined by the commission.

b. The commission shall:

(1) (a) Approve continuing education courses, course providers, and instructors recommended to the commission by the Volunteer Advisory Committee created pursuant to subparagraph (b) of this paragraph. Schools licensed by the commission as real estate schools pursuant to section 47 of P.L.1993, c.51 (C.45:15-10.4) shall be deemed approved providers of continuing education courses. Persons licensed by the commission as real estate instructors pursuant to section 48 of P.L.1993, c.51 (C.45:15-10.5) shall be deemed approved instructors of continuing education courses in core topics as set forth in section 27 of P.L.2009, c.238 (C.45:15-16.2e). Real estate trade associations that qualify under the standards to be established by commission rule as approved providers may offer approved continuing education courses.

(b) There is hereby created a Volunteer Advisory Committee which shall consist of 14 members to be comprised of real estate licensees and other subject matter experts, whose members shall be appointed by and serve at the pleasure of the Commissioner of Banking and Insurance. One real estate licensee shall be selected upon the recommendation of the President of the Senate and one real estate licensee shall be selected upon the recommendation of the Speaker of the General Assembly. Three members of the advisory committee shall be members of the commission or their designees, and not less than eight of the members, other than the commission members, shall be real estate licensees. Members shall be appointed to effect balanced geographic representation from the central, northern and southern areas of the State, with not less than three members serving from each of these areas at any time on the advisory committee.

Members shall be appointed by the Commissioner of Banking and Insurance no later than 60 days following the enactment date of this act. The first meeting of the advisory committee shall be held no later than 30 days

from the date the commission adopts initial regulations for the effectuation of this act.

(2) Confer continuing education credits for courses completed in other states on topics approved by the commission as appropriate for elective courses, provided that such courses have been approved as continuing education courses by the agency exercising regulatory authority over the real estate licensees of another state and that satisfactory evidence of licensees' attendance at and completion of such courses is provided to the commission by the course provider.

(3) Confer continuing education credits for courses completed and offered in this State on topics deemed of a timely nature which have not been granted prior approval by the advisory committee, provided that such courses are advertised prior to the time of offering as not having been approved; that the course provider shall submit such course offering for approval and the course is subsequently approved as provided in subparagraph (a) of paragraph (1) of this subsection; and that satisfactory evidence of licensees' attendance at and completion of such courses is provided to the commission by the course provider.

(4) Set parameters for the auditing and monitoring of course providers.

(5) Establish, by regulation, the amounts of application fees payable by persons seeking approval as continuing education course providers, persons seeking approval of continuing education courses, and persons other than instructors of pre-licensure real estate education courses licensed by the commission pursuant to section 48 of P.L.1993, c.51 (C.45:15-10.5), seeking approval as instructors of continuing education courses. These fees shall be non-refundable and shall be in amounts which do not exceed the costs incurred by the commission to review these applications.

(6) Have the authority to waive continuing education requirements, in whole or in part, on the grounds of illness, emergency, hardship or active duty military service.

(7) Confer continuing education credits upon a person who is licensed by the commission as a real estate instructor or as a broker, broker-salesperson or salesperson for teaching an approved continuing education course offered by an approved provider. Regardless of the number of times during a biennial license term that the same approved course is taught by that person, the person shall receive credit toward the continuing education requirement for the renewal of the person's broker, broker-salesperson or salesperson license, as applicable, only in the number of credit hours conferred upon licensees who attend and complete that course one time during that biennial license term.

2. This act shall take effect immediately.

Approved August 7, 2017.

CHAPTER 201

AN ACT to amend and supplement the "Waterfront Commission Act," approved June 30, 1953 (P.L.1953, c.202).

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

1. Paragraph 3 of Article III of section 1 of the compact created by P.L.1953, c.202 (C.32:23-9) is amended to read as follows:

C.32:23-9 Quorum; majority vote required; minutes; actions.

3. a. Three members of the commission shall constitute a quorum; but the commission shall act only by a majority vote of all its members taken at a meeting of the commission. Any member may, by written instrument filed in the office of the commission, designate any officer or employee of the commission to act in the member's place as a member whenever the member shall be unable to attend a meeting of the commission. A vacancy in the office of a member shall not impair that designation until the vacancy shall have been filled. The commission shall elect one of its members to serve as chairman for a term of one year; provided, however, that the term of the first chairman shall expire on June 30, 1971. The chairman shall represent a State other than the State represented by the immediately preceding chairman.

b. The commission shall maintain minutes of all commission meetings. The minutes of every meeting of the commission shall, as soon as possible after the meeting, be delivered, by and under the certification of the secretary of the commission, to the Governor of the State of New Jersey and the Governor of the State of New York.

c. No action taken by a commissioner at the meeting shall have force or effect for a period of 10 days, except Saturdays, Sundays and New Jersey and New York state public holidays, after the minutes have been delivered pursuant to this section, unless the Governor of the State of New Jersey and the Governor of the State of New York shall approve the minutes,

or part thereof pertaining to that action, in writing, by reciting the action approved, within this 10-day period.

d. The Governor of the State of New Jersey and the Governor of the State of New York shall return the minutes to the commission, within the 10-day period described in subsection c. of this section, either with or without a veto of any action recited in the minutes the action was taken. If the Governor of the State of New Jersey and the Governor of the State of New York do not return the minutes within this 10-day period, they shall be deemed to have approved the action taken by the commissioners, and that action shall have the force and effect as recited in the minutes, according to the wording thereof.

e. If the Governor of the State of New Jersey or the Governor of the State of New York, within the 10-day period described in subsection c. of this section, returns the minutes to the commission with a veto against an action taken at a meeting, that action shall be null and void and of no effect.

f. The provisions of subsections c., d, and e. of this section shall not apply to any commission action concerning the licensing or registration, or the suspension or revocation of the license or registration, of an individual longshoreman, checker, pier superintendent, hiring agent, port watchman, stevedore, air freight terminal operator, air freight truck carrier, airfreightman labor relations consultant, or other individual required to receive a license from or be registered with the office of the commission under this compact.

2. Article IV of the compact created by P.L.1953, c.202 (C.32:23-10) is amended to read as follows:

C.32:23-10 General powers.

In addition to the powers and duties elsewhere prescribed in this compact, the commission shall have the power:

1. To sue and be sued;

2. To have a seal and alter the same at pleasure;

3. To acquire, hold and dispose of real and personal property by gift, purchase, lease, license or other similar manner, for its corporate purposes;

4. To determine the location, size, and suitability of accommodations necessary and desirable for the establishment and maintenance of the employment information centers provided in Article XII hereof and for administrative offices for the commission;

5. To appoint such officers, agents, and employees as it may deem necessary, prescribe their powers, duties and qualifications, and fix their

compensation and, subject to the approval of the Governors of both States, retain and employ counsel and private consultants on a contract basis or otherwise;

6. To administer and enforce the provisions of this compact;

7. To make and enforce such rules and regulations as the commission may deem necessary to effectuate the purposes of this compact or to prevent the circumvention or evasion thereof, to be effective upon approval by the Governors of both States and publication in the manner which the commission shall prescribe and upon filing in the office of the Secretary of State of each State. A certified copy of any such rules and regulations, attested as true and correct by the commission, shall be presumptive evidence of the regular making, adoption, approval, and publication thereof;

8. By its members and its properly designated officers, agents, and employees, to administer oaths and issue subpoenas to compel the attendance of witnesses and the giving of testimony and the production of other evidence;

9. To have for its members and its properly designated officers, agents, and employees, full and free access, ingress, and egress to and from all vessels, piers, and other waterfront terminals or other places in the port of New York district, for the purposes of making inspection or enforcing the provisions of this compact; and no person shall obstruct or in any way interfere with any such member, officer, employee, or agent in the making of such inspection, or in the enforcement of the provisions of this compact or in the performance of any other power or duty under this compact;

10. To recover possession of any suspended or revoked license issued under this compact;

11. To make investigations, collect, and compile information concerning waterfront practices generally within the port of New York district and upon all matters relating to the accomplishment of the objectives of this compact;

12. To advise and consult with representatives of labor and industry and with public officials and agencies concerned with the effectuation of the purposes of this compact, upon all matters which the commission may desire, including, but not limited to, the form and substance of rules and regulations, the administration of the compact, maintenance of the longshoremen's register, and issuance and revocation of licenses;

13. To make annual and other reports to the Governors and Legislatures of both States containing recommendations for the improvement of the conditions of waterfront labor within the port of New York district, for the alleviation of the evils described in Article I and for the effectuation of

the purposes of this compact. Such annual reports shall state the commission's finding and determination as to whether the public necessity still exists for (a) the continued registration of longshoremen, (b) the continued licensing of any occupation or employment required to be licensed hereunder, and (c) the continued public operation of the employment information centers provided for in Article XII;

14. To co-operate with and receive from any department, division, bureau, board, commission, or agency of either or both States, or of any county or municipality thereof, such assistance and data as will enable the commission to properly to carry out its powers and duties hereunder; and to request any such department, division, bureau, board, commission, or agency, with the consent thereof, to execute such of its functions and powers, as the public interest may require.

3. Paragraph 2 of Article VI of section 1 of the compact created by P.L.1953, c.202 (C.32:23-20) is amended to read as follows:

C.32:23-20 Application for license.

2. Any person intending to act as a stevedore within the port of New York district shall file in the office of the commission a written application for a license to engage in such occupation, duly signed and verified as follows:

(a) If the applicant is a natural person, the application shall be signed and verified by such person and if the applicant is a partnership, the application shall be signed and verified by each natural person composing or intending to compose such partnership. The application shall state the full name, age, residence, business address, if any, present and previous occupations of each natural person so signing the application, and any other facts and evidence as may be required by the commission to ascertain the character, integrity, and identity of each natural person so signing such application.

(b) If the applicant is a corporation, the application shall be signed and verified by the president, secretary, and treasurer thereof, and shall specify the name of the corporation, the date and place of its incorporation, the location of its principal place of business, the names and addresses of, and the amount of the stock held by stockholders owning five percent or more of any of the stock thereof, and of all officers, including all members of the board of directors. The requirements of subdivision (a) of this section as to a natural person who is a member of a partnership, and such requirements as may be specified in rules and regulations promulgated by the commission, upon approval of the Governors of both States, shall apply to each

such officer or stockholder and their successors in office or interest as the case may be.

In the event of the death, resignation, or removal of any officer, and in the event of any change in the list of stockholders who shall own five percent or more of the stock of the corporation, the secretary of such corporation shall forthwith give notice of that fact in writing to the commission, certified by the secretary of the commission.

4. Paragraph 3 of Article XII of section 1 of the compact created by P.L.1953, c.202 (C.32:23-54) is amended to read as follows:

C.32:23-54 Information to be furnished by employers.

3. Every employer of longshoremen or port watchmen within the port of New York district shall furnish such information as may be required by the rules and regulations prescribed by the commission, subject to the approval of the Governors of both States, with regard to the name of each person hired as a longshoreman or port watchman, the time and place of hiring, the time, place and hours of work, and the compensation therefor.

5. Paragraph 5 of Article XIII of section 1 of the compact created by P.L.1953, c.202 (C.32:23-60) is amended to read as follows:

C.32:23-60 Collection and auditing of assessments.

5. The commission may provide by regulation approved by the Governors of both States for the collection and auditing of assessments. Such assessments hereunder shall be payable pursuant to such provisions for administration, collection, and enforcement as the States may provide by concurrent legislation. In addition to any other sanction provided by law, the commission may revoke or suspend any license held by any person under this compact, or the person's privilege of employing persons registered or licensed hereunder, for non-payment of any assessment when due.

6. Section 2 of Part II of the compact created by P.L.1953, c.202 (C.32:23-74) is amended to read as follows:

C.32:23-74 Expenses of administration.

2. A. 1. Every person subject to the payment of any assessment under the provisions of section 3 of Article XIII of the compact shall file on or before the fifteenth day of the first month of each calendar quarter-year a separate return, together with the payment of the assessment due, for the preceding calendar quarter-year during which any pay roll payments were made to longshoremen, pier superintendents, hiring agents, or port watch-

men for work performed as such within the district. Returns covering the amount of assessment payable shall be filed with the commission on forms to be furnished for such purpose and shall contain such data, information, or matter as the commission may require to be included therein. The commission may grant a reasonable extension of time for filing returns, or for the payment of assessment, whenever good cause exists. Every return shall have annexed thereto a certification to the effect that the statements contained therein are true.

2. Every person subject to the payment of assessment hereunder shall keep an accurate record of the person's employment of longshoremen, pier superintendents, hiring agents, or port watchmen, which shall show the amount of compensation paid and such other information as the commission may require. Such records shall be preserved for a period of three years and be open for inspection at reasonable times. The commission may consent to the destruction of any such records at any time after that period or may require that they be kept longer, but not in excess of six years.

3. (a) The commission shall audit and determine the amount of assessment due from the return filed and such other information as is available to it. Whenever a deficiency in payment of the assessment is determined, the commission shall give notice of any such determination to the person liable therefor. Such determination shall finally and conclusively fix the amount due, unless the person against whom it is assessed shall, within 30 days after the giving of notice of such determination, apply in writing to the commission for a hearing, or unless the commission on its own motion shall reduce the deficiency. After such hearing, the commission shall give notice of its decision to the person liable therefor. A determination of the commission under this section shall be subject to judicial review, if application for such review is made within 30 days after the giving of notice of such decision. Any determination under this section shall be made within five years from the time the return was filed and if no return was filed such determination may be made at any time.

(b) Any notice authorized or required under this section may be given by mailing the same to the person for whom it is intended at the last address given by the person to the commission, or in the last return filed by him with the commission under this section, or, if no return has been filed then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the notice by the person to whom addressed. Any period of time, which is determined according to the provision of this section, for the giving of notice shall commence to run from the date of mailing of such notice.

4. Whenever any person shall fail to pay, within the time limited herein, any assessment which the person is required to pay to the commission under the provisions of this section, the commission may enforce payment of such fee by civil action for the amount of such assessment with interest and penalties.

5. The employment by a nonresident of a longshoreman, or a licensed pier superintendent, hiring agent, or port watchman in either State or the designation by a nonresident of a longshoreman, pier superintendent, hiring agent, or port watchman to perform work in such State shall be deemed equivalent to an appointment by such nonresident of the Secretary of State of such State to be the nonresident's true and lawful attorney upon whom may be served the process in any action or proceeding against the nonresident growing out of any liability for assessments, penalties, or interest, and a consent that any such process against the nonresident which is so served shall be of the same legal force and validity as if served on the nonresident personally within such State and within the territorial jurisdiction of the court from which the process issues. Service of process within either State shall be made by either (1) personally delivering to and leaving with the Secretary of State or a deputy Secretary of State of such State duplicate copies thereof at the office of the Department of State in the capital city of such State, in which event such Secretary of State shall forthwith send by registered mail one of such copies to the person at the last address designated by the nonresident to the commission for any purpose under this section or in the last return filed by the nonresident under this section with the commission or as shown on the records of the commission, or if no return has been filed, at the nonresident's last known office address within or without such State, or (2) personally delivering to and leaving with the Secretary of State or a deputy Secretary of State of such State a copy thereof at the office of the Department of State in the capital city of such State and by delivering a copy thereof to the person, personally without such State. Proof of such personal service without such State shall be filed with the clerk of the court in which the process is pending within 30 days after such service and such service shall be complete 10 days after proof thereof is filed.

6. Whenever the commission shall determine that any moneys received as assessments were paid in error, it may cause the same to be refunded, provided an application therefor is filed with the commission within two years from the time the erroneous payment was made.

7. In addition to any other powers authorized hereunder, the commission shall have power to make reasonable rules and regulations, subject to

the approval of the Governors of both States, to effectuate the purposes of this section.

8. When any person shall wilfully fail to pay any assessment due hereunder, the person shall be assessed interest at a rate of one per centum per month on the amount due and unpaid and penalties of five per centum of the amount due for each 30 days or part thereof that the assessment remains unpaid. The commission may, for good cause shown, abate all or part of such penalty.

9. Any person who shall wilfully furnish false or fraudulent information or shall wilfully fail to furnish pertinent information, as required, with respect to the amount of assessment due, shall be guilty of a misdemeanor, punishable by a fine of not more than $1,000, or imprisonment for not more than one year, or both.

10. All funds of the commission shall be deposited with such responsible banks or trust companies as may be designated by the commission. The commission may require that all such deposits be secured by obligations of the United States or of the States of New Jersey or New York of a market value equal at all times to the amount of the deposits, and all banks and trust companies are authorized to give such security for such deposits. The moneys so deposited shall be withdrawn only by check signed by both members of the commission or by such other officers or employees of the commission as it may from time to time designate.

11. The accounts, books and records of the commission, including its receipts, disbursements, contracts, leases, investments and any other matters relating to its financial standing shall be examined and audited annually by independent auditors to be retained for such purpose by the commission. No independent auditor shall be retained without the approval of the Governors of both States.

B. The commission shall reimburse each State for any funds advanced to the commission exclusive of sums appropriated pursuant to section four of Article XIII of the compact.

7. Article III of section 4 of P.L.1970, c.58 (C.32:23-153) is amended to read as follows:

C.32:23-153 General powers.

In addition to the powers and duties of the commission elsewhere conferred in this act or in the act to which this act is amendatory or supplementary, the commission shall have the power:

1. To administer and enforce the provisions of this compact;

2. To establish such divisions and departments within the commission as the commission may deem necessary and to appoint such officers, agents, and employees as it may deem necessary, prescribe their powers, duties, and qualifications and fix their compensation and, subject to the approval of the Governors of both States, retain and employ counsel and private consultants on a contract basis or otherwise;

3. To make and enforce such rules and regulations, subject to the approval of the Governors of both States, as the commission may deem necessary to effectuate the purposes of this compact or to prevent the circumvention or evasion thereof including, but not limited to, rules and regulations, which shall be applicable to any person licensed by the commission, the person's employer, or any other person within an airport, to provide for the maximum protection of air freight, such as checking and custodial accounting, guarding, storing, fencing, gatehouses, access to air freight, air freight loss reports, and any other requirements which the commission in its discretion may deem to be necessary and appropriate to provide such maximum protection. The rules and regulations of the commission shall be effective upon publication in the manner which the commission shall prescribe and upon filing in the office of the Secretary of State of each State. A certified copy of any such rules and regulations, attested as true and correct by the commission, shall be presumptive evidence of the regular making, adoption, approval, and publication thereof;

4. To have for its members and its properly designated officers, agents, and employees, full and free access, ingress and egress to and from all airports, air freight terminals, all aircraft traveling to or from an airport, and all trucks or other motor vehicles or equipment which are carrying air freight to or from any airport or air freight terminal for the purposes of conducting investigations, making inspections, or enforcing the provisions of this compact; and no person shall obstruct or in any way interfere with any such member, officer, employee, or agent in the making of such investigation or inspection or in the enforcement of the provisions of this compact or in the performance of any other power or duty under this compact;

5. To make investigations, collect, and compile information concerning airport practices generally, and upon all matters relating to the accomplishment of the objectives of this compact;

6. To advise and consult with representatives of labor and industry and with public officials and agencies concerned with the effectuation of the purposes of this compact, upon all matters which the commission may desire, including, but not limited to, the form and substance of rules and regulations and the administration of the compact and the expeditious han-

dling and efficient movement of air freight consistent with the security of such air freight;

7. To make annual and other reports to the Governors and Legislatures of both States containing recommendations for the effectuation of the purposes of this compact;

8. To issue temporary licenses and temporary permits under such terms and conditions as the commission may prescribe;

9. In any case in which the commission has the power to revoke or suspend any license or permit, the commission shall also have the power to impose as an alternative to such revocation or suspension, a penalty, which the licensee or permittee may elect to pay the commission in lieu of the revocation or suspension. The maximum penalty shall be $5,000 for each separate offense. The commission may, for good cause shown, abate all or part of such penalty;

10. To determine the location, size, and suitability of field and administrative offices and any other accommodations necessary and desirable for the performance of the commission's duties under this compact;

11. To acquire, hold, and dispose of real and personal property, by gift, purchase, lease, license, or other similar manner, for its corporate purposes, and in connection therewith to borrow money;

12. To recover possession of any card or other means of identification issued by the commission as evidence of a license or permit in the event that the holder thereof no longer is a licensee or permittee;

13. To require any licensee or permittee to exhibit upon demand the license or permit issued to him by the commission or to wear such license or permit.

The powers and duties of the commission may be exercised by officers, employees, and agents designated by the commission, except the power to make rules and regulations. The commission shall have such additional powers and duties as may hereafter be delegated to or imposed upon it from time to time by the action of the Legislature of either State concurred in by the Legislature of the other.

8. Section 2 of Article V of section 4 of P.L.1970, c.58 (C.32:23-161) is amended to read as follows:

C.32:23-161 Application for license.

2. Any person intending to act as an air freight terminal operator or as an air freight truck carrier or as an airfreightman labor relations consultant within the State of New York of the State of New Jersey shall file in the

office of the commission a written application for a license to engage in such occupation duly signed and verified as follows:

(a) If the applicant is a natural person, the application shall be signed and verified by such person and if the applicant is a partnership, the application shall be signed and verified by each natural person composing or intending to compose such partnership. The application shall state the full name, age, residence, business address, if any, present and previous occupations of each natural person so signing the application, and any other facts and evidence as may be required by the commission to ascertain the character, integrity, identity, and criminal record, if any, of each natural person so signing such application.

(b) If the applicant is a corporation, the application shall be signed and verified by the president, secretary and treasurer thereof, and shall specify the name of the corporation, the date and place of its incorporation, the location of its principal place of business, the names and addresses of, and the amount of the stock held by stockholders owning 10 percent or more of any of the stock thereof, and of all the officers, including all members of the board of directors. The requirements of subdivision (a) of this section as to a natural person who is a member of a partnership, and such requirements as may be specified in rules and regulations promulgated by the commission, subject to the approval of the Governors of both States, shall apply to each such officer or stockholder and their successors in office or interest as the case may be.

In the event of the death, resignation or removal of any officer, and in the event of any change in the list of stockholders who shall own 10 percent or more of the stock of the corporation, the secretary of such corporation shall forthwith give notice of that fact in writing to the commission, certified by the secretary of the commission.

9. Section 15 of Article VIII of section 4 of P.L.1970, c.58 (C.32:23-194) is amended to read as follows:

C.32:23-194 Rules and regulations.

15. In addition to any other powers authorized hereunder, the commission shall have power to make reasonable rules and regulations, subject to the approval of the Governors of both States, to effectuate the purposes of this article.

10. Section 19 of Article VIII of section 4 of P.L.1970, c.58 (C.32:23-198) is amended to read as follows:

C.32:23-198 Examination and audit of books.

19. The accounts, books, and records of the commission, including its receipts, disbursements, contracts, leases, investments, and any other matters relating to its financial standing shall be examined and audited annually by independent auditors to be retained for such purpose by the commission. No independent auditor shall be retained without the approval of the Governors of both States.

11. The Governor is authorized to enter into a supplemental compact or agreement, on behalf of the State of New Jersey, with the State of New York amending the compact created by P.L.1953, c.202.

12. This act shall take effect upon the enactment of substantially similar legislation by the State of New York, but if the State of New York shall have already enacted legislation of similar substance and effect of this act or any section thereof, this act or the section in question shall take effect immediately and shall be retroactive to October 1, 2010 but shall not be construed to interfere with, or impair any vested right or obligation under any contract prior to enactment.

Approved August 7, 2017.

CHAPTER 202

AN ACT designating the portion of Interstate Highway Route 295 in West Deptford Township as the "State Trooper Sean E. Cullen Memorial Highway."

WHEREAS, State Trooper Sean E. Cullen was an extraordinary public servant who served the people of New Jersey as a member of the New Jersey State Police; and

WHEREAS, Born in Dublin, Ireland, State Trooper Cullen emigrated to the United States as a child, where he was raised in Cinnaminson, New Jersey and attended Cinnaminson High School; and

WHEREAS, State Trooper Cullen graduated in 2003 from Cinnaminson High School, where he was a member of the wrestling team and recorded more than 100 wins for the team; and

WHEREAS, After graduating from high school, State Trooper Cullen attended Lycoming College, where he earned his bachelor's degree in Criminal Justice in 2007; and

WHEREAS, At Lycoming College, State Trooper Cullen was an All-American wrestler and a three-time NCAA National Title qualifier, building a record of 94-30, ranking eighth in the college's history for wins, and earning induction into Lycoming College's Athletics Hall of Fame in 2012; and

WHEREAS, After graduating from college, State Trooper Cullen served as a police officer in the City of Sea Isle City, the Township of Mount Holly, and the Township of Westampton from 2007 until 2014; and

WHEREAS, An honorable and courageous man who loved the opportunity to protect and serve the people of this State, State Trooper Cullen earned a place in the 154th class of the New Jersey State Police Academy; and

WHEREAS, Upon graduating from the New Jersey State Police Academy in August 2014, State Trooper Cullen was assigned to Troop "A," where he served at the Bellmawr and Buena Vista stations; and

WHEREAS, On March 8, 2016, State Trooper Cullen tragically lost his life on Interstate Highway Route 295, near milepost 23.4 in West Deptford Township, New Jersey, while on duty responding to a motor vehicle accident and subsequent motor vehicle fire; and

WHEREAS, State Trooper Cullen was a dedicated member of the New Jersey State Police as well as a loving father whose memory will live on in the hearts of his fiancée, family, friends, and fellow State Troopers; and

WHEREAS, As a true example of leadership and service to the State, it is fitting and proper for the Legislature of the State of New Jersey to honor the memory of State Trooper Sean E. Cullen by designating the portion of Interstate Highway Route 295 in West Deptford Township as the "State Trooper Sean E. Cullen Memorial Highway"; now, therefore,

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

1. The Commissioner of Transportation shall designate the portion of Interstate Highway Route 295, extending from milepost 19.04 to milepost 24.53, in West Deptford Township as the "State Trooper Sean E. Cullen Memorial Highway" and erect appropriate signs bearing this designation and dedication.

2. State or other public funds shall not be used for producing, purchasing, or erecting signs bearing the designation established pursuant to section 1 of this act. The Commissioner of Transportation is authorized to receive gifts, grants, or other financial assistance from private sources for

the purpose of funding or reimbursing the Department of Transportation for the costs associated with producing, purchasing, and erecting signs bearing the designation established pursuant to section 1 of this act and entering into agreements related thereto, with private sources, including but not limited to non-governmental non-profit, educational, or charitable entities or institutions. Work shall not proceed and funding shall not be accepted by the Department of Transportation until an agreement has been reached with a responsible party for paying the costs associated with producing, purchasing, erecting, and maintaining the signs.

3. This act shall take effect immediately.

Approved August 7, 2017.

CHAPTER 203

AN ACT concerning voluntary contributions through gross income tax returns for the NJ World War II Veterans' Memorial Fund, supplementing chapter 9 of Title 54A of the New Jersey Statutes.

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

C.54A:9-25.45 NJ World War II Veterans' Memorial Fund.

1. a. Each taxpayer shall have the opportunity to indicate on the taxpayer's New Jersey gross income tax return that a portion of the taxpayer's tax refund or an enclosed contribution shall be deposited in the NJ World War II Veterans' Memorial Fund established pursuant to section 1 of P.L.2005, c.59 (C.38A:3-2.4).

b. Any costs incurred by the Division of Taxation for collection or administration attributable to this section may be deducted from receipts collected pursuant to this section, as determined by the Director of the Division of Budget and Accounting. The State Treasurer shall deposit net contributions collected pursuant to this section into the NJ World War II Veterans' Memorial Fund for the purpose of the fund.

2. This act shall take effect immediately and apply to taxable years beginning on or after January 1 following enactment.

Approved August 7, 2017.

CHAPTER 204

AN ACT requiring the State Comptroller to report the findings of audit compliance reviews and amending P.L.2007, c.52.

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

1. Section 11 of P.L.2007, c.52 (C.52:15C-11) is amended to read as follows:

C.52:15C-11 Reports from the State Comptroller relative to findings of audits and reviews.

11. a. The State Comptroller shall report the findings of audits and reviews performed by the office, and issue recommendations for corrective or remedial action, to the Governor, the President of the Senate and the Speaker of the General Assembly and to the unit in the Executive branch of State government, including any entity exercising executive branch authority, independent State authority, public institution of higher education, or unit of local government or board of education at issue. The unit in the Executive branch of State government, independent State authority, public institution of higher education, or unit of local government or board of education shall fully cooperate with the State Comptroller to develop recommendations for a corrective or remedial action plan. The State Comptroller shall monitor the implementation of those recommendations and shall conduct a subsequent review to determine whether there has been full implementation and continued compliance with those recommendations. The State Comptroller shall report the findings of the subsequent review to the Governor, the President of the Senate and the Speaker of the General Assembly within three years of the initial audit. Such report shall include the corrective or remedial action taken and the effect of the corrective or remedial action.

b. The State Comptroller shall report promptly to the Governor, the President of the Senate and the Speaker of the General Assembly if a unit in the Executive branch of State government, independent State authority, public institution of higher education, or unit of local government or board of education refuses to cooperate in development of a corrective or remediation plan or to comply with a plan.

c. The State Comptroller shall recommend that the Governor initiate disciplinary proceedings against any official or employee of a unit in the

Executive branch of State government, including any entity exercising executive branch authority, or independent State authority who impedes an audit, or who fails or refuses to cooperate in the development of a corrective or remedial action plan or to comply with a plan. The Governor may cause an investigation to be made of the conduct of any such official or employee and may require such official to submit to the Governor a written statement or statements, under oath, of such information as the Governor may call for relating to the official's or the employee's conduct alleged by the State Comptroller. After notice, the service of charges and an opportunity to be heard at public hearing, the Governor may remove any such official or employee for cause. Such official or employee shall have the right of judicial review, on both the law and the facts, in such manner as may be provided by law.

d. If the State Comptroller is advised by the Commissioner of Education, the Director of the Division of Local Government Services in the Department of Community Affairs, staff of the Local Finance Board, or the State Auditor that a unit of local government or board of education or any official or employee thereof has impeded an audit, or has failed or refused to cooperate in the development of a corrective or remedial action plan or to comply with a plan recommended by such State official or employee thereof, the State Comptroller is authorized to recommend that the Governor (1) withhold the expenditure of State funds that may be due to be paid to that unit of local government or board of education, and (2) request the Commissioner of Education, the Director of the Division of Local Government Services in the Department of Community Affairs, or staff of the Local Finance Board, as may be appropriate for that unit of local government or board of education, to impose a corrective or remedial action plan that may include the prior approval by the State Comptroller of that local unit's or board's contracts and expenditures.

e. The State Comptroller shall provide periodic reports to the Governor, and shall issue an annual report to the Governor and submit that report to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), which shall be available to the public. The reports shall include but shall not be limited to the reporting of any programmatic deficiencies and weaknesses that the State Comptroller's audits, investigations, and reviews have found, and detailing the efforts by, or the failure of, any unit in the Executive branch of State government, including any entity exercising executive branch authority, independent State authority or unit of local government or board of education to implement a recommended plan for corrective or remedial action.

2. This act shall take effect immediately.

Approved August 7, 2017.

CHAPTER 205

AN ACT concerning closed circuit testimony in certain criminal cases, and amending P.L.1985, c.126 and P.L.1989, c.336.

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

1. Section 1 of P.L.1985, c.126 (C.2A:84A-32.4) is amended to read as follows:

C.2A:84A-32.4 Prosecutions, certain actions, closed circuit testimony.

1. a. (1) In prosecutions for aggravated sexual assault, sexual assault, aggravated criminal sexual contact, criminal sexual contact, human trafficking involving sexual activity, a crime involving domestic violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-19), endangering the welfare of a child pursuant to N.J.S.2C:24-4, abuse or neglect of a child pursuant to R.S.9:6-3, or in any action alleging an abused or neglected child under P.L.1974, c.119 (C.9:6-8.21 et seq.), the court may, on motion and after conducting a hearing in camera, order the taking of the testimony of a victim or witness on closed circuit television at the trial, out of the view of the jury, defendant, or spectators upon making findings as provided in subsection b. of this section.

(2) In granting such an order, the court shall assure that:

(a) the victim or witness will testify under oath;

(b) the victim or witness will submit to cross-examination by the defendant's attorney; and

(c) the defendant, jury, and judge will be permitted to observe the demeanor of the victim or witness when making testimonial statements using closed circuit television.

b. An order under this section may be made only if the court determines by clear and convincing evidence that there is a substantial likelihood that the victim or witness would suffer severe emotional or mental distress if required to testify in the presence of spectators, the defendant, the jury, or all of them. The order shall be specific as to whether the victim or witness will testify outside the presence of spectators, the defendant, the

jury, or all of them and shall be based on specific findings relating to the impact of the presence of each.

c. A motion seeking closed circuit testimony under subsection a. of this section may be filed by:

(1) The victim or witness or, in the case of a victim or witness who is under the age of 18, the victim's or witness's attorney, parent or legal guardian;

(2) The prosecutor; or

(3) The defendant or the defendant's counsel.

d. The defendant's counsel shall be present in the same room as the victim or witness at the taking of testimony on closed circuit television. The defendant and the defendant's attorney shall be able to confer privately with each other during the testimony by a separate audio system.

e. If testimony is taken on closed circuit television pursuant to the provisions of this section, the video portion of the testimony shall not be recorded and shall not constitute part of the record on appeal. All audio transmissions, except private conversations between the defendant and the defendant's attorney, shall be recorded and thereafter shall be subject to the following provisions:

(1) If the victim or witness is 18 years of age or older at the time of the court proceedings, any recording of the audio portion of the closed circuit testimony shall constitute part of the record on appeal, unless the court orders otherwise for good cause shown upon motion of the parties.

(2) If the victim or witness is under the age of 18 at the time of the court proceedings, any recording of the audio portion of the closed circuit testimony shall not constitute part of the record on appeal and shall be deemed confidential and not available to the public, unless the court orders otherwise for good cause shown upon motion of the parties. In making the determination regarding the availability of the audio portion of the testimony, the court shall consider potential trauma or stigma to the victim or witness. A transcript of the audio portion of the closed circuit testimony shall constitute part of the record on appeal, subject to any personal identification safeguards contained in section 1 of P.L.1989, c.336 (C.2A:82-46).

f. For purposes of this section, "closed circuit television" means any closed-circuit, videoconferencing or other audio-visual electronic technology capable of producing a simultaneous, one-way broadcast from a victim or witness to a defendant in a separate physical location. The technology shall allow for the live observation of the victim or witness by the defendant, jury, and judge during the course of testimony or cross-examination,

while excluding a victim or witness from directly hearing or viewing the defendant during the proceedings.

2. Section 1 of P.L.1989, c.336 (C.2A:82-46) is amended to read as follows:

C.2A:82-46 Disclosure of identity of victims of certain crimes under age 18 prohibited.

1. Disclosure of identity of victims of certain crimes under age 18 prohibited.

a. In prosecutions for aggravated sexual assault, sexual assault, aggravated criminal sexual contact, criminal sexual contact, human trafficking involving sexual activity, a crime involving domestic violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-19) which involves sexual activity, endangering the welfare of children under N.J.S.2C:24-4, abuse or neglect of a child pursuant to R.S.9:6-3, or in any action alleging an abused or neglected child under P.L.1974, c.119 (C.9:6-8.21 et seq.), the name, address, and identity of a victim who was under the age of 18 at the time of the alleged commission of an offense shall not appear on the indictment, complaint, or any other public record as defined in P.L.1963, c.73 (C.47:1A-1 et seq.). In its place initials or a fictitious name shall appear.

b. Any report, statement, photograph, court document, indictment, complaint or any other public record which states the name, address and identity of a victim shall be confidential and unavailable to the public. Unless authorized pursuant to subsection c. of this section, any person who purposefully discloses, releases or otherwise makes available to the public any of the above-listed documents which contain the name, address and identity of a victim who was under the age of 18 at the time of the alleged commission of an offense enumerated in subsection a. of this section shall be guilty of a disorderly persons offense.

c. The information described in this section shall remain confidential and unavailable to the public unless the court, after a hearing, determines that good cause exists for disclosure. The hearing shall be held after notice has been made to the victim, parents of victim, spouse, partner in a civil union or other person legally responsible for the maintenance and care of the victim, and to the person charged with the commission of the offense, counsel or guardian of that person.

d. Nothing contained herein shall prohibit the court from imposing further restrictions with regard to the disclosure of the name, address, and identity of the victim when it deems it necessary to prevent trauma or stigma to the victim.

3. This act shall take effect immediately.

Approved August 7, 2017.

CHAPTER 206

AN ACT concerning fire district elections, amending various parts of the statutory law, and supplementing Title 40A of the New Jersey Statutes.

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

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

As used in this Title.

19:1-1. As used in this Title:

"Election" means the procedure whereby the electors of this State or any political subdivision thereof elect persons to fill public office or pass on public questions.

"Fire district election" means an election to be held in and for a fire district established pursuant to N.J.S.40A:14-70 et seq.

"General election" means the annual election to be held on the first Tuesday after the first Monday in November and, where applicable, includes annual school elections and annual fire district elections held on that date.

"Primary election for the general election" means the procedure whereby the members of a political party in this State or any political subdivision thereof nominate candidates to be voted for at general elections, or elect persons to fill party offices.

"Municipal election" means an election to be held in and for a single municipality only, at regular intervals.

"Special election" means an election which is not provided for by law to be held at stated intervals.

"Any election" includes all primary, general, municipal, school and special elections, as defined herein.

"Municipality" includes any city, town, borough, village, or township.

"School election" means any annual or special election to be held in and for a local or regional school district established pursuant to chapter 8 or chapter 13 of Title 18A of the New Jersey Statutes.

"Public office" includes any office in the government of this State or any of its political subdivisions filled at elections by the electors of the State or political subdivision.

"Public question" includes any question, proposition or referendum required by the legislative or governing body of this State or any of its political subdivisions to be submitted by referendum procedure to the voters of the State or political subdivision for decision at elections.

"Political party" means a party which, at the election held for all of the members of the General Assembly next preceding the holding of any primary election held pursuant to this Title, polled for members of the General Assembly at least 10% of the total vote cast in this State.

"Party office" means the office of delegate or alternate to the national convention of a political party or member of the State, county or municipal committees of a political party.

"Masculine" includes the feminine, and the masculine pronoun wherever used in this Title shall be construed to include the feminine.

"Presidential year" means the year in which electors of President and Vice-President of the United States are voted for at the general election.

"Election district" means the territory within which or for which there is a polling place or room for all voters in the territory to cast their ballots at any election.

"District board" means the district board of registry and election in an election district.

"County board" means the county board of elections in a county.

"Superintendent" means the superintendent of elections in counties wherein the same shall have been appointed.

"Commissioner" means the commissioner of registration in counties.

"File" or "filed" means deposited in the regularly maintained office of the public official wherever said regularly maintained office is designated by statute, ordinance or resolution.

2. R.S.19:12-7 is amended to read as follows:

Publication of notice of election.

19:12-7. a. The county board in each county shall cause to be published in a newspaper or newspapers which, singly or in combination, are of general circulation throughout the county, a notice containing the information specified in subsection b. hereof, except for such of the contents as may be omitted pursuant to subsection c. or d. hereof. Such notice shall be published once during the 30 days next preceding the day fixed for the closing

of the registration books for the primary election, once during the calendar week next preceding the week in which the primary election for the general election is held, once during the 30 days next preceding the day fixed for the closing of the registration books for the general election, and once during the calendar week next preceding the week in which the general election is held.

b. Such notice shall set forth:

(1) For the primary election for the general election:

(a) That a primary election for making nominations for the general election, for the selection of members of the county committees of each political party, and in each presidential year for the selection of delegates and alternates to national conventions of political parties, will be held on the day and between the hours and at the places provided for by or pursuant to this Title.

(b) The place or places at which and hours during which a person may register, the procedure for the transfer of registration, and the date on which the books are closed for registration or transfer of registration.

(c) The several State, county, municipal and party offices or positions to be filled, or for which nominations are to be made, at such primary election.

(d) The existence of registration and voting aids, including: (i) the availability of registration and voting instructions at places of registration as provided under R.S.19:31-6; and (ii), if available, the accessibility of voter information to the deaf by means of a telecommunications device.

(e) The availability of assistance to a person unable to vote due to blindness, disability or inability to read or write.

(f) In the case of the notice published during the calendar week next preceding the week in which the primary election is held, that a voter who, prior to the election, shall have moved within the same county without (i) filing, on or before the 21st day preceding the election, a notice of change of residence with the commissioner of registration of the county or the municipal clerk of the municipality in which the voter resides on the day of the election, (ii) returning the confirmation notice sent to the voter by the commissioner of registration of the county, if such a notice has been sent to the voter, or (iii) otherwise notifying the commissioner of registration of the voter's change of address within the county shall be permitted to correct the voter's registration and to vote in the primary election by provisional ballot at the polling place of the district in which the voter resides on the day of the election. The notice shall further provide that the voter may contact the

county commissioner of registration or municipal clerk to determine the proper polling place location for the voter.

(2) For the general election:

(a) That a general election will be held on the day and between the hours and at the places provided for by or pursuant to this Title and, where applicable, shall include annual school elections and annual fire district elections held on that date.

(b) The place or places at which and hours during which a person may register, the procedure for transfer of registration, and the date on which the books are closed for registration or transfer of registration.

(c) The several State, county and municipal offices, and where applicable, school board offices and fire district offices to be filled, notice of any school district propositions to be submitted to the people and, except as provided in R.S.19:14-33 of this Title as to publication of notice of any Statewide proposition directed by the Legislature to be submitted to the people, the State, county, municipal, and fire district public questions to be voted upon at such general election.

(d) The existence of registration and voting aids, including: (i) the availability of registration and voting instructions at places of registration as provided under R.S.19:31-6; and (ii) the accessibility of voter information to the deaf by means of a telecommunications device.

(e) The availability of assistance to a person unable to vote due to blindness, disability or inability to read or write.

(f) In the case of the notice published during the calendar week next preceding the week in which the general election is held, that a voter who, prior to the election, shall have moved within the same county without (i) filing, on or before the 21st day preceding the election, a notice of change of residence with the commissioner of registration of the county or the municipal clerk of the municipality in which the voter resides on the day of the election, (ii) returning the confirmation notice sent to the voter by the commissioner of registration of the county, if such a notice has been sent to the voter, or (iii) otherwise notifying the commissioner of registration of the voter's change of address within the county shall be permitted to correct the voter's registration and to vote in the general election by provisional ballot at the polling place of the district in which the voter resides on the day of the election. The notice shall further provide that the voter may contact the county commissioner of registration or municipal clerk to determine the proper polling place location for the voter.

(3) For a school election:

(a) The day, time and place thereof,

(b) The offices, if any, to be filled at the election,

(c) The substance of any public question to be submitted to the voters thereat,

(d) That a voter who, prior to the election, shall have moved within the same county without (i) filing, on or before the 21st day preceding the election, a notice of change of residence with the commissioner of registration of the county or the municipal clerk of the municipality in which the voter resides on the day of the election, (ii) returning the confirmation notice sent to the voter by the commissioner of registration of the county, if such a notice has been sent to the voter, or (iii) otherwise notifying the commissioner of registration of the voter's change of address within the county shall be permitted to correct the voter's registration and to vote in the school election by provisional ballot at the polling place of the district in which the voter resides on the day of the election,

(e) That if the voter has any questions as to where to vote on the day of the election, the voter may contact the county commissioner of registration or municipal clerk to determine the proper polling place location for the voter; and

(f) Such other information as may be required by law.

c. If such publication is made in more than one newspaper, it shall not be necessary to duplicate in the notice published in each such newspaper all the information required under this section, so long as:

(1) The municipal officers or party positions to be filled, or nominations made, or municipal public questions to be voted upon by the voters of any municipality, shall be set forth in at least one newspaper having general circulation in such municipality;

(2) All offices to be filled, or nominations made therefor, or public questions to be voted upon, by the voters of the entire State or of the entire county shall be set forth in a newspaper or newspapers which, singly or in combination, have general circulation throughout the county;

(3) Information relating to nominations and elections in each Legislative District comprised in whole or part in the county, shall be published in at least a newspaper or newspapers which singly or in combination, have general circulation in every municipality of the county which is comprised in such legislative district.

d. Such part or parts of the original notices as published which pertain to day of registration or primary election which has occurred shall be eliminated from such notice in succeeding insertions.

e. (Deleted by amendment, P.L.1999, c.232.)

f. The cost of publishing the notices required by this section shall be paid by the respective counties, unless otherwise provided for by law.

g. Notices required to be published or posted pursuant to this section shall set forth a general description of the contents of the voter information notice provided for in section 1 of P.L.2005, c.149 (C.19:12-7.1), how the notice may be viewed or obtained prior to the day of an election, and that the notice will be posted in each polling place on the day of an election.

3. R.S.19:14-4 is amended to read as follows:

Official elections; ballots; specifications.

19:14-4. In the center of the ballot immediately below the perforated line shall be printed in bold-faced type the words "Official general election ballot." Below these words and extending across the ballot shall appear the words: "Name of (municipality), ... ward, ... school district (if applicable), ... fire district (if applicable), ... election district, ... date of election, ... John Doe, county clerk." The blank spaces shall be filled in with the name of the proper municipality, the ward and district numbers and the date of the election. For school and fire district elections, the name of the school district or the name and number of the fire district, and of the municipality or municipalities comprising the district, shall also be indicated thereon. The name of the county clerk shall be a facsimile of his signature. Below the last stated words extending across the ballot and at the extreme left shall be printed the words "Instructions to the voter," and immediately to the right there shall be a bracket embracing the following instructions numbered consecutively:

(1) The only kind of a mark to be made on this ballot in voting shall be a cross x, plus + or check ✔.

(2) To mark a cross x, plus +, check ✔ or when writing a name on this ballot use only ink or pencil.

(3) To vote for any candidates whose names are printed in any column, mark a cross x, plus + or check ✔ in the square at the left of the names of such candidates not in excess of the number to be elected to the office.

(4) To vote for any person whose name is not printed on this ballot, write or paste the name of such person under the proper title of office in the column designated personal choice and mark a cross x, plus + or check ✔ in the square to the left of the name so written or pasted.

(5) To vote upon any public question printed on this ballot if in favor thereof, mark a cross x, plus + or check ✔ in the square at the left of the word "Yes," and if opposed thereto, mark a cross x, plus + or check ✔ in the square at the left of the word "No."

(6) Do not mark this ballot in any other manner than above provided for and make no erasures. Should this ballot be wrongly marked, defaced, torn or any erasure made thereon or otherwise rendered unfit for use return it and obtain another. In presidential years, the following instructions shall be printed upon the general election ballot:

(7) To vote for all the electors of any party, mark a cross x, plus + or check ✔ in ink or pencil in the square at the left of the surnames of the candidates for president and vice-president for whom you desire to vote.

Below the above-stated instructions and information and, except when compliance with R.S.19:14-13 as to Statewide propositions otherwise requires, three inches below the perforated line and parallel to it, there shall be printed a six-point diagram rule extending across the ballot to within not less than a half inch to the right and left edges of the paper.

4. R.S.19:14-8 is amended to read as follows:

Arrangement of ballots.

19:14-8. In the columns of each of the political parties which made nominations at the next preceding primary election to the general election and in the personal choice column, within the space between the two-point hair line rules, there shall be printed the title of each office to be filled at such election, except as hereinafter provided.

Such titles of office shall be arranged in the following order: electors of President and Vice-President of the United States; member of the United States Senate; Governor; member of the House of Representatives; member of the State Senate; members of the General Assembly; county executive, in counties that have adopted the county executive plan of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.); sheriff; county clerk; surrogate; register of deeds and mortgages; county supervisor; members of the board of chosen freeholders; coroners; mayor and members of municipal governing bodies, and any other titles of office. Candidates for members of a school board and for members of a board of fire commissioners shall be listed in a section of the ballot that is separate from the section featuring other candidates whenever possible in a layout at the discretion of the county clerk. Above each of such titles of office, except the one at the top, shall be printed a two-point diagram rule in place of the two-point hair

line rule. Below the titles of such offices shall be printed the names of the candidates for the offices.

The arrangement of the names of candidates for any office for which more than one are to be elected shall be determined in the manner hereinafter provided, as in the case of candidates nominated by petition.

When no nomination for an office has been made the words "No Nomination Made" in type large enough to fill the entire space or spaces below the title of office shall be printed upon the ballot.

Immediately to the left of the name of each candidate, at the extreme left of each column, including the personal choice column, shall be printed a square, one-quarter of an inch in size, formed by two-point diagram rules. In the personal choice column no names of candidates shall be printed.

To the right of the title of each office in the party columns and the personal choice column shall be printed the words "Vote for," inserting in words the number of persons to be elected to such office.

5. R.S.19:14-10 is amended to read as follows:

Nominations by petition.

19:14-10. In the column or columns designated as nominations by petition, within the space between the two-point hair line rules, there shall be printed the title of each office for which nominations by petition have been made.

Such titles of office shall be arranged in the following order: electors of President and Vice-President of the United States; member of the United States Senate; Governor and Lieutenant Governor; member of the House of Representatives; member of the State Senate; members of the General Assembly; county executive, in counties that have adopted the county executive plan of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.); sheriff; county clerk; surrogate; register of deeds and mortgages; county supervisor; members of the board of chosen freeholders; coroners; mayor and members of municipal governing bodies; members of the school board, when appropriate; members of the board of fire commissioners, when appropriate; and any other titles of office.

Above each of the titles of office, except the one on the top, shall be printed a two-point diagram rule in place of the two-point hair line rule. Below the titles of each of the offices shall be printed the names of each of the candidates for each of such offices followed by the designation or designations mentioned in the petitions filed.

Immediately to the left of the name of each candidate, at the extreme left of the column, shall be printed a square, one-quarter of an inch in size formed by two-point diagram rules.

The names of candidates for any office for which more than one are to be elected shall be arranged in groups as presented in the several certificates of nominations or petitions, which groups shall be separated from other groups and candidates by two two-point hair line rules.

To the right of the title of each office shall be printed the words "Vote for" inserting in words the number of candidates to be elected to such office.

6. R.S.19:14-16 is amended to read as follows:

Style of type, rulings and spacing.

19:14-16. The words to be printed on the perforated coupon shall be printed in twelve-point bold-faced capital letters and the figures in eighteen and twenty-two-point bold-faced type. At the head of the ballot the words "Official General Election Ballot" shall be printed in at least thirty-point bold-faced capital letters. The name of municipality, ward, school district, fire district, election district, and date, as appropriate, shall be printed in twelve-point bold-faced capital letters. For a fire district election, the number of the fire district shall also be printed in twelve-point bold-faced capital letters. The words "Instructions to the voter" shall be printed in twelve-point bold-faced capitals and small letters, while the instructions embraced within the brackets shall be printed in eight-point bold-faced capital and small letters. The column designations shall be printed in eighteen-point bold-faced capital letters and the accompanying instructions shall be printed in eight-point capitals and small letters. The titles of office and accompanying instructions shall be printed in ten-point bold-faced capital and small letters. When there is no nomination made at the primary for an office, the title shall be printed in the space where such title should appear, and the words "No Nomination Made" in type large enough to fill the entire space or spaces shall be printed therein. The names of all candidates shall be printed in ten-point capital letters. The designations following the candidates' names in the nomination by petition column or columns shall be printed in ten-point capitals and small letters, except that where they overrun the space within the column the designations may be abbreviated, and all spaces between the two-point hair line rules not occupied by the titles of office and names of candidates shall be printed in with scroll or filling to guide the voter against wrongly marking the ballot. On the foot of the bal-

lot the words "Public Questions to be Voted Upon" shall be printed in eighteen-point bold-faced capital letters. The accompanying instructions shall be printed in eight-point capital and small letters. The public questions to be voted upon shall be printed in ten-point capital and small letters, and the words "Yes" and "No" shall be printed in twelve-point bold-faced capital letters.

7. R.S.19:14-22 is amended to read as follows:

Form and contents; color of paper.

19:14-22. The official general election sample ballots shall be as nearly as possible facsimiles of the official general election ballot to be voted at such election and shall have printed thereon, after the words which indicate the number of the election district for which such sample ballots are printed, the name of the school district, when appropriate, the number or name and municipality or municipalities of the fire district, when appropriate, the street address or location of the polling place in the election district, and the hours between which the polls shall be open. Such sample ballots shall be printed on paper different in color from the official general election ballot, and have the following words printed in large type at the top: "This ballot cannot be voted. It is a sample copy of the official general election ballot used on election day."

8. Section 9 of P.L.2009, c.79 (C.19:63-9) is amended to read as follows:

C.19:63-9 Delivery of mail-in ballots.

9. a. Starting on or before the 45th day before the day an election is held, each county clerk shall forward mail-in ballots by first-class postage or hand delivery to each mail-in voter whose request therefor has been approved. Mail-in ballots that have been approved before the 45th day before an election shall be forwarded or delivered at least 45 days before the day of the election. Hand delivery of a mail-in ballot shall be made by the county clerk or the clerk's designee only to the voter, or the voter's authorized messenger, who must appear in person. No person shall serve as an authorized messenger for more than three qualified voters in an election. Ballots that have not been hand delivered shall be addressed to the voter at the forwarding address given in the application.

b. (1) Whenever the clerk forwards a mail-in ballot by mail to a mail-in voter between the 45th day and the 13th day before the day of an election,

the ballot shall be transmitted within three business days of the receipt of the application.

(2) Whenever the clerk forwards a mail-in ballot by mail to a mail-in voter between the 12th day and the seventh day before the day of an election, the ballot shall be transmitted within two business days of the receipt of the application.

The provisions of this subsection shall not apply to: (a) annual school elections and special school elections in those school districts holding such elections, pursuant to P.L.1995, c.278 (C.19:60-1 et seq.); (b) any municipality in which elections are conducted by mail, pursuant to P.L.2005, c.148 (C.19:62-1 et seq.); (c) annual elections for members of the boards of fire district commissions, pursuant to N.J.S.40A:14-72, when such elections are held at a time other than the time of the general election; and (d) the vote on any public question submitted to the voters of a local unit to increase the amount to be raised by taxation by more than the allowable adjusted tax levy, pursuant to section 11 of P.L.2007, c.62 (C.40A:4-45.46).

c. (Deleted by amendment, P.L.2011, c.37).

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

Fire district designation; procedure; election of commissioners.

40A:14-70. a. In any municipality not having a paid or part-paid fire department and force, the governing body, upon application of at least 5% of the registered voters or 20 legal voters, whichever is the greater, shall consider the designation of a fire district. Upon receipt of the application, the governing body shall fix a time and place for a hearing thereon. The municipal clerk shall advertise the notice of the hearing in a newspaper circulating in the county wherein the municipality is located at least once and not less than 10 days prior to the hearing. After the hearing the governing body shall determine the question of designation of a fire district. If the governing body decides that the designation of a fire district is appropriate, it, by ordinance, shall designate a territorial location or locations for use as a fire district or fire districts and, by resolution, provide for the election of a board of fire commissioners for the district or each district, to consist of five persons, residents therein, and specify the date, time and place for the election of the first board.

b. The district or each district shall be assigned a number and the commissioners thereof and their successors shall be a body corporate, to be known as "the commissioners of fire district No. . . . . in . . . . . (name of municipality), county of . . . . . (name of county)." The said body

corporate shall have the power to acquire, hold, lease, sell or otherwise convey in its corporate name such real and personal property as the purposes of the corporation shall require. All sales and leases of real and personal property shall be in accordance with the provisions of section 13 or 14, as appropriate, of the "Local Lands and Buildings Law," P.L.1971, c.199 (C.40A:12-13 or 40A:12-14). Said body corporate may adopt and use a corporate seal, sue or be sued and shall have such powers, duties and functions as are usual and necessary for said purposes.

c. If the election of the first board of fire commissioners is held at a time other than the time of the general election, the following requirements shall apply:

(1) The clerk of the municipality shall conduct the election and shall preside at the meeting until the board shall have been elected.

(2) At the first meeting of a newly elected board of fire commissioners of a district the board shall choose a chairman and fix the place for the annual election. The members of the board shall divide themselves by lot into three classes: the first to consist of two members whose terms shall expire at 12 o'clock noon on the first Tuesday in March of the year following the year in which the first board is elected; the second, two members whose terms shall expire at 12 o'clock noon on the first Tuesday in March of the second year following that year; and the third, one member whose term shall expire at 12 o'clock noon on the first Tuesday in March of the third year following that year. The terms of fire commissioners in each class, other than members of the first board, shall expire at 12 o'clock noon on the first Tuesday in March of the third year following the year in which they were elected. If the time of the annual election is moved to the time of the general election pursuant to subsection a. of section 23 of P.L.2017, c.206 (C.40A:14-72.2), the terms of the fire commissioners then in office shall be extended until 12 o'clock noon on the first Tuesday in December of the years in which their terms expire.

(3) Any vacancy in the membership shall be filled by the remaining members until the next succeeding annual election held on the third Saturday in February, at which time a resident of the district shall be elected for the unexpired term.

d. If the election of the first board of fire commissioners is held at the time of the general election, the following requirements shall apply:

(1) The election shall be conducted in accordance with the procedures provided for the general election in Title 19 of the Revised Statues, except as otherwise provided pursuant to N.J.S.40A:14-70 et seq.

(2) The annual election shall be held at the time of the general election on the first Tuesday after the first Monday in November, and shall be conducted in accordance with the procedures provided for the general election in Title 19 of the Revised Statues, except as otherwise provided pursuant to N.J.S.40A:14-70 et seq.

(3) The term of a member of a board of fire commissioners shall commence at 12 o'clock noon on the first Tuesday in December.

(4) At the first meeting of a newly elected board of fire commissioners of a district, the board shall choose a chairman. The members of the board shall divide themselves by lot into three classes: the first to consist of two members whose terms shall expire at 12 o'clock noon on the first Tuesday in December of the year following the year in which the first board is elected; the second, two members whose terms shall expire at 12 o'clock noon on the first Tuesday in December of the second year following that year; and the third, one member whose term shall expire at 12 o'clock noon on the first Tuesday in December of the third year following that year. The terms of fire commissioners in each class, other than members of the first board, shall expire at 12 o'clock noon on the first Tuesday in December of the third year following the year in which they were elected.

(5) Any vacancy in the membership shall be filled by the remaining members until the next succeeding annual election held at the time of the general election, at which time a resident of the district shall be elected for the unexpired term.

10. N.J.S.40A:14-71 is amended to read as follows:

Nominating petitions.

40A:14-71. a. For an election held at a time other than at the time of the general election, candidates for membership on the board shall be nominated by verified petitions and the procedures set forth in this subsection shall apply. Any such petition shall be in writing, addressed to the municipal clerk or the clerk of the board, as the case may be, stating that the signers thereof are qualified voters and residents in the district and requesting that the name of the candidate be placed on the official ballot. The petition shall state the residence of the candidate and certify his qualification for membership. The candidate's consent to his nomination shall be annexed to the petition and shall constitute his agreement to serve in the event of his election. The petition shall contain the name of only one candidate, but several petitions may nominate the same person. Each petition shall be

signed by not less than 10 qualified voters and shall be filed at least 29 days before the date of the election.

Any form of a petition of nomination which is provided to candidates by the Secretary of State, the county clerk, or the municipal clerk shall contain the following notice: "Notice: All candidates are required by law to comply with the provisions of 'The New Jersey Campaign Contributions and Expenditures Reporting Act,' P.L.1973, c.83 (C.19:44A-1 et seq.). For further information please call (insert telephone number of the Election Law Enforcement Commission)."

If a petition is found to be defective, either in form or substance, the municipal clerk or the clerk of the board, as the case may be, shall forthwith notify the candidate to cause it to be corrected before the petition is given consideration.

A candidate shall be permitted to sign or circulate, or both sign and circulate, the petition required to nominate that candidate for membership on the board.

b. For an election held at the time of the general election, each candidate for membership on the board of fire commissioners shall be nominated by petition for direct nomination pursuant to the procedures set forth in R.S.19:13-1 et seq. Notwithstanding the provisions of R.S.19:13-5, however, a petition of nomination for such office shall be signed by at least 10 persons, one of whom may be the candidate, or two percent of the number of qualified voters who voted in the fire district at the next preceding annual election for members of the board of fire commissioners, whichever is less, and filed with the county clerk on or before 4:00 p.m. of the last Monday in July preceding the general election. The signatures need not all appear upon a single petition and any number of petitions may be filed on behalf of any candidate, but no petition shall contain the endorsement of more than one candidate.

Any candidate may withdraw as a candidate by filing a notice in writing, signed by the candidate, of such withdrawal with the county clerk on or before the 70th day before the date of the November election, as applicable, and thereupon the name of that candidate shall be withdrawn by the county clerk and shall not be printed on the ballot.

A vacancy created by any reason set forth in R.S.19:13-18, or in any other manner, shall be filled under the provisions of R.S.19:13-19. In each fire district in which candidates for the office of member of a board of fire commissioners will seek election at the general election, the board of fire commissioners thereof shall certify to the county clerk no later than the day of the holding of the primary election for the general election next occur-

ring a statement designating the public offices to be filled at such election, and the number of such offices to be filled.

11. N.J.S.40A:14-72 is amended to read as follows:

Fire district elections.

40A:14-72. a. An election shall be held annually either on the third Saturday in February or at the time of the general election on the first Tuesday after the first Monday in November in each established fire district for the election of members of the board according to the expiration of terms. The initial election for a newly created fire district may take place on another date as a governing body may specify under N.J.S.40A:14-70, but the annual election thereafter shall be held either on the third Saturday in February or at the time of the general election on the first Tuesday after the first Monday in November.

b. For an election held at a time other than at the time of the general election, the place of the election shall be determined by the board and a notice thereof, and of the closing date for the filing with the clerk of the board of petitions of nomination for membership on the board, shall be published at least once in a newspaper circulating in the district, at least six weeks prior to the date fixed for the election.

c. For an election held at the time of the general election, the place of the election shall be determined pursuant to R.S.19:8-1 et seq. and notice thereof shall be published pursuant to R.S.19:12-7. Notice of the closing date for the filing, with the county clerk, of nominations by petition for direct nomination for membership on the board shall be published by the board at least once in a newspaper circulating in the district, at least 21 days prior to the date by which such nominations are required to be filed with the county clerk.

d. Fire districts located in the same municipality may combine the publication of their notices of election. For the purpose of this section, "notices of election" shall include the notices required to be published under section 6 of P.L.2009, c.79 (C.19:63-6).

e. The legal voters at an annual election held on the third Saturday in February shall determine the amount of money to be raised for the ensuing year and determine such other matters as may be required. If the amount of money to be raised for the ensuing year exceeds the permissible property tax levy increase as determined pursuant to section 10 of P.L.2007, c.62 (C.40A:4-45.45), a public question shall be submitted to the legal voters to increase the amount to be raised by taxation by more than the allowable adjusted tax levy.

f. If a fire district holds its annual election at the time of the general election, then the legal voters shall determine the amount of money to be raised for the ensuing year only by such amount that exceeds the permissible property tax levy increase as determined pursuant to section 10 of P.L.2007, c.62 (C.40A:4-45.45). The legal voters shall determine whether to increase the amount to be raised by taxation by more than the allowable adjusted tax levy for the ensuing year through the submission of a public question. The board of fire commissioners of the fire district shall notify the county or municipal clerk, as appropriate, of the need to conduct a referendum pursuant to this subsection at least 60 days before the date of the referendum. A referendum conducted pursuant to this subsection shall be held on the third Saturday in February of the budget year in which the levy increase would apply.

12. N.J.S.40A:14-73 is amended to read as follows:

Form of ballot.

40A:14-73. a. For an election held at a time other than at the time of the general election, the following requirements shall apply:

The ballots shall be written or printed on opaque paper, uniform in size and quality.

Each ballot shall have at the top, a coupon, at least one inch wide extending across the ballot above a perforated line. The coupons shall be numbered consecutively. The coupon shall contain the following statements: "To be torn off by the Judge of Election" and "Fold to this line." Below the perforated line shall be printed or written, "Fire district election ballot," then the official designation of the fire district and polling place and date of the election. It shall bear the signature or facsimile signature of the municipal clerk, or the clerk of the board of fire commissioners, as the case may be. The heading shall be set apart from the body of the ballot by a marked-off space. In said space, the voters shall be instructed how to indicate their choice of candidates and the number to be voted upon as follows: "To vote for any person whose name appears on this ballot mark a cross (X), plus (+) or check (✔) in ink or pencil in the place or square at the left of the name of such person." Underneath these instructions shall be directions as to the number of candidates to be voted for and the name of each qualified candidate, without grouping, to be placed according to the alphabetical order of their surnames.

The ballot shall be substantially as follows:

To be torn off by the Judge of Election. No. .....

Fold to this line.

.....

FIRE DISTRICT ELECTION BALLOT
Fire District No. 1
Township of Webster, Warren County
Date.....

Polling District No. 1 John Henry Doe,
Unexcelled Fire House. Clerk.

To vote for any person whose name appears on this ballot mark a cross (X), plus (+) or check (✓) mark with ink or pencil in the place or square at the left of the name of such person.

For membership to Board of Fire Commissioners--
Full Term. Vote for Two.

[ ] Rutherford B. Fallon.
[ ] William F. Seibel.
[ ] James A. Stephens.
[ ] Thomas Templeton.
[ ]
[ ]

For membership to Board of Fire Commissioners--
Unexpired One-Year Term. Vote for One.

[ ] Francis R. Loori.
[ ] Arthur H. Patterson.
[ ]

using as much of the form as may be applicable to the current fire district election and extending the same to provide for cases not herein specified.

b. For an election held at the time of the general election, the ballot shall be prepared in accordance with the provisions of Title 19 of the Revised Statutes.

13. N.J.S.40A:14-74 is amended to read as follows:

Elections; notice; publication; eligibility of voters.

40A:14-74. For an election held at the time of the general election or at a time other than at the time of the general election, the voter registration procedures set forth in R.S.19:31-1 et seq. shall apply.

14. N.J.S.40A:14-75 is amended to read as follows:

Use of voting machines.

40A:14-75. For an election held at a time other than at the time of the general election, the superintendent of elections of any county having a superintendent of elections or the county board of elections of any county not having a superintendent of elections, may upon application of the board of commissioners of any fire district, loan or rent to said board, one or more voting machines owned by the county, for a period of time which does not conflict with any State, county, municipal or school district election, for the purpose of conducting a fire district election as required by law. The loan or rental of a voting machine or machines for this purpose shall be upon such terms and conditions as may be determined by the board of chosen freeholders of the county.

In any case in which voting machines are made available for such purpose, the use thereof for any fire district election shall be held as provided herein.

15. N.J.S.40A:14-76 is amended to read as follows:

Polls, hours.

40A:14-76. For an election held at a time other than at the time of the general election, upon petition of 25 or more voters, filed with the clerk of the board at least 20 days prior to the date of any election, after the first election, the board of fire commissioners, by resolution, may divide the fire district into 2 or more polling places.

The polls for any election held at a time other than at the time of the general election shall be opened between the hours of 2:00 and 9:00 P.M., but the board may designate a later closing hour on the same day. The board shall furnish the necessary books for the entries of the names and addresses of the voters in such election.

16. N.J.S.40A:14-77 is amended to read as follows:

Manner of conducting elections.

40A:14-77. For an election held at a time other than at the time of the general election, before the opening of the polls, a public proclamation shall be made by the chairman of the board or the clerk or his or their representative as to the purpose of the voting. Two tellers for each polling place shall be appointed by the chairman or clerk and thereupon the polls shall be opened and the balloting shall continue without recess until the closing of

the polls. Immediately after the close of the polls the clerk and tellers shall forthwith canvass the vote and certify the results. The clerk shall publicly announce the results.

17. N.J.S.40A:14-78 is amended to read as follows:

Appropriations, other matters to be voted upon, form of question.

40A:14-78. a. Any appropriation or other matter to be voted upon at an election held at a time other than at the time of the general election shall be in the form of a question, placed upon the ballot immediately following the names of the candidates for members of the board of fire commissioners, in substantially the following form:

YES. (Question to be voted on)

NO.

The voter shall indicate his approval or opposition by making a cross (X), plus (+) or check (✔) mark in ink or pencil in the appropriate square.

b. Any appropriation or other matter to be voted upon at an election held at the time of the general election shall be in the form of a question placed upon the ballot in accordance with the requirements of Title 19 of the Revised Statutes.

18. Section 6 of P.L.1979, c.453 (C.40A:14-78.2) is amended to read as follows:

C.40A:14-78.2 Adoption of fire district budget, hearing.

6. No fire district budget shall be adopted until a public hearing has been held thereon and taxpayers of the district and all persons having an interest therein shall have been given an opportunity to present objections.

The public hearing shall be held not less than 28 days after approval of the budget.

The public hearing shall be held at the time and place specified in the notice, but may be adjourned from time to time until the hearing is closed.

The budget shall be read at the public hearing in full, or it may be read by its title, if:

a. At least 1 week prior to the date of the hearing, a complete copy of the approved budget shall have been posted in such public place as notices are usually posted in the district, and is made available to each person requesting a copy during said week and during the public hearing; and,

b. The fire commissioners shall, by resolution passed by not less than a majority of the full membership, determine that the budget shall be read

by its title and declare that the conditions set forth in subsection a. of this section have been met.

After closing the hearing, the fire commissioners may, by a vote of not less than a majority of the full membership, adopt the budget by title without amendments, or may approve amendments as provided in section 7 of P.L.1979, c.453 (C.40A:14-78.3).

19. Section 9 of P.L.1979, c.453 (C.40A:14-78.5) is amended to read as follows:

C.40A:14-78.5 Adoption of budget amendments.

9. a. If at an election held on the third Saturday in February pursuant to N.J.S.40A:14-72 the question of either (1) pursuant to subsection e. of N.J.S.40A:14-72, determining the amount of money to be raised for the ensuing year and, if applicable, whether to exceed the property tax levy cap, established pursuant to section 10 of P.L.2007, c.62 (C.40A:4-45.45); or (2) pursuant to subsection f. of N.J.S.40A:14-72, whether to exceed the property tax levy cap, established pursuant to section 10 of P.L.2007, c.62 (C.40A:4-45.45), is voted affirmatively upon by a majority of the legal voters voting in the election, the budget shall be considered finally adopted, and the board of fire commissioners shall certify the amount to be raised by taxation to support the district budget to the assessor of the municipality, pursuant to N.J.S.40A:14-79.

b. If at an election held on the third Saturday in February the question of either (1) pursuant to subsection e. of N.J.S.40A:14-72, determining the amount of money to be raised for the ensuing year and, if applicable, the question of whether to exceed the property tax levy cap established pursuant to section 10 of P.L.2007, c.62 (C.40A:4-45.45); or (2) pursuant to subsection f. of N.J.S.40A:14-72, whether to exceed the property tax levy cap, established pursuant to section 10 of P.L.2007, c.62 (C.40A:4-45.45), is voted negatively upon by a majority of the legal voters voting in the election, the governing body of the municipality in which the fire district is located shall, by resolution of a majority of its full membership, within 30 days after the annual election and after a public hearing for which the legal voters of the fire district shall be given 5 days' advertised notice, and at which any interested person shall be heard, fix an annual budget for the fire district. The amount of each appropriation section of the budget so fixed shall not exceed the amount for each as previously voted upon at the annual election, except the appropriation for debt service which shall be included in the amount that is required to be paid. The governing body shall certify

the amount to be raised by taxation to support the district budget as set forth in the final budget, to the assessor of the municipality, pursuant to N.J.S.40A:14-79.

c. Following the final approval of a budget by the board of fire commissioners or the voters, as applicable, the Director of the Division of Local Government Services in the Department of Community Affairs may approve a budget amendment to provide for the anticipation of revenue from a public or private funding source which was not known at the time the budget was approved, and the appropriation thereof, provided the amount of the appropriation does not exceed the amount of the revenue received.

20. N.J.S.40A:14-84 is amended to read as follows:

Revenue for the district, purposes, limitations; meetings.

40A:14-84. a. For a fire district that holds its annual election at a time other than at the time of the general election, the legal voters, at a regular meeting or at a special meeting called by the commissioners of the fire district, may vote to raise money for a firehouse, fire engines, apparatus, or other appliances for the extinguishment of fires and acquire lands or buildings or erect buildings for the housing of such equipment, or other buildings, including but not limited to, administrative, communications, or training buildings, or buildings for the maintenance of fire apparatus, in an amount not exceeding 5 mills on the dollar of the last assessed valuation of the property in the fire district. The amount so voted for shall be included in the next succeeding annual budget of the fire district under the section for capital appropriations. Voting shall be open between the hours of 6:00 P.M. to 9:00 P.M., but the board may designate a later closing hour on the same day, and the board shall take any necessary action to ensure the secrecy and privacy of the casting of votes.

Any such special meeting shall be called on 10 days' notice by the board of fire commissioners, to be posted in five public places in the district, setting forth the time, place and object of the meeting and the legal voters shall determine the amount of money to be raised.

b. (1) For a fire district that holds its annual election at the time of the general election, the board of fire commissioners of a fire district, at a regular meeting or at a special meeting called by the commissioners of the fire district, may, by resolution adopted by a vote of not less than 2/3 of the full membership thereof, raise money for a firehouse, apparatus, appliances, land or buildings in connection therewith for fire extinguishing purposes, including but not limited to administrative or training buildings, in an

amount not exceeding 5 mills on the dollar of the last assessed valuation of the property in the fire district. The amount so adopted shall be included in the next succeeding annual budget of the fire district under the section for capital appropriations.

(2) (a) Prior to such meeting, the resolution, or a summary thereof, shall be published together with notice of the time and place of the meeting, the opportunity of the public to be heard at the meeting, and the availability of copies of the resolution to the members of the general public of the fire district from the date following such publication up to and including the date of the meeting. If a summary is published, the summary shall contain a clear and concise statement prepared by the clerk of the board of fire commissioners setting forth the purpose of the resolution and the amount to be raised by the additional levy being authorized.

(b) If the resolution is to be adopted at a regular meeting, the clerk of the board of fire commissioners shall, at least 10 days prior to the date of the meeting, post the information required to be published pursuant to this subsection in five public places in the fire district, and shall advertise this information in a newspaper, published in the fire district, if any, otherwise in a newspaper circulating in the district.

(c) If the resolution is to be adopted at a special meeting, the clerk shall, at least 21 days prior to the date of the meeting, post the information required to be published pursuant to this subsection in five public places in the fire district, and shall advertise this information in a newspaper, published in the fire district, if any, otherwise in a newspaper circulating in the district. The clerk shall, not more than 20 days and at least 10 days prior to the date of the meeting, again advertise this information in that newspaper.

(3) (a) All interested persons shall be given an opportunity to be heard at a meeting subject to the provisions of this section.

(b) Copies of a resolution shall be made available to the members of the general public of the fire district who shall request such copies from the date following publication of the resolution up to and including the date of the meeting.

21. N.J.S.40A:14-85 is amended to read as follows:

Acquisition of property, equipment by fire district.

40A:14-85. The board of commissioners of a fire district may purchase a firehouse, fire engines, apparatus, or other appliances for the extinguishment of fires and acquire lands or buildings or erect buildings for the housing of such equipment, or other buildings, including but not limited to, ad-

ministrative, communications, or training buildings, or buildings for the maintenance of fire apparatus, at a cost not exceeding $60,000.00 or 2% of the assessed valuation of the taxable property in the district, whichever amount is larger. The money may be raised by a bond issue, or through the creation of any other debt or liability, including, but not limited to, through a lease-purchase agreement. Any such bond issue, debt, or liability shall be authorized by a resolution of the commissioners specifying the amount and the purpose thereof. The resolution shall be inoperative unless and until it shall have been submitted to and approved by the legal voters within said fire district at the annual election held for the election of commissioners and appropriation of money for fire extinguishing purposes, or at a special election for such purpose.

The resolution shall be written or printed and the election shall be upon notice stating the time and place. If said election is to be the annual one, the notices shall be posted by the clerk of the board of fire commissioners in 10 public places, at least 10 days prior to the date of the election. The board of commissioners and the clerk, in their or his discretion, may advertise the election in a newspaper, published in the fire district, if any, otherwise in a newspaper published in the county of said district and circulating in such district. When a special election is specified notices shall be posted in 10 public places, at least 21 days prior to the date of election, and the clerk of said board shall advertise said notice in such a newspaper at least twice prior to the election date.

C.40A:14-72.1 Moving date of election for fire district; revision of boundary lines.

22. a. Except as provided in subsection b. of this section, the board of fire commissioners of a fire district may by resolution move the time of the annual election for the fire district to the time of the general election on the first Tuesday after the first Monday in November. If the time of the annual election for a fire district is moved to the time of the general election, the fire district election shall be held for the purposes of electing members of the board of fire commissioners and for voting on any appropriation or other matter according to the provisions of N.J.S.40A:14-70 et seq. The procedures for holding a fire district election at the time of the general election shall be in accordance with the procedures provided for the general election under Title 19 of the Revised Statutes, except as otherwise provided pursuant to N.J.S.40A:14-70 et seq.

After moving the date of a fire district's annual election to the day of the general election on the first Tuesday after the first Monday in Novem-

ber, the date of the annual fire election shall be held at that time and shall not be changed.

b. (1) An annual election shall not be moved to the first Tuesday after the first Monday in November, to be held simultaneously with the general election, pursuant to subsection a. of this section, unless the county board of elections has certified that the election may be conducted in accordance with the requirements of section 1 of P.L.1976, c.83 (C.19:4-10).

(2) The county board of elections for a county within which a fire district is located shall determine, within 30 days of the effective date of P.L.2017, c.206, whether an annual election may be so conducted.

(a) If the county board of elections determines that an annual election may be conducted pursuant to paragraph (1) of this subsection, the board shall transmit a certification to the board of fire commissioners and the governing body of the municipality within which the district is located.

(b) If the county board of elections determines that an annual election may not be conducted pursuant to paragraph (1) of this subsection, the board shall transmit a letter to the fire district so stating. In order to meet the requirement of paragraph (1) of this subsection, the board of election may revise or readjust the boundary lines of any election district and the board of fire commissioners, if authorized by an ordinance adopted by the governing body of the municipality, may revise or readjust the boundary lines of any fire district, including by means of consolidating or subdividing districts, as may be necessary, except as may be otherwise required by section 6 of P.L.1976, c.83 (C.19:4-15). The Local Finance Board shall approve any proposed consolidation or subdivision of a fire district in accordance with the procedures set forth in the Local Authorities Fiscal Control Law, P.L.1983, c.313 (C.40A:5A-1 et seq.), or sections 2 and 3 of P.L.2015, c.279 (C.40A:14-90.1 et seq.), as applicable. Any fire district whose boundaries have been adjusted shall notify the Director of the Division of Local Government Services in the Department of Community Affairs.

Upon the completion of such revision or readjustment of the boundary lines of any election district by the board of elections, the board of elections shall transmit a certification to the board of fire commissioners and the governing body of the municipality within which the district is located.

Upon the completion of such revision or readjustment of the boundary lines of any fire district by the board of fire commissioners, the fire district shall transmit a letter so notifying the county board of elections. The board of elections shall, within 30 days thereafter, transmit either a certification to the board of fire commissioners and the governing body of the municipality within which the district is located, provided the board of elections can then

certify compliance with paragraph (1) of this subsection, or a letter to the board of fire commissioners stating that compliance with paragraph (1) of this subsection has not been met notwithstanding the revision or readjustment.

c. If the time of the annual election is moved to the time of the general election pursuant to subsection a. of this section, the term of a member of a board of fire commissioner elected at the time of a general election shall commence at 12 o'clock noon on the first Tuesday in December, and shall expire at 12 o'clock noon on the first Tuesday in December of the third year following the year in which such member was elected. Any vacancy in the membership shall be filled by the remaining members until the next succeeding annual election held at the time of the general election, at which time a resident of the district shall be elected for the unexpired term.

C.40A:14-72.2 Rules, regulations.

23. The Department of Community Affairs, in consultation with the Division of Elections in the Department of State, as appropriate, shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of this act, P.L.2017, c.206 (C.40A:14-72.1 et al.).

24. Section 8 of P.L.1979, c. 453 (C.40A:14-78.4) is amended to read as follows:

C.40A:14-78.4 Adoption of budget; time; advertisement.

8. The fire district budget shall be adopted, by a vote of a majority of the full membership of the fire commissioners, not later than 25 days prior to the third Saturday in February. The adopted budget shall be advertised after adoption. The advertisement shall contain a copy of the budget and shall be published at least once in a newspaper circulating in the fire district at least 7 days prior to the third Saturday in February.

25. This act shall take effect on January 1, 2019.

Approved August 7, 2017.

CHAPTER 207

AN ACT requiring that senior and disabled property taxpayers be allowed to make installment payments to repay amounts overpaid by the State for

homestead credits and homestead property tax reimbursement, amending P.L.1999, c.63 and P.L.1997, c.348.

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

1. Section 15 of P.L.1999, c.63 (C.54:4-8.66b) is amended to read as follows:

C.54:4-8.66b Erroneous rebates or credits, installment payments for senior, disabled property taxpayers.

15. a. Except as provided in subsection b. of this section, a person who receives a homestead rebate or credit otherwise authorized under this act but which has been paid in error and which is recoverable by the director, and fails to return the payment within 45 days of receiving notice from the director that such payment was erroneous, shall pay, in addition to the amount of the erroneous rebate or credit, interest at the rate prescribed in R.S.54:49-3, assessed for each month or fraction thereof, compounded annually at the end of each year, from the date next following the 45th day after receiving the notice from the director that such payment was erroneous until the date of the return of the erroneous payment.

b. A person who is 65 years of age or older at the close of the tax year, or who is allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, who receives a notice from the director pursuant to this section, shall within 45 days after receiving that notice, be permitted to enter into an installment payment agreement for a reasonable period of time that will enable the person to completely satisfy the amount paid in error and without the assessment of interest thereon.

2. Section 16 of P.L.1999, c.63 (C.54:4-8.66c) is amended to read as follows:

C.54:4-8.66c Recovery of rebates, credits.

16. Except for an installment payment agreement permitted pursuant to subsection b. of section 15 of P.L.1999, c.63 (C.54:4-8.66b), a homestead rebate or credit paid as a result of misrepresentation or paid in error and any penalties and interest as imposed thereon by this act, shall be payable to and recoverable by the director in the same manner as a deficiency with respect to the payment of a State tax in accordance with the State Uniform Tax Procedure Law, R.S.54:48-1 et seq.

3. Section 3 of P.L.1997, c.348 (C.54:4-8.70) is amended to read as follows:

C.54:4-8.70 Filing of application for homestead property tax reimbursement.

3. An application for a homestead property tax reimbursement hereunder shall be filed with the director annually on or before June 1 of the year following the year for which the claim is being made and shall reflect the prerequisites for a homestead property tax reimbursement on December 31 of the tax year for which the claim is being made; provided, however, that the director may, by rule, designate a later date as the date by which the application shall be filed or waive the requirement for filing an annual application for any year or years subject to any limitations and conditions the director may deem appropriate. The application shall be on a form prescribed by the director and provided for the use of applicants hereunder. Each applicant making a claim for a homestead property tax reimbursement under this act shall provide, if required by the director, to the director a copy of his or her current year property tax bill or current year site fee bill on the homestead constituting that person's principal residence and a copy of his or her property tax bill for the base year or site fee bill for the base year on the same homestead, or other equivalent proof as permitted by the director.

It shall be the duty of every eligible claimant to inform the director of any change in his or her status or homestead which may affect his or her right to continuance of the homestead property tax reimbursement.

If an eligible claimant receives an additional homestead property tax reimbursement to which the claimant was not entitled or greater than the reimbursement to which the claimant was entitled, the director shall permit the claimant to enter into an installment payment agreement for a reasonable period of time that will enable the claimant to completely satisfy the amount of the reimbursement paid to which the claimant was not entitled. If the claimant does not enter into an installment payment agreement, the director may, in addition to all other available legal remedies, offset such amount against a gross income tax refund or amount due pursuant to P.L.1990, c.61.

4. This act shall take effect immediately.

Approved August 7, 2017.

CHAPTER 208

AN ACT concerning the voluntary discharge of personal representatives for estates by application to the Surrogate's Court, and supplementing chapter 10 of Title 3B of the New Jersey Statutes.

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

C.3B:10-30.1 Voluntary discharge of personal representative for an estate.

1. a. (1) Following appointment by the Surrogate's Court, whenever a personal representative for an estate is unwilling or unable to perform the duties and powers of a personal representative, that personal representative may seek to be voluntarily discharged from the further performance of the duties and powers of the office by filing for voluntary discharge with the Surrogate's Court of the county which granted the personal representative's letters. Any application for voluntary discharge shall be consented to by all parties in interest to the estate that is under the administration of the personal representative seeking to be discharged.

(2) Nothing in this section concerning the voluntary discharge of a personal representative through an application filed with the Surrogate's Court shall prohibit a personal representative from instead filing a discharge action with the Superior Court pursuant to N.J.S.3B:14-18 et seq.

b. The voluntary discharge filing shall include the following:

(1) A request for discharge, made in accordance with Rules of Court adopted by the Supreme Court, which contains the following information:

(a) the name of the personal representative seeking to be discharged, and the representative's address where future pleadings involving the estate can be served;

(b) the name and address of every party in interest to the estate, and a description of that party's interest;

(c) an affirmation by the personal representative that every party in interest to the estate listed in the form pursuant to subparagraph (b) of this paragraph has consented to the voluntary discharge of the personal representative, accompanied by the written, notarized consent of every party in interest, or that of any party in interest under disability whose consent is provided by the party's guardian or other legal representative;

(d) an affirmation by the personal representative, if applicable, that every party in interest to the estate listed in the form pursuant to subparagraph (b) of this paragraph has consented to waiving the additional re-

quirement, set forth in subsection c. of this section, that the personal representative file a verified final account with the Chancery Division, Probate Part for adjudication, showing the true condition of the estate, in order to release any sureties on the personal representative's bond, accompanied by the written, notarized consent of every party in interest, or that of any party in interest under disability whose consent is provided by the party's guardian or other legal representative. This consent and the consent presented pursuant to subparagraph (c) of this paragraph, whereby every party in interest has agreed to the voluntary discharge of the personal representative, may be included in the same notarized document; and

(e) a statement that the personal representative's voluntary discharge is not intended to impair the rights of any party in interest or creditor of the estate; and

(2) Along with the request for discharge and any accompanying documents, an application completed by another person to be appointed a successor or substitute personal representative for the estate.

c. (1) The personal representative filing for voluntary discharge with the Surrogate's Court shall also file a verified final account showing the true condition of the estate with a verified complaint in the Chancery Division, Probate Part for adjudication, unless every party in interest to the estate listed in the Personal Representative Voluntary Discharge Form pursuant to subparagraph (b) of paragraph (1) of subsection b. of this section has consented in a written, notarized document to waiving this additional requirement and this consent accompanies the discharge form in lieu of any filing for a final account of the estate with the Chancery Division, Probate Part.

(2) Any sureties on the bond of a personal representative who files for voluntary discharge with the Surrogate's Court shall not be released until a final judgment has been rendered on the verified final account of the estate, unless the additional requirement for the final account was waived by the consent of every party in interest.

(3) Notwithstanding any consent by every party in interest to waive the requirement of a verified final account of an estate, a creditor of that estate whose interest has not been satisfied may petition the Superior Court for an accounting of the estate.

d. (1) A personal representative shall be discharged from the further performance of the duties and powers of the office, and the personal representative's letters revoked, upon the approval of the personal representative's voluntary discharge filing by the Surrogate's Court; except the personal representative shall account for and pay over the money and assets

with which the personal representative is chargeable by virtue of the office to the successor or substitute personal representative.

(2) A personal representative who is voluntarily discharged from the office pursuant to an approved voluntary discharge filing shall not be entitled to any statutory commissions relating to the performance of the duties and powers of that office.

2. This act shall take effect on the 60th day after the date of enactment, except the Administrative Office of the Courts and the County Surrogates may take any anticipatory administrative action in advance of the effective date as shall be necessary to implement the provisions of this act.

Approved August 7, 2017.

CHAPTER 209

AN ACT concerning controlled dangerous substances and amending Title 2C of the New Jersey Statutes.

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

1. Section 2 of P.L.2011, c.120 (C.2C:35-5.3a) is amended to read as follows:

C.2C:35-5.3a Criminalization, degree of crime.

2. a. It is a crime for any person knowingly or purposely to manufacture, distribute or dispense, or to possess or have under his control with intent to manufacture, distribute, or dispense substances containing: 4-methylmethcathinone (mephedrone, 4-MMC); 3,4-methylenedioxypyrovalerone (MDPV); 3,4-methylenedioxymethcathinone (methylone, MDMC), 4-methoxymethcathinone (methedrone, bk-PMMA, PMMC); 3-fluoromethcathinone (3-FMC); 4-fluoromethcathinone (flephedrone, 4-FMC); or alpha-pyrrolidinopentiophenone (alpha-PVP).

b. A person who violates subsection a. of this section where the quantity involved is one ounce or more is guilty of a crime of the second degree.

c. A person who violates subsection a. of this section where the quantity involved is less than one ounce is guilty of a crime of the third degree.

2. Section 3 of P.L.2011, c.120 (C.2C:35-10.3a) is amended to read as follows:

C.2C:35-10.3a Criminalization, degree of crime.

3. a. It is a crime for any person, knowingly or purposely, to obtain, or to possess, substances containing: 4-methylmethcathinone (mephedrone, 4-MMC); 3,4-methylenedioxypyrovalerone (MDPV); 3,4-methylenedioxymethcathinone (methylone, MDMC), 4-methoxymethcathinone (methedrone, bk-PMMA, PMMC); 3-fluoromethcathinone (3-FMC); 4-fluoromethcathinone (flephedrone, 4-FMC); or alpha-pyrrolidinopentiophenone (alpha-PVP).

b. A person who violates subsection a. of this section where the quantity involved is one ounce or more is guilty of a crime of the third degree.

c. A person who violates subsection a. of this section where the quantity involved is less than one ounce is guilty of a crime of the fourth degree.

3. This act shall take effect immediately.

Approved August 7, 2017.

CHAPTER 210

AN ACT concerning food waste in K-12 schools and institutions of higher education, supplementing Title 13 of the Revised Statutes, and amending P.L.1982, c.178.

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

C.13:1E-99.115 Guidelines for handling food waste for certain institutions.

1. a. Within 90 days after the effective date of this act, the Department of Environmental Protection, in consultation with the Department of Agriculture, the Department of Education, the Department of Health, and the Office of the Secretary of Higher Education, shall establish, or work with appropriate nonprofit organizations to establish, voluntary guidelines to encourage and facilitate the ability of K-12 schools and institutions of higher education to reduce, recover, and recycle food waste.

b. The guidelines shall include, but need not be limited to:

(1) information on food waste generally, and the benefits of reducing, recovering, and recycling food waste;

(2) recommendations for how schools can incorporate this information in their curricula, and create programs and activities for the reduction, recovery, and recycling of food waste;

(3) recommendations for how schools can reduce the volume of surplus food they generate, including, but not necessarily limited to, conducting food audits, eliminating trays in cafeterias, enacting longer lunch periods, scheduling lunch periods after recess, establishing "offer versus serve" policies, and allowing students to keep uneaten food;

(4) guidance on how schools can create share tables in their cafeterias where students may return uneaten food that is still in its original packaging or peel for consumption by other students, resale, or donation;

(5) information on cost-effective, safe, and sanitary means by which schools may donate excess, unused, and edible food to food banks, food pantries, soup kitchens, and other nonprofit organizations that distribute food to needy individuals; and

(6) information on how schools can recycle their food waste, including the creation of on-site composting programs.

c. The Department of Environmental Protection, the Department of Education, and the Office of the Secretary of Higher Education shall post the guidelines on their respective Internet websites.

2. Section 2 of P.L.1982, c.178 (C.24:4A-2) is amended to read as follows:

C.24:4A-2 Definitions.

2. As used in this act:

"Donate" means to provide food free of charge or for a fee sufficient only to cover the cost of storing, transporting, or otherwise handling the food.

"Donor" includes, but is not limited to, any farmer, processor, distributor, or wholesaler or retailer of perishable or prepared food, a public or nonpublic school, or an institution of higher education in this State.

"Food" means articles used for food or drink for humans and articles used for components of any such article.

"Food bank" means a nonprofit food clearinghouse that solicits, stores, and distributes donations of edible but unmarketable surplus food. The food is distributed to nonprofit organizations that feed the needy.

"Gleaner" means a person who harvests for distribution an agricultural food that has been donated by the owner.

"Nonprofit organization" means an organization incorporated under the provisions of Title 15 or Title 16 of the Revised Statutes of New Jersey, an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code or an entity to which a charitable contribution as defined under subsection (c) of section 170 of the Internal Revenue Code is deductible under section 170.

"Perishable food" means any food that may spoil or otherwise become unfit for human consumption because of its nature, type or physical condition. Perishable food includes, but is not limited to, fresh or processed meats, poultry, seafood, dairy products, bakery products, eggs in the shell, fresh fruits or vegetables and foods that have been canned or otherwise processed and packaged and which may or may not require refrigeration or freezing.

"Prepared food" means food commercially processed and prepared for human consumption.

3. This act shall take effect immediately.

Approved August 7, 2017.

CHAPTER 211

AN ACT creating the Farm to School Coordinating Council.

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

1. a. There is established in the Department of Agriculture the Farm to School Coordinating Council. The council shall consist of five members as follows:

(1) the Secretary of Agriculture, or the secretary's designee;

(2) the Commissioner of Education, or the commissioner's designee; and

(3) three members of the public appointed by the Governor, who have experience working with the New Jersey Farm to School Program, one upon recommendation by the President of the Senate and one upon recommendation by the Speaker of the General Assembly.

b. The Governor shall appoint the chairperson of the council. The council shall hold its first meeting as soon as practicable after the appointment of the public members.

c. The council may meet and hold hearings at the times and places it designates.

d. The council may call upon any department, office, division, or agency of State government as it may require, as may be available to it for its purposes, and as may be necessary in order to perform its duties, within the limits of funds appropriated or otherwise made available to it for its purposes.

e. Any vacancy in the membership of the council shall be filled in the same manner as the original appointment.

2. a. The Farm to School Coordinating Council shall examine all areas of the New Jersey Farm to School Program and identify any outstanding issues or problems that need to be resolved and areas in need of improvement. The council shall focus on the procurement process relating to the purchase of agricultural products by schools from New Jersey farmers, and recommend ways to increase the participation of both farmers and schools in the program. The council shall also make recommendations on ways to promote and increase the use of fresh farm foods at schools throughout the State.

b. Within one year after its first meeting, the council shall prepare and submit a written report to the Governor and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), with its findings, conclusions, and recommendations. Copies of the report shall also be provided to the public upon request free of charge, and posted on the Internet websites of the Department of Agriculture and the Department of Education.

3. This act shall take effect immediately, and shall expire on the 60th day after submittal of the report required pursuant to subsection b. of section 2 of this act.

Approved August 7, 2017.

CHAPTER 212

AN ACT authorizing the establishment of municipal volunteer snow removal programs and supplementing chapter 65 of Title 40 of the Revised Statutes.

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

C.40:65-12.3 Volunteer snow removal programs.

1. a. Each municipality may establish a volunteer program for free removal of snow and ice from the entrance ways, driveways, and abutting sidewalks of qualified residential properties within the municipality.

b. The governing body of each municipality that establishes a volunteer program under subsection a. of this section shall appoint a coordinator to administer the volunteer program. The coordinator shall be responsible for recruiting and assigning volunteers to conduct snow and ice removal under the volunteer program.

c. (1) The coordinator and volunteers of a volunteer program shall serve without compensation, but shall be entitled to request assistance and avail themselves of the personnel, facilities, and equipment of the municipality as may be required and as may be made available for the purposes of the volunteer program. The coordinator and volunteers shall not be considered employees or agents of the municipality, and shall not be entitled to worker's compensation or any other benefits in the event of injury as a result of participation in the volunteer program, and shall not be entitled to indemnification by the municipality.

(2) The coordinator and volunteers of a volunteer program shall be immune from suit and liability for any claim for damage to or loss of property, personal injury, or other civil liability caused by any action or inaction that occurred during the course, or as a result of, snow and ice removal under the volunteer program; provided, however, that this paragraph shall not be construed to protect a coordinator or volunteer from suit and liability for damage to or loss of property, personal injury, or other civil liability caused by the intentional or willful and wanton misconduct of that person.

(3) Notwithstanding the provisions of the "New Jersey Tort Claims Act," N.J.S.59:1-1 et seq., a municipality, or any employee or agent thereof, shall not be held liable in any civil action to any person for any claim for damage to or loss of property, personal injury, or other civil liability that may be caused or sustained by a coordinator or volunteer of a volunteer program during the course, or as a result of, snow and ice removal under the volunteer program.

d. Each municipality that establishes a volunteer program under subsection a. of this section shall post on its Internet website, if any, and include in appropriate community notices, newsletters, or other communications made to municipal residents, if any, information about the volunteer program, including the possible availability of free snow and ice removal for seniors and disabled persons, the opportunity to serve as a volunteer, and appropriate contact information for the volunteer program. Such mu-

nicipality shall also provide this information to the school board of each school district operating within the municipality for it to be shared with the student body of each such school district.

e. As used in this section:

"Disabled person" means a person having an impairment which is expected to be of long-continued and indefinite duration and substantially impedes the person's ability to live independently unless the person receives supportive services.

"Driveway" means a private roadway providing access to a public street or highway, including any pathway necessary to access the driveway from a qualified residential property.

"Dwelling unit" means a detached house, townhouse, apartment, cooperative, condominium, mobile home, or any other similar habitable structure.

"Entrance way" means a private pathway providing access to the abutting sidewalks from a qualified residential property.

"Private community" means a residential condominium, cooperative, fee simple community, horizontal property regime, or mobile home park comprised of a community trust or other trust device, condominium association, homeowners' association, or council of co-owners.

"Qualified residential property" means a dwelling unit occupied by a senior or disabled person or persons living by themselves or with young children, except for a rental unit, the lease of which requires the landlord to provide snow and ice removal equivalent to that provided under a volunteer program, or a unit in a private community, the governing documents of which require the entity responsible for managing the common elements and facilities of the community to provide snow and ice removal equivalent to that provided under a volunteer program.

"Senior" means any person 62 years of age or older.

2. This act shall take effect immediately.

Approved August 7, 2017.

CHAPTER 213

AN ACT concerning individuals with developmental disabilities, amending P.L.2010, c.5, and supplementing Chapter 6 of Title 9 of the Revised Statutes.

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

1. Section 1 of P.L.2010, c.5 (C.30:6D-73) is amended to read as follows:

C.30:6D-73 Findings, declarations relative to individuals 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 Children and Families, 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 individuals 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 individuals with developmental disabilities from working with individuals with developmental disabilities.

2. Section 2 of P.L.2010, c.5 (C.30:6D-74) is amended to read as follows:

C.30:6D-74 Definitions relative to individuals 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 an individual with a developmental disability.

"Central registry" means the Central Registry of Offenders Against Individuals with Developmental Disabilities established pursuant to this act.

"Children's System of Care" means the Division of Children's System of Care in the Department of Children and Families.

"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.

3. Section 4 of P.L.2010, c.5 (C.30:6D-76) is amended to read as follows:

C.30:6D-76 Actions by department after receiving reports.

4. a. Upon receipt of a report pursuant to section 3 of P.L.2010, c.5 (C.30:6D-75), 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 18 years of age or older 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 18 years of age or older with a developmental disability by a caregiver, by maintaining an Office of Investigation 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 18 years of age or older with a developmental disability by a caregiver, the Office of Investigation 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 Office of Investigation, the department, or other investigating entity shall forward to the commissioner, or the commissioner's designee, a substantiated incident of abuse, neglect, or exploitation of an individual 18 years of age or older with a developmental disability for inclusion of an offending caregiver on the central registry. The Office of Investigation, the department, or other investigating entity shall also forward to the commissioner, or the commissioner's designee, all unsubstantiated incidents of abuse, neglect, or exploitation of an individual 18 years of age or older with a developmental disability. As soon as possible, and no later than 14 days after receipt of the incident of abuse, neglect, or exploitation, the commissioner or the commissioner's designee shall review the incident. The offending caregiver of a substantiated incident shall be included on the central registry as expeditiously as possible. The Office of Investigation shall retain a record of all unsubstantiated incidents.

d. Upon the initiation of an investigation, the department shall: (1) ensure that any communication concerning the alleged abuse, neglect, or exploitation of an individual 18 years of age or older with a developmental disability between a caregiver, case manager of the caregiver, the case manager's supervisor, including a care manager or supervisor under contract with the Children's System of Care, or a person at the appropriate Community Services Office of the Division of Developmental Disabilities or the Children's System of Care is identified, safeguarded from loss or destruction, and maintained in a secure location; and (2) contact the Office of the Attorney General, which shall determine whether to participate in the investigation.

e. The Office of Investigation shall issue a written report of the investigation that includes the conclusions of the office, the rationale for the conclusion, and a detailed summary of any communication secured pursuant to subsection d. of this section. The report shall also include an assessment of the role of any case manager of a caregiver or the case manager's supervisor, if applicable, in the allegation of abuse, neglect, or exploitation, and a recommendation about whether any civil or criminal action should be brought against the case manager or supervisor. The report shall be made part of the record for review in any civil or criminal proceeding that may ensue.

A written summary of the conclusions of the investigation shall be provided to the guardian or authorized family member of the individual 18 years of age or older with a developmental disability who is the subject of the alleged abuse, neglect, or exploitation.

f. A licensed provider in another state shall be permitted access to the central registry.

g. The department, Office of Investigation, or other investigative entity shall forward to the Commissioner of Children and Families, or to the commissioner's designee, copies of the investigative reports involving any individual over the age of 18 with a developmental disability who is the subject of an investigation and is receiving services from the Children's System of Care. The reports may be used by the Department of Children and Families, as appropriate, to initiate or support contracting, licensing, or other corrective actions.

h. The department, the Office of Investigation, the Institutional Abuse Investigation Unit, and any other investigative entity may share, with and among each other, investigative records involving an individual with a developmental disability who is the subject of an investigation of an incident of abuse, neglect, or exploitation pursuant to section 3 of P.L.2010, c.5 (C.30:6D-75) or an investigation of child abuse or neglect pursuant to section 4 of P.L.1971, c.437 (C.9:6-8.11).

4. Section 5 of P.L.2010, c.5 (C.30:6D-77) is amended to read as follows:

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 individuals 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.).

f. The Commissioner of Children and Families shall adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to prohibit a person who is included on the central registry from being employed at the Department of Children and Families, or in any facility or program that is licensed, contracted, regulated, or funded by the Department of Children and Families.

C.9:6-8.10f Check of abuse registry relative to individuals seeking employment.

5. a. The Department of Children and Families shall conduct a check of its child abuse registry for each person who is seeking employment at the Department of Children and Families, or in any facility or program that is licensed, contracted, regulated, or funded by the Department of Children and Families, or who is seeking employment in any facility or program that is licensed, contracted, or regulated by the Department of Human Services

to provide community-based services to individuals with developmental disabilities, in order to determine if the person is included on the child abuse registry as a substantiated perpetrator of child abuse or neglect.

b. The Commissioner of Children and Families shall adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to prohibit a person who is included on the child abuse registry from being employed at the Department of Children and Families, or in any facility or program that is licensed, contracted, regulated, or funded by the Department of Children and Families.

c. The Commissioner of Human Services shall adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to prohibit a person who is included on the child abuse registry from: (1) being employed in any facility or program that is licensed, contracted, regulated, or funded by the Department of Human Services to serve individuals with developmental disabilities; and (2) providing community-based services with indirect State funding to individuals with developmental disabilities.

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

Approved August 7, 2017.

CHAPTER 214

AN ACT designating "Garden State" as State Slogan of New Jersey and supplementing chapter 9A of Title 52 of Revised Statutes.

WHEREAS, New Jersey is home to more than 9,701 farms covering 715,057 acres of farmland; and

WHEREAS, Food and agriculture account for New Jersey's third largest industry, generating approximately $1.14 billion in total sales in 2012; and

WHEREAS, In 2012, New Jersey was also a national top-ten producer of cranberries, bell peppers, spinach, peaches, blueberries, cucumbers, squash, tomatoes, apples, sweet corn, and snap beans; and

WHEREAS, The phrase "Garden State" was first made popular by Abraham Browning of Camden, an attorney and the owner of Cherry Hill Farm, when he referred to New Jersey as the "Garden State" while speaking at the Philadelphia Centennial exhibition on New Jersey Day, August 24, 1876; and

New Jersey State Library

WHEREAS, Abraham Browning's reference of "Garden State" was meant to describe New Jersey's geographical and agricultural relationship with New York and Pennsylvania; and

WHEREAS, New Jersey's farmlands are the foundation for a strong agricultural industry and a way of life for generations of farm families; and

WHEREAS, Preserved farmland limits urban sprawl, protects our water and soils, provides us with an abundance of locally grown farm products, and maintains our connection to the land and the longstanding agricultural traditions that earned our reputation as the "Garden State"; and

WHEREAS, As of June 30, 2014, approximately 2,200 farms have been preserved under the New Jersey Farmland Preservation Program, accounting for more than 209,000 acres of preserved farmland; and

WHEREAS, On December 6, 1954, a law was enacted requiring the phrase "Garden State" to be imprinted on all New Jersey license plates; and

WHEREAS, The slogan has also been used in naming areas and programs within New Jersey including the Garden State Parkway, Garden State Arts Center, Garden State Growth Zone, and Garden State Historic Preservation Trust Fund; now, therefore,

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

C.52:9A-12 "Garden State" designated State slogan.

1. "Garden State" is designated as the New Jersey State Slogan.

2. This act shall take effect immediately.

Approved August 7, 2017.

CHAPTER 215

AN ACT concerning the sale of tires and supplementing P.L.1960, c.39 (C.56:8-1 et seq.).

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

C.56:8-80.1 Prohibited sales of tires; violations, penalties.

1. a. A person shall not sell at retail, or offer for sale at retail, to the general public any tire intended for use on a motor vehicle if the tire:

(1) has a tread depth of less than 1/16 inch measurable in any groove;

(2) has any damage exposing the reinforcing plies of the tire, including any cuts, cracks, bulges, punctures, scrapes, or wear;

(3) has any improper repairs, including, but not limited to:

(a) any repair to the sidewall or bead area of the tire;

(b) any repair made in the tread shoulder or belt edge area of the tire;

(c) any puncture that has not been sealed or patched on the inside and repaired with a cured rubber stem through the outside of the tire; or

(d) any puncture repair of damage larger than 1/4 inch;

(4) shows evidence of prior use of a temporary tire sealant without evidence of a subsequent proper repair;

(5) has a defaced or missing tire identification number;

(6) has inner liner or bead damage; or

(7) shows indication of internal separation, such as bulges or local areas of irregular tread wear.

b. A person who violates subsection a. of this section shall be subject to a civil penalty of not more than $500 for a first offense and at least $500 and not more than $1,000 for a second and each subsequent offense, to be collected in a civil action by a summary proceeding under the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court shall have jurisdiction of proceedings for the enforcement of the penalty provided by this section.

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

Approved August 7, 2017.

CHAPTER 216

AN ACT establishing a 9/11 Memorial Registry and supplementing P.L.1977, c.225 (C.34:1A-45 et seq.).

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

C.34:1A-53.2 Statewide 9/11 Memorial Registry.

1. a. The Director of the Division of Travel and Tourism in the Department of State shall establish a Statewide 9/11 Memorial Registry. The registry shall provide the location and condition of all 9/11 memorials in the State owned, operated, or maintained by a governmental entity. The divi-

sion may seek the assistance and cooperation of the Adjutant General, the Commissioner of Environmental Protection, and local government officials and entities.

b. The Director of the Division of Travel and Tourism shall publish the 9/11 Memorial Registry on the division's Internet website. The information on the website shall be searchable and available as a list and as an interactive map, and shall:

(1) specify the location of each 9/11 memorial included on the 9/11 Memorial Registry and provide driving directions from the north, south, east, and west, as well as directions by public transit where applicable;

(2) display photographs of each memorial; and

(3) provide contact information for the owner or operator of each memorial, including the telephone number and Internet website address of the memorial.

c. The director shall ensure that the Internet website is updated whenever a governmental entity establishes a new 9/11 memorial. The division shall accept information or changes to the website from the Adjutant General, the Commissioner of Environmental Protection, and local government officials and entities.

d. The division shall accept submissions from the public recommending, for inclusion on the 9/11 Memorial Registry, 9/11 memorials not owned, operated, or maintained by a governmental entity through an electronic submission form made available by the division on its Internet website. The division may include 9/11 memorials not owned, operated, or maintained by a governmental entity on the 9/11 Memorial Registry as it deems appropriate.

2. This act shall take effect immediately.

Approved August 7, 2017.

CHAPTER 217

AN ACT concerning the renewal of motor vehicle registrations and amending R.S.39:3-4.

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

1. R.S.39:3-4 is amended to read as follows:

Registration of automobiles and motorcycles, application, registration certificates; expiration; issuance; violations; notification.

39:3-4. Except as hereinafter provided, every resident of this State and every nonresident whose automobile or motorcycle shall be driven in this State shall, before using the vehicle on the public highways, register the same, and an automobile or motorcycle shall not be driven unless so registered.

Registration shall be made in the following manner: An application in writing, signed by the applicant or by an agent or officer, in case the applicant is a corporation, shall be made to the chief administrator or the chief administrator's agent, on forms prepared and supplied by the chief administrator, containing the name, street address of the residence or the business of the owner, mailing address, if different from the street address of the owner's residence or business, and age of the owner, together with a description of the character of the automobile or motorcycle, including the name of the maker and the vehicle identification number, or the manufacturer's number or the number assigned by the chief administrator if the vehicle does not have a vehicle identification number, and any other statement that may be required by the chief administrator. A post office box shall appear on the application only as part of a mailing address that is submitted by the owner, agent or officer, as the case may be, in addition to the street address of the applicant's residence or business; provided, however, the chief administrator, upon application, shall permit a person who was a victim of a violation of section 1 of P.L.1992, c.209 (C.2C:12-10), N.J.S.2C:14-2, or P.L.1991, c.261 (C.2C:25-17 et seq.), or who the chief administrator otherwise determines to have good cause, to use as a mailing address a post office box, an address other than the applicant's address or other contact point. An owner whose last address appears on the records of the commission as a post office box shall change the owner's address on the owner's application for renewal to the street address of the owner's residence or business and, if different from the owner's street address, the owner's mailing address unless the chief administrator has determined, pursuant to this section, that the owner may use a post office box, an address other than the owner's address or other contact point as a mailing address. The application shall contain the name of the insurer of the vehicle and the policy number. If the vehicle is a leased motor vehicle, the application shall make note of that fact and shall include along with the name and street address of the lessor the name, street address, and driver license number of the lessee.

Thereupon the chief administrator shall have the power to grant a registration certificate to the owner of any motor vehicle, if over 17 years of age, application for the registration having been properly made and the fee therefor paid, and the vehicle being of a type that complies with the requirements of this Title. The form and contents of the registration certificate to be issued shall be determined by the chief administrator.

If the vehicle is a leased motor vehicle, the registration certificate shall, in addition to containing the name and street address of the lessor, identify the vehicle as a leased motor vehicle.

The chief administrator shall maintain a record of all registration certificates issued, and of the contents thereof.

Every registration shall expire and the registration certificate thereof become void on the registrant's numerical calendar day of birth in the 12th calendar month following the calendar month in which the certificate was issued; except that the registration shall expire on the last day of the 12th calendar month following the calendar month in which the certificate was issued if the numerical calendar day of the registrant's birth does not correspond to a numerical calendar day in that month or if the vehicle is a leased motor vehicle.

The chief administrator may, at the chief administrator's discretion, require registrations which shall expire, and issue certificates thereof which shall become void, on a date fixed by him, which date shall not be sooner than three months nor later than 26 months after the date of issuance of the certificates, and the fees for the registrations, including any other fees or charges collected in connection with the registration fee, shall be fixed by the chief administrator in amounts proportionately less or greater than the fees established by law. The chief administrator may fix the expiration date for registration certificates at a date other than 12 months if the chief administrator determines that the change is necessary, appropriate or convenient in order to aid in implementing the vehicle inspection requirements of chapter 8 of Title 39 or for other good cause. The chief administrator may, for good cause extend a registration beyond the expiration date that appears upon the registration certificate for periods not to exceed 12 additional months. The chief administrator may extend the expiration date of a registration without payment of a proportionate fee when the chief administrator determines that the extension is necessary for good cause. If any registration is so extended, the owner shall pay upon renewal the full registration fee for the period fixed by the chief administrator as if no extension had been granted.

Notwithstanding any other provision of law to the contrary, every registration for new passenger automobiles shall expire and the registration cer-

tificate shall become void on the registrant's numerical calendar day of birth in the 48th calendar month following the calendar month in which the certificate was initially issued; except that the registration shall expire on the last day of the 48th calendar month following the calendar month in which the certificate was initially issued if the numerical calendar day of the registrant's birth does not correspond to a numerical calendar day in that month.

On and after February 1, 2005, the provisions of this paragraph shall not apply to new passenger automobiles purchased by a rental company for use as rental passenger automobiles. As used in this paragraph, "rental company" means a person engaged in the business of renting motor vehicles; and "rental passenger automobile" means a passenger automobile that is rented without a driver and used in the transportation of persons or property other than commercial freight.

If the new passenger automobile being registered is a leased passenger automobile, the registration shall expire in accordance with the term of the lease. If the term of the lease extends beyond one or more 12-month periods by one or more months, the registration period shall be based upon the full year into which one or more of the months extend; provided, however, the registration period for a leased automobile shall not exceed 48 months.

Following the 48-month period of the initial registration of a new passenger automobile, the subsequent registration shall expire, and the registration certificate shall become void, on the registrant's numerical calendar day of birth in the 12th calendar month following the calendar month in which the certificate was next issued; except that the registration shall expire on the last day of the 12th calendar month following the calendar month in which the certificate was next issued if the numerical calendar day of the registrant's birth does not correspond to a numerical calendar day in that month.

All motorcycles for which registrations have been issued prior to the effective date of P.L.1989, c.167 and which are scheduled to expire between November 1 and March 31 shall, upon renewal, be issued registrations by the chief administrator which shall expire on a date fixed by him, but in no case shall that expiration date be earlier than April 30 nor later than October 31. The fees for the renewal of the motorcycle registrations authorized under this paragraph shall be fixed by the chief administrator in an amount proportionately less or greater than the fee established by R.S.39:3-21.

Application forms for all renewals of registrations for passenger automobiles shall be sent to the last addresses of owners of motor vehicles and motorcycles, as they appear on the records of the commission.

A person owning or having control over any unregistered vehicle shall not permit the same to be parked or to stand on a public highway.

Any police officer is authorized to remove any unregistered vehicle from the public highway to a storage space or garage, and the expense involved in the removal and storing of the vehicle shall be borne by the owner of the vehicle, except that the expense shall be borne by the lessee of a leased vehicle.

Any person violating the provisions of this section shall be subject to a fine not exceeding $100, except that for the misstatement of any fact in the application required to be made to the chief administrator, the person making the statement or omitting the statement that the motor vehicle is to be used as a leased motor vehicle when that is the case shall be subject to the penalties provided in R.S.39:3-37.

The chief administrator may extend the expiration date of a registration certificate without payment of a proportionate fee when the chief administrator determines that the extension is necessary, appropriate or convenient to the implementation of vehicle inspection requirements. If any registration certificate is so extended, the owner shall pay upon renewal the full registration fee for the period fixed by the chief administrator as if no extension had been granted.

The New Jersey Motor Vehicle Commission shall make a reasonable effort to notify any lessor whose name and address is on file with the commission, or any other lessor the commission may determine it is necessary to notify, of the requirements of this amendatory act.

A lessor doing business in this State shall notify in writing the lessee of a motor vehicle registered pursuant to this Title of any change in its policies or procedures affecting the registration of the motor vehicle.

2. This act shall take effect on the first day of the seventh month after enactment and shall apply only to registrations issued or renewed on or after this date.

Approved August 7, 2017.

CHAPTER 218

AN ACT requiring the State Auditor to annually report on unspent State account balances, supplementing chapter 24 of Title 52 of the Revised Statutes.

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

C.52:24-6.1 Report by State Auditor on unspent account balances.

1. No later than the 30th day after the transmittal to the Legislature of the Annual Financial Report of the State of New Jersey for a fiscal year , the State Auditor shall report, in writing, to the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), on the ending fund balances of all State agency accounts for that prior fiscal year. The report shall contain full and substantive analysis, in addition to statistical information, and shall:

(1) identify the amount of unspent funds present in each State agency account;

(2) contain a summary of the total amounts of unspent funds by each State agency, and those amounts unspent by fund type;

(3) contain information and recommendations for addressing the accumulation of those funds in each State agency to avoid waste, mismanagement, inefficiency, or fraud; and

(4) include such other information as the State Auditor may deem advisable.

2. This act shall take effect on July 1 next following the date of enactment.

Approved August 7, 2017.

CHAPTER 219

AN ACT concerning criminal history background checks for school board candidates and amending P.L.1995, c.278.

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

1. Section 6 of P.L.1995, c.278 (C.19:60-6) is amended to read as follows:

C.19:60-6 Certificate accompanying nominating petition.

6. Accompanying the nominating petition and to be filed therewith, there shall be a certificate signed by the person endorsed in the petition stating that:

a. The person is qualified to be elected to the office for which the person is nominated, including a specific affirmation that the person is not disqualified as a voter pursuant to R.S.19:4-1 and that the person has not been convicted of a disqualifying crime pursuant to N.J.S.18A:12-1;

b. The person consents to stand as a candidate for election; and

c. If elected, the person agrees to accept and qualify into that office.

2. This act shall take effect on July 1 of the first full school year next following the date of enactment.

Approved August 7, 2017.

CHAPTER 220

AN ACT concerning health insurance carriers and organ donation information and supplementing P.L.1997, c.192 (C.26:2S-1 et al).

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

C.26:2S-5.1 Health insurance carriers to provide organ, tissue donation information to subscribers.

1. a. A carrier shall provide to subscribers written informational materials about organ and tissue donation and registration at each contract renewal. The materials shall be developed or approved by a federally designated organ procurement organization, and shall inform subscribers as to how to make an anatomical gift, including information on the registration of a gift in the Donate Life New Jersey registry.

b. For purposes of this section, "carrier," as defined in P.L.1997, c.192 (C.26:2S-1 et al.), shall also include the State Health Benefits Program and the School Employees' Health Benefits Program.

2. This act shall take effect on the 90 day next following enactment.

Approved August 7, 2017.

CHAPTER 221

AN ACT establishing Garden State Create Zones under Grow New Jersey Assistance Program, providing certain incentives to businesses under that program, and amending P.L.2011, c.149.

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

1. Section 2 of P.L.2011, c.149 (C.34:1B-243) is amended to read as follows:

C.34:1B-243 Definitions relative to the "Grow New Jersey Assistance Act."

2. As used in P.L.2011, c.149 (C.34:1B-242 et seq.):

"Affiliate" means an entity that directly or indirectly controls, is under common control with, or is controlled by the business. Control exists in all cases in which the entity is a member of a controlled group of corporations as defined pursuant to section 1563 of the Internal Revenue Code of 1986 (26 U.S.C. s.1563) or the entity is an organization in a group of organizations under common control as defined pursuant to subsection (b) or (c) of section 414 of the Internal Revenue Code of 1986 (26 U.S.C. s.414). A taxpayer may establish by clear and convincing evidence, as determined by the Director of the Division of Taxation in the Department of the Treasury, that control exists in situations involving lesser percentages of ownership than required by those statutes. An affiliate of a business may contribute to meeting either the qualified investment or full-time employee requirements of a business that applies for a credit under section 3 of P.L.2007, c.346 (C.34:1B-209).

"Authority" means the New Jersey Economic Development Authority established by section 4 of P.L.1974, c.80 (C.34:1B-4).

"Aviation district" means the area within a one-mile radius of the outermost boundary of the "Atlantic City International Airport," established pursuant to section 24 of P.L.1991, c.252 (C.27:25A-24).

"Business" means an applicant proposing to own or lease premises in a qualified business facility that is:

a corporation that is subject to the tax imposed pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5);

a corporation that is subject to the tax imposed pursuant to sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and C.54:18A-3), section 1 of P.L.1950, c.231 (C.17:32-15) or N.J.S.17B:23-5;

a partnership;

an S corporation;

a limited liability company; or

a non-profit corporation.

If the business or tenant is a cooperative or part of a cooperative, then the cooperative may qualify for credits by counting the full-time employees

and capital investments of its member organizations, and the cooperative may distribute credits to its member organizations. If the business or tenant is a cooperative that leases to its member organizations, the lease shall be treated as a lease to an affiliate or affiliates.

A business shall include an affiliate of the business if that business applies for a credit based upon any capital investment made by or full-time employees of an affiliate.

"Capital investment" in a qualified business facility means expenses by a business or any affiliate of the business incurred after application for:

a. site preparation and construction, repair, renovation, improvement, equipping, or furnishing on real property or of a building, structure, facility, or improvement to real property;

b. obtaining and installing furnishings and machinery, apparatus, or equipment, including but not limited to material goods subject to bonus depreciation under sections 168 and 179 of the federal Internal Revenue Code (26 U.S.C. s.168 and s.179), for the operation of a business on real property or in a building, structure, facility, or improvement to real property;

c. receiving Highlands Development Credits under the Highlands Transfer Development Rights Program authorized pursuant to section 13 of P.L.2004, c.120 (C.13:20-13); or

d. any of the foregoing.

In addition to the foregoing, in a Garden State Growth Zone, the following qualify as a capital investment: any development, redevelopment, and relocation costs, including, but not limited to, site acquisition if made within 24 months of application to the authority, engineering, legal, accounting, and other professional services required; and relocation, environmental remediation, and infrastructure improvements for the project area, including, but not limited to, on- and off-site utility, road, pier, wharf, bulkhead, or sidewalk construction or repair.

In addition to the foregoing, if a business acquires or leases a qualified business facility, the capital investment made or acquired by the seller or owner, as the case may be, if pertaining primarily to the premises of the qualified business facility, shall be considered a capital investment by the business and, if pertaining generally to the qualified business facility being acquired or leased, shall be allocated to the premises of the qualified business facility on the basis of the gross leasable area of the premises in relation to the total gross leasable area in the qualified business facility. The capital investment described herein may include any capital investment made or acquired within 24 months prior to the date of application so long as the amount of capital investment made or acquired by the business, any

affiliate of the business, or any owner after the date of application equals at least 50 percent of the amount of capital investment, allocated to the premises of the qualified business facility being acquired or leased on the basis of the gross leasable area of the premises in relation to the total gross leasable area in the qualified business facility made or acquired prior to the date of application.

"College or university" means a county college, an independent institution of higher education, a public research university, or a State college.

"Commitment period" means the period of time that is 1.5 times the eligibility period.

"County college" means an educational institution established by one or more counties, pursuant to chapter 64A of Title 18A of the New Jersey Statutes.

"Deep poverty pocket" means a population census tract having a poverty level of 20 percent or more, and which is located within the qualified incentive area and has been determined by the authority to be an area appropriate for development and in need of economic development incentive assistance.

"Disaster recovery project" means a project located on property that has been wholly or substantially damaged or destroyed as a result of a federally-declared disaster which, after utilizing all disaster funds available from federal, State, county, and local funding sources, demonstrates to the satisfaction of the authority that access to additional funding authorized pursuant to the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.), is necessary to complete the redevelopment project, and which is located within the qualified incentive area and has been determined by the authority to be in an area appropriate for development and in need of economic development incentive assistance.

"Distressed municipality" means a municipality that is qualified to receive assistance under P.L.1978, c.14 (C.52:27D-178 et seq.), a municipality under the supervision of the Local Finance Board pursuant to the provisions of the "Local Government Supervision Act (1947)," P.L.1947, c.151 (C.52:27BB-1 et seq.), a municipality identified by the Director of the Division of Local Government Services in the Department of Community Affairs to be facing serious fiscal distress, a SDA municipality, or a municipality in which a major rail station is located.

"Doctoral university" means a university located within New Jersey that is classified as a doctoral university under the Carnegie Classification of Institutions of Higher Education's Basic Classification methodology on the effective date of P.L.2017, c.221.

"Eligibility period" means the period in which a business may claim a tax credit under the Grow New Jersey Assistance Program, beginning with the tax period in which the authority accepts certification of the business that it has met the capital investment and employment requirements of the Grow New Jersey Assistance Program and extending thereafter for a term of not more than 10 years, with the term to be determined solely at the discretion of the applicant.

"Eligible position" or "full-time job" means a full-time position in a business in this State which the business has filled with a full-time employee.

"Full-time employee" means a person:

a. who is employed by a business 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; or

b. who is employed by a professional employer organization pursuant to an employee leasing agreement between the business and the professional employer organization, in accordance with P.L.2001, c.260 (C.34:8-67 et seq.) 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

c. who is a resident of another State but whose income is not subject to the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq. or who is a partner of a business 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.; and

d. who, except for purposes of the Statewide workforce, is provided, by the business, with employee health benefits under a health benefits plan authorized pursuant to State or federal law.

With respect to a logistics, manufacturing, energy, defense, aviation, or maritime business, excluding primarily warehouse or distribution operations, located in a port district having a container terminal:

the requirement that employee health benefits are to be provided shall be deemed to be satisfied if the benefits are provided in accordance with industry practice by a third party obligated to provide such benefits pursuant to a collective bargaining agreement;

full-time employment shall include, but not be limited to, employees that have been hired by way of a labor union hiring hall or its equivalent;

35 hours of employment per week at a qualified business facility shall constitute one "full-time employee," regardless of whether or not the hours of work were performed by one or more persons.

For any project located in a Garden State Growth Zone which qualifies under the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), or any project located in the Atlantic City Tourism District as established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219) and regulated by the Casino Reinvestment Development Authority, and which will include a retail facility of at least 150,000 square feet, of which at least 50 percent will be occupied by either a full-service supermarket or grocery store, 30 hours of employment per week at a qualified business facility shall constitute one "full-time employee," regardless of whether the hours of work were performed by one or more persons, and the requirement that employee health benefits are to be provided shall be deemed to be satisfied if the employees of the business are covered by a collective bargaining agreement.

"Full-time employee" shall not include any person who works as an independent contractor or on a consulting basis for the business. Full-time employee shall also not include any person who at the time of project application works in New Jersey for consideration for at least 35 hours per week, or who renders any other standard of service generally accepted by custom or practice as full-time employment but who prior to project application was not provided, by the business, with employee health benefits under a health benefits plan authorized pursuant to State or federal law.

"Garden State Create Zone" means the campus of a doctoral university, and the area within a three-mile radius of the outermost boundary of the campus of a doctoral university, according to a map appearing in the doctoral university's official catalog or other official publication on the effective date of P.L.2017, c.221.

"Garden State Growth Zone" or "growth zone" means the four New Jersey cities with the lowest median family income based on the 2009 American Community Survey from the US Census, (Table 708. Household, Family, and Per Capita Income and Individuals, and Families Below Poverty Level by City: 2009); or a municipality which contains a Tourism District as established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219) and regulated by the Casino Reinvestment Development Authority.

"Highlands development credit receiving area or redevelopment area" means an area located within a qualified incentive area and designated by the Highlands Water Protection and Planning Council for the receipt of Highlands Development Credits under the Highlands Transfer Develop-

ment Rights Program authorized pursuant to section 13 of P.L.2004, c.120 (C.13:20-13).

"Incentive agreement" means the contract between the business and the authority, which sets forth the terms and conditions under which the business shall be eligible to receive the incentives authorized pursuant to the program.

"Incentive effective date" means the date the authority issues a tax credit based on documentation submitted by a business pursuant to paragraph (1) of subsection b. of section 6 of P.L.2011, c.149 (C.34:1B-247).

"Independent institution of higher education" means a college or university incorporated and located in New Jersey, which by virtue of law or character or license is a nonprofit educational institution authorized to grant academic degrees and which provides a level of education which is equivalent to the education provided by the State's public institutions of higher education, as attested by the receipt of and continuation of regional accreditation by the Middle States Association of Colleges and Schools, and which is eligible to receive State aid under the provisions of the Constitution of the United States and the Constitution of the State of New Jersey, but does not include any educational institution dedicated primarily to the education or training of ministers, priests, rabbis or other professional persons in the field of religion.

"Major rail station" means a railroad station located within a qualified incentive area which provides access to the public to a minimum of six rail passenger service lines operated by the New Jersey Transit Corporation.

"Mega project" means:

a. a qualified business facility located in a port district housing a business in the logistics, manufacturing, energy, defense, or maritime industries, either:

(1) having a capital investment in excess of $20,000,000, and at which more than 250 full-time employees of the business are created or retained; or

(2) at which more than 1,000 full-time employees of the business are created or retained;

b. a qualified business facility located in an aviation district housing a business in the aviation industry, in a Garden State Growth Zone, or in a priority area housing the United States headquarters and related facilities of an automobile manufacturer, either:

(1) having a capital investment in excess of $20,000,000, and at which more than 250 full-time employees of the business are created or retained, or

(2) at which more than 1,000 full-time employees of the business are created or retained;

c. a qualified business facility located in an urban transit hub housing a business of any kind, having a capital investment in excess of $50,000,000, and at which more than 250 full-time employees of the business are created or retained;

d. a project located in an area designated in need of redevelopment, pursuant to P.L.1992, c.79 (C.40A:12A-1 et al.) prior to the enactment of P.L.2014, c.63 (C.34:1B-251 et al.) within Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, or Salem counties having a capital investment in excess of $20,000,000, and at which more than 150 full-time employees of the business are created or retained; or

e. a qualified business facility primarily used by a business principally engaged in research, development, or manufacture of a drug or device, as defined in R.S.24:1-1, or primarily used by a business licensed to conduct a clinical laboratory and business facility pursuant to the "New Jersey Clinical Laboratory Improvement Act," P.L.1975, c.166 (C.45:9-42.26 et seq.), either:

(1) having a capital investment in excess of $20,000,000, and at which more than 250 full-time employees of the business are created or retained, or

(2) at which more than 1,000 full-time employees of the business are created or retained.

"Minimum environmental and sustainability standards" means standards established by the authority in accordance with 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.

"Moderate-income housing" means housing affordable, according to United States Department of Housing and Urban Development or other recognized standards for home ownership and rental costs, and occupied or reserved for occupancy by households with a gross household income equal to more than 50 percent but less than 80 percent of the median gross household income for households of the same size within the housing region in which the housing is located.

"Municipal Revitalization Index" means the 2007 index by the Office for Planning Advocacy within the Department of State measuring or ranking municipal distress.

"New full-time job" means an eligible position created by the business at the qualified business facility that did not previously exist in this State. For the purposes of determining a number of new full-time jobs, the eligible positions of an affiliate shall be considered eligible positions of the business.

"Other eligible area" means the portions of the qualified incentive area that are not located within a distressed municipality, or the priority area.

"Partnership" means an entity classified as a partnership for federal income tax purposes.

"Port district" means the portions of a qualified incentive area that are located within:

a. the "Port of New York District" of the Port Authority of New York and New Jersey, as defined in Article II of the Compact Between the States of New York and New Jersey of 1921; or

b. a 15-mile radius of the outermost boundary of each marine terminal facility established, acquired, constructed, rehabilitated, or improved by the South Jersey Port District established pursuant to "The South Jersey Port Corporation Act," P.L.1968, c.60 (C.12:11A-1 et seq.).

"Priority area" means the portions of the qualified incentive area that are not located within a distressed municipality and which:

a. are designated pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et seq.), as Planning Area 1 (Metropolitan), Planning Area 2 (Suburban), a designated center under the State Development and Redevelopment Plan, or a designated growth center in an endorsed plan until June 30, 2013, or until the State Planning Commission revises and readopts New Jersey's State Strategic Plan and adopts regulations to revise this definition;

b. intersect with portions of: a deep poverty pocket, a port district, or federally-owned land approved for closure under a federal Commission on Base Realignment and Closure action;

c. are the proposed site of a disaster recovery project, a qualified incubator facility, a highlands development credit receiving area or redevelopment area, a tourism destination project, or transit oriented development; or

d. contain: a vacant commercial building having over 400,000 square feet of office, laboratory, or industrial space available for occupancy for a period of over one year; or a site that has been negatively impacted by the approval of a "qualified business facility," as defined pursuant to section 2 of P.L.2007, c.346 (C.34:1B-208).

"Professional employer organization" means an employee leasing company registered with the Department of Labor and Workforce Development pursuant to P.L.2001, c.260 (C.34:8-67 et seq.).

"Program" means the "Grow New Jersey Assistance Program" established pursuant to section 3 of P.L.2011, c.149 (C.34:1B-244).

"Public research university" means a public research university as defined in section 3 of P.L.1994, c.48 (C.18A:3B-3).

"Qualified business facility" means any building, complex of buildings or structural components of buildings, and all machinery and equipment located within a qualified incentive area, used in connection with the operation of a business that is not engaged in final point of sale retail business at that location unless the building, complex of buildings or structural components of buildings, and all machinery and equipment located within a qualified incentive area, are used in connection with the operation of:

a. a final point of sale retail business located in a Garden State Growth Zone that will include a retail facility of at least 150,000 square feet, of which at least 50 percent is occupied by either a full-service supermarket or grocery store; or

b. a tourism destination project located in the Atlantic City Tourism District as established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219).

"Qualified incentive area" means:

a. an aviation district;

b. a port district;

c. a distressed municipality or urban transit hub municipality;

d. an area (1) designated pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et seq.), as:

(a) Planning Area 1 (Metropolitan);

(b) Planning Area 2 (Suburban); or

(c) Planning Area 3 (Fringe Planning Area);

(2) located within a smart growth area and planning area designated in a master plan adopted by the New Jersey Meadowlands Commission pursuant to subsection (i) of section 6 of P.L.1968, c.404 (C.13:17-6) or subject to a redevelopment plan adopted by the New Jersey Meadowlands Commission pursuant to section 20 of P.L.1968, c.404 (C.13:17-21);

(3) located within any land owned by the New Jersey Sports and Exposition Authority, established pursuant to P.L.1971, c.137 (C.5:10-1 et seq.), within the boundaries of the Hackensack Meadowlands District as delineated in section 4 of P.L.1968, c.404 (C.13:17-4);

(4) located within a regional growth area, rural development area zoned for industrial use as of the effective date of P.L.2016, c.75, town, village, or a military and federal installation area designated in the comprehensive management plan prepared and adopted by the Pinelands Commission pursuant to the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.);

(5) located within the planning area of the Highlands Region as defined in section 3 of P.L.2004, c.120 (C.13:20-3) or a highlands development credit receiving area or redevelopment area;

(6) located within a Garden State Growth Zone;

(7) located within land approved for closure under any federal Commission on Base Realignment and Closure action; or

(8) located only within the following portions of the areas designated pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.), as Planning Area 4A (Rural Planning Area), Planning Area 4B (Rural/Environmentally Sensitive) or Planning Area 5 (Environmentally Sensitive) if Planning Area 4A (Rural Planning Area), Planning Area 4B (Rural/Environmentally Sensitive) or Planning Area 5 (Environmentally Sensitive) is located within:

(a) a designated center under the State Development and Redevelopment Plan;

(b) a designated growth center in an endorsed plan until the State Planning Commission revises and readopts New Jersey's State Strategic Plan and adopts regulations to revise this definition as it pertains to Statewide planning areas;

(c) any area determined to be in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and C.40A:12A-6) or in need of rehabilitation pursuant to section 14 of P.L.1992, c.79 (C.40A:12A-14);

(d) any area on which a structure exists or previously existed including any desired expansion of the footprint of the existing or previously existing structure provided the expansion otherwise complies with all applicable federal, State, county, and local permits and approvals;

(e) the planning area of the Highlands Region as defined in section 3 of P.L.2004, c.120 (C.13:20-3) or a highlands development credit receiving area or redevelopment area; or

(f) any area on which an existing tourism destination project is located.

"Qualified incentive area" shall not include any property located within the preservation area of the Highlands Region as defined in section 3 of P.L.2004, c.120 (C.13:20-3).

"Qualified incubator facility" means a commercial building located within a qualified incentive area: which contains 50,000 or more square feet of office, laboratory, or industrial space; which is located near, and presents opportunities for collaboration with, a research institution, teaching hospital, college, or university; and within which, at least 50 percent of the gross leasable area is restricted for use by one or more technology startup companies during the commitment period.

"Retained full-time job" means an eligible position that currently exists in New Jersey and is filled by a full-time employee but which, because of a potential relocation by the business, is at risk of being lost to another state

or country, or eliminated. For the purposes of determining a number of retained full-time jobs, the eligible positions of an affiliate shall be considered eligible positions of the business. For the purposes of the certifications and annual reports required in the incentive agreement pursuant to subsection e. of section 4 of P.L.2011, c.149 (C.34:1B-245), to the extent an eligible position that was the basis of the award no longer exists, a business shall include as a retained full-time job a new eligible position that is filled by a full-time employee provided that the position is included in the order of date of hire and is not the basis for any other incentive award. For a project located in a Garden State Growth Zone which qualified for the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), retained full-time job shall include any employee previously employed in New Jersey and transferred to the new location in the Garden State Growth Zone which qualified for the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.).

"SDA district" means an SDA district as defined in section 3 of P.L.2000, c.72 (C.18A:7G-3).

"SDA municipality" means a municipality in which an SDA district is situate.

"State college" means a State college or university established pursuant to chapter 64 of Title 18A of the New Jersey Statutes.

"Targeted industry" means any industry identified from time to time by the authority including initially, a transportation, manufacturing, defense, energy, logistics, life sciences, technology, health, and finance business, but excluding a primarily warehouse or distribution business.

"Technology startup company" means a for profit business that has been in operation fewer than five years and is developing or possesses a proprietary technology or business method of a high-technology or life science-related product, process, or service which the business intends to move to commercialization.

"Tourism destination project" means a qualified non-gaming business facility that will be among the most visited privately owned or operated tourism or recreation sites in the State, and which is located within the qualified incentive area and has been determined by the authority to be in an area appropriate for development and in need of economic development incentive assistance, including a non-gaming business within an established Tourism District with a significant impact on the economic viability of that District.

"Transit oriented development" means a qualified business facility located within a 1/2-mile radius, or one-mile radius for projects located in a Garden State Growth Zone, surrounding the mid-point of a New Jersey

Transit Corporation, Port Authority Transit Corporation, or Port Authority Trans-Hudson Corporation rail, bus, or ferry station platform area, including all light rail stations.

"Urban transit hub" means an urban transit hub, as defined in section 2 of P.L.2007, c.346 (C.34:1B-208), that is located within an eligible municipality, as defined in section 2 of P.L.2007, c.346 (C.34:1B-208) and also located within a qualified incentive area.

"Urban transit hub municipality" means a municipality: a. which qualifies for State aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.), or which has continued to be a qualified municipality thereunder pursuant to P.L.2007, c.111; and b. in which 30 percent or more of the value of real property was exempt from local property taxation during tax year 2006. The percentage of exempt property shall be calculated by dividing the total exempt value by the sum of the net valuation which is taxable and that which is tax exempt.

2. Section 5 of P.L.2011, c.149 (C.34:1B-246) is amended to read as follows:

C.34:1B-246 Total amount of tax credit for eligible business.

5. a. The total amount of the tax credit for an eligible business for each new or retained full-time job shall be as set forth in subsections b. through f. of this section. The total tax credit amount shall be calculated and credited to the business annually for each year of the eligibility period. Notwithstanding any other provisions of P.L.2013, c.161 (C.52:27D-489p et al.), a business may assign its ability to apply for the tax credit under this subsection to a non-profit organization with a mission dedicated to attracting investment and completing development and redevelopment projects in a Garden State Growth Zone. The non-profit organization or organization operating a qualified incubator facility may make an application on behalf of a business which meets the requirements for the tax credit, or a group of non-qualifying businesses or positions, located at a qualified business facility, that shall be considered a unified project for the purposes of the incentives provided under this section. For any project located in a Garden State Growth Zone that qualifies under the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), or any project located in a Garden State Growth Zone which contains a Tourism District as established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219) and regulated by the Casino Reinvestment Development Authority, and which will include a retail facility of at least 150,000 square feet, of which at least 50 percent will be occu-

pied by either a full-service supermarket or grocery store, a business may assign its ability to apply for the tax credit under this subsection to the developer of the facility. The developer may make an application on behalf of the business which meets the requirements for the tax credit, or a group of non-qualifying businesses located at the business facility, that shall be considered a unified project for the purposes of the incentives provided under this section, and the developer may apply for tax credits available based on the number of jobs provided by the business or businesses and the total capital investment of the business or businesses and the developer.

b. The base amount of the tax credit for each new or retained full-time job shall be as follows:

(1) (a) for a qualified business facility located within an urban transit hub municipality, located within a Garden State Growth Zone, or which is a mega project, $5,000 per year;

(b) for a qualified business facility located within a Garden State Create Zone and used by an eligible business in a targeted industry to conduct a collaborative research relationship with a doctoral university within the zone, $5,000 per year;

(2) for a qualified business facility located within a distressed municipality but not qualifying under paragraph (1) of this subsection, $4,000 per year;

(3) for a project in a priority area, $3,000 per year; and

(4) for a project in other eligible areas, $500 per year.

c. In addition to the base amount of the tax credit, the amount of the tax credit to be awarded for each new or retained full-time job shall be increased if the qualified business facility meets any of the following priority criteria or other additional or replacement criteria determined by the authority from time to time in response to evolving economic or market conditions:

(1) for a qualified business facility located in a deep poverty pocket or in an area that is the subject of a Choice Neighborhoods Transformation Plan funded by the federal Department of Housing and Urban Development, an increase of $1,500 per year;

(2) for a qualified business facility located in a qualified incubator facility, an increase of $500 per year;

(3) for a qualified business facility located in a mixed-use development that incorporates sufficient moderate income housing on site to accommodate a minimum of 20 percent of the full-time employees of the business, an increase of $500 per year;

(4) for a qualified business facility located within a transit oriented development, an increase of $2,000 per year;

(5) for a qualified business facility, other than a mega project, at which the capital investment in industrial premises for industrial use by the business is in excess of the minimum capital investment required for eligibility pursuant to subsection b. of section 3 of P.L.2011, c.149 (C.34:1B-244), an increase of $1,000 per year for each additional amount of investment that exceeds the minimum amount required for eligibility by 20 percent, with a maximum increase of $3,000 per year;

(6) for a business with new full-time jobs and retained full-time jobs at the project with an average salary in excess of the existing average salary for the county in which the project is located, or, in the case of a project in a Garden State Growth Zone, a business that employs full-time positions at the project with an average salary in excess of the average salary for the Garden State Growth Zone, an increase of $250 per year during the commitment period for each 35 percent by which the project's average salary levels exceeds the county or Garden State Growth Zone average salary, with a maximum increase of $1,500 per year;

(7) for a business with large numbers of new full-time jobs and retained full-time jobs during the commitment period, the increases shall be in accordance with the following schedule:

(a) if the number of new full-time jobs and retained full-time jobs is between 251 and 400, $500 per year;

(b) if the number of new full-time jobs and retained full-time jobs is between 401 and 600, $750 per year;

(c) if the number of new full-time jobs and retained full-time jobs is between 601 and 800, $1000 per year;

(d) if the number of new full-time jobs and retained full-time jobs is between 801 and 1,000, $1,250 per year;

(e) if the number of new full-time jobs and retained full-time jobs is in excess of 1,000, $1,500 per year;

(8) for a business in a targeted industry, an increase of $500 per year;

(9) for a qualified business facility exceeding the Leadership in Energy and Environmental Design's "Silver" rating standards or completes substantial environmental remediation, an additional increase of $250 per year;

(10) for a mega project or a project located within a Garden State Growth Zone at which the capital investment in industrial premises for industrial use by the business exceeds the minimum capital investment required for eligibility pursuant to subsection b. of section 3 of P.L.2011, c.149 (C.34:1B-244), an increase of $1,000 per year for each additional amount of investment that exceeds the minimum amount by 20 percent, with a maximum increase of $5,000 per year;

(11) for a project in which a business retains at least 400 jobs and is located within the municipality in which it was located immediately prior to the filing of the application hereunder and is the United States headquarters of an automobile manufacturer, an increase of $1,500 per year;

(12) for a project located in a municipality in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem counties with a 2007 Municipality Revitalization Index greater than 465, an increase of $1,000 per year;

(13) for a project located within a half-mile of any light rail station constructed after the effective date of P.L.2013, c.161 (C.52:27D-489p et al.), an increase of $1,000 per year;

(14) for a marine terminal project in a municipality located outside the Garden State Growth Zone, but within the geographical boundaries of the South Jersey Port District, an increase of $1,500 per year;

(15) for a project located within an area determined to be in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and C.40A:12A-6), and which is located within a quarter mile of at least one United States Highway and at least two New Jersey State Highways, an increase of $1,500 per year;

(16) for a project that generates solar energy on site for use within the project of an amount that equals at least 50 percent of the project's electric supply service needs, an increase of $250 per year;

(17) for a qualified business facility that includes a vacant commercial building having over 1,000,000 square feet of office or laboratory space available for occupancy for a period of over one year, an increase of $1,000 per year; and

(18) for an eligible business in a targeted industry at a qualified business facility on the campus of a college or university other than a doctoral university, or at a qualified business facility within a three-mile radius of the outermost boundary of the campus of a college or university other than a doctoral university, which facility is used by the business to conduct a collaborative research relationship with the college or university, an increase of $1,000 per year. The boundary of the campus of a college or university shall be based upon a map appearing in the college's or university's official catalog or other official publication on the effective date of P.L.2017, c.221.

d. The gross amount of the tax credit for an eligible business for each new or retained full-time job shall be the sum of the base amount as set forth pursuant to subsection b. of this section and the various additional bonus amounts for which the business is eligible pursuant to subsection c. of this section, subject to the following limitations:

(1) for a mega project or a project in a Garden State Growth Zone, the gross amount for each new or retained full-time job shall not exceed $15,000 per year;

(2) for a qualified business facility located within an urban transit hub municipality or a Garden State Create Zone, the gross amount for each new or retained full-time job shall not exceed $12,000 per year;

(3) for a qualified business facility in a distressed municipality the gross amount for each new or retained full-time job shall not exceed $11,000 per year;

(4) for a qualified business facility in other priority areas, the gross amount for each new or retained full-time job shall not exceed $10,500 per year;

(5) for a qualified business facility in other eligible areas, the gross amount for each new or retained full-time job shall not exceed $6,000 per year; and

(6) for a disaster recovery project, the gross amount for each new or retained full-time job shall not exceed $2,000 per year.

Notwithstanding anything to the contrary set forth herein and in the provisions of subsections a. through f. of this section, but subject to the provisions of paragraph (1) of subsection f. of this section, for a project located within a Garden State Growth Zone which qualifies for the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), which creates 35 or more full-time jobs new to the municipality, the total tax credit shall be:

(a) for a project which creates 35 or more full-time jobs new to the municipality and makes a capital investment of at least $5,000,000, the total tax credit amount per full-time job shall be the greater of: (i) the total tax credit amount for a qualifying project in a Garden State Growth Zone as calculated pursuant to subsections a. through f. of this section; or (ii) the total capital investment of the project divided by the total number of full-time jobs at that project but not greater than $2,000,000 per year over the grant term of ten years;

(b) for a project which creates 70 or more full-time jobs new to the municipality and makes a capital investment of at least $10,000,000, the total tax credit amount per full-time job shall be the greater of: (i) the total tax credit amount for a qualifying project in a Garden State Growth Zone as calculated pursuant to subsections a. through f. of this section; or (ii) the total capital investment of the project divided by the total number of full-time jobs at that project but not greater than $3,000,000 per year over the grant term of ten years;

(c) for a project which creates 100 or more full-time jobs new to the municipality and makes a capital investment of at least $15,000,000, the total tax credit amount per full-time job shall be the greater of: (i) the total tax credit amount for a qualifying project in a Garden State Growth Zone as calculated pursuant to subsections a. through f. of this section; or (ii) the total capital investment of the project divided by the total number of full-time jobs at that project but not greater than $4,000,000 per year over the grant term of ten years;

(d) for a project which creates 150 or more full-time jobs new to the municipality and makes a capital investment of at least $20,000,000, the total tax credit amount per full-time job shall be the greater of: (i) the total tax credit amount for a qualifying project in a Garden State Growth Zone as calculated pursuant to subsections a. through f. of this section; or (ii) the total capital investment of the project divided by the total number of full-time jobs at that project but not greater than $5,000,000 per year over the grant term of ten years; or

(e) for a project which creates 250 or more full-time jobs new to the municipality and makes a capital investment of at least $30,000,000, the total tax credit amount per full-time job shall be the greater of: (i) the total tax credit amount for a qualifying project in a Garden State Growth Zone as calculated pursuant to subsections a. through f. of this section; or (ii) the total capital investment of the project divided by the total number of full-time jobs as defined herein at that project divided by the ten-year grant term.

e. After the determination by the authority of the gross amount of tax credits for which a business is eligible pursuant to subsection d. of this section, the final total tax credit amount shall be calculated as follows: (1) for each new full-time job, the business shall be allowed tax credits equaling 100 percent of the gross amount of tax credits for each new full-time job; and (2) for each retained full-time job, the business shall be allowed tax credits equaling the lesser of 50 percent of the gross amount of tax credits for each retained full-time job, or one-tenth of the capital investment divided by the number of retained and new full-time jobs per year over the grant term of ten years, unless the jobs are part of a mega project which is the United States headquarters of an automobile manufacturer located within a priority area or in a Garden State Growth Zone, in which case the business shall be entitled to tax credits equaling 100 percent of the gross amount of tax credits for each retained full-time job, or unless the new qualified business facility would replace a facility that has been wholly or substantially damaged as a result of a federally-declared disaster, in which case the busi-

ness shall be entitled to tax credits equaling 100 percent of the gross amount of tax credits for each retained full-time job.

f. Notwithstanding the provisions of subsections a. through e. of this section, for each application approved by the authority's board, the amount of tax credits available to be applied by the business annually shall not exceed:

(1) $35,000,000 and provides a net benefit to the State as provided herein with respect to a qualified business facility in a Garden State Growth Zone which qualifies under the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), or which contains a Tourism District as established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219) and regulated by the Casino Reinvestment Development Authority;

(2) $30,000,000 and provides a net benefit to the State as provided herein with respect to a mega project or a qualified business facility in a Garden State Growth Zone;

(3) $10,000,000 and provides a net benefit to the State as provided herein with respect to a qualified business facility in an urban transit hub municipality or a Garden State Create Zone;

(4) $8,000,000 and provides a net benefit to the State as provided herein with respect to a qualified business facility in a distressed municipality;

(5) $4,000,000 and provides a net benefit to the State as provided herein with respect to a qualified business facility in other priority areas, but not more than 90 percent of the withholdings of the business from the qualified business facility; and

(6) $2,500,000 and provides a net benefit to the State as provided herein with respect to a qualified business facility in other eligible areas, but not more than 90 percent of the withholdings of the business from the qualified business facility.

Under paragraphs (1) through (6) of this subsection, with the exception of a project located within a Garden State Growth Zone which qualifies for the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), or which contains a Tourism District as established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219) and regulated by the Casino Reinvestment Development Authority, that divides the total capital investment of the project by the total number of full-time jobs at that project, for each application for tax credits in excess of $4,000,000 annually, the amount of tax credits available to be applied by the business annually shall be the lesser of the maximum amount under the applicable subsection or an amount determined by the authority necessary to complete the project, with such determination made by the authority's utilization of a full economic analysis of all locations under consideration by the business; all

lease agreements, ownership documents, or substantially similar documentation for the business's current in-State locations, as applicable; and all lease agreements, ownership documents, or substantially similar documentation for the potential out-of-State location alternatives, to the extent they exist. Based on this information, and any other information deemed relevant by the authority, the authority shall independently verify and confirm the amount necessary to complete the project.

3. Section 8 of P.L.2011, c.149 (C.34:1B-249) is amended to read as follows:

C.34:1B-249 Rules, regulations adopted by chief executive officer, authority.

8. a. The chief executive officer of the authority, in consultation with the Director of the Division of Taxation in the Department of the Treasury, shall adopt rules in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as are necessary to implement P.L.2011, c.149 (C.34:1B-242 et al.), including but not limited to: examples of and the determination of capital investment; the enumeration of qualified incentive areas; the enumeration of specific targeted industries; specific delineation of the incentive areas; the determination of the limits, if any, on the expense or type of furnishings that may constitute capital improvements; the promulgation of procedures and forms necessary to apply for a tax credit, including the enumeration of the certification procedures and allocation of tax credits for different phases of a qualified business facility; and provisions for tax credit applicants to be charged an initial application fee, and ongoing service fees, to cover the administrative costs related to the tax credit.

b. Through regulation, the authority shall establish standards by which qualified business facilities shall be constructed or renovated in compliance with the minimum environmental and sustainability standards.

c. Through regulation, the chief executive officer of the authority, in consultation with the Secretary of Higher Education, shall establish standards for collaborative research relationships between businesses in targeted industries and colleges and universities sufficient to qualify a business for an enhanced base or bonus tax credit amount under P.L.2017, c.221.

4. This act shall take effect immediately.

Approved August 7, 2017.

CHAPTER 222

AN ACT designating a portion of State Highway Route 55 as the "State Trooper Frankie L. Williams Memorial Highway."

WHEREAS, State Trooper Frankie L. Williams was an extraordinary public servant whose service to the Division of State Police (State Police) was characterized by loyalty, fearless performance of duty, and faithful and honorable devotion to the principles of the State Police; and

WHEREAS, Born in Atlantic City, New Jersey and raised in Lakeland, Florida, State Trooper Williams attended George Jenkins High School in Lakeland, Florida; and

WHEREAS, After graduating from high school in 2003, State Trooper Williams returned to Atlantic County, where he lived as a resident of Egg Harbor Township, New Jersey and furthered his education; and

WHEREAS, State Trooper Williams earned an associate's degree from Atlantic Cape Community College and a bachelor of arts degree in Criminal Justice from Rutgers, the State University of New Jersey, and was working towards a master's degree in Criminal Justice at Rutgers, the State University of New Jersey, pursuing academic research in the area of cyber-crime and cyber-crime victimization; and

WHEREAS, An honorable and courageous man who enjoyed serving others and desired to serve the State, State Trooper Williams earned a place in the 156th class of the New Jersey State Police Academy; and

WHEREAS, On January 29, 2016, State Trooper Williams graduated from the New Jersey State Police Academy and was assigned to Troop "A" in the Woodstown Station, where he served until being transferred to the Port Norris Station; and

WHEREAS, During his short career in the State Police, State Trooper Williams was hailed as a leader and role model by his colleagues for his good judgment and thoughtful approach to his duties; and

WHEREAS, On December 5, 2016, State Trooper Williams tragically lost his life in a motor vehicle accident on State Route 55 near milepost 22.2 in the City of Millville, New Jersey, while on duty responding to an incident; and

WHEREAS, State Trooper Williams was a dedicated member of the State Police as well as a loving husband and son whose memory will live on in the hearts of his family, friends, and fellow State troopers; and

WHEREAS, As a true example of leadership and service to the State, it is fitting and proper for the Legislature of the State of New Jersey to honor

the memory of State Trooper Frankie Williams by designating a portion of State Highway Route 55 as the "State Trooper Frankie L. Williams Memorial Highway"; now, therefore,

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

1. The Commissioner of Transportation shall designate the portion of State Highway Route 55, extending from milepost 20.0 to milepost 23.0, as the "State Trooper Frankie L. Williams Memorial Highway" and erect appropriate signs bearing this designation and dedication.

2. State or other public funds shall not be used for producing, purchasing, or erecting signs bearing the designation established pursuant to section 1 of this act. The Commissioner of Transportation is authorized to receive gifts, grants, or other financial assistance from private sources for the purpose of funding or reimbursing the Department of Transportation for the costs associated with producing, purchasing, and erecting signs bearing the designation established pursuant to section 1 of this act and entering into agreements related thereto, with private sources, including but not limited to non-governmental non-profit, educational, or charitable entities or institutions. Work shall not proceed and funding shall not be accepted by the Department of Transportation until an agreement has been reached with a responsible party for paying the costs associated with producing, purchasing, erecting, and maintaining the signs.

3. This act shall take effect immediately.

Approved August 7, 2017.

CHAPTER 223

AN ACT concerning farmland preservation and appropriating monies from the "2009 Farmland Preservation Fund" for grants to qualifying tax exempt nonprofit organizations for farmland preservation purposes.

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

1. a. There is appropriated to the State Agriculture Development Committee the sum of $2,900,000 from the "2009 Farmland Preservation Fund,"

established pursuant to section 18 of the "Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009," P.L.2009, c.117, for the purpose of providing grants to qualifying tax-exempt non-profit organizations listed in subsection b. of this section for up to 50% of the cost of acquisition of development easements on farmland or for up to 50% of the cost of acquisition of fee simple titles to farmland for resale or lease with agricultural deed restrictions approved by the committee. These monies are made available due to project withdrawals, cancelled obligations, and reallocation of previously appropriated funds.

(b) The following projects are eligible for funding with the monies appropriated pursuant to subsection a. of this section:

Applicant (Project)	**Farm**	**County**	**Municipality**	**Amount of Grant Not to Exceed**
Lamington Conservancy	Jones	Somerset	Bedminster Twp	$500,000
Monmouth Conservation Foundation	Feigus	Monmouth	Howell Twp	$225,000
New Jersey Conservation Foundation	Skalski	Hunterdon	Tewksbury Twp	$750,000
	Ostrum	Salem	Pilesgrove Twp	
The Land Conservancy of New Jersey	Murlan	Warren	Frelinghuysen Twp	$1,425,000
	Tjalma II	Warren	Harmony Twp	
	Tjalma III	Warren	Harmony Twp	
	Shoemaker I	Warren	White Twp	
	Shoemaker II	Warren	White Twp	

2. The expenditure of the sum appropriated by this act is subject to the provisions of P.L.2009, c.117, and P.L.1983, c.32 (C.4:1C-11 et seq.), as appropriate.

3. This act shall take effect immediately.

Approved August 7, 2017.

CHAPTER 224

AN ACT appropriating $22,385,743 from various farmland preservation funds to the State Agriculture Development Committee for farmland preservation purposes.

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

1. a. There is appropriated to the State Agriculture Development Committee the sum of $14,304,403 in the following subtotal amounts, listed in paragraphs (1) through (8) of this subsection, to pay the cost of acquisition by the committee of development easements on, or fee simple titles to, farmland, to provide grants to counties and municipalities for up to 80% of the cost of acquisition of fee simple titles to farmland, to provide grants to qualifying tax-exempt non-profit organizations for up to 50% of the cost of acquisition of fee simple titles to farmland, for farmland preservation purposes for projects approved as eligible for such funding pursuant to the "Agricultural Retention and Development Act," P.L.1983, c.32 (C.4:1C-11 et seq.), the "Open Space Preservation Bond Act of 1989," P.L.1989, c.183, the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, the "Garden State Preservation Trust Act," P.L.1999, c.152 (C.13:8C-1 et seq.), the "Green Acres, Farmland, Blue Acres, and Historic Preservation Bond Act of 2007," P.L.2007, c.119, the "Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009," P.L.2009, c.117, and the "Preserve New Jersey Act," P.L.2016, c.12 (C.13:8C-43 et seq.):

(1) $1,796,660 from dedicated corporation business tax revenues pursuant to Article VIII, Section II, paragraph 6 of the State Constitution in the "Preserve New Jersey Farmland Preservation Fund," established pursuant to section 8 of the "Preserve New Jersey Act," P.L.2016, c.12 (C.13:8C-50), and the unexpended balances in the Diesel Risk Mitigation Fund - Constitutional Dedication account made available for this purpose pursuant to the provisions of P.L.2016, c.10;

(2) $5,149,166 from the "2009 Farmland Preservation Fund," established pursuant to section 18 of the "Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009," P.L.2009, c.117, made available due to project withdrawals, cancelled obligations, and the reallocation of previously appropriated funds;

(3) $745,938 from the "2009 Farmland Preservation Fund," made available due to condemnation of development easements acquired with previously appropriated funds;

(4) $3,901,577 from the "2007 Farmland Preservation Fund," established pursuant to section 18 of the "Green Acres, Farmland, Blue Acres, and Historic Preservation Bond Act of 2007," P.L.2007, c.119, made avail-

able due to project withdrawals, canceled obligations, and the reallocation of previously appropriated funds;

(5) $2,430,661 from the "Garden State Farmland Preservation Fund," established pursuant to section 20 of P.L.1999, c.152 (C.13:8C-20), made available due to project withdrawals, canceled obligations, and the reallocation of previously appropriated funds;

(6) $48,858 from the "1992 Farmland Preservation Fund," established pursuant to section 24 of the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, made available due to interest earnings;

(7) $41,943 from the "1989 Farmland Preservation Fund," established pursuant to section 22 of the "Open Space Preservation Bond Act of 1989," P.L.1989, c.183, made available due to interest earnings; and

(8) $189,600 from the "1989 Farmland Preservation Fund," made available due to condemnation of development easements acquired with previously appropriated funds.

b. Any farmland acquired in fee simple with monies appropriated pursuant to this section shall be offered for resale or lease with agricultural deed restrictions approved by the committee.

2. There is appropriated from the "Preserve New Jersey Farmland Preservation Fund," established pursuant to section 8 of the "Preserve New Jersey Act," P.L.2016, c.12 (C.13:8C-50), from the "2009 Farmland Preservation Fund," established pursuant to section 18 of the "Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2009," P.L.2009, c.117, from the "2007 Farmland Preservation Fund," established pursuant to section 18 of the "Green Acres, Farmland, Blue Acres, and Historic Preservation Bond Act of 2007," P.L.2007, c.119, from the "Garden State Farmland Preservation Trust Fund," established pursuant to section 20 of P.L.1999, c.152 (C.13:8C-20), from the "1999 Open Space Fund," established pursuant to the "Open Space – Local Match Program of the Fiscal Year 1999 annual appropriations act," P.L.1998, c.45, from the "1995 Farmland Preservation Fund," established pursuant to section 25 of the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204, from the "1992 Farmland Preservation Fund," established pursuant to section 24 of the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, from the "1989 Farmland Preservation Fund," established pursuant to section 22 of the "Open Space Preservation Bond Act of 1989," P.L.1989, c.183, and from the "Farmland Preservation Fund," established

pursuant to section 5 of the "Farmland Preservation Bond Act of 1981," P.L.1981, c.276, to the State Agriculture Development Committee such sums from any additional proceeds which may become available by the effective date of this act due to the lease or conveyance of land or development easements acquired or funded by the committee, for the purpose of providing for the cost of acquisition by the committee of development easements and fee simple titles to farmland for farmland preservation purposes pursuant to subsection a. of section 1 of this act. Any farmland acquired in fee simple with monies appropriated pursuant to this section shall be offered for resale or lease with agricultural deed restrictions approved by the committee.

3. There is appropriated from the "Preserve New Jersey Farmland Preservation Fund," established pursuant to section 8 of the "Preserve New Jersey Act," P.L.2016, c.12 (C.13:8C-50), to the State Agriculture Development Committee the sum of $1,496,340 for the purpose of providing grants for stewardship activities as defined pursuant to section 3 of P.L.2016, c.12 (C.13:8C-45), including soil and water conservation project activities approved pursuant to section 17 of P.L.1983, c.32 (C.4:1C-24) and deer-fencing activities approved pursuant to section 5 of P.L.1983, c.32 (C.4:1C-5).

4. There is appropriated from the "Preserve New Jersey Farmland Preservation Fund," established pursuant to section 8 of the "Preserve New Jersey Act," P.L.2016, c.12 (C.13:8C-50), to the State Agriculture Development Committee the following sums:

a. $6,200,000 for the purpose of providing funding for organizational, administrative and other work and services, including salaries, equipment, materials, and services necessary to administer the applicable provisions of P.L.2016, c.12 (C.13:8C-43 et seq.);

b. $150,000 for the purpose of providing for the review of appraisals for all farmland preservation programs administered by the committee pursuant to P.L.2016, c.12 (C.13:8C-43 et seq.);

c. $150,000 for the purpose of providing for legal advice and representation in connection with enforcement of development easements for all farmland preservation programs administered by the committee pursuant to P.L.2016, c.12 (C.13:8C-43 et seq.); and

d. $85,000 for the purpose of providing the committee's share of funding for the Garden State Preservation Trust's organizational, administrative and other work and services, including salaries, equipment, materi-

als, and services necessary to administer the applicable provisions of P.L.2016, c.12 (C.13:8C-43 et seq.).

5. There is appropriated from the General Fund to the "Preserve New Jersey Farmland Preservation Fund," established pursuant to section 8 of the "Preserve New Jersey Act," P.L.2016, c.12 (C.13:8C-50), an amount determined by the State Treasurer to be necessary to implement the provisions of this act.

6. The expenditure of the sums approved by this act is subject to the provisions and conditions of P.L.2016, c.12 (C.13:8C-43 et seq.), P.L.2009, c.117, P.L.2007, c.119, P.L.1999, c.152 (C.13:8C-1 et seq.), P.L.1998, c.45, P.L.1995, c.204, P.L.1992, c.88, P.L.1989, c.183, P.L.1983, c.32 (C.4:1C-11 et seq.), and P.L.1981, c.276, as appropriate.

7. This act shall take effect immediately.

Approved August 7, 2017.

CHAPTER 225

AN ACT appropriating $32,500,000 from constitutionally dedicated corporation business tax revenues to the State Agriculture Development Committee for planning incentive grants to counties for farmland preservation purposes.

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

1. a. There is appropriated to the State Agriculture Development Committee the sum of $32,500,000 from dedicated corporation business tax revenues pursuant to Article VIII, Section II, paragraph 6 of the State Constitution in the "Preserve New Jersey Farmland Preservation Fund," established pursuant to section 8 of the "Preserve New Jersey Act," P.L.2016, c.12 (C.13:8C-50), and the unexpended balances in the Diesel Risk Mitigation Fund - Constitutional Dedication account made available for this purpose pursuant to the provisions of P.L.2016, c.10, for the purpose of providing planning incentive grants to counties pursuant to section 1 of P.L.1999, c.180 (C.4:1C-43.1) for up to 80% of the cost of acquisition of develop-

ment easements on farmland for projects approved as eligible for such funding pursuant to this section.

b. The following projects are eligible for funding with the monies appropriated pursuant to subsection a. of this section:

Applicant (County)	**Municipality**	**Amount of Grant**
Bergen County	Allendale Boro	$500,000
	Closter Boro	
	Demarest Boro	
	Emerson Boro	
	Franklin Lakes Boro	
	Harrington Park Boro	
	Hillsdale Boro	
	Mahwah Twp	
	Montvale Boro	
	Norwood Boro	
	Oakland Boro	
	Old Tappan Boro	
	Paramus Boro	
	Park Ridge Boro	
	River Vale Twp	
	Saddle River Boro	
	Waldwick Boro	
	Westwood Boro	
	Woodcliff Lake Boro	
	Wyckoff Twp	
Burlington County	Bass River Twp	1,000,000
	Bordentown Twp	
	Burlington Twp	
	Chesterfield Twp	
	Cinnaminson Twp	
	Eastampton Twp	
	Evesham Twp	
	Florence Twp	
	Hainesport Twp	
	Lumberton Twp	
	Mansfield Twp	
	Medford Twp	
	Moorestown Twp	

	Mount Laurel Twp	
	New Hanover Twp	
	North Hanover Twp	
	Pemberton Boro	
	Pemberton Twp	
	Shamong Twp	
	Southampton Twp	
	Springfield Twp	
	Tabernacle Twp	
	Washington Twp	
	Woodland Twp	
	Wrightstown Boro	
Cumberland County	Deerfield Twp	1,000,000
	Downe Twp	
	Fairfield Twp	
	Greenwich Twp	
	Hopewell Twp	
	Lawrence Twp	
	Shiloh Boro	
	Stow Creek Twp	
	Upper Deerfield Twp	
	Vineland City	
Gloucester County	Clayton Boro	1,000,000
	East Greenwich Twp	
	Elk Twp	
	Franklin Twp	
	Glassboro Boro	
	Greenwich Twp	
	Harrison Twp	
	Logan Twp	
	Mantua Twp	
	Monroe Twp	
	South Harrison Twp	
	Swedesboro Boro	
	Washington Twp	
	West Deptford Twp	
	Woolwich Twp	
Hunterdon County	Alexandria Twp	1,000,000
	Bethlehem Twp	
	Clinton Twp	

	Delaware Twp	
	East Amwell Twp	
	Franklin Twp	
	Hampton Boro	
	Holland Twp	
	Kingwood Twp	
	Lebanon Twp	
	Raritan Twp	
	Readington Twp	
	Tewksbury Twp	
	Union Twp	
	West Amwell Twp	
Mercer County	East Windsor Twp	1,000,000
	Hamilton Twp	
	Hopewell Boro	
	Hopewell Twp	
	Lawrence Twp	
	Princeton Boro	
	Robbinsville Twp	
	West Windsor Twp	
Middlesex County	Cranbury Twp	1,000,000
	East Brunswick Twp	
	Monroe Twp	
	North Brunswick Twp	
	Old Bridge Twp	
	Plainsboro Twp	
	Sayreville Boro	
	South Brunswick Twp	
Monmouth County	Colts Neck Twp	1,000,000
	Farmingdale Boro	
	Freehold Twp	
	Holmdel Twp	
	Howell Twp	
	Manalapan Twp	
	Marlboro Twp	
	Middletown Twp	
	Millstone Twp	
	Roosevelt Boro	
	Tinton Falls Boro	
	Upper Freehold Twp	

	Wall Twp	
Morris County	Boonton Twp	1,000,000
	Chatham Twp	
	Chester Boro	
	Chester Twp	
	Denville Twp	
	Harding Twp	
	Kinnelon Boro	
	Lincoln Park Boro	
	Long Hill Twp	
	Madison Boro	
	Mendham Boro	
	Mendham Twp	
	Mine Hill Twp	
	Montville Twp	
	Morris Twp	
	Morristown Town	
	Mount Arlington Boro	
	Mount Olive Twp	
	Pequannock Twp	
	Randolph Twp	
	Rockaway Twp	
	Roxbury Twp	
	Washington Twp	
Salem County	Alloway Twp	1,000,000
	Carneys Point Twp	
	Elmer Boro	
	Elsinboro Twp	
	Lower Alloways Creek Twp	
	Mannington Twp	
	Oldmans Twp	
	Pilesgrove Twp	
	Pittsgrove Twp	
	Quinton Twp	
	Upper Pittsgrove Twp	
	Woodstown Boro	
Somerset County	Bedminster Twp	1,000,000
	Bernards Twp	
	Bernardsville Boro	
	Branchburg Twp	

	Bridgewater Twp	
	Far Hills Boro	
	Franklin Twp	
	Hillsborough Twp	
	Millstone Boro	
	Montgomery Twp	
	Peapack-Gladstone Boro	
	Rocky Hill Boro	
	Warren Twp	
Sussex County	Andover Boro	1,000,000
	Andover Twp	
	Frankford Twp	
	Fredon Twp	
	Green Twp	
	Hampton Twp	
	Hardyston Twp	
	Lafayette Twp	
	Montague Twp	
	Newton Town	
	Sandyston Twp	
	Sparta Twp	
	Stillwater Twp	
	Vernon Twp	
	Wantage Twp	
Warren County	Allamuchy Twp	1,000,000
	Alpha Boro	
	Blairstown Twp	
	Franklin Twp	
	Frelinghuysen Twp	
	Greenwich Twp	
	Hardwick Twp	
	Harmony Twp	
	Hope Twp	
	Independence Twp	
	Knowlton Twp	
	Liberty Twp	
	Mansfield Twp	
	Oxford Twp	
	Pohatcong Twp	
	Washington Twp	

	White Twp
TOTAL	**$12,500,000**

c. (1) In addition to the funding provided pursuant to subsection b. of this section, each applicant identified in subsection b. of this section shall be eligible, in accordance with the rules and regulations of the State Agriculture Development Committee providing for a county planning incentive grant program competitive grant fund, to receive a grant not to exceed $5,000,000 from the monies appropriated pursuant to subsection a. of this section.

(2) The following applicants shall be eligible, in accordance with the rules and regulations of the State Agriculture Development Committee providing for a county planning incentive grant program competitive grant fund, to receive a grant not to exceed $5,000,000 from the monies appropriated pursuant to subsection a. of this section:

Applicant (County)	**Municipality**
Atlantic County	Buena Boro
	Buena Vista Twp
	Corbin City
	Estell Manor City
	Folsom Boro
	Galloway Twp
	Hamilton Twp
	Hammonton Town
	Mullica Twp
Camden County	Berlin Boro
	Berlin Twp
	Cherry Hill Twp
	Chesilhurst Boro
	Gloucester Twp
	Voorhees Twp
	Waterford Twp
	Winslow Twp
Cape May County	Dennis Twp
	Lower Twp
	Middle Twp
	Upper Twp

	West Cape May Boro
	Woodbine Boro
Ocean County	Jackson Twp
	Lakewood Twp
	Plumsted Twp
	Toms River Twp
Passaic County	Bloomingdale Boro
	Clifton City
	North Haledon Boro
	Ringwood Boro
	Totowa Boro
	Wanaque Boro
	Wayne Twp
	West Milford Twp

(3) (a) The total expenditure by the State Agriculture Development Committee pursuant to this subsection shall not exceed $20,000,000.

(b) The maximum grant award an applicant identified in subsection b. of this section may receive pursuant to the funding provided by subsection b. of this section and paragraph (1) of this subsection is $6,000,000.

(c) The maximum grant award an applicant identified in paragraph (2) of this subsection may receive pursuant to the funding provided by this subsection is $5,000,000.

2. There is appropriated from the General Fund to the "Preserve New Jersey Farmland Preservation Fund," established pursuant to section 8 of the "Preserve New Jersey Act," P.L.2016, c.12 (C.13:8C-50), an amount determined by the State Treasurer to be necessary to implement the provisions of this act.

3. The expenditure of the sum appropriated by this act is subject to the provisions and conditions of P.L.2016, c.12 (C.13:8C-43 et seq.), P.L.1999, c.180 (C.4:1C-43.1), P.L.1983, c.32 (C.4:1C-11 et seq.), and P.L.1999, c.152 (C.13:8C-1 et seq.), as appropriate.

4. This act shall take effect immediately.

Approved August 7, 2017.

CHAPTER 226

AN ACT appropriating $7,500,000 from constitutionally dedicated corporation business tax revenues to the State Agriculture Development Committee for planning incentive grants to municipalities for farmland preservation purposes.

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

1. a. There is appropriated to the State Agriculture Development Committee the sum of $7,500,000 from dedicated corporation business tax revenues pursuant to Article VIII, Section II, paragraph 6 of the State Constitution in the "Preserve New Jersey Farmland Preservation Fund," established pursuant to section 8 of the "Preserve New Jersey Act," P.L.2016, c.12 (C.13:8C-50), and the unexpended balances in the Diesel Risk Mitigation Fund - Constitutional Dedication account made available for this purpose pursuant to the provisions of P.L.2016, c.10, for the purpose of providing planning incentive grants to municipalities pursuant to section 1 of P.L.1999, c.180 (C.4:1C-43.1) and approved as eligible for such funding pursuant to subsection b. of this section.

b. The following projects are eligible for funding with the monies appropriated pursuant to subsection a. of this section:

Applicant (County)	**Municipality**	**Amount of Grant Not To Exceed**
Upper Deerfield Twp	Cumberland	$500,000
Elk Twp	Gloucester	500,000
Franklin Twp	Gloucester	500,000
Woolwich Twp	Gloucester	500,000
Alexandria Twp	Hunterdon	250,000
Delaware Twp	Hunterdon	500,000
Holland Twp	Hunterdon	250,000
Kingwood Twp	Hunterdon	250,000
Howell Twp	Monmouth	500,000
Manalapan Twp	Monmouth	500,000
Upper Freehold Twp	Monmouth	250,000
Pilesgrove Twp	Salem	500,000
Pittsgrove Twp	Salem	500,000
Upper Pittsgrove Twp	Salem	500,000

Peapack-Gladstone Boro	Somerset	250,000
Blairstown Twp	Warren	500,000
Harmony Twp	Warren	250,000
Knowlton Twp	Warren	250,000
White Twp	Warren	250,000
TOTAL		**$7,500,000**

2. There is appropriated from the General Fund to the "Preserve New Jersey Farmland Preservation Fund," established pursuant to section 8 of the "Preserve New Jersey Act," P.L.2016, c.12 (C.13:8C-50), an amount determined by the State Treasurer to be necessary to implement the provisions of this act.

3. The expenditure of the sums appropriated by this act is subject to the provisions and conditions of P.L.2016, c.12 (C.13:8C-43 et seq.), P.L.1983, c.32 (C.4:1C-11 et seq.), P.L.1999, c.180 (C.4:1C-43.1), and P.L.1999, c.152 (C.13:8C-1 et seq.), as appropriate.

4. This act shall take effect immediately.

Approved August 7, 2017.

CHAPTER 227

AN ACT concerning millers of grain and repealing R.S.45:20-1 through R.S.45:20-3.

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

Repealer.

1. R.S.45:20-1 through R.S.45:20-3 are repealed.

2. This act shall take effect immediately.

Approved August 7, 2017.

CHAPTER 228

AN ACT concerning the assessment of buildings or structures following material depreciation thereof and amending P.L.1945, c.260.

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

1. Section 1 of P.L.1945, c.260 (C.54:4-35.1) is amended to read as follows:

C.54:4-35.1 Material depreciation of structure; determination of value.

1. a. When any parcel of real property contains any building or other structure which has been destroyed, consumed by fire, demolished, or altered in such a way that its value has materially depreciated, either intentionally or by the action of storm, fire, cyclone, tornado, or earthquake, or other casualty, which depreciation of value occurred after October 1 in any year and before January 1 of the following year, the assessor shall, upon notice thereof being given to him by the property owner prior to January 10 of that year, and after examination and inquiry, determine the value of such parcel of real property as of that January 1, and assess the same according to such value.

b. (1) In the case of a county participating in the demonstration program established by section 4 of P.L.2013, c.15 (C.54:1-104), when any parcel of real property contains any building or other structure which has been destroyed, consumed by fire, demolished, or altered in such a way that its value has materially depreciated, either intentionally or by the action of storm, fire, cyclone, tornado, or earthquake, or other casualty, which depreciation of value occurred after October 1 in any year and before May 1 of the following year, the assessor shall, upon notice thereof being given to him by the property owner prior to May 3 of that year, and after examination and inquiry, determine the value of the parcel of real property as of that May 1, and assess the same according to such value within the final tax list delivered to the county board of taxation on or before May 5 of that year.

(2) To properly capture the value of the building or structure from January 1 to the date of the depreciation of the building or structure, the assessor's final tax list shall include an improvement value that reflects the prorated value of the building or structure as of January 1 for the number of days prior to the date of the depreciation of the building or structure.

2. This act shall take effect immediately.

Approved August 7, 2017.

CHAPTER 229

AN ACT designating the building in which the New Jersey Economic Development Authority is located at 36 West Street, Trenton, New Jersey in memory of Caren S. Franzini and supplementing P.L.1974, c.80 (C.34:1B-1 et seq.).

WHEREAS, Caren Franzini, who was the Chief Executive Officer of the New Jersey Economic Development Authority (NJEDA) for almost 20 years, died recently at the age of 57; and

WHEREAS, Ms. Franzini spent most of her career as a distinguished public servant, including as Chief Executive Officer of the NJEDA between January 1994 and October 2012, where she worked closely with seven governors to promote entrepreneurial development and the prosperity of this State; and

WHEREAS, While at the NJEDA, Ms. Franzini oversaw an operating budget of $28 million, with $500 million in assets and 150 employees at the authority, which provided more than $600 million annually in financing assistance, business incentives, and tax credits to New Jersey companies; and

WHEREAS, During her tenure at the NJEDA, Ms. Franzini had a large role in the resurgence of the cities of Camden, Trenton, and Newark; the fostering of innovation through the development of the Technology Centre of New Jersey, the Commercialization Center for Innovative Technology, and the Waterfront Technology Center at Camden; and prompting the State to focus on the needs of small businesses and entrepreneurs; and

WHEREAS, Ms. Melissa Orsen, the NJEDA's current Chief Executive Officer, and Mr. Tim Lizura, the authority's President and Chief Operating Officer, noted in a recent statement that as "longtime EDA CEO, Caren's mark at the EDA will be everlasting, as will her impact on economic development across the State of New Jersey"; and

WHEREAS, Ms. Orsen and Mr. Lizura also noted that Ms. Franzini "was the State's and the EDA's greatest cheerleader and advocate, and a champion for doing the right thing....We are better people, personally and pro-

fessionally, for having known her, and there is no doubt that the State of New Jersey is a better place because of her"; and

WHEREAS, Over the years, Ms. Franzini received numerous honors for her contributions to business growth and economic development in the State, including being named to the NJBIZ Hall of Fame in 2015, receiving the New Jersey Technology Council's John H. Martinson Technology Supporter Award and the Wharton Club of New York's Joseph Wharton Award for Social Impact; and

WHEREAS, After leaving State service, Ms. Franzini became involved as a director of numerous prominent New Jersey businesses and organizations, including the New Jersey Manufacturers Insurance Group, the New Jersey Business and Industry Association, the Horizon Blue Cross New Jersey Foundation Board, the New Jersey Community Development Corporation, New Jersey Future, and the New Jersey Alliance for Action; and

WHEREAS, Given Ms. Franzini's numerous contributions to the economic vitality of the State of New Jersey and its businesses, it is fitting and proper that the building in which the NJEDA is located be designated in memory of Caren S. Franzini; now, therefore,

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

C.34:1B-4a NJEDA building designated in memory of Caren S. Franzini.

1. The Governor, or the designee thereof, shall designate the building in which the New Jersey Economic Development Authority is located at 36 West State Street, Trenton, New Jersey in memory of Caren S. Franzini and erect appropriate signs bearing this designation and dedication.

C.34:1B-4b Funding for signage.

2. Except for funds of the New Jersey Economic Development Authority, State or other public funds shall not be used for producing, purchasing, or erecting signs bearing the designation established pursuant to section 1 of P.L.2017, c.229 (C.34:1B-4a). The Governor, or the designee thereof, is authorized to receive gifts, grants, or other financial assistance from private sources for the purpose of funding or reimbursing the Governor, or the designee thereof, for the costs associated with producing, purchasing, and erecting signs bearing the designation established pursuant to section 1 of this act and entering into agreements related thereto, with private sources, including but not limited to non-governmental, non-profit, educational, or

charitable entities or institutions. Work shall not proceed and funding shall not be accepted by the Governor, or the designee thereof, until an agreement has been reached with a responsible party for paying the costs associated with producing, purchasing, erecting, and maintaining the signs.

3. This act shall take effect immediately.

Approved August 7, 2017.

CHAPTER 230

AN ACT concerning unemployment insurance for certain interns employed by hospitals and amending R.S.32:21-19.

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

1. R.S.43:21-19 is amended to read as follows:

Definitions.

43:21-19. Definitions. As used in this chapter (R.S.43:21-1 et seq.), unless the context clearly requires otherwise:

(a) (1) "Annual payroll" means the total amount of wages paid during a calendar year (regardless of when earned) by an employer for employment.

(2) "Average annual payroll" means the average of the annual payrolls of any employer for the last three or five preceding calendar years, whichever average is higher, except that any year or years throughout which an employer has had no "annual payroll" because of military service shall be deleted from the reckoning; the "average annual payroll" in such case is to be determined on the basis of the prior three or five calendar years in each of which the employer had an "annual payroll" in the operation of his business, if the employer resumes his business within 12 months after separation, discharge or release from such service, under conditions other than dishonorable, and makes application to have his "average annual payroll" determined on the basis of such deletion within 12 months after he resumes his business; provided, however, that "average annual payroll" solely for the purposes of paragraph (3) of subsection (e) of R.S.43:21-7 means the average of the annual payrolls of any employer on which he paid contributions to the State disability benefits fund for the last three or five preceding calendar years, whichever average is higher; provided further that only

those wages be included on which employer contributions have been paid on or before January 31 (or the next succeeding day if such January 31 is a Saturday or Sunday) immediately preceding the beginning of the 12-month period for which the employer's contribution rate is computed.

(b) "Benefits" means the money payments payable to an individual, as provided in this chapter (R.S.43:21-1 et seq.), with respect to his unemployment.

(c) (1) "Base year" with respect to benefit years commencing on or after July 1, 1986, shall mean the first four of the last five completed calendar quarters immediately preceding an individual's benefit year.

With respect to a benefit year commencing on or after July 1, 1995, if an individual does not have sufficient qualifying weeks or wages in his base year to qualify for benefits, the individual shall have the option of designating that his base year shall be the "alternative base year," which means the last four completed calendar quarters immediately preceding the individual's benefit year; except that, with respect to a benefit year commencing on or after October 1, 1995, if the individual also does not have sufficient qualifying weeks or wages in the last four completed calendar quarters immediately preceding his benefit year to qualify for benefits, "alternative base year" means the last three completed calendar quarters immediately preceding his benefit year and, of the calendar quarter in which the benefit year commences, the portion of the quarter which occurs before the commencing of the benefit year.

The division shall inform the individual of his options under this section as amended by P.L.1995, c.234. If information regarding weeks and wages for the calendar quarter or quarters immediately preceding the benefit year is not available to the division from the regular quarterly reports of wage information and the division is not able to obtain the information using other means pursuant to State or federal law, the division may base the determination of eligibility for benefits on the affidavit of an individual with respect to weeks and wages for that calendar quarter. The individual shall furnish payroll documentation, if available, in support of the affidavit. A determination of benefits based on an alternative base year shall be adjusted when the quarterly report of wage information from the employer is received if that information causes a change in the determination.

(2) With respect to a benefit year commencing on or after June 1, 1990 for an individual who immediately preceding the benefit year was subject to a disability compensable under the provisions of the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et seq.), "base year" shall mean the first four of the last five completed calendar quarters immediately

preceding the individual's period of disability, if the employment held by the individual immediately preceding the period of disability is no longer available at the conclusion of that period and the individual files a valid claim for unemployment benefits after the conclusion of that period. For the purposes of this paragraph, "period of disability" means the period defined as a period of disability by section 3 of the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-27). An individual who files a claim under the provisions of this paragraph (2) shall not be regarded as having left work voluntarily for the purposes of subsection (a) of R.S.43:21-5.

(3) With respect to a benefit year commencing on or after June 1, 1990 for an individual who immediately preceding the benefit year was subject to a disability compensable under the provisions of the workers' compensation law (chapter 15 of Title 34 of the Revised Statutes), "base year" shall mean the first four of the last five completed calendar quarters immediately preceding the individual's period of disability, if the period of disability was not longer than two years, if the employment held by the individual immediately preceding the period of disability is no longer available at the conclusion of that period and if the individual files a valid claim for unemployment benefits after the conclusion of that period. For the purposes of this paragraph, "period of disability" means the period from the time at which the individual becomes unable to work because of the compensable disability until the time that the individual becomes able to resume work and continue work on a permanent basis. An individual who files a claim under the provisions of this paragraph (3) shall not be regarded as having left work voluntarily for the purposes of subsection (a) of R.S.43:21-5.

(d) "Benefit year" with respect to any individual means the 364 consecutive calendar days beginning with the day on, or as of, which he first files a valid claim for benefits, and thereafter beginning with the day on, or as of, which the individual next files a valid claim for benefits after the termination of his last preceding benefit year. Any claim for benefits made in accordance with subsection (a) of R.S.43:21-6 shall be deemed to be a "valid claim" for the purpose of this subsection if (1) he is unemployed for the week in which, or as of which, he files a claim for benefits; and (2) he has fulfilled the conditions imposed by subsection (e) of R.S.43:21-4.

(e) (1) "Division" means the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Workforce Development, and any transaction or exercise of authority by the director of the division thereunder, or under this chapter (R.S.43:21-1 et seq.), shall be deemed to be performed by the division.

(2) "Controller" means the Office of the Assistant Commissioner for Finance and Controller of the Department of Labor and Workforce Development, established by the 1982 Reorganization Plan of the Department of Labor.

(f) "Contributions" means the money payments to the State Unemployment Compensation Fund, required by R.S.43:21-7. "Payments in lieu of contributions" means the money payments to the State Unemployment Compensation Fund by employers electing or required to make payments in lieu of contributions, as provided in section 3 or section 4 of P.L.1971, c.346 (C.43:21-7.2 or 43:21-7.3).

(g) "Employing unit" means the State or any of its instrumentalities or any political subdivision thereof or any of its instrumentalities or any instrumentality of more than one of the foregoing or any instrumentality of any of the foregoing and one or more other states or political subdivisions or any individual or type of organization, any partnership, association, trust, estate, joint-stock company, insurance company or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has or subsequent to January 1, 1936, had in its employ one or more individuals performing services for it within this State. All individuals performing services within this State for any employing unit which maintains two or more separate establishments within this State shall be deemed to be employed by a single employing unit for all the purposes of this chapter (R.S.43:21-1 et seq.). Each individual employed to perform or to assist in performing the work of any agent or employee of an employing unit shall be deemed to be employed by such employing unit for all the purposes of this chapter (R.S.43:21-1 et seq.), whether such individual was hired or paid directly by such employing unit or by such agent or employee; provided the employing unit had actual or constructive knowledge of the work.

(h) "Employer" means:

(1) Any employing unit which in either the current or the preceding calendar year paid remuneration for employment in the amount of $1,000.00 or more;

(2) Any employing unit (whether or not an employing unit at the time of acquisition) which acquired the organization, trade or business, or substantially all the assets thereof, of another which, at the time of such acquisition, was an employer subject to this chapter (R.S.43:21-1 et seq.);

(3) Any employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another employing unit and which, if treated as a single unit with such other employing unit, would be an employer under paragraph (1) of this subsection;

(4) Any employing unit which together with one or more other employing units is owned or controlled (by legally enforceable means or otherwise), directly or indirectly by the same interests, or which owns or controls one or more other employing units (by legally enforceable means or otherwise), and which, if treated as a single unit with such other employing unit or interest, would be an employer under paragraph (1) of this subsection;

(5) Any employing unit for which service in employment as defined in R.S.43:21-19 (i) (1) (B) (i) is performed after December 31, 1971; and as defined in R.S.43:21-19 (i) (1) (B) (ii) is performed after December 31, 1977;

(6) Any employing unit for which service in employment as defined in R.S.43:21-19 (i) (1) (c) is performed after December 31, 1971 and which in either the current or the preceding calendar year paid remuneration for employment in the amount of $1,000.00 or more;

(7) Any employing unit not an employer by reason of any other paragraph of this subsection (h) for which, within either the current or preceding calendar year, service is or was performed with respect to which such employing unit is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment fund; or which, as a condition for approval of the "unemployment compensation law" for full tax credit against the tax imposed by the Federal Unemployment Tax Act, is required pursuant to such act to be an employer under this chapter (R.S.43:21-1 et seq.);

(8) (Deleted by amendment; P.L.1977, c.307.)

(9) (Deleted by amendment; P.L.1977, c.307.)

(10) (Deleted by amendment; P.L.1977, c.307.)

(11) Any employing unit subject to the provisions of the Federal Unemployment Tax Act within either the current or the preceding calendar year, except for employment hereinafter excluded under paragraph (7) of subsection (i) of this section;

(12) Any employing unit for which agricultural labor in employment as defined in R.S.43:21-19 (i) (1) (I) is performed after December 31, 1977;

(13) Any employing unit for which domestic service in employment as defined in R.S.43:21-19 (i) (1) (J) is performed after December 31, 1977;

(14) Any employing unit which having become an employer under the "unemployment compensation law" (R.S.43:21-1 et seq.), has not under R.S.43:21-8 ceased to be an employer; or for the effective period of its election pursuant to R.S.43:21-8, any other employing unit which has elected to become fully subject to this chapter (R.S.43:21-1 et seq.).

(i) (1) "Employment" means:

(A) Any service performed prior to January 1, 1972, which was employment as defined in the "unemployment compensation law" (R.S.43:21-1 et seq.) prior to such date, and, subject to the other provisions of this subsection, service performed on or after January 1, 1972, including service in interstate commerce, performed for remuneration or under any contract of hire, written or oral, express or implied.

(B) (i) Service performed after December 31, 1971 by an individual in the employ of this State or any of its instrumentalities or in the employ of this State and one or more other states or their instrumentalities for a hospital or institution of higher education located in this State, if such service is not excluded from "employment" under paragraph (D) below.

(ii) Service performed after December 31, 1977, in the employ of this State or any of its instrumentalities or any political subdivision thereof or any of its instrumentalities or any instrumentality of more than one of the foregoing or any instrumentality of the foregoing and one or more other states or political subdivisions, if such service is not excluded from "employment" under paragraph (D) below.

(C) Service performed after December 31, 1971 by an individual in the employ of a religious, charitable, educational, or other organization, which is excluded from "employment" as defined in the Federal Unemployment Tax Act, solely by reason of section 3306 (c)(8) of that act, if such service is not excluded from "employment" under paragraph (D) below.

(D) For the purposes of paragraphs (B) and (C), the term "employment" does not apply to services performed

(i) In the employ of (I) a church or convention or association of churches, or (II) an organization, or school which is operated primarily for religious purposes and which is operated, supervised, controlled or principally supported by a church or convention or association of churches;

(ii) By a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order;

(iii) Prior to January 1, 1978, in the employ of a school which is not an institution of higher education, and after December 31, 1977, in the employ of a governmental entity referred to in R.S.43:21-19 (i) (1) (B), if such service is performed by an individual in the exercise of duties

(aa) as an elected official;

(bb) as a member of a legislative body, or a member of the judiciary, of a state or political subdivision;

(cc) as a member of the State National Guard or Air National Guard;

(dd) as an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency;

(ee) in a position which, under or pursuant to the laws of this State, is designated as a major nontenured policy making or advisory position, or a policy making or advisory position, the performance of the duties of which ordinarily does not require more than eight hours per week; or

(iv) By an individual receiving rehabilitation or remunerative work in a facility conducted for the purpose of carrying out a program of rehabilitation of individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market;

(v) By an individual receiving work-relief or work-training as part of an unemployment work-relief or work-training program assisted in whole or in part by any federal agency or an agency of a state or political subdivision thereof; or

(vi) Prior to January 1, 1978, for a hospital in a State prison or other State correctional institution by an inmate of the prison or correctional institution and after December 31, 1977, by an inmate of a custodial or penal institution.

(E) The term "employment" shall include the services of an individual who is a citizen of the United States, performed outside the United States after December 31, 1971 (except in Canada and in the case of the Virgin Islands, after December 31, 1971) and prior to January 1 of the year following the year in which the U.S. Secretary of Labor approves the unemployment compensation law of the Virgin Islands, under section 3304 (a) of the Internal Revenue Code of 1986 (26 U.S.C. s.3304 (a)) in the employ of an American employer (other than the service which is deemed employment under the provisions of R.S.43:21-19 (i) (2) or (5) or the parallel provisions of another state's unemployment compensation law), if

(i) The American employer's principal place of business in the United States is located in this State; or

(ii) The American employer has no place of business in the United States, but (I) the American employer is an individual who is a resident of this State; or (II) the American employer is a corporation which is organized under the laws of this State; or (III) the American employer is a partnership or trust and the number of partners or trustees who are residents of this State is greater than the number who are residents of another state; or

(iii) None of the criteria of divisions (i) and (ii) of this subparagraph (E) is met but the American employer has elected to become an employer

subject to the "unemployment compensation law" (R.S.43:21-1 et seq.) in this State, or the American employer having failed to elect to become an employer in any state, the individual has filed a claim for benefits, based on such service, under the law of this State;

(iv) An "American employer," for the purposes of this subparagraph (E), means (I) an individual who is a resident of the United States; or (II) a partnership, if two-thirds or more of the partners are residents of the United States; or (III) a trust, if all the trustees are residents of the United States; or (IV) a corporation organized under the laws of the United States or of any state.

(F) Notwithstanding R.S.43:21-19 (i) (2), all service performed after January 1, 1972 by an officer or member of the crew of an American vessel or American aircraft on or in connection with such vessel or aircraft, if the operating office from which the operations of such vessel or aircraft operating within, or within and without, the United States are ordinarily and regularly supervised, managed, directed, and controlled, is within this State.

(G) Notwithstanding any other provision of this subsection, service in this State with respect to which the taxes required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund or which as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act is required to be covered under the "unemployment compensation law" (R.S.43:21-1 et seq.).

(H) The term "United States" when used in a geographical sense in subsection R.S.43:21-19 (i) includes the states, the District of Columbia, the Commonwealth of Puerto Rico and, effective on the day after the day on which the U.S. Secretary of Labor approves for the first time under section 3304 (a) of the Internal Revenue Code of 1986 (26 U.S.C. s.3304 (a)) an unemployment compensation law submitted to the Secretary by the Virgin Islands for such approval, the Virgin Islands.

(I) (i) Service performed after December 31, 1977 in agricultural labor in a calendar year for an entity which is an employer as defined in the "unemployment compensation law," (R.S.43:21-1 et seq.) as of January 1 of such year; or for an employing unit which

(aa) during any calendar quarter in either the current or the preceding calendar year paid remuneration in cash of $20,000.00 or more for individuals employed in agricultural labor, or

(bb) for some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, employed in agricultural labor 10 or more individuals, regardless of whether they were employed at the same moment in time.

(ii) for the purposes of this subsection any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other entity shall be treated as an employee of such crew leader

(aa) if such crew leader holds a certification of registration under the Migrant and Seasonal Agricultural Worker Protection Act, Pub.L.97-470 (29 U.S.C. s.1801 et seq.), or P.L.1971, c.192 (C.34:8A-7 et seq.); or substantially all the members of such crew operate or maintain tractors, mechanized harvesting or cropdusting equipment, or any other mechanized equipment, which is provided by such crew leader; and

(bb) if such individual is not an employee of such other person for whom services were performed.

(iii) For the purposes of subparagraph (I) (i) in the case of any individual who is furnished by a crew leader to perform service in agricultural labor or any other entity and who is not treated as an employee of such crew leader under (I) (ii)

(aa) such other entity and not the crew leader shall be treated as the employer of such individual; and

(bb) such other entity shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader (either on his own behalf or on behalf of such other entity) for the service in agricultural labor performed for such other entity.

(iv) For the purpose of subparagraph (I)(ii), the term "crew leader" means an individual who

(aa) furnishes individuals to perform service in agricultural labor for any other entity;

(bb) pays (either on his own behalf or on behalf of such other entity) the individuals so furnished by him for the service in agricultural labor performed by them; and

(cc) has not entered into a written agreement with such other entity under which such individual is designated as an employee of such other entity.

(J) Domestic service after December 31, 1977 performed in the private home of an employing unit which paid cash remuneration of $1,000.00 or more to one or more individuals for such domestic service in any calendar quarter in the current or preceding calendar year.

(2) The term "employment" shall include an individual's entire service performed within or both within and without this State if:

(A) The service is localized in this State; or

(B) The service is not localized in any state but some of the service is performed in this State, and (i) the base of operations, or, if there is no base

of operations, then the place from which such service is directed or controlled, is in this State; or (ii) the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this State.

(3) Services performed within this State but not covered under paragraph (2) of this subsection shall be deemed to be employment subject to this chapter (R.S.43:21-1 et seq.) if contributions are not required and paid with respect to such services under an unemployment compensation law of any other state or of the federal government.

(4) Services not covered under paragraph (2) of this subsection and performed entirely without this State, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the federal government, shall be deemed to be employment subject to this chapter (R.S.43:21-1 et seq.) if the individual performing such services is a resident of this State and the employing unit for whom such services are performed files with the division an election that the entire service of such individual shall be deemed to be employment subject to this chapter (R.S.43:21-1 et seq.).

(5) Service shall be deemed to be localized within a state if:

(A) The service is performed entirely within such state; or

(B) The service is performed both within and without such state, but the service performed without such state is incidental to the individual's service within the state; for example, is temporary or transitory in nature or consists of isolated transactions.

(6) Services performed by an individual for remuneration shall be deemed to be employment subject to this chapter (R.S.43:21-1 et seq.) unless and until it is shown to the satisfaction of the division that:

(A) Such individual has been and will continue to be free from control or direction over the performance of such service, both under his contract of service and in fact; and

(B) Such service is either outside the usual course of the business for which such service is performed, or that such service is performed outside of all the places of business of the enterprise for which such service is performed; and

(C) Such individual is customarily engaged in an independently established trade, occupation, profession or business.

(7) Provided that such services are also exempt under the Federal Unemployment Tax Act, as amended, or that contributions with respect to such services are not required to be paid into a state unemployment fund as a

condition for a tax offset credit against the tax imposed by the Federal Unemployment Tax Act, as amended, the term "employment" shall not include:

(A) Agricultural labor performed prior to January 1, 1978; and after December 31, 1977, only if performed in a calendar year for an entity which is not an employer as defined in the "unemployment compensation law," (R.S.43:21-1 et seq.) as of January 1 of such calendar year; or unless performed for an employing unit which

(i) during a calendar quarter in either the current or the preceding calendar year paid remuneration in cash of $20,000.00 or more to individuals employed in agricultural labor, or

(ii) for some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, employed in agricultural labor 10 or more individuals, regardless of whether they were employed at the same moment in time;

(B) Domestic service in a private home performed prior to January 1, 1978; and after December 31, 1977, unless performed in the private home of an employing unit which paid cash remuneration of $1,000.00 or more to one or more individuals for such domestic service in any calendar quarter in the current or preceding calendar year;

(C) Service performed by an individual in the employ of his son, daughter or spouse, and service performed by a child under the age of 18 in the employ of his father or mother;

(D) Service performed prior to January 1, 1978, in the employ of this State or of any political subdivision thereof or of any instrumentality of this State or its political subdivisions, except as provided in R.S.43:21-19 (i) (1) (B) above, and service in the employ of the South Jersey Port Corporation or its successors;

(E) Service performed in the employ of any other state or its political subdivisions or of an instrumentality of any other state or states or their political subdivisions to the extent that such instrumentality is with respect to such service exempt under the Constitution of the United States from the tax imposed under the Federal Unemployment Tax Act, as amended, except as provided in R.S.43:21-19 (i) (1) (B) above;

(F) Service performed in the employ of the United States Government or of any instrumentality of the United States exempt under the Constitution of the United States from the contributions imposed by the "unemployment compensation law," except that to the extent that the Congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation law, all of the provisions of this act shall be

applicable to such instrumentalities, and to service performed for such instrumentalities, in the same manner, to the same extent and on the same terms as to all other employers, employing units, individuals and services; provided that if this State shall not be certified for any year by the Secretary of Labor of the United States under section 3304 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.3304), the payments required of such instrumentalities with respect to such year shall be refunded by the division from the fund in the same manner and within the same period as is provided in R.S.43:21-14 (f) with respect to contributions erroneously paid to or collected by the division;

(G) Services performed in the employ of fraternal beneficiary societies, orders, or associations operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system and providing for the payment of life, sick, accident, or other benefits to the members of such society, order, or association, or their dependents;

(H) Services performed as a member of the board of directors, a board of trustees, a board of managers, or a committee of any bank, building and loan, or savings and loan association, incorporated or organized under the laws of this State or of the United States, where such services do not constitute the principal employment of the individual;

(I) Service with respect to which unemployment insurance is payable under an unemployment insurance program established by an Act of Congress;

(J) Service performed by agents of mutual fund brokers or dealers in the sale of mutual funds or other securities, by agents of insurance companies, exclusive of industrial insurance agents or by agents of investment companies, if the compensation to such agents for such services is wholly on a commission basis;

(K) Services performed by real estate salesmen or brokers who are compensated wholly on a commission basis;

(L) Services performed in the employ of any veterans' organization chartered by Act of Congress or of any auxiliary thereof, no part of the net earnings of which organization, or auxiliary thereof, inures to the benefit of any private shareholder or individual;

(M) Service performed for or in behalf of the owner or operator of any theater, ballroom, amusement hall or other place of entertainment, not in excess of 10 weeks in any calendar year for the same owner or operator, by any leader or musician of a band or orchestra, commonly called a "name band," entertainer, vaudeville artist, actor, actress, singer or other entertainer;

(N) Services performed after January 1, 1973 by an individual for a labor union organization, known and recognized as a union local, as a member

of a committee or committees reimbursed by the union local for time lost from regular employment, or as a part-time officer of a union local and the remuneration for such services is less than $1,000.00 in a calendar year;

(O) Services performed in the sale or distribution of merchandise by home-to-home salespersons or in-the-home demonstrators whose remuneration consists wholly of commissions or commissions and bonuses;

(P) Service performed in the employ of a foreign government, including service as a consular, nondiplomatic representative, or other officer or employee;

(Q) Service performed in the employ of an instrumentality wholly owned by a foreign government if (i) the service is of a character similar to that performed in foreign countries by employees of the United States Government or of an instrumentality thereof, and (ii) the division finds that the United States Secretary of State has certified to the United States Secretary of the Treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar services performed in the foreign country by employees of the United States Government and of instrumentalities thereof;

(R) Service in the employ of an international organization entitled to enjoy the privileges, exemptions and immunities under the International Organizations Immunities Act (22 U.S.C. s.288 et seq.);

(S) Service covered by an election duly approved by an agency charged with the administration of any other state or federal unemployment compensation or employment security law, in accordance with an arrangement pursuant to R.S.43:21-21 during the effective period of such election;

(T) Service performed in the employ of a school, college, or university if such service is performed (i) by a student enrolled at such school, college, or university on a full-time basis in an educational program or completing such educational program leading to a degree at any of the severally recognized levels, or (ii) by the spouse of such a student, if such spouse is advised at the time such spouse commences to perform such service that (I) the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university, and (II) such employment will not be covered by any program of unemployment insurance;

(U) Service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, as a student in a full-time program, taken for credit at such institution, which

combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this subparagraph shall not apply to service performed in a program established for or on behalf of an employer or group of employers;

(V) Service performed in the employ of a hospital, if such service is performed by a patient of the hospital; service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and regularly attending classes in a nurses' training school approved under the laws of this State;

(W) Services performed after the effective date of this amendatory act by agents of mutual benefit associations if the compensation to such agents for such services is wholly on a commission basis;

(X) Services performed by operators of motor vehicles weighing 18,000 pounds or more, licensed for commercial use and used for the highway movement of motor freight, who own their equipment or who lease or finance the purchase of their equipment through an entity which is not owned or controlled directly or indirectly by the entity for which the services were performed and who were compensated by receiving a percentage of the gross revenue generated by the transportation move or by a schedule of payment based on the distance and weight of the transportation move;

(Y) (Deleted by amendment, P.L.2009, c.211.)

(Z) Services performed, using facilities provided by a travel agent, by a person, commonly known as an outside travel agent, who acts as an independent contractor, is paid on a commission basis, sets his own work schedule and receives no benefits, sick leave, vacation or other leave from the travel agent owning the facilities.

(8) If one-half or more of the services in any pay period performed by an individual for an employing unit constitutes employment, all the services of such individual shall be deemed to be employment; but if more than one-half of the service in any pay period performed by an individual for an employing unit does not constitute employment, then none of the service of such individual shall be deemed to be employment. As used in this paragraph, the term "pay period" means a period of not more than 31 consecutive days for which a payment for service is ordinarily made by an employing unit to individuals in its employ.

(9) Services performed by the owner of a limousine franchise (franchisee) shall not be deemed to be employment subject to the "unemployment compensation law," R.S.43:21-1 et seq., with regard to the franchisor if:

(A) The limousine franchisee is incorporated;

(B) The franchisee is subject to regulation by the Interstate Commerce Commission;

(C) The limousine franchise exists pursuant to a written franchise arrangement between the franchisee and the franchisor as defined by section 3 of P.L.1971, c.356 (C.56:10-3); and

(D) The franchisee registers with the Department of Labor and Workforce Development and receives an employer registration number.

(10) Services performed by a legal transcriber, or certified court reporter certified pursuant to P.L.1940, c.175 (C.45:15B-1 et seq.), shall not be deemed to be employment subject to the "unemployment compensation law," R.S.43:21-1 et seq., if those services are provided to a third party by the transcriber or reporter who is referred to the third party pursuant to an agreement with another legal transcriber or legal transcription service, or certified court reporter or court reporting service, on a freelance basis, compensation for which is based upon a fee per transcript page, flat attendance fee, or other flat minimum fee, or combination thereof, set forth in the agreement.

For purposes of this paragraph (10): "legal transcription service" and "legal transcribing" mean making use, by audio, video or voice recording, of a verbatim record of court proceedings, depositions, other judicial proceedings, meetings of boards, agencies, corporations, or other bodies or groups, and causing that record to be printed in readable form or produced on a computer screen in readable form; and "legal transcriber" means a person who engages in "legal transcribing."

(j) "Employment office" means a free public employment office, or branch thereof operated by this State or maintained as a part of a State-controlled system of public employment offices.

(k) (Deleted by amendment, P.L.1984, c.24.)

(l) "State" includes, in addition to the states of the United States of America, the District of Columbia, the Virgin Islands and Puerto Rico.

(m) "Unemployment."

(1) An individual shall be deemed "unemployed" for any week during which:

(A) The individual is not engaged in full-time work and with respect to which his remuneration is less than his weekly benefit rate, including any week during which he is on vacation without pay; provided such vacation is not the result of the individual's voluntary action, except that for benefit years commencing on or after July 1, 1984, an officer of a corporation, or a person who has more than a 5% equitable or debt interest in the corporation, whose claim for benefits is based on wages with that corporation shall

not be deemed to be unemployed in any week during the individual's term of office or ownership in the corporation; or

(B) The individual is eligible for and receiving a self-employment assistance allowance pursuant to the requirements of P.L.1995, c.394 (C.43:21-67 et al.).

(2) The term "remuneration" with respect to any individual for benefit years commencing on or after July 1, 1961, and as used in this subsection, shall include only that part of the same which in any week exceeds 20% of his weekly benefit rate (fractional parts of a dollar omitted) or $5.00, whichever is the larger, and shall not include any moneys paid to an individual by a county board of elections for work as a board worker on an election day.

(3) An individual's week of unemployment shall be deemed to commence only after the individual has filed a claim at an unemployment insurance claims office, except as the division may by regulation otherwise prescribe.

(n) "Unemployment compensation administration fund" means the unemployment compensation administration fund established by this chapter (R.S.43:21-1 et seq.), from which administrative expenses under this chapter (R.S.43:21-1 et seq.) shall be paid.

(o) "Wages" means remuneration paid by employers for employment. If a worker receives gratuities regularly in the course of his employment from other than his employer, his "wages" shall also include the gratuities so received, if reported in writing to his employer in accordance with regulations of the division, and if not so reported, his "wages" shall be determined in accordance with the minimum wage rates prescribed under any labor law or regulation of this State or of the United States, or the amount of remuneration actually received by the employee from his employer, whichever is the higher.

(p) "Remuneration" means all compensation for personal services, including commission and bonuses and the cash value of all compensation in any medium other than cash.

(q) "Week" means for benefit years commencing on or after October 1, 1984, the calendar week ending at midnight Saturday, or as the division may by regulation prescribe.

(r) "Calendar quarter" means the period of three consecutive calendar months ending March 31, June 30, September 30, or December 31.

(s) "Investment company" means any company as defined in subsection a. of section 1 of P.L.1938, c.322 (C.17:16A-1).

(t) (1) (Deleted by amendment, P.L.2001, c.17).

(2) "Base week," commencing on or after January 1, 1996 and before January 1, 2001, means:

(A) Any calendar week during which the individual earned in employment from an employer remuneration not less than an amount which is 20% of the Statewide average weekly remuneration defined in subsection (c) of R.S.43:21-3 which amount shall be adjusted to the next higher multiple of $1.00 if not already a multiple thereof, except that if in any calendar week an individual subject to this subparagraph (A) is in employment with more than one employer, the individual may in that calendar week establish a base week with respect to each of the employers from whom the individual earns remuneration equal to not less than the amount defined in this subparagraph (A) during that week; or

(B) If the individual does not establish in his base year 20 or more base weeks as defined in subparagraph (A) of this paragraph (2), any calendar week of an individual's base year during which the individual earned in employment from an employer remuneration not less than an amount 20 times the minimum wage in effect pursuant to section 5 of P.L.1966, c.113 (C.34:11-56a4) on October 1 of the calendar year preceding the calendar year in which the benefit year commences, which amount shall be adjusted to the next higher multiple of $1.00 if not already a multiple thereof, except that if in any calendar week an individual subject to this subparagraph (B) is in employment with more than one employer, the individual may in that calendar week establish a base week with respect to each of the employers from whom the individual earns remuneration not less than the amount defined in this subparagraph (B) during that week.

(3) "Base week," commencing on or after January 1, 2001, means any calendar week during which the individual earned in employment from an employer remuneration not less than an amount 20 times the minimum wage in effect pursuant to section 5 of P.L.1966, c.113 (C.34:11-56a4) on October 1 of the calendar year preceding the calendar year in which the benefit year commences, which amount shall be adjusted to the next higher multiple of $1.00 if not already a multiple thereof, except that if in any calendar week an individual subject to this paragraph (3) is in employment with more than one employer, the individual may in that calendar week establish a base week with respect to each of the employers from whom the individual earns remuneration equal to not less than the amount defined in this paragraph (3) during that week.

(u) "Average weekly wage" means the amount derived by dividing an individual's total wages received during his base year base weeks (as defined in subsection (t) of this section) from that most recent base year em-

ployer with whom he has established at least 20 base weeks, by the number of base weeks in which such wages were earned. In the event that such claimant had no employer in his base year with whom he had established at least 20 base weeks, then such individual's average weekly wage shall be computed as if all of his base week wages were received from one employer and as if all his base weeks of employment had been performed in the employ of one employer.

For the purpose of computing the average weekly wage, the monetary alternative in subparagraph (B) of paragraph (2) of subsection (e) of R.S.43:21-4 shall only apply in those instances where the individual did not have at least 20 base weeks in the base year. For benefit years commencing on or after July 1, 1986, "average weekly wage" means the amount derived by dividing an individual's total base year wages by the number of base weeks worked by the individual during the base year; provided that for the purpose of computing the average weekly wage, the maximum number of base weeks used in the divisor shall be 52.

(v) "Initial determination" means, subject to the provisions of R.S.43:21-6(b)(2) and (3), a determination of benefit rights as measured by an eligible individual's base year employment with a single employer covering all periods of employment with that employer during the base year.

(w) "Last date of employment" means the last calendar day in the base year of an individual on which he performed services in employment for a given employer.

(x) "Most recent base year employer" means that employer with whom the individual most recently, in point of time, performed service in employment in the base year.

(y) (1) "Educational institution" means any public or other nonprofit institution (including an institution of higher education):

(A) In which participants, trainees, or students are offered an organized course of study or training designed to transfer to them knowledge, skills, information, doctrines, attitudes or abilities from, by or under the guidance of an instructor or teacher;

(B) Which is approved, licensed or issued a permit to operate as a school by the State Department of Education or other government agency that is authorized within the State to approve, license or issue a permit for the operation of a school; and

(C) Which offers courses of study or training which may be academic, technical, trade, or preparation for gainful employment in a recognized occupation.

(2) "Institution of higher education" means an educational institution which:

(A) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(B) Is legally authorized in this State to provide a program of education beyond high school;

(C) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, a program of post-graduate or post-doctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation; and

(D) Is a public or other nonprofit institution.

Notwithstanding any of the foregoing provisions of this subsection, all colleges and universities in this State are institutions of higher education for purposes of this section.

(z) "Hospital" means an institution which has been licensed, certified or approved under the law of this State as a hospital.

2. This act shall take effect immediately.

Approved August 7, 2017.

CHAPTER 231

AN ACT providing for the regulation of fantasy sports activities and supplementing Title 5 of the Revised Statutes.

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

C.5:20-1 Findings, declarations relative to fantasy sports.

1. The Legislature finds and declares as the public policy of this State that:

(1) Under the New Jersey Constitution, gambling activities may not be authorized without voter approval;

(2) New Jersey courts define gambling as contests in which the elements of chance are considered to play a predominant role or affect a material impact upon the results of the contest;

(3) Participation in fantasy sports activities cannot be considered gambling under New Jersey laws because fantasy sports activities are contests in which the relative skill of the participants predominates to a degree that chance plays no material role in determining the outcome of the activities;

(4) Further, there is a longstanding and still growing national consensus that fantasy sports activities do not constitute gambling, as shown by the enactment of federal statutes; state laws in New York, Massachusetts, Kansas, Tennessee, and several other states; and current New Jersey regulations adopted by the Division of Gaming Enforcement finding that fantasy sports activities do not constitute gambling; and

(5) Therefore, it is within the New Jersey Legislature's constitutional authority to authorize and regulate fantasy sports contests.

The Legislature further finds and declares that:

(6) Fantasy sports are popular and quickly expanding commercial activities for tens of thousands of New Jersey residents;

(7) Investigation of the industry in other states has revealed instances of unethical behavior by some employees of fantasy sports operators, which is enabled by lack of adequate regulation and oversight;

(8) It is in the State's interest to protect participants and promote a positive business environment in the conduct of fantasy sports activities;

(9) Therefore, it is proper and fitting for the Legislature to regulate the fantasy sports industry and protect consumers of fantasy sports activities in New Jersey; and

(10) Fantasy sports activities conducted in accordance with the provisions of P.L.2017, c.231 (C.5:20-1 et seq.) by an operator holding a permit to do so do not constitute:

(a) an authorized game or authorized gambling game as defined in section 5 of P.L.1977, c.110 (C.5:12-5);

(b) a contest of chance as defined in N.J.S.2C:37-1;

(c) gambling as defined in N.J.S.2C:37-1;

(d) a gambling transaction pursuant to N.J.S.2A:40-1; or

(e) lottery as defined in N.J.S.2C:37-1.

C.5:20-2 Definitions relative to fantasy sports.

2. a. As used in this section:

"entry fee" means cash or a cash equivalent that is paid by a participant to a fantasy sports operator to participate in a fantasy sports activity offered by that operator, but shall not include a fee paid to an operator that does not offer a prize;

"fantasy sports activity" or "fantasy sports activities" means any fantasy or simulated activity or contest with an entry fee in which a participant owns or manages an imaginary team and competes against other participants or a target score for a predetermined prize with the outcome reflecting the relative skill of the participants and determined by statistics generated based on performance by actual individuals participating in actual competitions or athletic events, provided that the outcome shall not be based solely on the performance of an individual athlete, or on the score, point spread, or any performance of any single real team or combination of real teams; "fantasy sports activity" shall not include any activity in which no entry fee is paid to the fantasy sports operator or in which a prize is not collected, managed, or awarded by the operator;

"fantasy sports gross revenue" means, for each fantasy sports activity, the amount equal to the total of all entry fees that a fantasy sports operator collects from all participants less only the total of all prizes paid out as prizes to all participants multiplied by the location percentage for this State;

"fantasy sports operator" or "operator" means a business entity, including a casino licensee or the holder of a permit to conduct a horse race meeting, that has been issued a permit by the Division of Consumer Affairs in the Department of Law and Public Safety to offer persons the opportunity to participate in a fantasy sports activity;

"location percentage" means, for each authorized fantasy sports activity, the percentage rounded to the nearest tenth of one percent (0.1%) of the total entry fees collected from players located in this State, divided by the total entry fees collected from all players in the fantasy sports activity; and

"prohibited participant" means an individual who has access to nonpublic confidential information about fantasy sports activities, any athlete whose performance may be used to determine the outcome of a fantasy sports activity in the sport with which the athlete is associated, any team employee, referee, or league official in a fantasy sports activity in the sport with which that person is associated, and any sports agent associated with any sport used for fantasy sports activities.

b. The Division of Consumer Affairs in the Department of Law and Public Safety shall be responsible for the regulation of fantasy sports activities in this State.

A fantasy sports operator applicant seeking to conduct fantasy sports activities in this State shall apply to the division for a permit to conduct such activities on such forms and in such manner as the division shall require. The division shall promptly investigate each application, and shall oversee the conduct of activities. The division shall charge a permit fee to each fan-

tasy sports operator applicant that applies for a permit in an amount sufficient to cover the division's cost in issuing fantasy sports permits and overseeing the conduct of such activities, which permit fee shall be in addition to the quarterly operations fee required pursuant to subsection g. of this section. The division shall have the authority to inspect the facilities of fantasy sports operators in order to ensure the integrity of fantasy sports activities.

The division shall allow a fantasy sports operator applicant operating fantasy sports activities on the date of enactment of this act, P.L.2017, c.231 (C.5:20-1 et seq.), to continue to legally operate for up to 60 days after applications for permits are made available to the public by the division. Operator applicants who have applied for a permit during that 60-day period may continue to operate while the application is pending. A provider of fantasy sports activities that has not applied for a permit shall cease operations in this State by the expiration of the 60-day period. A fantasy sports operator applicant that is not operating fantasy sports activities in this State on the effective date of this act shall be prohibited from operating fantasy sports activities pending approval of the applicant's application for a permit.

Upon the granting of a permit, a fantasy sports operator may continue to operate fantasy sports activities pending the renewal of the operator's permit, provided that the operator has applied for the renewal in a timely manner.

c. (1) With respect to a fantasy sports operator that is a casino, all equipment used by the holder of the permit, including computers and servers, to conduct fantasy sports activities shall be physically located within the boundaries of the municipality specified in section 20 of P.L. 2013, c.27 (C.5:12-95.22) for the location of Internet gambling equipment.

(2) With respect to a fantasy sports operator that is not a casino, at least one server used to conduct fantasy sports activities shall be physically located within the boundaries of the municipality specified in section 20 of P.L. 2013, c.27 (C.5:12-95.22) on or before January 1, 2018.

d. The division shall regulate the conduct of fantasy sports activities by fantasy sports operators that have been issued a permit by the division to conduct fantasy sports activities.

e. The division shall permit a fantasy sports operator to conduct fantasy sports activities subject to the following conditions:

the outcome of fantasy sports activities shall be determined by statistics generated based on the performance of actual individuals participating in real competitions or athletic events;

all prizes offered to participants shall be established and disclosed in advance to all participants;

the outcome shall not be based solely on the performance of an individual athlete, or on the score, point spread, or any performance of a single real team or combination of real teams;

a fantasy sports operator may permit participants to use a mobile account or a participant deposit account;

a casino licensee or licensed racetrack may use its facilities to accept entry fees and to pay prizes;

a casino licensee may partner with, or enter into a contract with, one or more fantasy sports operators to offer fantasy sports activities, notwithstanding the provisions of section 104 of P.L.1977, c.110 (C.5:12-104); and

a participant in a fantasy sports activity shall be at least 18 years of age.

f. A fantasy sports operator shall:

use commercially reasonable practices to prohibit the sharing of statistical information with third parties that could affect a fantasy sports activity until that information is publicly available;

adopt procedures to ensure that any prohibited participant does not participate in fantasy sports activities;

adopt procedures to ensure that a fantasy sports participant is at least 18 years of age;

offer individuals the ability to restrict themselves from participating in fantasy sports activities and take reasonable steps to prevent any such individual from participating in fantasy sports activities;

prohibit fantasy sports activities based upon high school athletics;

contract with a certified public accountant to perform a financial audit of the operator to ensure compliance with the provisions of this section and submit the accountant's report to the division on an annual basis;

disclose the number of entries a participant may submit to each fantasy sports activity and take reasonable steps to prevent a participant from exceeding that number; and

segregate participants' funds from operational funds and maintain a reserve in cash, cash equivalents, payment processor reserves and receivables; and an irrevocable letter of credit, a bond, or a combination thereof in the amount of the deposits in participants' accounts for the benefit and protection of participants' funds held in fantasy sports activity accounts.

g. A fantasy sports operator shall pay, on a quarterly basis, to the division for deposit into the general fund of the State, an operations fee in an amount equal to 10.5 percent of fantasy sports gross revenue for each quarter. The administration of the operations fee, including but not limited to the form, method, and manner of the assessment, collection, and enforcement thereof, shall be as determined by the division pursuant to regulations

that, notwithstanding any provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may be adopted by the division immediately upon filing with the Office of Administrative Law the regulations as the division deems necessary to implement this subsection, which regulations shall be effective for a period not to exceed 360 days following the date of enactment of P.L.2017, c.231 and may thereafter be amended, adopted, or readopted by the division in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

With respect to a fantasy sports operator that is a casino, an entry fee, management fee, or other revenue generated from a fantasy sports activity shall not be considered "gross revenue" as defined in section 24 of P.L.1977, c.110 (C.5:12-24) or "Internet gaming gross revenue" as defined in section 6 of P.L.2013, c.27 (C.5:12-28.2), and no investment alternative tax provided for by any other provision of law shall apply to fantasy sports operators.

h. (1) Any person who provides fantasy sports activities without approval of the division shall be subject to a fine of not more than $25,000 and, in the case of a person other than a natural person, to a fine of not more than $100,000.

(2) Any person who knowingly tampers with software, computers, or other equipment used to conduct fantasy sports activities to alter the payout of an activity or disables the activity from operating according to the rules of the activity as promulgated by the division shall be subject to a fine of not more than $50,000 and, in the case of a person other than a natural person, to a fine of not more than $200,000.

(3) Any person who knowingly offers or allows to be offered any fantasy sports activity that has been tampered with in a way that affects the payout of an activity or disables the activity from operating according to the rules of the activity as promulgated by the division shall be subject to a fine of not more than $50,000 and, in the case of a person other than a natural person, to a fine of not more than $200,000.

(4) Any person who violates any provision of this section shall be subject to a fine of not more than $25,000 and, in the case of a person other than a natural person, to a fine of not more than $100,000, and to injunctive relief to prevent future violations of this section.

(5) Notwithstanding the penalties provided for in this subsection, the division shall, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt and promulgate such rules and regulations as may be necessary to address additional violations of this section. The division shall also have the authority to disqualify an operator

either by allowing the operator to voluntarily withdraw from the operation of fantasy sports activities, or by suspending the operations of the operator, or by revoking the permit to conduct such operations.

(6) The fines provided by this subsection shall be in addition to any fine or penalty that may be imposed pursuant to any criminal law of this State.

i. Fantasy sports activities shall be conducted in New Jersey only in accordance with the provisions of this section.

3. This act shall take effect on the 90th day after the date of enactment, except that the Division of Consumer Affairs may take any anticipatory administrative actions in advance as shall be necessary for the implementation of this act.

Approved August 24, 2017.

CHAPTER 232

AN ACT concerning early retirement incentives in municipalities in need of stabilization and recovery and amending P.L.2016, c.4.

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

1. Section 5 of P.L.2016, c.4 (C.52:27BBBB-5) is amended to read as follows:

C.52:27BBBB-5 Power of Local Finance Board under certain circumstances.

5. a. (1) Notwithstanding the provisions of any law, rule, or regulation to the contrary, if the municipality in need of stabilization and recovery fails to submit a plan, if the commissioner has determined pursuant to subsection c. of section 4 of P.L.2016, c.4 (C.52:27BBBB-4) that the recovery plan is not likely to achieve financial stability for the municipality in need of stabilization and recovery, if the commissioner determines that the municipality is not strictly complying with a recovery plan approved by the commissioner pursuant to subsection c. of section 4 of P.L.2016, c.4 (C.52:27BBBB-4), or if the commissioner determines that a recovery plan approved by the commissioner pursuant to subsection c. of section 4 of P.L.2016, c.4 (C.52:27BBBB-4) is no longer likely to achieve financial sta-

bility, the Local Finance Board may, in its exclusive discretion at any time during which the municipality is deemed a municipality in need of stabilization and recovery, assume and reallocate to, and vest exclusively in the director any of the functions, powers, privileges, and immunities of the governing body of that municipality set forth in any statute, regulation, ordinance, resolution, charter, or contract to which the municipality is a party that are, or may be, substantially related to the fiscal condition or financial rehabilitation and recovery of that municipality. The duration of the transfer of the functions, powers, privileges, and immunities of the governing body shall not exceed the duration of the time the municipality is deemed a municipality in need of stabilization and recovery.

(2) In the event the Local Finance Board assumes and reallocates to the director any function, power, privilege, or immunity of the governing body of a municipality in need of stabilization and recovery set forth in a contract to which that municipality is a party, the municipality shall remain the party to the contract and neither the Local Finance Board nor the director shall assume any contractual obligations or liability arising out of that contract or be subject to any claim for breach of that contract or any other claim related to that contract. Any actions or steps taken by the director under P.L.2016, c.4 (C.52:27BBBB-1 et al.) shall be deemed to be by, and on behalf of, the municipality in need of stabilization.

(3) The authorities granted to the director by the Local Finance Board pursuant to this section shall extend to any and all actions that, in the exclusive discretion of the director, may help stabilize the finances, restructure the debts, or assist in the financial rehabilitation and recovery of the municipality in need of stabilization and recovery. Notwithstanding the provisions of any other law, rule, regulation, or contract to the contrary, the director shall have the authority to take any steps to stabilize the finances, restructure the debts, or assist in the financial rehabilitation and recovery of the municipality in need of stabilization and recovery, including, but not limited to:

(a) implementing governmental, administrative, and operational efficiency and oversight measures;

(b) dissolving, terminating, transferring, abolishing, or otherwise disposing of any municipal authority, board, commission, or department, or any function thereof; provided, however, that no such action shall be taken until adequate provision has been made for the payment of the creditors or obligees of the entity to be impacted unless otherwise permitted by law. This shall include the power to take any steps required of the governing body under applicable laws, including but not limited to the "municipal and

county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.), the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.), the "Water Infrastructure Protection Act," P.L.2015, c.18 (C.58:30-1 et seq.), the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et seq.), and the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.). To the extent that the Local Finance Board or the director exercise any powers under the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.) with respect to any municipal authority or municipal public utility in the municipality in need of stabilization and recovery;

(c) vetoing the minutes of the governing body of the municipality in need of stabilization and recovery, any board, commission, or department of the municipality in need of stabilization and recovery, and any independent board or authority in the municipality in need of stabilization and recovery, including, but not limited to, the housing authority, parking authority, redevelopment authority, planning board, and zoning board of adjustment. A true copy of the minutes of every meeting of the governing body and any board, commission, department, or independent board, or authority shall be delivered forthwith, by and under the certification of the secretary thereof, to the director. No action taken at the meeting shall have force or effect until 15 business days after a copy of the minutes have been so delivered to the director, unless during this 15-day period the director shall approve in writing the minutes or any part thereof, in which case the action shall become effective upon approval. If, within that 15-day period, the director returns a copy of the minutes with a veto of any action taken by the governing body, board, commission, department, or independent board or authority, or any member thereof at the meeting, the action shall be null and void and of no effect. The director may approve all or part of the action taken at a meeting;

(d) controlling litigation and the municipality's legal affairs, including, but not limited to, suing in the municipality's corporate name; prosecuting, defending, and resolving litigation, arbitration, disputes, and controversies; and retaining and directing municipal corporation counsel and other special counsel as the director may deem appropriate;

(e) selling, conveying, leasing, monetizing, or otherwise disposing of any interest in any municipally-owned assets, including but not limited to, any water, sewer, wastewater, and storm water infrastructure, equipment or facilities, services, and in any real property, including any improvements thereon; provided that the director shall not sell, convey, lease, monetize, or otherwise dispose of any municipally-owned water asset pursuant to an

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agreement with a private entity until one year after the effective date of P.L.2016, c.4 (C.52:27BBBB-1 et al.) to allow the municipality in need of stabilization and recovery to maximize the value of that asset;

(f) amending or terminating any existing contracts or agreements, which shall not include bonds, notes, indentures, or other similar financing instruments and documents to which the municipality is a party, in accordance with the terms thereof; or unilaterally amending or terminating any contracts or agreements which shall not include bonds, notes, indentures, or other similar financing instruments and documents to which the municipality is a party, provided that the director determines that the unilateral termination or amendment is reasonable and directly related to stabilizing the finances or assisting with the fiscal rehabilitation and recovery of the municipality in need of stabilization and recovery;

(g) unilaterally modifying, amending, or terminating any collective negotiations agreements, except those related to school districts, to which the municipality is a party, or unilaterally modifying, amending, or terminating the terms and conditions of employment during the term of any applicable collective negotiations agreement, or both, provided that the director determines that the modifications, amendments, or terminations are reasonable and directly related to stabilizing the finances or assisting with the fiscal rehabilitation and recovery of the municipality in need of stabilization and recovery;

(h) acting as the sole agent in collective negotiations on behalf of the municipality in need of stabilization and recovery;

(i) with respect to any expired collective negotiations agreement to which the municipality in need of stabilization and recovery is a party, unilaterally modifying wages, hours, or any other terms and conditions of employment;

(j) unilaterally abolishing any non-elected positions in the municipality in need of stabilization and recovery at any time. All of the functions, powers, and duties of abolished positions shall be exercised or delegated by the director; provided, however, that the provisions of Title 11A, Civil Service, shall not apply to any employment action under this paragraph;

(k) unilaterally appointing, transferring, or removing employees of the municipality in need of stabilization and recovery, including, but not limited to, department heads and division heads, as the case may be, but excluding appointed officials who have obtained tenure in office; provided, however, that the provisions of Title 11A, Civil Service, shall not apply to any employment action under this paragraph, and that the director shall not remove employees from a public safety department unless the employees of

the department have been offered a retirement incentive plan, in writing, pursuant to section 13 of P.L.2016, c.4 (C.52:27BBBB-11);

(l) acting as the appropriate authority, including, without limitation, the appointing authority, for purposes of Title 40A of the New Jersey Statutes;

(m) entering into any agreement with the county in which the municipality in need of stabilization and recovery is located, any of the other municipalities located in that county, or any instrumentality of the State to share or consolidate municipal services pursuant to any law applicable to consolidation or sharing of services, including, without limitation, the "Uniform Shared Services and Consolidation Act," P.L.2007, c.63 (C.40A:65-1 et al.) and P.L.2015, c.279 (C.40A:14-90.1 et al.);

(n) procuring any goods, services, commodities, information technology, software, hardware, or other items on behalf of the municipality in need of stabilization and recovery, in accordance with either the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.), or procurement laws applicable to the State, at the discretion of the director;

(o) retaining any professionals on behalf of the municipality in need of stabilization and recovery, and directing the work of professionals or any professionals previously retained by the municipality in need of stabilization and recovery, in accordance with either the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.) or procurement laws applicable to the State, at the discretion of the director;

(p) retaining bond counsel, adopting bond ordinances to the extent necessary, making appropriate bond applications, and taking any other steps necessary to restructure and adjust debt, on behalf of the municipality in need of stabilization and recovery;

(q) exercising on behalf of the municipality in need of stabilization and recovery any authority granted to a municipality pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et al.) when the director deems it necessary or appropriate to help stabilize the finances, restructure the debts, or assist with the financial rehabilitation and recovery of the municipality in need of stabilization and recovery;

(r) exercising on behalf of the municipality in need of stabilization and recovery any authority granted to a municipality pursuant to the "Redevelopment Area Bond Financing Law," P.L.2001, c.310 (C.40A:12A-64 et seq.) when the director deems it necessary or appropriate to help stabilize the finances, restructure the debts, or assist with the financial rehabilitation and recovery of the municipality in need of stabilization and recovery;

(s) exercising on behalf of the municipality in need of stabilization and recovery any authority granted to a municipality pursuant to the "Long Term Tax Exemption Law," P.L.1991, c.431 (C.40A:20-1 et seq.) when the director deems it necessary or appropriate to help stabilize the finances, restructure the debts, or assist the financial rehabilitation and recovery of the municipality in need of stabilization and recovery;

(t) authorizing and filing, on behalf of the municipality in need of stabilization and recovery, subject only to the written approval of the majority of the members of the legislative Joint Budget Oversight Committee, a petition and other pleadings and papers with any United States court or federal bankruptcy court for the purpose of effecting a plan of readjustment or composition of debts as set forth in R.S.52:27-40 et seq., and taking any other and further actions necessary or appropriate in connection with any case or proceeding; and

(u) negotiating and executing any contracts, agreements, or other documents on behalf of the municipality in need of stabilization and recovery as may be necessary or appropriate to effectuate any of the actions or steps specifically identified in P.L.2016, c.4 (C.52:27BBBB-1et al.) or that may otherwise, as the director deems necessary or appropriate, help stabilize the finances, restructure the debts, or assist with the financial rehabilitation and recovery of the municipality in need of stabilization and recovery.

(4) Subject to subsection b. of section 11 of P.L.2016, c.4 (C.52:27BBBB-9), the Local Finance Board may authorize the director to take any action authorized to be taken under the "Local Bond Law," N.J.S.40A:2-1 et seq., and the "Municipal Qualified Bond Act," P.L.1976, c.38 (C.40A:3-1 et seq.) by a governing body of a local unit.

(5) The provisions of P.L.1941, c.100 (C.34:13A-1 et seq.), and regulations promulgated thereunder, shall in no way infringe on the authority of the Local Finance Board or the director set forth in this section or any actions taken by the director pursuant to this section.

(6) Any function, power, privilege, or immunity of the municipal governing body that is not assumed by the Local Finance Board and reallocated to and vested exclusively in the director pursuant to this section shall remain allocated to and vested in that governing body unless and until such time as the function, power, privilege, immunity, or duty may be allocated to and vested exclusively in the Local Finance Board or the director pursuant to this section. The Local Finance Board or the director may exercise any power implied or incidental to a power that has been specifically allocated.

b. (1) Notwithstanding the provisions of any law, rule, or regulation to the contrary, including any requirements set forth in R.S.40:49-1 et seq., the "Sena-

tor Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), or R.S.52:27-41, the director shall have the exclusive authority to pass, adopt, repeal, or amend any ordinance or resolution of the municipality in need of stabilization and recovery, modify any meeting agenda of the governing body of the municipality in need of stabilization and recovery, and negotiate, enter into, amend, or terminate any contract or agreement, on behalf of the municipality in need of stabilization and recovery, provided that the director deems the action necessary or appropriate to help stabilize the finances, restructure the debts, or assist with the financial rehabilitation and recovery of the municipality in need of stabilization and recovery.

(2) When exercising powers under this section, the director shall, to the extent practicable, comply with all notice, hearing, and other requirements to which the municipality in need of stabilization and recovery is generally subject, but in no instance shall the director be deemed a "public body" pursuant to the "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

(3) The director may issue to the appropriate elected and appointed officials and employees, agents, and contractors of a municipality in need of stabilization and recovery the orders that the director deems appropriate to stabilize the finances, restructure the debts, or assist the financial rehabilitation and recovery of the municipality in need of stabilization and recovery pursuant to the authority granted by the Local Finance Board pursuant to this section. Any order by the director shall be binding on the appropriate elected and appointed officials and employees, agents, and contractors of a municipality in need of stabilization and recovery and may be enforced as other orders of the director are enforced under general law.

2. Section 13 of P.L.2016, c.4 (C.52:27BBBB-11) is amended to read as follows:

C.52:27BBBB-11 Incentive program for retirement, termination of employment.

13. a. In order to achieve financial stability, a municipality in need of stabilization and recovery, as determined by the commissioner pursuant to subsection a. of section 4 of P.L.2016, c.4 (C.52:27BBBB-4), may offer and implement an incentive program for retirement or termination of employment after approval of such incentive program by the director. The program shall be limited to full-time employees in any department, office, section, or other organizational component of the municipality in need of stabilization and recovery to achieve financial stability. The incentive program may include one or more of the following:

(1) cash payments or the purchase of annuities;

(2) employer contributions to an approved employee deferred compensation program to the extent permitted by federal law;

(3) payment by the municipality for continuation of health benefits coverage after retirement for not more than five years or until the employee attains the age of eligibility for Medicare, whichever occurs first;

(4) payment by the municipality for health benefits coverage after retirement under the "New Jersey State Health Benefits Program Act," P.L.1961, c.49 (C.52:14-17.25 et seq.), or under group insurance contracts pursuant to N.J.S.40A:10-23, for employees and dependents in accordance with the law and rules governing the State Health Benefits Program or the law governing such group insurance contracts, as the case may be, for employees who fail to meet the service requirement for payment for such coverage after retirement by no more than five years, but who are otherwise eligible for employer payment for health benefits coverage after retirement; or

(5) additional service credit for employees who are members of the Public Employees' Retirement System of New Jersey, pursuant to P.L.1954, c.84 (C.43:15A-1 et seq.) or the Police and Firemen's Retirement System of New Jersey, pursuant to P.L.1944, c.255 (C.43:16A-1 et seq.), or a municipal retirement system created under P.L.1954, c.218 (C.43:13-22.3 et seq.) or P.L.1964, c.275 (C.43:13-22.50 et seq.), as provided in this section.

b. No later than six months prior to the date on which a proposed incentive program is to begin, the municipality shall submit detailed information concerning the incentive program to the director, in a form and manner prescribed by the director, which shall include the following:

(1) the governmental services affected by the plan adopted by the municipality pursuant to subsection b. of section 4 of P.L.2016, c.4 (C.52:27BBBB-4);

(2) the departments, offices, sections, and other organizational components of the municipality to be affected, and a list of the employees thereof;

(3) the incentives to be offered;

(4) the estimated number of employees who will retire or terminate employment under the incentive program;

(5) fiscal information sufficient to demonstrate that the incentive program in conjunction with the plan adopted by the municipality pursuant to subsection b. of section 4 of P.L.2016, c.4 (C.52:27BBBB-4) will result in a reduction for the municipality in the number of employees providing the affected governmental services, including information on the number of employees by which the municipality will reduce employment for a period of at least five years;

(6) fiscal information sufficient to demonstrate that, taking into consideration the costs of the incentive program, the plan adopted by the municipality pursuant to subsection b. of section 4 of P.L.2016, c.4 (C.52:27BBBB-4) will result in a reduction in the cost of providing the affected governmental services for the municipality;

(7) information on the fiscal stability of the municipality sufficient to demonstrate that the municipality will be able to pay the costs for the incentive program which will result in net savings and shall not necessitate any increase in property taxes for the municipality;

(8) information sufficient to demonstrate that the municipality will continue to provide the affected governmental services without the number of employees that are expected to take the incentive; and

(9) any other information which the director may require.

c. The director may, for good cause, permit a municipality to submit information without complying with the time period for submission of information or which does not conform to the specific informational requirements of this section.

d. The director shall provide to the Director of the Division of Pensions and Benefits in the Department of the Treasury sufficient information relating to the incentive program so that the Director of the Division of Pensions and Benefits may provide to the director:

(1) an estimate of the anticipated liability of the affected retirement systems;

(2) a determination of whether the incentive program is reasonably calculated to produce a reduction in the number of employees of the municipality; and

(3) taking into consideration the liability for the incentive program, an estimate of the net savings in the employment costs to provide the affected governmental services.

e. In order to make the calculation required by paragraph (2) of subsection d. of this section, the Director of the Division of Pensions and Benefits in the Department of the Treasury shall submit the proposed incentive program to the actuary of each retirement system which would be affected by the incentive program. Each actuary shall estimate the additional liability to the retirement system for the incentive program, including the liability for the additional service credit and the earlier retirement of employees under the incentive program. Each actuary shall provide the Director of the Division of Pensions and Benefits with an opinion on whether the incentive program is reasonably calculated to produce a reduction in the number of employees of the municipality providing the affected governmental ser-

vices, and a net savings, taking into consideration the liability for the incentive program, in the employment costs to provide the affected governmental services. The State shall conduct the actuarial work required by this subsection at no charge to the municipality.

f. If the incentive program includes the provision of additional service credit under State retirement systems for eligible employees, the beginning and ending dates for the incentive program and the time period during which the eligible employees will have to elect to participate in the incentive program shall be subject to approval by the Director of the Division of Pensions and Benefits in the Department of the Treasury.

g. If the director determines that the incentive program will result in the municipality continuing to provide the affected governmental services with fewer employees and at a lower cost, and that the incentive program will result in net savings and will not necessitate any increase in local property taxes for the municipality, the director shall approve the incentive program for implementation.

h. For employees who are members of the Police and Firemen's Retirement System of New Jersey, pursuant to P.L.1944, c.255 (C.43:16A-1 et seq.), an incentive program for retirement may provide additional months of service credit for an employee who has 20 or more years of service credit on the last day for retirement under the incentive program, so that the employee shall have an aggregate amount of service credit under the retirement system of no more than 30 years on the effective date of retirement. In no case shall more than 60 months of additional service credit be provided under the incentive program.

i. For employees who are members of the Public Employees' Retirement System of New Jersey, pursuant to P.L.1954, c.84 (C.43:15A-1 et seq.), or a municipal retirement system, an incentive program for retirement may provide not more than 60 additional months of service credit for an employee who has 20 or more years of service credit on the last day for retirement under the incentive program.

j. An incentive program may require one or more of the following criteria: a minimum number of years of service credit in a retirement system, a minimum number of years of service with the municipality, or a minimum age for eligibility to participate in the program.

k. An employee who receives an incentive benefit for retirement or termination of employment under this section shall forfeit any tenure, civil service, or other employment right for continued employment or for return to employment based upon the employment for which the employee receives the incentive benefit.

l. When the needs of the municipality require the continuation in service of an employee who elects to retire and receive an incentive benefit under this section, the effective retirement date of the employee may be delayed, with the approval of the governing body of the municipality and the agreement of the employee, until the first day of any month not later than the twelfth month after the last date for retirement under the incentive program. If an employee whose retirement is delayed under this subsection dies before the retirement becomes effective, the retirement shall be effective on the first day of the month after the date of death of the employee, unless the employee's beneficiary for retirement benefits requests in writing to the board of trustees of the retirement system that benefits payable for death in active service be paid on behalf of the employee.

m. An employee retiring with an incentive benefit under this section who has not paid the full amount of a loan from the retirement system by the effective date of retirement may repay the loan through deductions from the monthly retirement benefits in the same monthly amount which was deducted from the member's compensation immediately preceding retirement, until the balance of the amount borrowed with interest at the statutory rate is repaid. If the retiree dies before the outstanding balance of the loan and interest is repaid, the remaining balance shall be repaid as provided in the laws governing the retirement system for repayment of loans.

n. Notwithstanding the provisions of the laws governing the retirement system, an employee purchasing service credit to qualify for a benefit under this section may, for each affected retirement system, purchase a portion of the service credit which the employee is eligible to purchase.

o. If the incentive program is approved and implemented, the actuary to the affected retirement system shall determine the full amount of the liability of the retirement system for the incentive program including the liability for the additional service credit and the earlier retirement of employees under the incentive program in accordance with the assumptions used by the retirement system to determine the full liabilities of the system. The municipality shall pay the amount of the liability determined by the actuary to the retirement system in a lump sum or through annual installment payments without interest, for a period approved by the Director of the Division of Pensions and Benefits in the Department of the Treasury which shall not exceed 10 years. The municipality shall pay the cost for the actuarial work to determine the full liability of the retirement system if the incentive program is approved and implemented. If the municipality does not make payments for the liability, the cost of the actuarial work, and administrative expenses in a timely manner, the municipality shall be subject to

interest and penalties on the payments on the same basis provided for late payment of employer contributions to the retirement system under the laws and rules governing the retirement system.

p. The Director of the Division of Pensions and Benefits in the Department of the Treasury shall provide the municipality with information on the estimated liability for the proposed incentive program, and actual liability if the program is approved and implemented. If the program provides additional service credit to employees under the Public Employees' Retirement System of New Jersey, pursuant to P.L.1954, c.84 (C.43:15A-1 et seq.), or the Police and Firemen's Retirement System of New Jersey, pursuant to P.L.1944, c.255 (C.43:16A-1 et seq.), the director shall provide the eligible employees of the municipality with information on the benefits they would receive under the incentive program, and other appropriate assistance, to enable employees to decide whether to accept the incentive benefit and retire from the retirement systems if they accept the incentive benefit.

q. The powers, duties, and responsibilities related to retirement systems under this section for municipal retirement systems shall be exercised and performed by the governing bodies of the retirement systems.

r. Prior to the beginning date of the incentive program, appropriate representatives of the governing body of the municipality which implements an incentive program pursuant to this section shall meet and consult with the majority representative of the bargaining unit or units which include the employees of the municipality who would be eligible for the incentive program.

s. For a period of five years after the last date for retirement or termination of employment under an incentive program implemented pursuant to this section, the employment level of the municipality for the provision of governmental services previously performed by employees that participated in the incentive program shall not, without the approval of the director, exceed the employment level specified in the incentive program approved by the director. The director may approve an increase in the employment level to provide the affected governmental services if the director determines that:

(1) changes in local conditions such as increased residential or commercial development, increased population, or other changes, have created an increased need or demand for the affected governmental services; and

(2) an increase in the employment level for the affected governmental services is warranted and will provide for the delivery of governmental services in an effective and cost efficient manner. The municipality shall submit annual reports to the director for five years after the last date for

retirement or termination of employment under an incentive program implemented pursuant to this section, in the form and manner required by the director, concerning the number of employees and the employment costs to provide the affected governmental services.

t. If the municipality exceeds the employment levels under subsection s. of this section, it shall be required by the director to reimburse the Division of Pensions and Benefits in the Department of the Treasury for the costs of the actuarial work performed for the municipality pursuant to subsection e. of this section, as determined by the director of that division.

3. This act shall take effect immediately.

Approved August 25, 2017.

CHAPTER 233

AN ACT concerning employee leasing agreements and amending P.L.2001, c.260 and P.L.2011, c.118.

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

1. Section 2 of P.L.2001, c.260 (C.34:8-68) is amended to read as follows:

C.34:8-68 Provision of leasing agreements.

2. a. Every employee leasing agreement shall provide that the employee leasing company:

(1) Reserves a right of direction and control over each covered employee assigned to the client company's location. However, a client company may retain sufficient direction and control over the covered employee as is necessary to conduct the client company's business and without which the client company would be unable to conduct its business, discharge any fiduciary responsibility that it may have, or comply with any applicable licensure, regulatory or statutory requirement of the client company;

(2) Assumes responsibility for the payment of wages to each covered employee without regard to payments by the client company to the employee leasing company, except that the provisions of this paragraph shall not

affect the client company's obligations with respect to the payment of wages to covered employees;

(3) Assumes responsibility for the payment of payroll taxes and collection of taxes from payroll on each covered employee;

(4) Retains authority to hire, terminate, discipline, and reassign each covered employee. However, no covered employee shall be reassigned to another client company without that covered employee's consent and the client company may have the right to accept or cancel the assignment of any covered employee;

(5) Has given written notice of the relationship between the employee leasing company and the client company to each covered employee it assigns to perform services at the client company's work site;

(6) Shall, except for newly established business entities, hire its initial employee complement from among employees of the client company at the time of execution of the employee leasing agreement at comparable terms and conditions of employment as are in existence at the client company at the time of execution of the employee leasing agreement and as designated by the client company. Throughout the term of the employee leasing agreement the covered employees shall be considered employees of the employee leasing company and the client company and upon the termination of the employee leasing agreement, the covered employees shall be considered employees of the client company;

(7) Continue to honor and abide by existing collective bargaining agreements applicable to covered employees. The client company shall also continue to honor and abide by all collective bargaining agreements applicable to covered employees. Every employee leasing company which enters into a contract with a client company, which has a collective bargaining representative for the covered employees, shall require that client company to enter into an agreement with the employee leasing company containing the following language:

"The client company shall continue to honor and abide by the terms of any applicable collective bargaining agreements, and upon expiration thereof, any obligations of the client company to bargain in good faith in connection with such collective bargaining agreements shall not be affected in any manner by the employee leasing agreement."

(8) Shall provide workers' compensation insurance for their covered employees, unless the client company, in agreement with the employee leasing company elects to assume the responsibility of providing the workers' compensation insurance coverage for those employees in an arrangement with an employee leasing company, and the employee leasing compa-

ny provides notice of the election and proof of coverage to the department within 30 days of the election or once forms or procedures are decided by the department.

A client company that assumes the responsibility to provide workers compensation insurance required by an employee leasing agreement, shall provide a copy of the agreement to the insurance carrier licensed in the State of New Jersey that issues the policy for the covered employees prior to the issuance of the policy or upon entering an employee leasing agreement as appropriate. The agreement shall contain a legal mailing address for the employee leasing company and the client company shall be obligated to update that address should it change over the policy period.

In the event that a policy issued to a client company is cancelled pursuant to R.S.34:15-81, the insurance carrier licensed in the State of New Jersey that issues the policy shall provide the employee leasing company copies of all notices required to be issued to the client company pursuant to R.S.34:15-81 with at least 10 days' notice by regular mail at the address set forth in the employee leasing agreement, as updated.

Notwithstanding the provisions of this paragraph (8), if the client company, having elected to assume the responsibility of providing the workers' compensation insurance coverage for covered employees in an arrangement with an employee leasing company, fails to provide workers' compensation insurance coverage as required by law during the period of the agreement, then the employee leasing company shall provide workers' compensation insurance for the covered employees under the employee leasing agreement.

b. Every employee leasing agreement shall allocate responsibility between the employee leasing company and the client company regarding the right of direction and control over management of safety, risk and hazard control at the work site or sites affecting each covered employee including:

(1) Responsibility for performing safety inspections of client company equipment and premises;

(2) Responsibility for the promulgation and administration of employment and safety policies; and

(3) Responsibility for the management of workers' compensation claims, the filings thereof, and procedures related thereto.

c. Nothing in this section or any other section of P.L.2001, c.260 (C.34:8-67 et seq.) shall alter the rights or obligations of client companies, employee leasing companies or covered employees under the National Labor Relations Act, 29 U.S.C. s.151 et seq.

d. (1) Nothing in P.L.2001, c.260 (C.34:8-67 et seq.) or in any employee leasing agreement shall diminish, abolish or remove any obligations of

covered employees to a client company or any obligations of any client company to a covered employee existing prior to the effective date of an employee leasing agreement, or create any new or additional enforceable right of a covered employee against an employee leasing company that is not specifically provided by the appropriate employee leasing agreement or P.L.2001, c.260 (C.34:8-67 et seq.).

(2) Nothing in P.L.2001, c.260 (C.34:8-67 et seq.) or in any employee leasing agreement shall affect, modify, or amend any contractual relationship or restrictive covenant between a covered employee and any client company in effect at the time an employee leasing agreement becomes effective; nor shall it prohibit or amend any contractual relationship or restrictive covenant that is entered into subsequently between a client company and a covered employee. An employee leasing company shall have no responsibility or liability in connection with, or arising out of, any such existing or new contractual relationship or restrictive covenant unless the employee leasing company has specifically agreed otherwise in writing.

e. (1) Nothing in P.L.2001, c.260 (C.34:8-67 et seq.) or in any employee leasing agreement shall affect, modify or amend any state or local registration or certification requirement applicable to any client company or covered employee.

(2) A covered employee who is required to be licensed, registered, or certified pursuant to any State law or regulation shall be considered solely an employee of the client company for purposes of that license, registration, or certification requirement.

(3) An employee leasing company shall not be deemed to engage in any occupation, trade, profession, or other activity that is subject to licensing, registration, or certification requirements, or is otherwise regulated by a governmental entity, solely by entering into an employee leasing agreement with a client company who is subject to those requirements or regulations.

(4) A client company shall have the sole right of direction and control of the professional or licensed activities of covered employees and the client company's business. Those covered employees and client companies shall remain subject to regulation by the regulatory or governmental entity responsible for licensing, registration, or certification of those covered employees or client companies.

f. A client company's certification as a small, minority-owned, disadvantaged, woman-owned business enterprise or an historically underutilized business for the purposes of any bid, contract, purchase order, or agreement entered into with the State or a political subdivision of the State, shall not

be affected because the client company has entered into an employee leasing agreement with an employee leasing company.

g. Any benefit that a client company is required to provide to covered employees that is provided to covered employees by an employee leasing company through an employee leasing agreement shall be credited against the client company's obligation to fulfill the requirement.

2. Section 6 of P.L.2011, c.118 (C.34:8-68.1) is amended to read as follows:

C.34:8-68.1 Responsibilities of client company.

6. a. Except to the extent otherwise expressly provided by an applicable employee leasing agreement, a client company shall be solely responsible for the quality, adequacy or safety of the goods or services produced or sold in the client company's business, for directing, supervising, training and controlling the work of the covered employees with respect to the business activities of the client company, for the acts, errors or omissions of covered employees with regard to those activities, and for accurately reporting wages to the employee leasing company.

b. Except to the extent otherwise expressly provided by an applicable employee leasing agreement, a client company shall not be liable for the acts, errors or omissions of an employee leasing company, or of any covered employee when the covered employee is acting under the express direction and control of the employee leasing company, and an employee leasing company shall not be liable for the acts, errors, or omissions of a client company or of any covered employee when the covered employee is acting under the express direction and control of the client company.

c. Except to the extent otherwise expressly provided by an applicable employee leasing agreement or other employment contract, insurance contract or bond, a covered employee shall not be considered, solely as the result of being a covered employee, an employee of the employee leasing company for purposes of general liability insurance, fidelity bonds, surety bonds, employer's liability which is not covered by workers' compensation, or other liability insurance carried by the employee leasing company.

3. Section 4 of P.L.2001, c.260 (C.34:8-70) is amended to read as follows:

C.34:8-70 Registration of leasing company.

4. a. An employee leasing company shall register with the commissioner and provide a list of its client companies with covered employees in this

State, both upon the initial registration of the employee leasing company, and thereafter, annually by January 31st, listing all client companies as of the immediately preceding December 31st. The list shall include the following information with regard to each client company:

(1) Client company's name;

(2) Client company's physical location address;

(3) Description of client company's economic activity;

(4) Client company's state tax identification number;

(5) Percent of client company's workforce being leased;

(6) Effective date and duration of employee leasing agreement;

(7) A copy of the standard form of agreement entered into between the employee leasing company and the client company;

(a) The standard form of agreement shall be accompanied by a certified list of all client companies with covered employees in this State contracting with the employee leasing company for its services.

(b) The employee leasing company shall be required to notify the Department of Labor and Workforce Development on an annual basis of any material changes in the standard form of agreement which relate to the requirements set forth in section 2 of P.L.2001, c.260 (C.34:8-68), and when any particular client company has agreed to terms which deviate from the standard form of agreement;

(8) Proof of written disclosure to client companies upon the signing of an employee leasing agreement, as required in section 8 of P.L.2001, c.260 (C.34:8-74);

(9) Proof of current workers' compensation coverage, which may be in the form of a letter from the insurance carrier, and which shall include the name of the carrier, date of commencement of coverage under the policy, term of the coverage, and verification of premiums paid, except that, if the employee leasing company has entered into an employee leasing agreement with a client company who elects to maintain its own workers' compensation insurance, the client company shall provide that proof to the commissioner; and

(10) Confirmation that all leased employees are covered by workers' compensation insurance, except that, if the employee leasing company has entered into an employee leasing agreement with a client company who elects to maintain its own workers' compensation insurance, the client company shall provide that confirmation to the commissioner.

If an employee leasing company enters into an employee leasing agreement with a client company who elects to maintain its own workers' compensation insurance, the employee leasing company shall notify the

department within 30 days of the election and provide the department with the name of the client company, name of the carrier and policy number.

b. Employee leasing companies shall also report to the department, on a quarterly basis, wage information regarding each covered employee as required by law, rule or regulation.

c. All records, reports and other information obtained from employee leasing companies under P.L.2001, c.260 (C.34:8-67 et seq.), except to the extent necessary for the proper administration by the department of that act and all applicable labor laws, shall be confidential and shall not be published or open to public inspection other than to public employees in the performance of their public duties.

d. The department shall establish a limited registration and renewal process and appropriate forms for an employee leasing company that (1) is not domiciled in this State; (2) is licensed or registered as an employee leasing company or professional employer organization in another state; (3) does not maintain an office in this State or directly solicit client companies located or domiciled in this State; and (4) is not responsible for more than 50 covered employees employed in this State on the date of registration or renewal. If during the term of a limited registration an employee leasing company becomes responsible for more than 50 covered employees, the employee leasing company shall re-register with the department pursuant to subsection a. of this section within 30 days of the end of the quarter in which the employee leasing company became responsible for more than 50 covered employees, but shall not be charged any additional registration fee, if a registration fee is required. An employee leasing company requesting a limited registration pursuant to this subsection shall provide the department with a list of client companies and the number of covered employees at each of those companies and such other information as the department shall prescribe. Any employee leasing company receiving a limited registration from the department shall not be required to comply with the provisions of subsections a. and b. of section 5 of P.L.2001, c.260 (C.34:8-71).

e. Two or more employee leasing companies that are majority owned by the same ultimate parent company, entity or person may register as an employee leasing company group, and may satisfy the registration requirements imposed pursuant to this section and the financial reporting required pursuant to section 5 of P.L.2001, c.260 (C.34:8-71), and any other filing requirements authorized by the department, on a combined or consolidated basis, provided that the employee leasing company group demonstrates positive working capital pursuant to section 5 of P.L.2001, c.260 (C.34:8-71). Each employee leasing company covered under an employee leasing

company group registration shall guarantee the financial capacity obligations of each other employee leasing company covered under the employee leasing company group registration.

f. The department may require that every initial application and subsequent annual reporting submitted pursuant to this section shall be accompanied by a fee of up to $500. If such a fee is required, every initial application and subsequent annual reporting submitted by an employee leasing company group pursuant to subsection e. of this section shall be accompanied by a fee of the required amount for each employee leasing company included in the employee leasing company group.

4. Section 6 of P.L.2001, c.260 (C.34:8-72) is amended to read as follows:

C.34:8-72 Co-employment of covered employees.

6. a. An employee leasing company registered under P.L.2001, c.260 (C.34:8-67 et seq.) and the respective client companies with which it has entered into employee leasing agreements shall be the co-employers of their covered employees for the payment of wages and other employment benefits due, including the obligation under the workers' compensation law, R.S.34:15-1 et seq., to maintain insurance coverage for covered employees for personal injuries to, or for the death of, those employees by accident arising out of and in the course of employment through policies issued by an insurance carrier licensed in the State of New Jersey. Such policies shall state the name of the employee leasing company as the labor contractor for each client company, by name, unless the client company elects to assume the responsibility of providing the workers' compensation insurance coverage for the employees pursuant to section 2 of P.L.2001, c.260 (C.34:8-68).

b. For purposes of P.L.2001, c.260 (C.34:8-67 et seq.), the agreement between the employee leasing company and the client company shall be one of co-employment, whereby the employee leasing company, having accepted the responsibilities set forth in section 2 of P.L.2001, c.260 (C.34:8-68), may submit reports to the department and make contributions to the Unemployment Compensation and State Disability Benefits Funds in the manner prescribed in section 7 of P.L.2001, c.260 (C.34:8-73), on behalf of those covered employees covered by the employee leasing agreement. In addition, the provisions of R.S.34:15-8, regarding the exclusivity of the remedy under the workers' compensation law for personal injuries to, or for the death of, employees by accident arising out of and in the course of their employment, shall apply to the employee leasing company and the

client company, and their employees, regardless of which party provides workers' compensation insurance coverage.

c. The employee leasing company shall file reports prescribed under the "unemployment compensation law," R.S.43:21-1 et seq. on behalf of its covered employees as set forth in section 3 of P.L.2013, c.225 (C.43:21-7.8).

5. This act shall take effect immediately, except that insurance carriers licensed in the State of New Jersey shall have up to 180 days following enactment to comply with the provisions of paragraph (8) of subsection a. of section 2 of P.L.2001, c.260 (C.34:8-68).

Approved September 13, 2017.

CHAPTER 234

AN ACT concerning free-standing residential health care facilities, and amending P.L.1953, c.212.

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

1. Section 1 of P.L.1953, c.212 (C.30:11A-1) is amended to read as follows:

C.30:11A-1 Definitions.

1. As used in P.L.1953, c.212 (C.30:11A-1 et seq.):

"Department" means the Department of Health or the Department of Community Affairs, as appropriate.

"Licensee" means the owner, operator, or administrator of a residential health care facility that is certified to operate pursuant to this chapter.

"Residential health care facility" means any facility, whether in single or multiple dwellings, whether public or private, whether incorporated or unincorporated, whether for profit or nonprofit, which:

(1) is operated at the direction, or under the management, of an individual or individuals, a corporation, a partnership, a society, or an association;

(2) furnishes food and shelter to four or more persons 18 years of age or older who are unrelated to the proprietor;

(3) provides any one or more of such persons with dietary services, recreational activities, supervision of self-administration of medications, supervision of and assistance in activities of daily living, and assistance in obtaining health services; and

(4) is regulated by either the Department of Health or the Department of Community Affairs.

"Residential health care facility" shall not include any community residence for the developmentally disabled, as defined in section 2 of P.L.1977, c.448 (C.30:11B-2); any facility or living arrangement that is operated by, or under contract with, any other State department or agency, upon the written authorization of the Commissioner of Health or the Commissioner of Community Affairs, as appropriate; or any privately operated establishment licensed under chapter 11 of Title 30 of the Revised Statutes.

"Resident" means a person 18 years of age or older who:

(1) is ambulant, with or without assistive devices;

(2) has been certified by a licensed physician to be free from communicable disease and not in need of skilled nursing care; and

(3) except in the case of a person 65 years of age and over, is in need of dietary services, supervision of self-administration of medications, supervision of and assistance in activities of daily living, or assistance in obtaining health care services.

A resident shall not be given skilled nursing care while a resident, except as hereinafter provided. The foregoing definition shall not be construed to prevent care of residents in emergencies or during temporary illness for a period of one week or less, and shall not be construed to prevent a licensed physician from ordering nursing or other health care services.

2. Section 2 of P.L.1953, c.212 (C.30:11A-2) is amended to read as follows:

C.30:11A-2 Certificate of approval, license.

2. Residential health care facilities, as defined in section 1 of P.L.1953, c.212 (C.30:11A-1), shall operate within this State pursuant to a certificate of approval first had and obtained for that purpose from the Department of Health, or pursuant to a license had and obtained from the Department of Community Affairs. No such certificate of approval or license shall be issued unless the commissioner is satisfied that the institution in question is adequately prepared to furnish facilities, care, and service complying with standards relating thereto, except that temporary permits, valid for a period not exceeding six months and not subject to renewal, may be

issued under the circumstances specified in section 6 of P.L.1953, c.212 (C.30:11A-6). Boarding and rooming houses shall not be construed to be within the provisions of P.L.1953, c.212 (C.30:11A-1 et seq.).

3. Section 3 of P.L.1953, c. 212 (C.30:11A-3) is amended to read as follows:

C.30:11A-3 Rules, regulations and standards.

3. a. The Department of Health and the Department of Community Affairs shall each adopt, promulgate, and enforce such rules, regulations, and standards with respect to the residential health care facilities that are approved hereunder, and that fall under each department's jurisdiction, as each such department may deem to be necessary to assure that: persons living in such facilities are afforded the opportunity to live with as much independence, autonomy, and interaction with the surrounding community as they are capable of; such persons are afforded a minimum standard of sanitation, housekeeping, heat, light, air, food, lodging, care, service, and fire safety which also preserves and promotes a homelike atmosphere appropriate to such facilities; such persons are not deprived of any constitutional, civil, or legal right solely by reason of their living in such facilities; employees of public and private agencies have reasonable access to such facilities; and other citizens have reasonable access to such facilities upon receiving the consent of a resident to be visited by them.

b. Nothing in this chapter, or in any rule or regulation promulgated hereunder, shall be construed to mean that any residential health care facility may advertise, hold itself out, or operate, as a nursing home.

c. Each department may determine that the various establishments covered by P.L.1953, c.212 (C.30:11A-1 et seq.), which are subject to each department's respective jurisdiction, are appropriately and reasonably classified into two or more classes, and may establish separate rules, regulations, and standards for each such class. Such rules, regulations, and standards shall include, but need not be limited to, all requirements and limitations legally imposed upon any such establishment by any other municipal, county, or State office or officer having inspection, approval, licensing, or regulatory authority with respect to such establishment.

d. The provisions of this subsection shall apply only to those freestanding residential health care facilities that are not located with, and operated by, a licensed health care facility, and which are subject to the authority of the Department of Community Affairs.

(1) No licensee shall cause any resident to be evicted from a residential health care facility that is not located with, and operated by, a licensed health care facility, except for good cause, as defined in P.L.1974, c.49 (C.2A:18-61.1 et seq.), and except in accordance with the procedural requirements of P.L.1974, c.49 (C.2A:18-61.1 et seq.). Nothing in P.L.1953, c.212 (C.30:11A-1 et seq.) shall prohibit the transfer of a resident to a screening center for an evaluation to determine whether the resident poses a risk of danger to the resident's own self or to others. In the event of such transfer, the licensee may contemporaneously proceed with eviction against such resident pursuant to P.L.1974, c.49 (C.2A:18-61.1 et seq.). All references in P.L.1974, c.49 (C.2A:18-61.1 et seq.) to the terms "landlords," "tenants," "tenancy," "lease," or similar terminology shall be equally applicable to residents of and residential agreements used by a residential health care facility that is not located with, and operated by, a licensed health care facility.

(2) In addition to the other requirements of this subsection, a licensee shall provide prompt written notice to the county welfare agency, to the Department of Community Affairs, and to the New Jersey Office of the Ombudsman for the Institutionalized Elderly of any proposed eviction of a resident. The written notice required by this paragraph shall be provided at the time that a complaint for eviction is filed with the appropriate court and appended thereto. No Judgment of Possession shall be entered unless the requirements of this paragraph have been met.

4. Section 10 of P.L.1953, c.212 (C.30:11A-10) is amended to read as follows:

C.30:11A-10 Penalties for operating uncertified, unlicensed residential health care facility.

10. a. Any person, firm, corporation, partnership, society, or association who shall operate or conduct a residential health care facility without first obtaining the certificate of approval or license required by P.L.1953, c.212 (C.30:11A-1 et seq.), or who shall operate such establishment after revocation or suspension of a certificate of approval or license, shall be liable to a penalty of $10.00 for each day of operation in violation hereof for the first offense, and for any subsequent offense shall be liable to a penalty of $20.00 for each day of operation in violation hereof.

The penalties authorized by this section shall be recovered in a summary proceeding, brought in the name of the State of New Jersey pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.74 (C.2A:58-10 et seq.).

Money penalties, when recovered, shall be payable to the General State Fund.

The Department of Health or the Department of Community Affairs, as appropriate, may, in the manner provided by law, maintain an action in the name of the State of New Jersey for injunctive relief against any person, firm, corporation, partnership, society, or association that continues to conduct, manage, or operate a residential health care facility without a certificate of approval or license, or after suspension or revocation of such certificate of approval or license.

The practice and procedure in actions instituted under authority of this section shall conform to the practice and procedure in the court in which the action is instituted.

No officer or agent of any municipal or county agency having responsibility for making payments of any form of public assistance under the provisions of Title 44 of the Revised Statutes, shall make such payments to or on behalf of a person residing in a residential health care facility as defined in P.L.1953, c.212 (C.30:11A-1 et seq.), unless such establishment is, at the time of such payment, approved or provisionally approved pursuant to P.L.1953, c.212 (C.30:11A-1 et seq.).

b. No residential health care facility, licensed hereunder, shall by public or private advertisement or by any other means hold out to the public that it is equipped to provide post-operative or convalescent care for persons with a mental illness or an intellectual disability or who are suffering or recovering from illness or injury or who are critically ill. Any person, firm, association, partnership, society, or corporation who violates the provisions of this subsection shall cease and desist from such practices and shall be liable to a penalty of $100.00 for the first offense and $200.00 for each subsequent offense, which penalties shall be recovered in the manner provided for in subsection a. of this section.

c. No residential health care facility licensed hereunder, shall operate as a private mental hospital, convalescent home, private nursing home, or private hospital, unless it is licensed pursuant to chapter 11 of Title 30 of the Revised Statutes. Whenever there is reason to believe that any such facility or institution is in violation of the provisions of this subsection, the Department of Health or the Department of Community Affairs, as appropriate, may conduct a reasonable inspection of the premises for the purpose of ascertaining whether there is any violation. Any facility or institution which violates the provisions of this subsection shall be liable to a penalty of $25.00 for each day of operation in violation of this subsection for the first offense and to a penalty of $50.00 for each day of operation for any

subsequent offense. The Department of Health and the Department of Community Affairs, with the approval of the Attorney General, are hereby authorized and empowered to compromise and settle claims for the monetary penalty in appropriate circumstances where it appears to the satisfaction of the department that payment of the full penalty will work severe hardship on any individual not having sufficient financial ability to pay the full penalty but in no case shall the penalty be compromised for a sum less than $250.00 for the first offense and $500.00 for any subsequent offense; provided, however, that any penalty of less than $250.00 or $500.00, as the case may be, may be compromised for a lesser sum. The penalties authorized by this subsection shall be recovered in the manner provided for in subsection a. of this section.

d. No owner, operator, or employee of a residential health care facility shall serve notice upon a resident to leave the premises, or take any other action in retaliation for: (1) the efforts of the resident or a person acting on the resident's behalf to secure or enforce any rights under a contract, the laws of this State or any of its subdivisions, or the laws of the United States; or (2) the good faith complaint of a resident or a person acting on the resident's behalf to a governmental authority concerning the owner, operator, or employee's alleged violation of P.L.1953, c.212 (C.30:11A-1 et seq.) or any health or safety law, regulation, code, or ordinance, or other law or regulation which has as its objective the regulation of residential health care facilities.

5. Section 12 of P.L.1953, c.212 (C.30:11A-12) is amended to read as follows:

C.30:11A-12 Conditions for denial of application, regulation of care under certain circumstances.

12. Nothing in P.L.1953, c.212 (C.30:11A-1 et seq.) shall vest authority, or be construed to vest authority, in either the Department of Health or the Department of Community Affairs, to deny any application for a certificate of approval or license on the sole ground that adequate residential health care facilities are already available in the vicinity or area for which the certificate of approval or license is sought.

Nothing in P.L.1953, c.212 (C.30:11A-1 et seq.) shall be so construed as to give authority to supervise or regulate or control the remedial care or treatment of individuals who are adherents of any well-recognized church or religious denomination which subscribes to the art of healing by prayer and the principles of which are opposed to medical treatment and who are

living in any home or institution operated by a member or members, or by an association or corporation composed of members of such well-recognized church or religious denomination; provided, that such home or institution admits only adherents of such church or denomination and is so designated; nor shall the existence of any of the above conditions alone militate against granting a certificate of approval or license to such establishment; and provided further, that such establishment shall comply with all rules, regulations, and standards relating to sanitation and safety of the premises and be subject to inspection therefor.

6. This act shall take effect immediately.

Approved September 13, 2017.

CHAPTER 235

AN ACT concerning medical parole 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. Section 1 of P.L.1997, c.214 (C.30:4-123.51c) is amended to read as follows:

C.30:4-123.51c Conditions for medical parole.

1. a. (1) For the purpose of this section:

"Terminal condition, disease or syndrome" means a prognosis by the licensed physicians designated by the Commissioner of Corrections pursuant to subsection b. of this section that an inmate has six months or less to live.

"Permanent physical incapacity" means a prognosis that an inmate has a medical condition that renders the inmate permanently unable to perform activities of basic daily living, results in the inmate requiring 24-hour care, and did not exist at the time of sentencing.

(2) Except as otherwise provided in paragraph (3) of this subsection, the appropriate board panel may release on medical parole any inmate serving any sentence of imprisonment who has been diagnosed pursuant to subsection b. of this section as suffering from a terminal condition, disease or syndrome or a permanent physical incapacity and is found by the appropriate board panel to be so debilitated or incapacitated by the terminal condi-

tion, disease or syndrome or permanent physical incapacity as to be permanently physically incapable of committing a crime if released on parole and, in the case of a permanent physical incapacity, the conditions under which the inmate would be released would not pose a threat to public safety.

The board panel shall state on the record the reasons for granting or denying medical parole.

Notwithstanding any provision of P.L.1979, c.441 (C.30:4-123.45 et seq.) to the contrary, the appropriate board panel may release any such inmate at any time during the term of the sentence. An inmate placed on parole pursuant to this section shall be subject to custody, supervision and conditions as provided in section 15 of P.L.1979, c.441 (C.30:4-123.59) and shall be subject to sanctions for a violation of a condition of parole as provided in sections 16 through 21 of P.L.1979, c.441 (C.30:4-123.60 through 30:4-123.65).

(3) No inmate serving any sentence for a violation of N.J.S.2C:11-3; N.J.S.2C:11-4; N.J.S.2C:13-1; subsection a. of N.J.S.2C:14-2; N.J.S.2C:15-1 in which the inmate, while in the course of committing the theft, attempted to kill another, or purposely inflicted or attempted to inflict serious bodily injury, or was armed with or used or threatened the immediate use of a deadly weapon; subsection a. of N.J.S.2C:17-1; or N.J.S.2C:24-4 or an attempt to commit any of these offenses shall be eligible for the medical parole authorized under paragraph (2) of this section.

b. A medical diagnosis that an inmate is suffering from a terminal condition, disease or syndrome or a permanent physical incapacity, as appropriate, shall be made by two licensed physicians designated by the Commissioner of Corrections. The diagnosis shall include, but not be limited to:

(1) a description of the terminal condition, disease or syndrome or the permanent physical incapacity;

(2) a prognosis concerning the likelihood of recovery from the terminal condition, disease or syndrome or the permanent physical incapacity;

(3) a description of the inmate's physical incapacity; and

(4) a description of the type of ongoing treatment that would be required if the inmate were released on medical parole.

c. A request for a medical diagnosis to determine whether an inmate is eligible for a medical parole under this section may be submitted to the appropriate board panel by the Commissioner of Corrections, the administrator or superintendent of a correctional facility; the inmate; a member of the inmate's family or the inmate's attorney. The request shall be submitted in a manner and form prescribed by the board.

d. At least five working days prior to commencing its review of a request for a medical parole, the appropriate board panel shall notify the appropriate sentencing court; county prosecutor or, if the matter was prosecuted by the Attorney General, the Attorney General; and any victim or member of the family of a victim entitled to notice relating to a parole or the consideration of a parole under the provisions of P.L.1979, c.441 (C.30:4-123.45 et seq.). The notice shall be given in the manner prescribed by the board and shall contain all such information and documentation relating to the medical diagnosis prepared pursuant to subsection b. of this section as the board shall deem appropriate and necessary.

Upon receipt of the notice, the sentencing court; county prosecutor or Attorney General, as the case may be; the victim or member of the family of the victim, as the case may be, shall have 10 working days to review the notice and submit comments to the appropriate board panel. If a recipient of the notice does not submit comments within that 10-day period following the receipt of the notice, the panel may presume that the recipient does not wish to submit comments and proceed with its consideration of the request for medical parole. Any comments provided by a recipient shall be delivered to the appropriate board panel in the same manner or by the same method as notice was given by the panel to that recipient.

The information contained in any notice given by a panel pursuant to this subsection and the contents of any comments submitted by a recipient in response thereto shall be confidential and shall not be disclosed to any person who is not authorized to receive or review that information or those comments.

Notice given under the provisions of this subsection shall be in lieu of any other notice of parole consideration required under P.L.1979, c.441 (C.30:4-123.45 et seq.).

Nothing in this subsection shall be construed to impair any party's right to be heard pursuant to P.L.1979, c.441 (C.30:4-123.45 et seq.).

e. The appropriate board panel shall conduct its review of a request for medical parole as expeditiously as possible.

The appropriate board panel shall provide written notice of its decision to the sentencing court; the county prosecutor or Attorney General, as the case may be; and any victim or member of a victim's family given notice pursuant to subsection d. of this section.

f. Whenever an inmate is granted medical parole pursuant to this section, the appropriate board shall require, as a condition precedent to release, that the inmate's release plan include:

(1) identification of a community sponsor;

(2) verification of the availability of appropriate medical services sufficient to meet the treatment requirements identified pursuant to paragraph (4) of subsection b. of this section; and

(3) verification of appropriate housing which may include, but need not be limited to, a hospital, hospice, nursing home facility or other housing accommodation suitable to the inmate's medical condition, disease or syndrome or permanent physical incapacity.

The Parole Board shall ensure that any inmate who is an applicant for medical parole is provided an opportunity to apply, and is provided necessary assistance to complete the application, for medical assistance benefits under the Medicaid program established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) prior to any determination of ineligibility by the board panel as a result of the inability to verify the availability of appropriate medical services, as required pursuant to paragraph (2) of this subsection.

g. In addition to any conditions imposed pursuant to section 15 of P.L.1979, c.441 (C.30:4-123.59), as a condition of release on medical parole, the appropriate board panel may require an inmate to submit to periodic medical diagnoses by a licensed physician.

h. If, after review of a medical diagnosis required under the provisions of subsection g. of this section, the appropriate board panel determines that a parolee released on medical parole is no longer so debilitated or incapacitated by a terminal condition, disease or syndrome or by a permanent physical incapacity as to be physically incapable of committing a crime or, in the case of a permanent physical incapacity, the parolee poses a threat to public safety, the parolee shall be returned to confinement in an appropriate facility designated by the Commissioner of Corrections.

A decision to return the parolee to confinement pursuant to this subsection shall be rendered only after a hearing by the appropriate board panel or by a hearing officer designated by the chairman of the board. Nothing in this subsection shall be construed to limit the authority of the board, an appropriate board panel or parole officer of the State Parole Board to address a violation of a condition of parole pursuant to sections 16 through 21 of P.L.1979, c.441 (C.30:4-123.60 through 30:4-123.65).

i. The denial of a request for medical parole or the return of a parolee to confinement under the provisions of subsection h. of this section shall not preclude that inmate from being considered for parole pursuant to subsection a. of section 7 of P.L.1979, c.441 (C.30:4-123.51).

2. Section 4 of P.L.1979, c.441 (C.30:4-123.48) is amended to read as follows:

C.30:4-123.48 Policies, determinations of parole board.

4. a. All policies and determinations of the Parole Board shall be made by the majority vote of the members.

b. Except where otherwise noted, parole determinations on individual cases pursuant to this act shall be made by the majority vote of a quorum of the appropriate board panel established pursuant to this section.

c. The chairman of the board shall be the chief executive officer of the board and, after consulting with the board, shall be responsible for designating the time and place of all board meetings, for appointing the board's employees, for organizing, controlling and directing the work of the board and its employees, and for preparation and justification of the board's budget. Only the employees in those titles and positions as are designated by the Civil Service Commission shall serve at the pleasure of the chairman and shall not be subject to the provisions of Title 11A of the New Jersey Statutes. All other employees, including hearing officers, shall be in the career service and subject to the provisions of Title 11A of the New Jersey Statutes. All such career service employees who are employed by the State Parole Board on September 5, 2001, and in the case of hearing officers, those who have been employed by the State Parole Board for a period of at least one year prior to the effective date of P.L.2005, c.344, shall have permanent career service status with seniority awarded from the date of their appointments. Parole officers assigned to supervise adult parolees and all supervisory titles associated with the supervision of adult parolees in the parole officer series shall be classified employees subject to the provisions of Title 11A of the New Jersey Statutes. Parole officers assigned to supervise adult parolees and all supervisory titles associated with the supervision of adult parolees in the parole officer job classification series shall be organizationally assigned to the State Parole Board with a sworn member of the Division of Parole appointed to act as director of parole supervision. The director of parole supervision shall report directly to the Chairman of the State Parole Board or to such person as the chairman may designate.

d. The board shall promulgate such reasonable rules and regulations, consistent with this act, as may be necessary for the proper discharge of its responsibilities. The chairman shall file such rules and regulations with the Secretary of State. The provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) shall apply to the promulgation of rules and regulations concerning policy and administration, but not to other actions taken under this act, such as parole hearings, parole revocation hearings and review of parole cases. In determination of its rules and regulations concerning policy and administration, the board shall consult the Governor,

the Commissioner of Corrections and the Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170).

e. The board, in conjunction with the Department of Corrections and the Juvenile Justice Commission, shall develop a uniform information system in order to closely monitor the parole process. Such system shall include participation in the Uniform Parole Reports of the National Council on Crime and Delinquency.

f. The board shall transmit a report of its work for the preceding fiscal year, including information on the causes and extent of parole recidivism, to the Governor, the Legislature and the Juvenile Justice Commission annually. The report shall include information regarding medical parole including, but not limited to, the number of inmates who applied for medical parole, the number of inmates who were granted medical parole, and the number of inmates who were denied medical parole. The report also may include relevant information on compliance with established time frames in the processing of parole eligibility determinations, the effectiveness of any pertinent legislative or administrative measures, and any recommendations to enhance board operations or to effectuate the purposes of the "Parole Act of 1979," P.L.1979, c.441 (C.30:4-123.45 et al.).

g. The board shall give public notice prior to considering any adult inmate for release.

h. The board shall give notice to the appropriate prosecutor's office and to the committing court prior to the initial consideration of any juvenile inmate for release.

C.30:4D-6l Enrollment in Medicaid for medical parolee.

3. Any inmate who is an applicant for medical parole pursuant to the provisions of section 1 of P.L.1997, c.214 (C.30:4-123.51c) shall not be denied enrollment into the Medicaid program on the sole basis that the applicant is an inmate in a correctional facility. For an inmate who becomes enrolled in Medicaid while incarcerated in a correctional facility, payments for medical assistance under P.L.1968, c.413 (C.30:4D-1 et seq.) shall commence upon the inmate's release from the correctional facility.

4. This act shall take effect on the first day of the seventh month after enactment.

Approved September 13, 2017.