ACTS

OF THE

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OF THE

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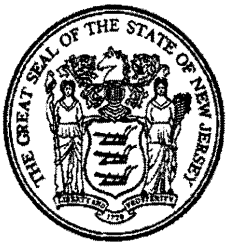
OF THE

STATE OF NEW JERSEY



2017

CHAPTER 236

AN ACT concerning life insurance and supplementing Title 17B of the New Jersey Statutes.

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

C.17B:17-26 Definitions relative to life insurance.

1. As used in this act:

"Account" means any mechanism, whether denoted as a retained asset account or otherwise, whereby the settlement of proceeds payable to a beneficiary under a policy is accomplished by the insurer or an entity acting on behalf of the insurer where the proceeds are retained by the insurer pursuant to a supplementary contract not involving annuity benefits other than death benefits.

"Commissioner" means the Commissioner of Banking and Insurance.

"Death index" means the death master file maintained by the United States Social Security Administration or any other database or service that is at least as comprehensive as the death master file maintained by the United States Social Security Administration and that is acceptable to the commissioner.

"Insured" means an individual covered by a policy or an annuitant when the annuity contract provides for benefits to be paid or other monies to be distributed upon the death of the annuitant.

"Insurer" means a life insurance company or fraternal benefit society that is required to file an annual financial audit pursuant to N.J.A.C.11:2-26.4.

"Policy" means a life insurance policy, an annuity contract, a certificate under a life insurance policy, or a certificate issued by a fraternal benefit society, under which benefits are to be paid upon the death of the insured, and which is issued on or after the effective date of this act.

C.17B:17-27 Applicability of act.

2. a. This act shall apply to:

(1) every policy issued by a domestic insurer in this State and any account established under or as a result of that policy; and

(2) every policy delivered or issued for delivery in New Jersey by an authorized foreign insurer and any account established under or as a result of that policy.

b. Notwithstanding subsection a. of this section, with respect to a policy delivered or issued for delivery outside this State, a domestic insurer

may, in lieu of the requirements of this act, implement procedures that meet the minimum requirements of the state in which the policy was delivered or issued, provided that the commissioner concludes that those other requirements are no less favorable to the policy owner and beneficiary than those required by this act.

C.17B:17-28 Use of death index by insurer.

3. a. Every insurer shall use the death index to cross-check every policy and account subject to this act no less frequently than on a semi-annual basis, except as specified in section 6 of this act. An insurer may perform the cross-check using the updates made to the death index since the date of the last cross-check performed by the insurer, provided that the insurer performs the cross-check using the entire death index at least once. The commissioner may promulgate rules and regulations that allow an insurer to perform the cross-checks less frequently than semi-annually.

b. The cross-checks shall be performed using the social security number, the name, and date of birth of the insured or account holder.

c. If an insurer only has a partial name, social security number, date of birth, or combination thereof, of the insured or account holder under a policy or account, the insurer shall use the available information to perform the cross check.

d. Every insurer shall implement reasonable procedures to account for common variations in data that would otherwise preclude an exact match with a death index.

C.17B:17-29 Action of insurer upon receiving notice of death.

4. Upon receiving notification of the death of an insured or account holder or in the event of a match made by a death index cross-check pursuant to section 3 of this act, an insurer shall search every policy or account subject to this act to determine whether the insurer has any other policies or accounts for the insured or account holder.

C.17B:17-30 Procedures to confirm death, location, notification of beneficiaries.

5. a. An insurer shall establish procedures to reasonably confirm the death of an insured or account holder and begin to locate beneficiaries within 90 days after the identification of a potential match made by a death index cross-check or by a search conducted by the insurer pursuant to section 4 of this act. For those potential matches identified as a result of a death index match, the insurer shall, within 90 days of a death index match, com-

plete a good faith effort, which shall be documented by the insurer, to locate the beneficiary or beneficiaries.

b. Once the beneficiary or beneficiaries under the policy or account have been located, the insurer shall provide to the beneficiary or beneficiaries the information necessary to make a claim pursuant to the terms of the policy or account. The insurer shall process all claims and make prompt payments and distributions in accordance with all applicable laws, rules, and regulations.

c. Nothing in this act shall be construed to prevent an insurer from requiring satisfactory proof of loss, such as a death certificate, for the purpose of verifying the death of the insured.

C.17B:17-31 Inapplicability of act.

6. This act shall not apply to:

a. any account or policy issued to a group master policyholder in which the insurer does not maintain records on its administrative systems containing the information necessary to comply with the requirements of this act;

b. any account, policy, or certificate that provides a death benefit under an employee benefits, government or church plan subject to or as defined under the Employee Retirement Income Security Act of 1974 (29 U.S.C. s.1002) or any other federal employee benefit program;

c. any policy or certificate of life insurance that is used to fund a preneed funeral contract or prearrangement;

d. any policy or certificate of credit life or accidental death insurance; or

e. any other circumstance as determined to be appropriate by the commissioner.

7. This act shall take effect on the first day of the sixth month following enactment, provided that the commissioner may take such anticipatory action as necessary to effectuate the purposes of the act.

Approved September 13, 2017.

CHAPTER 237

AN ACT concerning access by fiduciaries to digital assets and supplementing Title 3B of the New Jersey Statutes.

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

C.3B:14-61.1 Short title.

1. Short Title. This act shall be known and may be cited as the "Uniform Fiduciary Access to Digital Assets Act."

C.3B:14-61.2 Definitions.

2. Definitions. As used in this act:

"Account" means an arrangement under a terms-of-service in which a custodian carries, maintains, processes, receives, or stores a digital asset of the user or provides goods or services to the user.

"Agent" means an attorney-in-fact granted authority under a durable or nondurable power of attorney.

"Carries" means engages in the transmission of an electronic communication.

"Catalogue of electronic communications" means information that identifies each person with which a user has had an electronic communication, the time and date of the communication, and the electronic address of the person.

"Content of an electronic communication" means information concerning the substance or meaning of the communication which:

(a) has been sent or received by a user;

(b) is in electronic storage by a custodian providing an electronic communication service to the public or is carried or maintained by a custodian providing a remote computing service to the public; and

(c) is not readily accessible to the public.

"Court" means the Probate Part of the Chancery Division of the Superior Court. For the purposes of this act, "court" includes the Surrogate's Court acting within the scope of its authority pursuant to statute or the Rules of Court.

"Custodian" means a person that carries, maintains, processes, receives, or stores a digital asset of a user.

"Designated recipient" means a person chosen by a user using an online tool to administer digital assets of the user.

"Digital asset" means an electronic record in which an individual has a right or interest. The term does not include an underlying asset or liability unless the asset or liability is itself an electronic record.

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

"Electronic communication" has the meaning set forth in 18 U.S.C. s.2510(12).

"Electronic-communication service" means a custodian that provides to a user the ability to send or receive an electronic communication.

"Fiduciary" means an original, additional, or successor personal representative, guardian, agent, or trustee.

"Guardian" means a person appointed by the court to make decisions regarding the property of an incapacitated adult, including a person appointed in accordance with N.J.S.3B:12-1 et seq. or its equivalent in a state other than New Jersey.

"Incapacitated person" means an incapacitated individual, as defined in N.J.S.3B:1-2, for whom a guardian has been appointed.

"Information" means data, text, images, videos, sounds, codes, computer programs, software, databases, or the like.

"Online tool" means an electronic service provided by a custodian that allows the user, in an agreement distinct from the terms-of-service agreement between the custodian and user, to provide directions for disclosure or nondisclosure of digital assets to a third person.

"Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

"Personal representative" means an executor, administrator, special administrator, or person that performs substantially the same function under the law of this State other than this act.

"Power of attorney" means a written instrument by which an individual known as the principal authorizes another individual or individuals or a qualified bank within the meaning of section 28 of P.L.1948, c.67 (C.17:9A-28) known as the attorney-in-fact to perform specified acts on behalf of the principal as the principal's agent.

"Principal" means an individual, at least 18 years of age, who, in a power of attorney, authorizes an agent to act.

"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

"Remote-computing service" means a custodian that provides to a user computer processing services or the storage of digital assets by means of an electronic communications system, as defined in 18 U.S.C. s.2510(14).

"Terms-of-service agreement" means an agreement that controls the relationship between an account holder and a custodian.

"Trustee" means a fiduciary with legal title to property pursuant to an agreement or declaration that creates a beneficial interest in another. "Trustee" includes an original, additional, or successor trustee, whether or not appointed or confirmed by court.

"User" means a person that has an account with a custodian.

"Will" means the last will and testament of a testator or testatrix and includes any codicil and any testamentary instrument that merely appoints an executor, revokes or revises another will, nominates a guardian, or expressly excludes or limits the right of a person or class to succeed to property of the decedent passing by intestate succession.

C.3B:14-61.3 User's residence in State, inapplicability of act to employers' digital assets.

3. User's Residence in State; Inapplicability of Act to Employers' Digital Assets.

a. This act applies to a custodian if the user resides in this State or resided in this State at the time of the user's death.

b. This act does not apply to a digital asset of an employer used by an employee in the ordinary course of the employer's business.

C.3B:14-61.4 User direction for disclosure of digital assets.

4. User Direction for Disclosure of Digital Assets.

a. A user may use an online tool to direct the custodian to disclose or not to disclose to a designated recipient some or all of the user's digital assets, including the content of electronic communications. If the online tool allows the user to modify or delete a direction at all times, a direction regarding disclosure using an online tool overrides a contrary direction by the user in a will, trust, power of attorney, or other record.

b. If a user has not used an online tool to give direction under subsection a. of this section or if the custodian has not provided an online tool, the user may allow or prohibit in a will, trust, power of attorney, or other record, disclosure to a fiduciary of some or all of the user's digital assets, including the content of electronic communications sent or received by the user.

c. A user's direction under subsection a. or b. of this section overrides a contrary provision in a terms-of-service agreement that does not require the user to act affirmatively and distinctly from the user's assent to the terms of service.

C.3B:14-61.5 Terms-of-service agreement.

5. Terms-of-Service Agreement.

a. This act does not change or impair a right of a custodian or a user under a terms-of-service agreement to access and use digital assets of the user.

b. This act does not give a fiduciary or designated recipient any new or expanded rights other than those held by the user for whom, or for whose estate, the fiduciary or designated recipient acts or represents.

c. A fiduciary's or designated recipient's access to digital assets may be modified or eliminated by a user, by federal law, or by a terms-of-service agreement if the user has not provided direction under section 4 of this act.

C.3B:14-61.6 Procedure for disclosing digital assets.

6. Procedure for Disclosing Digital Assets.

a. When disclosing digital assets of a user under this act, the custodian shall either:

(1) grant a fiduciary or designated recipient full access to the user's account;

(2) grant a fiduciary or designated recipient partial access to the user's account sufficient to perform the tasks with which the fiduciary or designated recipient is charged; or

(3) provide a fiduciary or designated recipient a copy in a record of any digital asset that, on the date the custodian received the request for disclosure, the user could have accessed if the user were alive and had full capacity and access to the account.

b. A custodian may assess a reasonable administrative charge for the cost of disclosing digital assets under this act.

c. A custodian need not disclose under this act a digital asset deleted by a user.

d. If a user directs or a fiduciary requests a custodian to disclose under this act some, but not all, of the user's digital assets, the custodian need not disclose the assets if segregation of the assets would impose an undue burden on the custodian. If the custodian believes the direction or request imposes an undue burden, the custodian or fiduciary may seek an order from the court to disclose:

(1) a subset limited by date of the user's digital assets;

(2) all of the user's digital assets to the fiduciary or designated recipient;

(3) none of the user's digital assets; or

(4) all of the user's digital assets to the court for review in camera.

C.3B:14-61.7 Disclosure of content of electronic communications of deceased user.

7. Disclosure of Content of Electronic Communications of Deceased User.

If a deceased user consented or a court directs disclosure of the contents of electronic communications of the user, the custodian shall disclose to the personal representative of the estate of the user the content of an electronic communication sent or received by the user if the representative gives the custodian:

a. a written request for disclosure in physical or electronic form;

b. a copy of the death certificate of the user;

c. a certificate evidencing the appointment of the representative or a small-estate affidavit;

d. unless the user provided direction using an online tool, a copy of the user's will, trust, power of attorney, or other record evidencing the user's consent to disclosure of the content of electronic communications; and

e. if requested by the custodian, any of the following:

(1) a number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the user's account;

(2) evidence linking the account to the user; or

(3) a finding by the court of any of the following:

(a) the user had a specific account with the custodian, identifiable by the information specified in paragraph (1) of this subsection;

(b) disclosure of the content of electronic communications of the user would not violate 18 U.S.C. s.2701 et seq., Unlawful Access to Stored Communications; 47 U.S.C. s.222, Privacy of
Customer Information; or other applicable law;

(c) unless the user provided direction using an online tool, the user consented to disclosure of the content of electronic communications; or

(d) disclosure of the content of electronic communications of the user is reasonably necessary for administration of the estate.

C.3B:14-61.8 Disclosure of other digital assets of deceased user.

8. Disclosure of Other Digital Assets of Deceased User.

Unless the user prohibited disclosure of digital assets or the court directs otherwise, a custodian shall disclose to the personal representative of the estate of a deceased user a catalogue of electronic communications sent or received by the user and digital assets, other than the content of electronic communications, of the user, if the representative gives the custodian:

a. a written request for disclosure in physical or electronic form;

b. a copy of the death certificate of the user;

c. a certificate evidencing the appointment of the representative or a small-estate affidavit; and

d. if requested by the custodian, any of the following:

(1) a number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the user's account;

(2) evidence linking the account to the user;

(3) an affidavit stating that disclosure of the user's digital assets is reasonably necessary for administration of the estate; or

(4) a finding by the court of either of the following:

(a) the user had a specific account with the custodian, identifiable by the information specified in paragraph (1) of this subsection; or

(b) disclosure of the user's digital assets is reasonably necessary for administration of the estate.

C.3B:14-61.9 Disclosure of content of electronic communications of principal.

9. Disclosure of Content of Electronic Communications of Principal.

To the extent a power of attorney expressly grants an agent authority over the content of electronic communications sent or received by the principal and unless directed otherwise by the principal or the court, a custodian shall disclose to the agent the content if the agent gives the custodian:

a. a written request for disclosure in physical or electronic form;

b. an original or copy of the power of attorney expressly granting the agent authority over the content of electronic communications of the principal;

c. a certification by the agent, under penalty of perjury, that the power of attorney is in effect; and

d. if requested by the custodian:

(1) a number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the principal's account; or

(2) evidence linking the account to the principal.

C.3B:14-61.10 Disclosure of other digital assets of principal.

10. Disclosure of Other Digital Assets of Principal.

Unless otherwise ordered by the court, directed by the principal, or provided by a power of attorney, a custodian shall disclose to an agent with specific authority over digital assets or general authority to act on behalf of a principal a catalogue of electronic communications sent or received by the principal and digital assets, other than the content of electronic communications, of the principal if the agent gives the custodian:

a. a written request for disclosure in physical or electronic form;

b. an original or a copy of the power of attorney that gives the agent specific authority over digital assets or general authority to act on behalf of the principal;

c. a certification by the agent, under penalty of perjury, that the power of attorney is in effect; and

d. if requested by the custodian:

(1) a number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the principal's account; or

(2) evidence linking the account to the principal.

C.3B:14-61.11 Disclosure of digital assets held in trust when trustee is original user.

11. Disclosure of Digital Assets Held in Trust When Trustee is Original User.

Unless otherwise ordered by the court or provided in a trust, a custodian shall disclose to a trustee that is an original user of an account any digital asset of the account held in trust, including a catalogue of electronic communications of the trustee and the content of electronic communications.

C.3B:14-61.12 Disclosure of contents of electronic communications held in trust when trustee not original user.

12. Disclosure of Contents of Electronic Communications Held in Trust When Trustee Not Original User.

Unless otherwise ordered by the court, directed by the user, or provided in a trust, a custodian shall disclose to a trustee that is not an original user of an account the content of an electronic communication sent or received by an original or successor user and carried, maintained, processed, received, or stored by the custodian in the account of the trust if the trustee gives the custodian:

a. a written request for disclosure in physical or electronic form;

b. a certified copy of the trust instrument or a certification of the trust under N.J.S.3B:31-81 that includes consent to disclosure of the content of electronic communications to the trustee;

c. a certification by the trustee, under penalty of perjury, that the trust exists and the trustee is a currently acting trustee of the trust; and

d. if requested by the custodian:

(1) a number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the trust's account; or

(2) evidence linking the account to the trust.

C.3B:14-61.13 Disclosure of other digital assets held in trust when trustee not original user.

13. Disclosure of Other Digital Assets Held in Trust When Trustee Not Original User.

Unless otherwise ordered by the court, directed by the user, or provided in a trust, a custodian shall disclose, to a trustee that is not an original user of an account, a catalogue of electronic communications sent or received by an original or successor user and stored, carried, or maintained by the custodian in an account of the trust and any digital assets, other than the content of electronic communications, in which the trust has a right or interest if the trustee gives the custodian:

a. a written request for disclosure in physical or electronic form;

b. a certified copy of the trust instrument or a certification of the trust under N.J.S.3B:31-81;

c. a certification by the trustee, under penalty of perjury, that the trust exists and the trustee is a currently acting trustee of the trust; and

d. if requested by the custodian:

(1) a number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the trust's account; or

(2) evidence linking the account to the trust.

C.3B:14-61.14 Disclosure of digital assets to guardian of incapacitated person.

14. Disclosure of Digital Assets to Guardian of Incapacitated Person.

a. After an opportunity for a hearing under N.J.S.3B:12-1 et seq., the court may grant a guardian access to the digital assets of an incapacitated person.

b. Unless otherwise ordered by the court or directed by the user, a custodian shall disclose to a guardian the catalogue of electronic communications sent or received by the incapacitated person and any digital assets, other than the content of electronic communications, in which the incapacitated person has a right or interest if the guardian gives the custodian:

(1) a written request for disclosure in physical or electronic form;

(2) a copy of the court order that gives the guardian authority over the digital assets of the incapacitated person; and

(3) if requested by the custodian:

(a) a number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the account of the incapacitated person; or

(b) evidence linking the account to the incapacitated person.

c. A guardian with general authority to manage the assets of an incapacitated person may request a custodian of the digital assets of the incapacitated person to suspend or terminate an account of the incapacitated person for good cause. A request made under this section shall be accompanied by a copy of the court order giving the guardian authority over the incapacitated person's property.

C.3B:14-61.15 Fiduciary and designated recipient duty and authority.

15. Fiduciary and Designated Recipient Duty and Authority.

a. The legal duties imposed on a fiduciary charged with managing tangible property apply to the management of digital assets, including:

(1) the duty of care;

(2) the duty of loyalty; and

(3) the duty of confidentiality.

b. A fiduciary's or designated recipient's authority with respect to a digital asset of a user:

(1) except as otherwise provided in section 4 of this act, is subject to the applicable terms of service;

(2) is subject to other applicable law, including copyright law;

(3) in the case of a fiduciary, is limited by the scope of the fiduciary's duties; and

(4) may not be used to impersonate the user.

c. A fiduciary with authority over the property of a decedent, incapacitated person, principal, or settlor has the right to access any digital asset in which the decedent, incapacitated person, principal, or settlor had a right or interest and that is not held by a custodian or subject to a terms-of-service agreement.

d. A fiduciary acting within the scope of the fiduciary's duties is an authorized user of the property of the decedent, incapacitated person, principal, or settlor for the purpose of applicable computer-fraud and unauthorized-computer-access laws, including but not limited to the provisions of P.L.1984, c.184 (C.2C:20-23 et seq.) and N.J.S.2C:20-2.

e. A fiduciary with authority over the tangible, personal property of a decedent, incapacitated person, principal, or settlor:

(1) has the right to access the property and any digital asset stored in it; and

(2) is an authorized user for the purpose of computer-fraud and unauthorized-computer-access laws, including but not limited to the provisions of P.L.1984, c.184 (C.2C:20-23 et seq.) and N.J.S.2C:20-2.

f. A custodian may disclose information in an account to a fiduciary of the user when the information is required to terminate an account used to access digital assets licensed to the user.

g. A fiduciary of a user may request a custodian to terminate the user's account. A request for termination must be in writing, in either physical or electronic form, and accompanied by:

(1) if the user is deceased, a copy of the death certificate of the user;

(2) a copy of the letters testamentary or letters of administration, court order, power of attorney, or trust giving the fiduciary authority over the account; and

(3) if requested by the custodian:

(a) a number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the user's account;

(b) evidence linking the account to the user; or

(c) a finding by the court that the user had a specific account with the custodian, identifiable by the information specified in subparagraph (a) of this paragraph.

C.3B:14-61.16 Custodian compliance and immunity.

16. Custodian Compliance and Immunity.

a. Not later than 60 days after receipt of the information required under sections 7 through 15 of this act, a custodian shall comply with a request under this act from a fiduciary or designated recipient to disclose digital assets or terminate an account. If the custodian fails to comply, the fiduciary or designated recipient may apply to the court for an order directing compliance.

b. An order under subsection a. of this section directing compliance must contain a finding that compliance is not in violation of 18 U.S.C. s.2702.

c. A custodian may notify the user that a request for disclosure or to terminate an account was made under this act.

d. A custodian may deny a request under this act from a fiduciary or designated recipient for disclosure of digital assets or to terminate an account if the custodian is aware of any lawful access to the account following the receipt of the fiduciary's request.

e. This act does not limit a custodian's ability to obtain or require a fiduciary or designated recipient requesting disclosure or termination under this act to obtain a court order which:

(1) specifies that an account belongs to the incapacitated person or principal;

(2) specifies that there is sufficient consent from the incapacitated person or principal to support the requested disclosure; and

(3) contains a finding required by law other than this act.

f. A custodian and its officers, employees, and agents are immune from liability for an act or omission done in good faith in compliance with this act.

C.3B:14-61.17 Uniformity of application and construction.

17. Uniformity of Application and Construction.

In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

C.3B:14-61.18 Relation to electronic signatures in global and national commerce act.

18. Relation to Electronic Signatures in Global and National Commerce Act.

This act modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. s.7001 et seq., but does not modify, limit, or supersede section 101(c) of that act, 15 U.S.C. s.7001(c), or authorize electronic delivery of any of the notices described in s.103(b) of that act, 15 U.S.C. s.7003(b).

19. Effective date and applicability.

This act shall take effect on the 90th day following enactment and shall apply to:

a. a fiduciary acting under a will or power of attorney executed before, on, or after the effective date of this act;

b. a personal representative acting for a decedent who died before, on, or after the effective date of this act;

c. a guardianship, whether the guardian was appointed before, on, or after the effective date of this act; and

d. a trustee acting under a trust created before, on, or after the effective date of this act.

Approved September 13, 2017.

CHAPTER 238

AN ACT concerning individuals with developmental disabilities, designated as Stephen Komninos' Law, supplementing Title 30 of the Revised Statutes, and amending various parts of the statutory law.

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

C.30:6D-9.1 Definitions relative to community-based residential programs.

1. As used in sections 1 through 6 of P.L.2017, c.238 (C.30:6D-9.1 et seq.):

"Abuse" means the same as that term is defined by section 2 of P.L.2010, c.5 (C.30:6D-74).

"Commissioner" means the Commissioner of Human Services.

"Community-based residential program" or "residential program" means a group home or supervised apartment, which is licensed and regulated by the department.

"Day program" means a program that is certified to provide day habilitation services or sheltered workshops for individuals with developmental disabilities.

"Department" means the Department of Human Services.

"Department employee" means a direct employee of the Department of Human Services, or an employee of a department-funded case management agency.

"Developmental disability" means the same as that term is defined by section 3 of P.L.1977, c.82 (C.30:6D-3).

"Direct care staff member" means a person 18 years of age or older who is employed by a program, facility, or living arrangement identified in subsection a. of section 5 of P.L.2017, c.238 (C.30:6D-9.5), and who may come into direct contact with individuals with developmental disabilities during the course of such employment.

"Exploitation" means the same as that term is defined by section 2 of P.L.2010, c.5 (C.30:6D-74).

"Group home" means a living arrangement that is operated in a residence or residences leased or owned by a licensee; which provides the opportunity for individuals with developmental disabilities to live together in a home, sharing in chores and the overall management of the residence; and in which staff provides supervision, training, or assistance in a variety of forms and intensity as required to assist the individuals as they move toward independence.

"Licensee" means an individual, partnership, or corporation that is licensed by the department, and is responsible for providing services associated with the operation of a community-based residential program.

"Major physical injury" means an injury that requires treatment that can only be performed at a general hospital or special hospital licensed pur-

suant to P.L.1971, c.136 (C.26:2H-1 et seq.), and which may additionally include admission to the hospital for further treatment or observation.

"Minor physical injury" means an injury that does not constitute a major physical injury or a moderate physical injury, and which can be treated with basic first aid, and without the assistance of a health care professional.

"Moderate physical injury" means an injury that does not constitute a major injury, but which requires treatment, beyond basic first aid, that can only be performed by a health care professional.

"Neglect" means the same as that term is defined by section 2 of P.L.2010, c.5 (C.30:6D-74).

"Program" means any program that is licensed or funded by the department for the purpose of providing services to individuals with developmental disabilities. "Program" includes, but is not limited to, a day program or a community-based residential program.

"Supervised apartment" means an apartment that is occupied by individuals with developmental disabilities; is leased or owned by a licensee; and in which staff provides supervision, guidance, and training, as needed, to assist individual occupants in the activities of daily living, in accordance with each individual's needs and targeted future goals.

C.30:6D-9.2 Site visits and evaluations of every community-based residential program facility.

2. a. The commissioner, or the commissioner's designee, shall designate employees of the Department of Human Services, who may be case managers employed by the department or an agency under contract with the department, to annually conduct not less than two site visits of every community-based residential program, in order to evaluate whether the individuals with developmental disabilities who are receiving services from each such program are at risk of, or are being subjected to, abuse, neglect, or exploitation by a caregiver, and report the results of each site visit pursuant to section 3 of P.L.2010, c.5 (C.30:6D-75).

b. (1) In the case of a community-based residential program that is a group home, not less than two annual site visits that are conducted for each such group home shall be unannounced site visits conducted by a department employee who is assigned to a resident of the group home.

(2) In the case of a community-based residential program that is a supervised apartment, not less than two annual site visits that are conducted for each such supervised apartment shall be unannounced site visits of the apartment, which shall be conducted by a department employee who is unaffiliated and unfamiliar with the assigned case.

c. Nothing in this section shall be interpreted to authorize a staff member or agent of a community-based residential program to perform the site visits required by this section.

C.30:6D-9.3 Provision of notification of injuries of developmentally disabled individual; specification.

3. a. A provider or licensee of a community-based residential program or day program shall provide notification, in accordance with the provisions of subsection b. of this section, of any major physical injury, moderate physical injury, or minor physical injury, as prescribed by department regulation, that is suffered by an individual with a developmental disability who is receiving services from the provider or licensee.

b. Except as otherwise provided by subsection c. of this section, the notification required under this section shall be provided:

(1) as soon as possible, but no later than two hours after the occurrence of the injury, except that if there is an extraordinary circumstance that prevents such notification, the provider or licensee shall provide notification as soon as possible, but no later than eight hours after the occurrence of the injury and shall provide a written, detailed explanation of the extraordinary circumstance causing the delay to the commissioner and to the guardian of the injured individual with a developmental disability or, if there is no guardian of the individual, to a family member who requests such notification, within 14 days of the incident;

(2) to the guardian of the injured individual with a developmental disability, or, if there is no guardian of the individual, to a family member who requests such notification unless the individual has expressly prohibited the family member from receiving such notification; and

(3) through in-person means or by telephone. Electronic means may be used to engage in follow-up communications after the initial notification.

c. Notwithstanding the provisions of this section to the contrary, notification pursuant to this section shall not be required if the guardian or family member expresses, in a written document filed with the caretaker, that they do not want to receive notification of injury pursuant to this section.

C.30:6D-9.4 Verification of the level of severity of the injury, incident.

4. Within 48 hours after receipt of a report of an incident involving moderate physical injury, major physical injury, or abuse, neglect, or exploitation in a State developmental center or community-based residential program, the commissioner shall send an employee of the department, who is not an employee of a State developmental center, but who may be a case

manager employed either by the department, or by an agency under contract with the department, to the location of the reported incident, in order to verify the level of severity of the incident. In investigating the incident, the department shall comply with the provisions of section 4 of P.L.2010, c.5 (C.30:6D-76).

C.30:6D-9.5 Drug testing for direct care staff applicants and employees.

5. a. (1) A person applying for employment as a direct care staff member at a program, facility, or living arrangement licensed or funded by the department, other than a developmental center that is already subject to the provisions of section 1 of P.L.2009, c.220 (C.30:4-3.27), shall consent to and undergo drug testing for controlled dangerous substances as a condition of such employment.

(2) If a person applying for employment pursuant to this subsection, on or after the effective date of P.L.2017, c.238 (C.30:6D-9.1 et al.), tests positive for the unlawful use of any controlled dangerous substance, or refuses to submit to drug testing as required by this subsection, the person shall be removed from consideration for employment.

b. (1) Direct care staff members employed at a program, facility, or living arrangement identified in subsection a. of this section, shall be subject, during the course of employment, to random drug testing for controlled dangerous substances, as provided by this subsection.

(2) At least once a year, the employing program, facility, or living arrangement shall require one or more of the direct care staff members employed thereby to undergo random drug testing for controlled dangerous substances. The person who is responsible for the overall operation of the program, facility, or living arrangement shall have the discretion to determine the total number of direct care staff members who will be required to undergo random drug testing, each year, pursuant to this subsection.

c. In addition to the annual performance of random drug testing, as provided by subsection b. of this section, a program, facility, or living arrangement identified in subsection a. of this section may additionally require a direct care staff member employed thereby to undergo drug testing for controlled dangerous substances, at any time, if the direct care staff member's immediate supervisor has reasonable suspicion to believe that the staff member is illegally using a controlled dangerous substance, based on the staff member's visible impairment or professional misconduct which relates adversely to patient care or safety. The supervisor shall report this information to his immediate supervisor in a form and manner specified by the commissioner, and, if the latter concurs that there is reasonable suspi-

cion to believe that a direct care staff member is illegally using a controlled dangerous substance, that supervisor shall notify the person who is responsible for the overall operation of the program, facility, or living arrangement, and request written approval therefrom to order the direct care staff member to undergo drug testing pursuant to this subsection. Drug testing under this subsection shall not be ordered without the written approval of the person who is responsible for the overall operation of the program, facility, or living arrangement.

d. If a direct care staff member is subjected to a drug test under subsection b. or c. of this section, and tests positive for the unlawful use of any controlled dangerous substance, the direct care staff member may be referred for treatment services or terminated from employment. A direct care staff member who refuses to submit to drug testing, as required by subsection b. or c. of this section, shall be terminated from employment.

e. Any drug testing performed pursuant to this section shall be done at the expense of the department.

f. Any program, facility, or living arrangement identified in subsection a. of this section, which employs a direct care staff member, shall notify the staff member of the provisions of this section.

C.30:6D-9.6 Meetings with parents and guardians of developmentally disabled residents; request for contact information.

6. a. Each State developmental center shall biannually schedule a meeting with parents and guardians of individuals with developmental disabilities residing in the developmental center, in order to provide an opportunity for parents and guardians to share experiences about the individuals.

b. The provider of a community-based residential program shall request contact information from each parent or guardian of an individual with a developmental disability who is residing in the residential program, and shall advise the parent or guardian that, if the parent or guardian agrees, the provider will exchange contact information with other parents and guardians of individuals with developmental disabilities residing in the residential program, in order to provide an opportunity for parents and guardians to share experiences about the individuals.

c. The provider of a day program shall request contact information from each parent or guardian of an individual with a developmental disability who is participating in the day program, and shall advise the parent or guardian that, if the parent or guardian agrees, the provider will exchange contact information with other parents and guardians of individuals with developmental disabilities who are participating in the same program, in

order to provide an opportunity for parents and guardians to share experiences about the individuals.

7. Section 4 of P.L.2003, c.191 (C.30:6D-5.4) is amended to read as follows:

C.30:6D-5.4 Violations, penalties.

4. a. Any member of the staff at a facility for persons with developmental disabilities or for persons with traumatic brain injury, and any member of the staff at a public or private agency, who violates the provisions of section 3 of P.L.2003, c.191 (C.30:6D-5.3) shall be liable to a civil penalty of $5,000 for the first offense, $10,000 for the second offense, and $25,000 for the third and each subsequent offense, to be sued for and collected in a summary proceeding by the commissioner pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

b. A penalty collected pursuant to this section shall be dedicated to providing funding for training caregivers, as defined in section 2 of P.L.2010, c.5 (C.30:6D-74), and for site visits conducted pursuant to P.L.2017, c.238 (C.30:6D-9.1 et al.).

8. 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 P.L.2010, c.5 (C.30:6D-73 et seq.):

"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 P.L.2010, c.5 (C.30:6D-73 et seq.).

"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 the same as that term is defined by 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 failing 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.

"Program" means any program that is licensed or funded by the department for the purpose of providing services to individuals with developmental disabilities. "Program" includes, but is not limited to, a day program or a community-based residential program, as those terms are defined by section 1 of P.L.2017, c.238 (C.30:6D-9.1).

"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.

9. Section 3 of P.L.2010, c.5 (C.30:6D-75) is amended to read as follows:

C.30:6D-75 Report of abuse required.

3. a. (1) A case manager or case manager's supervisor in the department, a person employed or volunteering in a program, facility, community care residence, or living arrangement licensed or funded by the department, a person conducting a site visit pursuant to section 2 of P.L.2017, c.238 (C.30:6D-9.2), or a person providing community-based services with indirect State funding to a person with a developmental disability, as applicable, having reasonable cause to believe that an individual with a developmental disability has been subjected to abuse, neglect, or exploitation by a caregiver, shall report the same immediately to the department by telephone or otherwise.

(2) A report made pursuant to paragraph (1) of this subsection, where possible, shall contain: (a) the name and address of the individual with a developmental disability, as well as the name and address of the caregiver responsible for the care, custody, or control of the individual with a developmental disability, and the guardian, or other person having custody and control of the individual; and (b) if known, the condition of the individual with a developmental disability, the nature and possible extent of the individual's injuries, maltreatment, abuse, neglect, or exploitation, including any evidence of previous injuries, maltreatment, abuse, neglect, or exploitation, and any other information that the person believes may be helpful with respect to the injuries, maltreatment, abuse, neglect, or exploitation of the individual with a developmental disability and the identity of the alleged offender.

b. Within the department, the commissioner shall:

(1) maintain a unit to receive and prioritize reports that are filed pursuant to this section;

(2) provide for verification of the unit's prioritization of the reports by sending an employee or case manager to the appropriate location within 48 hours to verify the level of severity of the report, as provided by section 4 of P.L.2017, c.238 (C.30:6D-9.4);

(3) initiate appropriate responses through timely and appropriate investigative activities;

(4) alert appropriate staff; and

(5) ensure that findings are reported in a uniform and timely manner.

c. (1) A person employed or volunteering in a program, facility, community care residence, or living arrangement licensed or funded by the department, or a person providing community-based services with indirect State funding to a person with a developmental disability, as applicable, who fails to report an act of abuse, neglect, or exploitation against an individual with a developmental disability while having reasonable cause to believe that such an act has been committed, is a disorderly person.

(2) A case manager or case manager's supervisor in the department who fails to report an act of abuse, neglect, or exploitation of an individual with a developmental disability while having reasonable cause to believe that such an act has been committed, shall be guilty of a crime of the fourth degree, unless the abuse, neglect, or exploitation results in the death of an individual with a developmental disability, in which case the case manager or case manager's supervisor shall be guilty of a crime of the third degree.

d. In addition to any penalty imposed pursuant to this section, a person convicted under this section shall be subject to a penalty in the amount of $350 for each day that the abuse, neglect, or exploitation was not reported, payable to the Treasurer of the State of New Jersey, which shall be used by the department to fund the provision of food and care to individuals with developmental disabilities residing in community care residences.

e. A case manager or case manager's supervisor, or a caregiver suspected of abuse, neglect, or exploitation of an individual with a developmental disability, who is charged with failure to report an act of abuse, neglect, or exploitation of an individual with a developmental disability while having reasonable cause to believe that such an act has been committed, shall be temporarily reassigned to duties that do not involve contact with individuals with developmental disabilities or other vulnerable populations, and shall be terminated from employment if convicted.

In the case of a case manager or case manager's supervisor, or of a caregiver suspected of abuse, neglect, or exploitation who is employed by

the department, the case manager, supervisor, or caregiver shall retain any available right of review by the Civil Service Commission.

10. 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.). The guardian of the individual with a developmental disability shall also be authorized to request appropriate assistance from local and State law enforcement officials.

b. (1) 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, which shall include:

(a) maintaining an Office of Investigations to investigate serious unusual incidents, as defined by applicable rules and regulations, in facilities or programs licensed, contracted, or regulated by the department and to investigate incidents that occur in State developmental centers;

(b) providing the guardian of the individual with prior notice of the commencement of an investigation under this section, and providing an opportunity for the guardian, as appropriate, to submit information to facilitate an investigation, except that if there is no guardian, a family member of the individual may submit information, unless the individual has expressly prohibited the family member from doing so; and

(c) providing that a guardian of an individual with a developmental disability, upon request, may be permitted to attend the investigative interview of the individual the guardian represents and to terminate the interview of the individual the guardian represents, unless the attendance or termination would impede the investigation.

(2) 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 Investigations 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 Investigations, 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 Investigations, 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 Investigations 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. (1) No later than 30 days after an investigation under this section is concluded, the Office of Investigations shall issue a written report of the investigation that includes the conclusions of the office, the rationale for the conclusions, 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.

(2) A written summary of the investigation, as provided for in paragraph (3) of this subsection, shall be provided to the guardian of the individual 18 years of age or older with a developmental disability who is the

subject of the alleged abuse, neglect, or exploitation; however, the actual records and reports of an investigation shall also be provided to a guardian or other person who is responsible for the welfare of the individual with a developmental disability if the information is needed in connection with the provision of care, treatment, assessment, evaluation, or supervision to the individual; and the provision of information is in the best interests of the individual with a developmental disability, as determined by the Division of Developmental Disabilities.

(3) The written summary of an investigation of an alleged incident of abuse, neglect, or exploitation shall include, but need not be limited to:

(a) the name of the individual with a developmental disability who is the subject of the alleged abuse, neglect, or exploitation;

(b) the date of the incident, or the date the incident was reported if the incident date is unknown;

(c) whether the incident is an allegation of abuse, neglect, or exploitation;

(d) the incident number;

(e) a summary of the allegation of abuse, neglect, or exploitation;

(f) a finding that the incident is substantiated or unsubstantiated;

(g) the rationale for the finding and, if the incident is substantiated, a description of the action or inaction that precipitated the finding;

(h) if known at the time of issuing the summary, whether or not criminal charges against the alleged offending caregiver are pending; and

(i) whether remedial action was taken.

(4) If there is no guardian of the individual with a developmental disability who is the subject of the alleged abuse, neglect, or exploitation, the written summary described in paragraph (3) of this subsection shall be provided to a family member of the individual who requests such summary, unless the individual has expressly prohibited the family member from receiving such summary.

f. A licensed provider in another state shall be permitted access to the central registry.

g. The department, the Office of Investigations, 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 Investigations, 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).

11. 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 and to the guardian of the individual with a developmental disability who was the subject of the abuse, neglect, or exploitation that led to the caregiver's inclusion on the central registry. The commissioner or the commissioner's designee shall designate staff to notify the guardian of the individual of any action taken by the department to remediate a condition that may have contributed to the occurrence of the abuse, neglect, or exploitation of the individual. If the individual with a developmental disability has no guardian, notification pursuant to this subsection shall be given to a family member who requests such notification, unless the individual has expressly prohibited the family member from receiving such notification.

(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.

12. Section 6 of P.L.2010, c.5 (C.30:6D-78) is amended to read as follows:

C.30:6D-78 Records of report deemed confidential; exceptions.

6. a. All records of a report made pursuant to section 3 of P.L.2010, c.5 (C.30:6D-75), all information obtained by the department in investigating such reports, and all reports of findings forwarded to the central registry

pursuant to P.L.2010, c.5 (C.30:6D-73 et seq.) shall be kept confidential and may be disclosed only:

(1) insofar as information is shared with a guardian in connection with a guardian's attendance at an investigative interview pursuant to subsection b. of section 4 of P.L.2010, c.5 (C.30:6D-76); or

(2) under circumstances expressly authorized by paragraph (2) of subsection e. of section 4 of P.L.2010, c.5 (C.30:6D-76), or by rules and regulations promulgated by the commissioner.

b. The department shall only disclose information that is relevant to the purpose for which the information is required; except that the department shall not disclose information which would likely endanger the life, safety, or physical or emotional well-being of an individual with a developmental disability or the life or safety of any other person, or which may compromise the integrity of a department investigation, civil or criminal investigation, or judicial proceeding. If the department denies access to specific information on this basis, the requesting entity may seek disclosure through the Superior Court. Nothing in P.L.2010, c.5 (C.30:6D-73 et seq.) shall be construed to permit the disclosure of any information deemed confidential by federal or State law.

C.30:6D-9.7 Department of Human Services website posting of the law.

13. The Department of Human Services shall post a copy of P.L.2017, c.238 (C.30:6D-9.1 et al.) on its website.

C.30:6D-9.8 Rules, regulations.

14. The Commissioner of Human Services, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations necessary to effectuate the purposes of this act.

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

Approved October 6, 2017.

CHAPTER 239

AN ACT concerning Medicaid reimbursement for personal care services and supplementing Title 30 of the Revised Statutes.

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

C.30:4D-7n Hourly reimbursement rate for Medicaid personal care services.

1. The hourly reimbursement rate for personal care services within the Medicaid program established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.), whether the services are provided in the Medicaid fee-for-service delivery system or through a managed care delivery system, shall be no less than the established State Medicaid fee-for-service rate. Any and all rate increases realized pursuant to this section shall be used solely to increase wages for workers who directly provide personal care services.

C.30:4D-7o Report.

2. Every provider that receives reimbursement for personal care services pursuant to a Medicaid managed care contract shall annually provide a report to the Division of Medical Assistance and Health Services in the Department of Human Services regarding the use of funds received as reimbursement for personal care services, including assurances that the increased funds received pursuant to section 1 of P.L.2017, c.239 (C.30:4D-7n) are being used exclusively for salary increases for workers who directly provide personal care services and detailed data on the salary increases resulting from section 1 of P.L.2017, c.239 (C.30:4D-7n); including the prior salary, current salary, and other changes to the salary of the workers who directly provide personal care services.

3. This act shall take effect July 1, 2018, and shall apply to services provided on or after the effective date of this act and to any Medicaid managed care contract executed or renewed on or after the effective date of this act.

Approved October 6, 2017.

CHAPTER 240

AN ACT concerning certain assaults and amending N.J.S.2C:12-1.

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

1. N.J.S.2C:12-1 is amended to read as follows:

Assault.

2C:12-1. Assault. a. Simple assault. A person is guilty of assault if he:

(1) Attempts to cause or purposely, knowingly or recklessly causes bodily injury to another; or

(2) Negligently causes bodily injury to another with a deadly weapon; or

(3) Attempts by physical menace to put another in fear of imminent serious bodily injury.

Simple assault is a disorderly persons offense unless committed in a fight or scuffle entered into by mutual consent, in which case it is a petty disorderly persons offense.

b. Aggravated assault. A person is guilty of aggravated assault if he:

(1) Attempts to cause serious bodily injury to another, or causes such injury purposely or knowingly or under circumstances manifesting extreme indifference to the value of human life recklessly causes such injury; or

(2) Attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon; or

(3) Recklessly causes bodily injury to another with a deadly weapon; or

(4) Knowingly under circumstances manifesting extreme indifference to the value of human life points a firearm, as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of another, whether or not the actor believes it to be loaded; or

(5) Commits a simple assault as defined in paragraph (1), (2) or (3) of subsection a. of this section upon:

(a) Any law enforcement officer acting in the performance of his duties while in uniform or exhibiting evidence of his authority or because of his status as a law enforcement officer; or

(b) Any paid or volunteer fireman acting in the performance of his duties while in uniform or otherwise clearly identifiable as being engaged in the performance of the duties of a fireman; or

(c) Any person engaged in emergency first-aid or medical services acting in the performance of his duties while in uniform or otherwise clearly identifiable as being engaged in the performance of emergency first-aid or medical services; or

(d) Any school board member, school administrator, teacher, school bus driver or other employee of a public or nonpublic school or school board while clearly identifiable as being engaged in the performance of his duties or because of his status as a member or employee of a public or nonpublic school or school board or any school bus driver employed by an operator

under contract to a public or nonpublic school or school board while clearly identifiable as being engaged in the performance of his duties or because of his status as a school bus driver; or

(e) Any employee of the Division of Child Protection and Permanency while clearly identifiable as being engaged in the performance of his duties or because of his status as an employee of the division; or

(f) Any justice of the Supreme Court, judge of the Superior Court, judge of the Tax Court or municipal judge while clearly identifiable as being engaged in the performance of judicial duties or because of his status as a member of the judiciary; or

(g) Any operator of a motorbus or the operator's supervisor or any employee of a rail passenger service while clearly identifiable as being engaged in the performance of his duties or because of his status as an operator of a motorbus or as the operator's supervisor or as an employee of a rail passenger service; or

(h) Any Department of Corrections employee, county corrections officer, juvenile corrections officer, State juvenile facility employee, juvenile detention staff member, juvenile detention officer, probation officer or any sheriff, undersheriff, or sheriff's officer acting in the performance of his duties while in uniform or exhibiting evidence of his authority or because of his status as a Department of Corrections employee, county corrections officer, juvenile corrections officer, State juvenile facility employee, juvenile detention staff member, juvenile detention officer, probation officer, sheriff, undersheriff, or sheriff's officer; or

(i) Any employee, including any person employed under contract, of a utility company as defined in section 2 of P.L.1971, c.224 (C.2A:42-86) or a cable television company subject to the provisions of the "Cable Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.) while clearly identifiable as being engaged in the performance of his duties in regard to connecting, disconnecting or repairing or attempting to connect, disconnect or repair any gas, electric or water utility, or cable television or telecommunication service; or

(j) Any health care worker employed by a licensed health care facility to provide direct patient care, any health care professional licensed or otherwise authorized pursuant to Title 26 or Title 45 of the Revised Statutes to practice a health care profession, except a direct care worker at a State or county psychiatric hospital or State developmental center or veterans' memorial home, while clearly identifiable as being engaged in the duties of providing direct patient care or practicing the health care profession; or

(k) Any direct care worker at a State or county psychiatric hospital or State developmental center or veterans' memorial home, while clearly identifiable as being engaged in the duties of providing direct patient care or practicing the health care profession, provided that the actor is not a patient or resident at the facility who is classified by the facility as having a mental illness or developmental disability; or

(6) Causes bodily injury to another person while fleeing or attempting to elude a law enforcement officer in violation of subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any other provision of law to the contrary, a person shall be strictly liable for a violation of this paragraph upon proof of a violation of subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in violation of subsection c. of N.J.S.2C:20-10 which resulted in bodily injury to another person; or

(7) Attempts to cause significant bodily injury to another or causes significant bodily injury purposely or knowingly or, under circumstances manifesting extreme indifference to the value of human life recklessly causes such significant bodily injury; or

(8) Causes bodily injury by knowingly or purposely starting a fire or causing an explosion in violation of N.J.S.2C:17-1 which results in bodily injury to any emergency services personnel involved in fire suppression activities, rendering emergency medical services resulting from the fire or explosion or rescue operations, or rendering any necessary assistance at the scene of the fire or explosion, including any bodily injury sustained while responding to the scene of a reported fire or explosion. For purposes of this paragraph, "emergency services personnel" shall include, but not be limited to, any paid or volunteer fireman, any person engaged in emergency first-aid or medical services and any law enforcement officer. Notwithstanding any other provision of law to the contrary, a person shall be strictly liable for a violation of this paragraph upon proof of a violation of N.J.S.2C:17-1 which resulted in bodily injury to any emergency services personnel; or

(9) Knowingly, under circumstances manifesting extreme indifference to the value of human life, points or displays a firearm, as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of a law enforcement officer; or

(10) Knowingly points, displays or uses an imitation firearm, as defined in subsection v. of N.J.S.2C:39-1, at or in the direction of a law enforcement officer with the purpose to intimidate, threaten or attempt to put the officer in fear of bodily injury or for any unlawful purpose; or

(11) Uses or activates a laser sighting system or device, or a system or device which, in the manner used, would cause a reasonable person to believe that it is a laser sighting system or device, against a law enforcement officer acting in the performance of his duties while in uniform or exhibiting evidence of his authority. As used in this paragraph, "laser sighting system or device" means any system or device that is integrated with or affixed to a firearm and emits a laser light beam that is used to assist in the sight alignment or aiming of the firearm; or

(12) Attempts to cause significant bodily injury or causes significant bodily injury purposely or knowingly or, under circumstances manifesting extreme indifference to the value of human life, recklessly causes significant bodily injury to a person who, with respect to the actor, meets the definition of a victim of domestic violence, as defined in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-19); or

(13) Knowingly or, under circumstances manifesting extreme indifference to the value of human life, recklessly obstructs the breathing or blood circulation of a person who, with respect to the actor, meets the definition of a victim of domestic violence, as defined in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-19), by applying pressure on the throat or neck or blocking the nose or mouth of such person, thereby causing or attempting to cause bodily injury.

Aggravated assault under paragraphs (1) and (6) of subsection b. of this section is a crime of the second degree; under paragraphs (2), (7), (9) and (10) of subsection b. of this section is a crime of the third degree; under paragraphs (3) and (4) of subsection b. of this section is a crime of the fourth degree; and under paragraph (5) of subsection b. of this section is a crime of the third degree if the victim suffers bodily injury, otherwise it is a crime of the fourth degree. Aggravated assault under paragraph (8) of subsection b. of this section is a crime of the third degree if the victim suffers bodily injury; if the victim suffers significant bodily injury or serious bodily injury it is a crime of the second degree. Aggravated assault under paragraph (11) of subsection b. of this section is a crime of the third degree. Aggravated assault under paragraph (12) or (13) of subsection b. of this section is a crime of the third degree but the presumption of non-imprisonment set forth in subsection e. of N.J.S.2C:44-1 for a first offense of a crime of the third degree shall not apply.

c. (1) A person is guilty of assault by auto or vessel when the person drives a vehicle or vessel recklessly and causes either serious bodily injury or bodily injury to another. Assault by auto or vessel is a crime of the fourth degree if serious bodily injury results and is a disorderly persons of-

fense if bodily injury results. Proof that the defendant was operating a hand-held wireless telephone while driving a motor vehicle in violation of section 1 of P.L.2003, c.310 (C.39:4-97.3) may give rise to an inference that the defendant was driving recklessly.

(2) Assault by auto or vessel is a crime of the third degree if the person drives the vehicle while in violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily injury results and is a crime of the fourth degree if the person drives the vehicle while in violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) and bodily injury results.

(3) Assault by auto or vessel is a crime of the second degree if serious bodily injury results from the defendant operating the auto or vessel while in violation of R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) while:

(a) on any school property used for school purposes which is owned by or leased to any elementary or secondary school or school board, or within 1,000 feet of such school property;

(b) driving through a school crossing as defined in R.S.39:1-1 if the municipality, by ordinance or resolution, has designated the school crossing as such; or

(c) driving through a school crossing as defined in R.S.39:1-1 knowing that juveniles are present if the municipality has not designated the school crossing as such by ordinance or resolution.

Assault by auto or vessel is a crime of the third degree if bodily injury results from the defendant operating the auto or vessel in violation of this paragraph.

A map or true copy of a map depicting the location and boundaries of the area on or within 1,000 feet of any property used for school purposes which is owned by or leased to any elementary or secondary school or school board produced pursuant to section 1 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under subparagraph (a) of paragraph (3) of this subsection.

It shall be no defense to a prosecution for a violation of subparagraph (a) or (b) of paragraph (3) of this subsection that the defendant was unaware that the prohibited conduct took place while on or within 1,000 feet of any school property or while driving through a school crossing. Nor shall it be a defense to a prosecution under subparagraph (a) or (b) of paragraph (3) of this subsection that no juveniles were present on the school property or crossing zone at the time of the offense or that the school was not in session.

(4) Assault by auto or vessel is a crime of the third degree if the person purposely drives a vehicle in an aggressive manner directed at another vehicle and serious bodily injury results and is a crime of the fourth degree if the person purposely drives a vehicle in an aggressive manner directed at another vehicle and bodily injury results. For purposes of this paragraph, "driving a vehicle in an aggressive manner" shall include, but is not limited to, unexpectedly altering the speed of the vehicle, making improper or erratic traffic lane changes, disregarding traffic control devices, failing to yield the right of way, or following another vehicle too closely.

As used in this subsection, "vessel" means a means of conveyance for travel on water and propelled otherwise than by muscular power.

d. A person who is employed by a facility as defined in section 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as defined in paragraph (1) or (2) of subsection a. of this section upon an institutionalized elderly person as defined in section 2 of P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth degree.

e. (Deleted by amendment, P.L.2001, c.443).

f. A person who commits a simple assault as defined in paragraph (1), (2) or (3) of subsection a. of this section in the presence of a child under 16 years of age at a school or community sponsored youth sports event is guilty of a crime of the fourth degree. The defendant shall be strictly liable upon proof that the offense occurred, in fact, in the presence of a child under 16 years of age. It shall not be a defense that the defendant did not know that the child was present or reasonably believed that the child was 16 years of age or older. The provisions of this subsection shall not be construed to create any liability on the part of a participant in a youth sports event or to abrogate any immunity or defense available to a participant in a youth sports event. As used in this act, "school or community sponsored youth sports event" means a competition, practice or instructional event involving one or more interscholastic sports teams or youth sports teams organized pursuant to a nonprofit or similar charter or which are member teams in a youth league organized by or affiliated with a county or municipal recreation department and shall not include collegiate, semi-professional or professional sporting events.

2. This act shall take effect immediately.

Approved November 13, 2017.

CHAPTER 241

AN ACT concerning insurance coverage for prescribed contraceptives and amending P.L.2005, c.251.

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

1. Section 1 of P.L.2005, c.251 (C.17:48-6ee) is amended to read as follows:

C.17:48-6ee Hospital service corporation, coverage for prescription female contraceptives.

1. A hospital service corporation that provides hospital or medical expense benefits for expenses incurred in the purchase of outpatient prescription drugs under a contract shall provide coverage under every such contract delivered, issued, executed or renewed in this State 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, for expenses incurred in the purchase of prescription female contraceptives. For the purposes of this section, "prescription female contraceptives" means any drug or device used for contraception by a female, which is approved by the federal Food and Drug Administration for that purpose, that can only be purchased in this State with a prescription written by a health care professional licensed or authorized to write prescriptions, and includes, but is not limited to, birth control pills and diaphragms. The coverage provided shall include prescriptions for dispensing contraceptives for:

a. a three-month period for the first dispensing of the contraceptive; and

b. a six-month period for any subsequent dispensing of the same contraceptive, regardless of whether coverage under the contract was in effect at the time of the first dispensing, except that an entity subject to this section may provide coverage for a supply of contraceptives that is for less than a six-month period, if a six-month period would extend beyond the term of the contract.

A religious employer may request, and a hospital service corporation shall grant, an exclusion under the contract for the coverage required by this section if the required coverage conflicts with the religious employer's bona fide religious beliefs and practices. A religious employer that obtains such an exclusion shall provide written notice thereof to prospective sub-

scribers and subscribers. The provisions of this section shall not be construed as authorizing a hospital service corporation to exclude coverage for prescription drugs that are prescribed for reasons other than contraceptive purposes or for prescription female contraceptives that are necessary to preserve the life or health of a subscriber. For the purposes of this section, "religious employer" means an employer that is a church, convention or association of churches or an elementary or secondary school that is controlled, operated or principally supported by a church or by a convention or association of churches as defined in 26 U.S.C.s.3121(w)(3)(A), and that qualifies as a tax-exempt organization under 26 U.S.C.s.501(c)(3).

The benefits shall be provided to the same extent as for any other outpatient prescription drug under the contract.

This section shall apply to those contracts in which the hospital service corporation has reserved the right to change the premium.

2. Section 2 of P.L.2005, c.251 (C.17:48A-7bb) is amended to read as follows:

C.17:48A-7bb Medical service corporation, coverage for prescription female contraceptives.

2. A medical service corporation that provides hospital or medical expense benefits for expenses incurred in the purchase of outpatient prescription drugs under a contract shall provide coverage under every such contract delivered, issued, executed or renewed in this State 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, for expenses incurred in the purchase of prescription female contraceptives. For the purposes of this section, "prescription female contraceptives" means any drug or device used for contraception by a female, which is approved by the federal Food and Drug Administration for that purpose, that can only be purchased in this State with a prescription written by a health care professional licensed or authorized to write prescriptions, and includes, but is not limited to, birth control pills and diaphragms. The coverage provided shall include prescriptions for dispensing contraceptives for:

a. a three-month period for the first dispensing of the contraceptive; and

b. a six-month period for any subsequent dispensing of the same contraceptive, regardless of whether coverage under the contract was in effect at the time of the first dispensing, except that an entity subject to this section may provide coverage for a supply of contraceptives that is for less

than a six-month period, if a six-month period would extend beyond the term of the contract.

A religious employer may request, and a medical service corporation shall grant, an exclusion under the contract for the coverage required by this section if the required coverage conflicts with the religious employer's bona fide religious beliefs and practices. A religious employer that obtains such an exclusion shall provide written notice thereof to prospective subscribers and subscribers. The provisions of this section shall not be construed as authorizing a medical service corporation to exclude coverage for prescription drugs that are prescribed for reasons other than contraceptive purposes or for prescription female contraceptives that are necessary to preserve the life or health of a subscriber. For the purposes of this section, "religious employer" means an employer that is a church, convention or association of churches or an elementary or secondary school that is controlled, operated or principally supported by a church or by a convention or association of churches as defined in 26 U.S.C.s.3121(w)(3)(A), and that qualifies as a tax-exempt organization under 26 U.S.C.s.501(c)(3).

The benefits shall be provided to the same extent as for any other outpatient prescription drug under the contract.

This section shall apply to those contracts in which the medical service corporation has reserved the right to change the premium.

3. Section 3 of P.L.2005, c.251 (C.17:48E-35.29) is amended to read as follows:

C.17:48E-35.29 Health service corporation, coverage for prescription female contraceptives.

3. A health service corporation that provides hospital or medical expense benefits for expenses incurred in the purchase of outpatient prescription drugs under a contract shall provide coverage under every such contract delivered, issued, executed or renewed in this State 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, for expenses incurred in the purchase of prescription female contraceptives. For the purposes of this section, "prescription female contraceptives" means any drug or device used for contraception by a female, which is approved by the federal Food and Drug Administration for that purpose, that can only be purchased in this State with a prescription written by a health care professional licensed or authorized to write prescriptions, and includes, but is not limited to, birth

control pills and diaphragms. The coverage provided shall include prescriptions for dispensing contraceptives for:

a. a three-month period for the first dispensing of the contraceptive; and

b. a six-month period for any subsequent dispensing of the same contraceptive, regardless of whether coverage under the contract was in effect at the time of the first dispensing, except that an entity subject to this section may provide coverage for a supply of contraceptives that is for less than a six-month period, if a six-month period would extend beyond the term of the contract.

A religious employer may request, and a health service corporation shall grant, an exclusion under the contract for the coverage required by this section if the required coverage conflicts with the religious employer's bona fide religious beliefs and practices. A religious employer that obtains such an exclusion shall provide written notice thereof to prospective subscribers and subscribers. The provisions of this section shall not be construed as authorizing a health service corporation to exclude coverage for prescription drugs that are prescribed for reasons other than contraceptive purposes or for prescription female contraceptives that are necessary to preserve the life or health of a subscriber. For the purposes of this section, "religious employer" means an employer that is a church, convention or association of churches or an elementary or secondary school that is controlled, operated or principally supported by a church or by a convention or association of churches as defined in 26 U.S.C.s.3121(w)(3)(A), and that qualifies as a tax-exempt organization under 26 U.S.C.s.501(c)(3).

The benefits shall be provided to the same extent as for any other outpatient prescription drug under the contract.

This section shall apply to those contracts in which the health service corporation has reserved the right to change the premium.

4. Section 4 of P.L.2005, c.251 (C.17B:27-46.1ee) is amended to read as follows:

C.17B:27-46.1ee Group health insurer, coverage for prescription female contraceptives.

4. A group health insurer that provides hospital or medical expense benefits for expenses incurred in the purchase of outpatient prescription drugs under a policy shall provide coverage under every such policy delivered, issued, executed or renewed in this State 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, for expenses incurred in the purchase of prescription female contraceptives. For the purposes of this section, "prescription female contraceptives" means any drug or device used for contraception by a female, which is approved by the federal Food and Drug Administration for that purpose, that can only be purchased in this State with a prescription written by a health care professional licensed or authorized to write prescriptions, and includes, but is not limited to, birth control pills and diaphragms. The coverage provided shall include prescriptions for dispensing contraceptives for:

a. a three-month period for the first dispensing of the contraceptive; and

b. a six-month period for any subsequent dispensing of the same contraceptive, regardless of whether coverage under the policy was in effect at the time of the first dispensing, except that an entity subject to this section may provide coverage for a supply of contraceptives that is for less than a six-month period, if a six-month period would extend beyond the term of the contract.

A religious employer may request, and an insurer shall grant, an exclusion under the policy for the coverage required by this section if the required coverage conflicts with the religious employer's bona fide religious beliefs and practices. A religious employer that obtains such an exclusion shall provide written notice thereof to prospective insureds and insureds. The provisions of this section shall not be construed as authorizing an insurer to exclude coverage for prescription drugs that are prescribed for reasons other than contraceptive purposes or for prescription female contraceptives that are necessary to preserve the life or health of an insured. For the purposes of this section, "religious employer" means an employer that is a church, convention or association of churches or an elementary or secondary school that is controlled, operated or principally supported by a church or by a convention or association of churches as defined in 26 U.S.C.s.3121(w)(3)(A), and that qualifies as a tax-exempt organization under 26 U.S.C.s.501(c)(3).

The benefits shall be provided to the same extent as for any other outpatient prescription drug under the policy.

This section shall apply to those policies in which the insurer has reserved the right to change the premium.

5. Section 5 of P.L.2005, c.251 (C.17B:26-2.1y) is amended to read as follows:

C.17B:26-2.1y Individual health insurer, coverage for prescription female contraceptives.

5. An individual health insurer that provides hospital or medical expense benefits for expenses incurred in the purchase of outpatient prescription drugs under a policy shall provide coverage under every such policy delivered, issued, executed or renewed in this State 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, for expenses incurred in the purchase of prescription female contraceptives. For the purposes of this section, "prescription female contraceptives" means any drug or device used for contraception by a female, which is approved by the federal Food and Drug Administration for that purpose, that can only be purchased in this State with a prescription written by a health care professional licensed or authorized to write prescriptions, and includes, but is not limited to, birth control pills and diaphragms. The coverage provided shall include prescriptions for dispensing contraceptives for:

a. a three-month period for the first dispensing of the contraceptive; and

b. a six-month period for any subsequent dispensing of the same contraceptive, regardless of whether coverage under the policy was in effect at the time of the first dispensing, except that an entity subject to this section may provide coverage for a supply of contraceptives that is for less than a six-month period, if a six-month period would extend beyond the term of the contract.

A religious employer may request, and an insurer shall grant, an exclusion under the policy for the coverage required by this section if the required coverage conflicts with the religious employer's bona fide religious beliefs and practices. A religious employer that obtains such an exclusion shall provide written notice thereof to prospective insureds and insureds. The provisions of this section shall not be construed as authorizing an insurer to exclude coverage for prescription drugs that are prescribed for reasons other than contraceptive purposes or for prescription female contraceptives that are necessary to preserve the life or health of an insured. For the purposes of this section, "religious employer" means an employer that is a church, convention or association of churches or an elementary or secondary school that is controlled, operated or principally supported by a church or by a convention or association of churches as defined in 26 U.S.C.s.3121(w)(3)(A), and that qualifies as a tax-exempt organization under 26 U.S.C.s.501(c)(3).

The benefits shall be provided to the same extent as for any other outpatient prescription drug under the policy.

This section shall apply to those policies in which the insurer has reserved the right to change the premium.

6. Section 6 of P.L.2005, c.251 (C.26:2J-4.30) is amended to read as follows:

C.26:2J-4.30 Health maintenance organization, coverage for prescription female contraceptives.

6. A certificate of authority to establish and operate a health maintenance organization in this State shall not be issued or continued on or after the effective date of this act for a health maintenance organization that provides health care services for outpatient prescription drugs under a contract, unless the health maintenance organization also provides health care services for prescription female contraceptives. For the purposes of this section, "prescription female contraceptives" means any drug or device used for contraception by a female, which is approved by the federal Food and Drug Administration for that purpose, that can only be purchased in this State with a prescription written by a health care professional licensed or authorized to write prescriptions, and includes, but is not limited to, birth control pills and diaphragms. The coverage provided shall include prescriptions for dispensing contraceptives for:

a. a three-month period for the first dispensing of the contraceptive; and

b. a six-month period for any subsequent dispensing of the same contraceptive, regardless of whether coverage under the contract was in effect at the time of the first dispensing, except that an entity subject to this section may provide coverage for a supply of contraceptives that is for less than a six-month period, if a six-month period would extend beyond the term of the contract.

A religious employer may request, and a health maintenance organization shall grant, an exclusion under the contract for the health care services required by this section if the required health care services conflict with the religious employer's bona fide religious beliefs and practices. A religious employer that obtains such an exclusion shall provide written notice thereof to prospective enrollees and enrollees. The provisions of this section shall not be construed as authorizing a health maintenance organization to exclude health care services for prescription drugs that are prescribed for reasons other than contraceptive purposes or for prescription female contra-

ceptives that are necessary to preserve the life or health of an enrollee. For the purposes of this section, "religious employer" means an employer that is a church, convention or association of churches or an elementary or secondary school that is controlled, operated or principally supported by a church or by a convention or association of churches as defined in 26 U.S.C.s.3121(w)(3)(A), and that qualifies as a tax-exempt organization under 26 U.S.C.s.501(c)(3).

The health care services shall be provided to the same extent as for any other outpatient prescription drug under the contract.

The provisions of this section shall apply to those contracts for health care services by health maintenance organizations under which the right to change the schedule of charges for enrollee coverage is reserved.

7. Section 7 of P.L.2005, c.251 (C.17B:27A-7.12) is amended to read as follows:

C.17B:27A-7.12 Individual health benefits plan, coverage for prescription female contraceptives.

7. An individual health benefits plan required pursuant to section 3 of P.L.1992, c.161 (C.17B:27A-4) that provides benefits for expenses incurred in the purchase of outpatient prescription drugs shall provide coverage for expenses incurred in the purchase of prescription female contraceptives. For the purposes of this section, "prescription female contraceptives" means any drug or device used for contraception by a female, which is approved by the federal Food and Drug Administration for that purpose, that can only be purchased in this State with a prescription written by a health care professional licensed or authorized to write prescriptions, and includes, but is not limited to, birth control pills and diaphragms. The coverage provided shall include prescriptions for dispensing contraceptives for:

a. a three-month period for the first dispensing of the contraceptive; and

b. a six-month period for any subsequent dispensing of the same contraceptive, regardless of whether coverage under the plan was in effect at the time of the first dispensing, except that an entity subject to this section may provide coverage for a supply of contraceptives that is for less than a six-month period, if a six-month period would extend beyond the term of the contract.

A religious employer may request, and a carrier shall grant, an exclusion under the health benefits plan for the coverage required by this section if the required coverage conflicts with the religious employer's bona fide

religious beliefs and practices. A religious employer that obtains such an exclusion shall provide written notice thereof to prospective covered persons and covered persons. The provisions of this section shall not be construed as authorizing a carrier to exclude coverage for prescription drugs that are prescribed for reasons other than contraceptive purposes or for prescription female contraceptives that are necessary to preserve the life or health of a covered person. For the purposes of this section, "religious employer" means an employer that is a church, convention or association of churches or an elementary or secondary school that is controlled, operated or principally supported by a church or by a convention or association of churches as defined in 26 U.S.C.s.3121(w)(3)(A), and that qualifies as a tax-exempt organization under 26 U.S.C.s.501(c)(3).

The benefits shall be provided to the same extent as for any other outpatient prescription drug under the health benefits plan.

This section shall apply to all individual health benefits plans in which the carrier has reserved the right to change the premium.

8. Section 8 of P.L.2005, c.251 (C.17B:27A-19.15) is amended to read as follows:

C.17B:27A-19.15 Small employer health benefits plan, coverage for female contraceptives.

8. A small employer health benefits plan required pursuant to section 3 of P.L.1992, c.162 (C.17B:27A-19) that provides benefits for expenses incurred in the purchase of outpatient prescription drugs shall provide coverage for expenses incurred in the purchase of prescription female contraceptives. For the purposes of this section, "prescription female contraceptives" means any drug or device used for contraception by a female, which is approved by the federal Food and Drug Administration for that purpose, that can only be purchased in this State with a prescription written by a health care professional licensed or authorized to write prescriptions, and includes, but is not limited to, birth control pills and diaphragms. The coverage provided shall include prescriptions for dispensing contraceptives for:

a. a three-month period for the first dispensing of the contraceptive; and

b. a six-month period for any subsequent dispensing of the same contraceptive, regardless of whether coverage under the plan was in effect at the time of the first dispensing, except that an entity subject to this section may provide coverage for a supply of contraceptives that is for less than a

six-month period, if a six-month period would extend beyond the term of the contract.

A religious employer may request, and a carrier shall grant, an exclusion under the health benefits plan for the coverage required by this section if the required coverage conflicts with the religious employer's bona fide religious beliefs and practices. A religious employer that obtains such an exclusion shall provide written notice thereof to prospective covered persons and covered persons. The provisions of this section shall not be construed as authorizing a carrier to exclude coverage for prescription drugs that are prescribed for reasons other than contraceptive purposes or for prescription female contraceptives that are necessary to preserve the life or health of a covered person. For the purposes of this section, "religious employer" means an employer that is a church, convention or association of churches or an elementary or secondary school that is controlled, operated or principally supported by a church or by a convention or association of churches as defined in 26 U.S.C.s.3121(w)(3)(A), and that qualifies as a tax-exempt organization under 26 U.S.C.s.501(c)(3).

The benefits shall be provided to the same extent as for any other outpatient prescription drug under the health benefits plan.

This section shall apply to all small employer health benefits plans in which the carrier has reserved the right to change the premium.

9. Section 9 of P.L.2005, c.251 (C.17:48F-13.2) is amended to read as follows:

C.17:48F-13.2 Prepaid prescription service organization, coverage for prescription female contraceptives.

9. A prepaid prescription service organization that provides benefits for expenses incurred in the purchase of outpatient prescription drugs under a contract shall provide coverage under every such contract delivered, issued, executed or renewed in this State 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, for expenses incurred in the purchase of prescription female contraceptives. For the purposes of this section, "prescription female contraceptives" means any drug or device used for contraception by a female, which is approved by the federal Food and Drug Administration for that purpose, that can only be purchased in this State with a prescription written by a health care professional licensed or authorized to write prescriptions, and includes, but is not limited to, birth control pills and dia-

phragms. The coverage provided shall include prescriptions for dispensing contraceptives for:

a. a three-month period for the first dispensing of the contraceptive; and

b. a six-month period for any subsequent dispensing of the same contraceptive, regardless of whether coverage under the contract was in effect at the time of the first dispensing, except that an entity subject to this section may provide coverage for a supply of contraceptives that is for less than a six-month period, if a six-month period would extend beyond the term of the contract.

A religious employer may request, and a prepaid prescription service organization shall grant, an exclusion under the contract for the coverage required by this section if the required coverage conflicts with the religious employer's bona fide religious beliefs and practices. A religious employer that obtains such an exclusion shall provide written notice thereof to prospective enrollees and enrollees. The provisions of this section shall not be construed as authorizing a prepaid prescription service organization to exclude coverage for prescription drugs that are prescribed for reasons other than contraceptive purposes or for prescription female contraceptives that are necessary to preserve the life or health of an enrollee. For the purposes of this section, "religious employer" means an employer that is a church, convention or association of churches or an elementary or secondary school that is controlled, operated or principally supported by a church or by a convention or association of churches as defined in 26 U.S.C.s.3121(w)(3)(A), and that qualifies as a tax-exempt organization under 26 U.S.C.s.501(c)(3).

The benefits shall be provided to the same extent as for any other outpatient prescription drug under the contract.

This section shall apply to those prepaid prescription contracts in which the prepaid prescription service organization has reserved the right to change the premium.

10. Section 10 of P.L.2005, c.251 (C.52:14-17.29j) is amended to read as follows:

C.52:14-17.29j State Health Benefits Program, coverage for prescription female contraceptives.

10. 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 benefits for expenses incurred in the purchase of outpatient

prescription drugs shall provide benefits for expenses incurred in the purchase of prescription female contraceptives.

For the purposes of this section, "prescription female contraceptives" means any drug or device used for contraception by a female, which is approved by the federal Food and Drug Administration for that purpose, that can only be purchased in this State with a prescription written by a health care professional licensed or authorized to write prescriptions, and includes, but is not limited to, birth control pills and diaphragms. The coverage provided shall include prescriptions for dispensing contraceptives for:

a. a three-month period for the first dispensing of the contraceptive; and

b. a six-month period for any subsequent dispensing of the same contraceptive, regardless of whether coverage under the contract was in effect at the time of the first dispensing, except that an entity subject to this section may provide coverage for a supply of contraceptives that is for less than a six-month period, if a six-month period would extend beyond the term of the contract.

11. This act shall take effect on the 90th day next following enactment and shall apply to policies and contracts delivered, issued, executed or renewed on or after the effective date of this act.

Approved December 15, 2017.

CHAPTER 242

AN ACT concerning the disposition of certain cigarette and other tobacco products tax revenues and amending P.L.1997, c.264.

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

1. Section 4 of P.L.1997, c.264 (C.26:2H-18.58g) is amended to read as follows:

C.26:2H-18.58g Disposition of revenues collected from certain cigarette, other tobacco products tax revenues.

4. Notwithstanding the provisions of any other law to the contrary,

a. commencing July 1, 1998 and ending June 30, 2006: after the deposit required pursuant to section 5 of P.L.1982, c.40 (C.54:40A-37.1), the

first $150,000,000 of revenue collected annually from the "Cigarette Tax Act," P.L.1948, c.65 (C.54:40A-1 et seq.) and the first $5,000,000 of revenue collected annually from the "Tobacco Products Wholesale Sales and Use Tax Act," P.L.1990, c.39 (C.54:40B-1 et seq.), shall be deposited into the Health Care Subsidy Fund established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58); and the next $390,000,000 of revenue collected annually from the "Cigarette Tax Act," P.L.1948, c.65 (C.54:40A-1 et seq.) shall be appropriated annually for health programs, and the next $50,000,000 of revenue collected annually from the "Cigarette Tax Act," P.L.1948, c.65 (C.54:40A-1 et seq.) shall be appropriated annually to the New Jersey Economic Development Authority for payment of debt service incurred by the authority for school facilities projects and in fiscal years commencing July 1, 2002 and July 1, 2003, the next $30,000,000 of revenue collected annually from the "Cigarette Tax Act," P.L.1948, c.65 (C.54:40A-1 et seq.) shall be directed to the Department of Health to fund anti-smoking initiatives, except that the amount shall be $40,000,000 in the fiscal year commencing July 1, 2004 and $45,000,000 in the fiscal year commencing July 1, 2005; and

b. commencing with fiscal years beginning on and after July 1, 2006, after the deposit required pursuant to section 5 of P.L.1982, c.40 (C.54:40A-37.1), the first $150,000,000 of revenue collected annually from the "Cigarette Tax Act," P.L.1948, c.65 (C.54:40A-1 et seq.) and the first $5,000,000 of revenue collected annually from the "Tobacco Products Wholesale Sales and Use Tax Act," P.L.1990, c.39 (C.54:40B-1 et seq.), shall be deposited into the Health Care Subsidy Fund established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58). In addition, commencing with fiscal years beginning on and after July 1, 2006 but before July 1, 2009, there shall be deposited $215,000,000 of revenue collected annually from the "Cigarette Tax Act," P.L.1948, c.65 (C.54:40A-1 et seq.) in accordance with the provisions of section 5 of P.L.2004, c.68 (C.34:1B-21.20), and, commencing with fiscal years beginning on and after July 1, 2009, there shall be deposited $241,500,000 of revenue collected annually from the "Cigarette Tax Act," P.L.1948, c.65 (C.54:40A-1 et seq.) in accordance with the provisions of section 5 of P.L.2004, c.68 (C.34:1B-21.20). In addition, commencing with fiscal years beginning on and after July 1, 2018, an amount equal to one percent of the total revenues collected annually from the "Cigarette Tax Act," P.L.1948, c.65 (C.54:40A-1 et seq.) and the "Tobacco Products Wholesale Sales and Use Tax Act," P.L.1990, c.39 (C.54:40B-1 et seq.) shall be directed to the Department of Health to fund and implement evidence-based tobacco control programs that align

with the federal Centers for Disease Control and Prevention Best Practices for Comprehensive Tobacco Control Programs and that include the goals of preventing youth initiation of tobacco usage, reducing exposure to secondhand smoke, and promotion of cessation. Funding priority shall be given to programs that aim to reduce the incidence of smoking among the State's Medicaid population and youth.

2. This act shall take effect on July 1, 2018.

Approved December 15, 2017.

CHAPTER 243

AN ACT concerning certain employment rights of persons with expunged criminal records and amending P.L.2014, c.32.

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

1. Section 4 of P.L.2014, c.32 (C.34:6B-14) is amended to read as follows:

C.34:6B-14 Prohibited actions by employer during initial employment application process.

4. a. Except as otherwise provided in section 6 of P.L.2014, c.32 (C.34:6B-16):

(1) An employer shall not require an applicant for employment to complete any employment application that makes any inquiries regarding an applicant's criminal record, including an expunged criminal record, during the initial employment application process.

(2) An employer shall not make any oral or written inquiry regarding an applicant's criminal record, including an expunged criminal record, or use an online application that requires the disclosure of an applicant's criminal record, including an expunged criminal record, during the initial employment application process.

b. Notwithstanding the provisions of subsection a. of this section, if an applicant discloses any information regarding the applicant's criminal record, by voluntary oral or written disclosure, during the initial employment

application process, the employer may make inquiries regarding the applicant's criminal record during the initial employment application process.

c. Nothing set forth in this section shall be construed to prohibit an employer from requiring an applicant for employment to complete an employment application that makes any inquiries regarding an applicant's criminal record after the initial employment application process has concluded or from making any oral or written inquiries regarding an applicant's criminal record after the initial employment application process has concluded. The provisions of this section shall not preclude an employer from refusing to hire an applicant for employment based upon the applicant's criminal record, unless the criminal record or relevant portion thereof has been expunged or erased through executive pardon, provided that such refusal is consistent with other applicable laws, rules and regulations.

2. This act shall take effect immediately.

Approved December 20, 2017.

CHAPTER 244

AN ACT revising procedures for expunging criminal and other records and information, amending various parts of the statutory law and supplementing chapter 52 of Title 2C of the New Jersey Statutes.

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

1. N.J.S.2C:52-2 is amended to read as follows:

Indictable offenses.

2C:52-2. Indictable Offenses.

a. In all cases, except as herein provided, a person may present an expungement application to the Superior Court pursuant to this section if:

the person has been convicted of one crime under the laws of this State, and does not otherwise have any prior or subsequent conviction for another crime, whether within this State or any other jurisdiction; or

the person has been convicted of one crime and less than four disorderly persons or petty disorderly persons offenses under the laws of this State, and does not otherwise have any prior or subsequent conviction for another

crime, or any prior or subsequent conviction for another disorderly persons or petty disorderly persons offense such that the total number of convictions for disorderly persons and petty disorderly persons offenses would exceed three, whether any such crime or offense conviction was within this State or any other jurisdiction; or

the person has been convicted of multiple crimes or a combination of one or more crimes and one or more disorderly persons or petty disorderly persons offenses under the laws of this State, all of which are listed in a single judgment of conviction, and does not otherwise have any prior or subsequent conviction for another crime or offense in addition to those convictions included in the expungement application, whether any such conviction was within this State or any other jurisdiction; or

the person has been convicted of multiple crimes or a combination of one or more crimes and one or more disorderly persons or petty disorderly persons offenses under the laws of this State, which crimes or combination of crimes and offenses were interdependent or closely related in circumstances and were committed as part of a sequence of events that took place within a comparatively short period of time, regardless of the date of conviction or sentencing for each individual crime or offense, and the person does not otherwise have any prior or subsequent conviction for another crime or offense in addition to those convictions included in the expungement application, whether any such conviction was within this State or any other jurisdiction.

The person, if eligible, may present the expungement application after the expiration of a period of six years from the date of his most recent conviction, payment of fine, satisfactory completion of probation or parole, or release from incarceration, whichever is later. The term "fine" as used herein and throughout this section means and includes any fine, restitution, and other court-ordered financial assessment imposed by the court as part of the sentence for the conviction, for which payment of restitution takes precedence in accordance with chapter 46 of Title 2C of the New Jersey Statutes. The person shall submit the expungement application to the Superior Court in the county in which the conviction for the crime was adjudged, which contains a separate, duly verified petition as provided in N.J.S.2C:52-7 for each conviction sought to be expunged, 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 concerning the six-year time requirement, if a fine which is currently subject to collection under the compre-

hensive enforcement program established pursuant to P.L.1995, c.9 (C.2B:19-1 et al.) is not yet satisfied due to reasons other than willful noncompliance, but the time requirement of six years is otherwise satisfied, the person may submit the expungement application and the court may grant an expungement, provided, however, that if expungement is granted under this paragraph, the court shall provide for the continued collection of any outstanding amount owed that is necessary to satisfy the fine or the entry of civil judgment for the outstanding amount in accordance with section 8 of P.L.2017, c.244 (C.2C:52-23.1).

Additionally, an application may be filed and presented, and the court may grant an expungement pursuant to this section, although less than six years have expired in accordance with the time requirements when the court finds:

(1) the fine is satisfied but less than six years have expired from the date of satisfaction, and the time requirement of six years 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 but less than six years have expired from the date of the most recent conviction, payment of fine, satisfactory completion of probation or parole, or release from incarceration, whichever is later; and

the person has not been otherwise convicted of a crime, disorderly persons offense, or petty disorderly persons offense since the time of the most recent conviction; and the court finds in its discretion that expungement is in the public interest, giving due consideration to the nature of the offense or offenses, and the applicant's character and conduct since the conviction or convictions.

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 or offenses, the person's financial condition and other relevant circumstances regarding the person's ability to pay.

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 speci-

fied 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 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 less than one ounce;

(2) Hashish, where the total quantity sold, distributed or possessed with intent to sell was less than five grams; 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.

2. N.J.S.2C:52-3 is amended to read as follows:

Disorderly persons offenses and petty disorderly persons offenses.

2C:52-3. Disorderly persons offenses and petty disorderly persons offenses.

a. Any person who has been convicted of one or more disorderly persons or petty disorderly persons offenses under the laws of this State who has not been convicted of any crime, whether within this State or any other jurisdiction, may present an expungement application to the Superior Court pursuant to this section. Any person who has been convicted of one or more disorderly persons or petty disorderly persons offenses under the laws of this State who has also been convicted of one or more crimes shall not be eligible to apply for an expungement pursuant to this section, but may present an expungement application to the Superior Court pursuant to N.J.S.2C:52-2.

b. Any person who has been convicted of one or more disorderly persons or petty disorderly persons offenses under the laws of this State who has not been convicted of any crime, whether within this State or any other jurisdiction, may present an expungement application to the Superior Court pursuant to this section if:

the person has been convicted, under the laws of this State, on the same or separate occasions of no more than four disorderly persons offenses, no more than four petty disorderly persons offenses, or a combination of no more than four disorderly persons and petty disorderly persons offenses, and the person does not otherwise have any prior or subsequent conviction for a disorderly persons or petty disorderly persons offense, whether within this State or any other jurisdiction, such that the total number of convictions

for disorderly persons and petty disorderly persons offenses would exceed four; or

the person has been convicted of multiple disorderly persons offenses or multiple petty disorderly persons offenses under the laws of this State, or a combination of multiple disorderly persons and petty disorderly persons offenses under the laws of this State, which convictions were entered on the same day, and does not otherwise have any prior or subsequent conviction for another offense in addition to those convictions included in the expungement application, whether any such conviction was within this State or any other jurisdiction; or

the person has been convicted of multiple disorderly persons offenses or multiple petty disorderly persons offenses under the laws of this State, or a combination of multiple disorderly persons and petty disorderly persons offenses under the laws of this State, which offenses or combination of offenses were interdependent or closely related in circumstances and were committed as part of a sequence of events that took place within a comparatively short period of time, regardless of the date of conviction or sentencing for each individual offense, and the person does not otherwise have any prior or subsequent conviction for another offense in addition to those convictions included in the expungement application, whether within this State or any other jurisdiction.

The person, if eligible, may present the expungement application after the expiration of a period of five years from the date of his most recent conviction, payment of fine, satisfactory completion of probation or release from incarceration, whichever is later. The term "fine" as used herein and throughout this section means and includes any fine, restitution, and other court-ordered financial assessment imposed by the court as part of the sentence for the conviction, for which payment of restitution takes precedence in accordance with chapter 46 of Title 2C of the New Jersey Statutes. The person shall submit the expungement application to the Superior Court in the county in which the most recent conviction for a disorderly persons or petty disorderly persons offense was adjudged, which contains a separate, duly verified petition as provided in N.J.S.2C:52-7 for each conviction sought to be expunged, 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 of N.J.S.2C:52-1 et seq.

Notwithstanding the provisions of the five-year time requirement, an application may be filed and presented, and the court may grant an expungement pursuant to this section, when the court finds:

(1) the fine is satisfied but less than five years have expired from the date of satisfaction, and the five-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 three but less than five years have expired from the date of the most recent conviction, payment of fine, satisfactory completion of probation or parole, or release from incarceration, whichever is later; and

the person has not been otherwise convicted of a crime, disorderly persons offense, or petty disorderly persons offense since the time of the most recent conviction; and the court finds in its discretion that expungement is in the public interest, giving due consideration to the nature of the offense or offenses, and the applicant's character and conduct since the conviction or convictions.

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 or offenses, the person's financial condition and other relevant circumstances regarding the person's ability to pay.

3. N.J.S.2C:52-5 is amended to read as follows:

Expungement of records of young drug offenders.

2C:52-5. Expungement of Records of Young Drug Offenders. Notwithstanding the provisions of N.J.S.2C:52-2 and N.J.S.2C:52-3, after a period of not less than one year following conviction, termination of probation or parole or discharge from custody, whichever is later, any person convicted of an offense under chapter 35 or 36 of this title for the possession or use of a controlled dangerous substance, convicted of violating P.L.1955, c.77, s.3 (C.2A:170-77.5), or convicted of violating P.L.1962, c.113, s.1 (C.2A:170-77.8), and who at the time of the offense was 21 years of age or younger, may apply to the Superior Court in the county wherein the matter was disposed of for the expungement of such person's conviction and all records pertaining thereto. The relief of expungement under this section shall be granted only if said person has not, prior to the time of hearing, violated any of the conditions of his probation or parole, albeit subsequent to discharge from probation or parole, has not been convicted of any previous or subsequent criminal act or any subsequent or previous violation of chapter 35 or 36 of this title or of P.L.1955, c.277, s.3 (C.2A:170-77.5) or of P.L.1962, c.113, s.1 (C.2A:170-77.8), or who has not had a prior or subse-

quent criminal matter dismissed because of acceptance into a supervisory treatment or other diversion program.

This section shall not apply to any person who has been convicted of the sale or distribution of a controlled dangerous substance or possession with the intent to sell any controlled dangerous substance except:

(1) Marihuana, where the total sold, distributed or possessed with intent to sell was less than one ounce, or

(2) Hashish, where the total amount sold, distributed or possessed with intent to sell was less than five grams.

4. N.J.S.2C:52-8 is amended to read as follows:

Statements to accompany petition.

2C:52-8. Statements to accompany petition. There shall be attached to a petition for expungement:

a. A statement with the affidavit or verification that there are no disorderly persons, petty disorderly persons or criminal charges pending against the petitioner at the time of filing of the petition for expungement.

b. In those instances where the petitioner is seeking the expungement of a criminal conviction, or the expungement of convictions pursuant to N.J.S.2C:52-3 for multiple disorderly persons or petty disorderly persons offenses, all of which were entered the same day, or which were interdependent or closely related in circumstances and were committed as part of a sequence of events that took place within a comparatively short period of time, a statement with affidavit or verification that he has never been granted expungement, sealing or similar relief regarding a criminal conviction or convictions for multiple disorderly persons or petty disorderly persons offenses, all of which were entered the same day, or which were interdependent or closely related in circumstances and were committed as part of a sequence of events that took place within a comparatively short period of time by any court in this State or other state or by any Federal court. "Sealing" refers to the relief previously granted pursuant to P.L.1973, c.191 (C.2A:85-15 et seq.).

c. In those instances where a person has received a dismissal of a criminal charge because of acceptance into a supervisory treatment or any other diversion program, a statement with affidavit or verification setting forth the nature of the original charge, the court of disposition and date of disposition.

5. N.J.S.2C:52-14 is amended to read as follows:

Grounds for denial of relief.

2C:52-14. A petition for expungement filed pursuant to this chapter shall be denied when:

a. Any statutory prerequisite, including any provision of this chapter, is not fulfilled or there is any other statutory basis for denying relief.

b. The need for the availability of the records outweighs the desirability of having a person freed from any disabilities as otherwise provided in this chapter. An application may be denied under this subsection only following objection of a party given notice pursuant to N.J.S.2C:52-10 and the burden of asserting such grounds shall be on the objector, except that in regard to expungement sought for third or fourth degree drug offenses pursuant to paragraph (3) of subsection c. of N.J.S.2C:52-2, the court shall consider whether this factor applies regardless of whether any party objects on this basis.

c. In connection with a petition under N.J.S.2C:52-6, the acquittal, discharge or dismissal of charges resulted from a plea bargaining agreement involving the conviction of other charges. This bar, however, shall not apply once the conviction is itself expunged.

d. The arrest or conviction sought to be expunged is, at the time of hearing, the subject matter of civil litigation between the petitioner or his legal representative and the State, any governmental entity thereof or any State agency and the representatives or employees of any such body.

e. A person has had a previous criminal conviction expunged regardless of the lapse of time between the prior expungement, or sealing under prior law, and the present petition. This provision shall not apply:

(1) When the person is seeking the expungement of a municipal ordinance violation or,

(2) When the person is seeking the expungement of records pursuant to N.J.S.2C:52-6.

f. (Deleted by amendment, P.L.2017, c.244)

6. N.J.S.2C:52-15 is amended to read as follows:

Records to be removed, retained as confidential; control.

2C:52-15. a. Except as provided in subsection b. of this section, if an order of expungement of records of arrest or conviction under this chapter is granted by the court, all the records specified in said order shall be removed from the files of the agencies which have been noticed of the pendency of petitioner's motion and which are, by the provisions of this chapter, entitled to notice, and shall be placed in the control of a person who has been desig-

nated by the head of each such agency which, at the time of the hearing, possesses said records. That designated person shall, except as otherwise provided in this chapter, ensure that such records or the information contained therein are not released for any reason and are not utilized or referred to for any purpose. In response to requests for information or records of the person who was arrested or convicted, all noticed officers, departments and agencies shall reply, with respect to the arrest, conviction or related proceedings which are the subject of the order, that there is no record information.

b. Records of the Probation Division of the Superior Court related to restitution, a fine, or other court-ordered financial assessment that remains due at the time the court grants an expungement may be retained as confidential, restricted-access records in the Judiciary's automated system to facilitate the collection and distribution of any outstanding assessments by the comprehensive enforcement program established pursuant to P.L.1995, c.9 (C.2B:19-1 et al.) as ordered by the court. The Administrative Director of the Courts shall ensure that such records are not released to the public. Such records shall be removed from the Judiciary's automated system upon satisfaction of court-ordered financial assessments or by order of the court.

7. N.J.S.2C:52-18 is amended to read as follows:

Supplying information to Violent Crimes Compensation Office.

2C:52-18. Information contained in expunged records may be supplied to the Violent Crimes Compensation Office, in conjunction with any claim which has been filed with said office.

C.2C:52-23.1 Use of expunged records; nullification.

8. a. Notwithstanding any provision in this act to the contrary, expunged records may be used by the comprehensive enforcement program established pursuant to P.L.1995, c.9 (C.2B:19-1 et al.) to collect restitution, fines and other court-ordered financial assessments that remain due at the time an expungement is granted by the court. Information regarding the nature of such financial assessments or their derivation from expunged criminal convictions shall not be disclosed to the public. Any record of a civil judgment for the unpaid portion of court-ordered financial obligations that may be docketed after the court has granted an expungement of the underlying criminal conviction shall be entered in the name of the Treasurer, State of New Jersey. The State Treasurer shall thereafter administer such judgments in cooperation with the comprehensive enforcement program without disclosure of any information related to the underlying criminal nature of the assessments.

b. The court, after providing appropriate due process, may nullify an expungement granted to a person pursuant to subsection a. of N.J.S.2C:52-2 if the person willfully fails to comply with an established payment plan or otherwise cooperate with the comprehensive enforcement program to facilitate the collection of any outstanding restitution, fines, and other court-ordered assessments, provided that prior to nullifying the expungement the person shall be afforded an opportunity to comply with or restructure the payment plan, or otherwise cooperate to facilitate the collection of outstanding restitution, fines, and other court-ordered assessments. In the event of nullification, the court may restore the previous expungement granted if the person complies with the payment plan or otherwise cooperates to facilitate the collection of any outstanding restitution, fines, and other court-ordered assessments.

9. This act shall take effect on the first day of the tenth month next following enactment.

Approved December 20, 2017.

CHAPTER 245

AN ACT concerning expungement of adjudications of juvenile delinquency and amending P.L.1980, c.163.

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

1. Section 1 of P.L.1980, c.163 (C.2C:52-4.1) is amended to read as follows:

C.2C:52-4.1 Juvenile delinquent; expungement of adjudications and charges.

1. a. Any person adjudged a juvenile delinquent may have such adjudication expunged as follows:

(1) Pursuant to N.J.S.2C:52-2, if the act committed by the juvenile would have constituted a crime if committed by an adult;

(2) Pursuant to N.J.S.2C:52-3, if the act committed by the juvenile would have constituted a disorderly or petty disorderly persons offense if committed by an adult; or

(3) Pursuant to N.J.S.2C:52-4, if the act committed by the juvenile would have constituted an ordinance violation if committed by an adult.

For purposes of expungement, any act which resulted in a juvenile being adjudged a delinquent shall be classified as if that act had been committed by an adult.

b. Additionally, any person who has been adjudged a juvenile delinquent may have his entire record of delinquency adjudications expunged if:

(1) Three years have elapsed since the final discharge of the person from legal custody or supervision or three years have elapsed after the entry of any other court order not involving custody or supervision, except that periods of post-incarceration supervision pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44), shall not be considered in calculating the three-year period for purposes of this paragraph;

(2) He has not been convicted of a crime, or a disorderly or petty disorderly persons offense, or adjudged a delinquent, or in need of supervision, during the three years prior to the filing of the petition, and no proceeding or complaint is pending seeking such a conviction or adjudication, except that periods of post-incarceration supervision pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44), shall not be considered in calculating the three-year period for purposes of this paragraph;

(3) He was never adjudged a juvenile delinquent on the basis of an act which if committed by an adult would constitute a crime not subject to expungement under N.J.S.2C:52-2;

(4) He has never had an adult conviction expunged; and

(5) He has never had adult criminal charges dismissed following completion of a supervisory treatment or other diversion program.

c. Any person who has been charged with an act of delinquency and against whom proceedings were dismissed may have the filing of those charges expunged pursuant to the provisions of N.J.S.2C:52-6.

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

Approved December 20, 2017.

CHAPTER 246

AN ACT establishing a "New Jersey Nonprofit Security Grant Pilot Program."

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

1. The Legislature finds and declares:

a. In these volatile times, the need to remain vigilant concerning domestic security and State and local preparedness has remained of imminent importance;

b. Certain nonprofit organizations are at high risk for threats, attacks, and other violent acts, and would benefit from engaging in target hardening activities to reduce vulnerability;

c. Federal grant money distributed through the United States Department of Homeland Security's Nonprofit Security Grant Program provides these organizations with funds for certain target hardening activities, but does not allow recipients to use the funds for the expansion of existing security personnel or the hiring of temporary security personnel;

d. With the threat potential increasing during specific times of year or when high profile events are occurring, certain nonprofit organizations would benefit from additional funding to ensure security personnel is adequate to meet the increased need;

e. Because threats, attacks, and other violent acts are not limited to public sector entities, it is appropriate for the State to assist certain targeted nonprofit organizations in the private sector to ensure their readiness and the safety of their surrounding communities; and

f. Accordingly, it is within the public interest to establish a three-year "New Jersey Nonprofit Security Grant Pilot Program" in the Office of Homeland Security and Preparedness which shall provide grants to eligible nonprofit organizations to hire permanent or temporary security personnel for the purpose of preparedness and reduction of vulnerability.

2. As used in this act:

"Director" means the Director of the Office of Homeland Security and Preparedness.

"Eligible nonprofit organization" means a nonprofit organization located in New Jersey which: (1) has received federal grant funds from the United States Department of Homeland Security's Nonprofit Security Grant Program in any fiscal year; (2) is eligible to receive federal grant funds from the program; or (3) would otherwise be eligible to receive federal grant funds from the program, except that the nonprofit organization is located within a county not served by the program.

3. a. There is hereby established a three-year "New Jersey Nonprofit Security Grant Pilot Program" in the Office of Homeland Security and Preparedness, which shall provide grants to eligible nonprofit organizations to hire

permanent or temporary security personnel limited to federal, State, county, or municipal law enforcement officers, special law enforcement officers appointed pursuant to P.L.1985, c.439 (C.40A:14-146.8 et seq.), or security officers registered pursuant to P.L.2004, c.134 (C.45:19A-1 et seq.) for the purpose of preparedness against threats, attacks, and other violent acts.

b. The director shall administer the pilot program for three years following the effective date of P.L.2017, c.246. There shall annually be distributed to approved eligible nonprofit organizations up to a maximum grant of $10,000 per approved application.

c. An eligible nonprofit organization shall apply to the Office of Homeland Security and Preparedness to receive a grant under the pilot program. Applicants may apply annually for a disbursement of funds in each of the three years of the pilot program.

d. Within three years following the effective date of P.L.2017, c.246, the director shall submit a report to the Governor, and to the Legislature as provided under section 2 of P.L.1991, c.164 (C.52:14-19.1), containing an evaluation of the pilot program. The report shall provide the director's opinion as to whether the pilot program should be continued and, if so, make recommendations for further improvement, modifications, and implementation.

4. This act shall take effect immediately.

Approved December 27, 2017.

CHAPTER 247

AN ACT concerning human milk banks and supplementing Title 26 of the Revised Statutes.

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

C.26:2A-17 Definitions relative to human milk banks.

1. For the purposes of this act:

"Collection" means the obtaining of donated human breast milk.

"Commissioner" means the Commissioner of Health.

"Department" means the Department of Health.

"Distribution" means the removal of donated human breast milk from a human milk bank to any other location for processing or storage or for the

purpose of providing breast milk to a hospital or selling breast milk to a parent.

"Human milk bank" means an organized service that provides for the selection of a donor of human breast milk, the collection, processing, storage, and marketing of donated human breast milk, and the distribution of donated human breast milk to a hospital for use by low birth weight babies or new mothers with delayed lactation, or directly to a parent, with a physician's prescription order, who is unable to nurse, or is in need of additional breast milk to feed, the parent's child.

"Marketing" means the use of suitable media to advertise the availability of, promote the appropriate use of, and provide information on how to safely procure, donated human breast milk. "Person" means a person, partnership, association, agency, organization, or other similar entity.

"Processing" means the technical stages required to prepare and identify donated human breast milk as to its suitability.

"Storage" means the holding of donated human breast milk in connection with collection or processing prior to its distribution.

C.26:2A-18 Criteria for operation of a human milk bank.

2. a. A person shall not operate a human milk bank that is located in this State or distributes donated human milk in this State unless the human milk bank is accredited by, and registered with, the department pursuant to this act.

b. Any person desiring to operate a human milk bank shall:

(1) adhere to the guidelines for the establishment and operation of a donor human milk bank as required by the department;

(2) adhere to the best practices for expressing, storing, and handling human milk in hospitals, homes, and child care settings as required by the department;

(3) undergo a yearly assessment by the department, to provide evidence of adherence to the most recent edition of guidelines for the establishment and operation of a human milk bank;

(4) comply with any other provisions required by the department;

(5) register with the department in a form and manner prescribed by the department; and

(6) pay to the department an annual registration fee established by the department in order to offset the department's administrative costs incurred in executing its responsibilities under this act.

C.26:2A-19 On-site facility inspections.

3. The department shall conduct an on-site facility inspection of each registered human milk bank at least once every five years, and shall inspect documents, records, files, or other data maintained by a human milk bank during normal operating hours and without prior notice. If the department's inspection finds that a human milk bank is not in compliance with the department's requirements and guidelines for the accreditation of human milk banks, the department shall revoke the human milk bank's accreditation.

C.26:2A-20 Civil actions authorized under certain circumstances; additional relief; appeal.

4. a. The commissioner is authorized to institute a civil action in a court of competent jurisdiction for injunctive relief to enjoin the operation of a human milk bank whenever the commissioner determines that:

(1) a condition exists or has occurred at the human milk bank that is dangerous to the public health;

(2) the human milk bank has repeatedly violated the provisions of this act; or

(3) a human milk bank has opened or is operating without complying with the provisions of this act.

b. The commissioner may, in addition, request such other relief as is deemed necessary. In any such action the court may proceed in a summary manner.

c. Any person aggrieved by a final decision of the commissioner shall be entitled to seek judicial review in the Appellate Division of the Superior Court. All petitions for review shall be filed in accordance with the Rules of the Court.

C.26:2A-21 Violations, penalties.

5. a. Any person who operates a human milk bank that is not accredited and registered pursuant to this act, or who has used fraud or misrepresentation in obtaining accreditation or registration or in the subsequent operation of a human milk bank, or who violates any other provision of this act shall be subject to a penalty of not less than $100 or more than $1,000 for the first offense and not less than $500 or more than $5,000 for the second or any subsequent offense.

b. The department shall have the jurisdiction to enforce and collect any penalty imposed because of a violation of this act in a summary proceeding in accordance with the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). Process shall be in the nature of a

summons or warrant and shall issue only at the suit of the commissioner as plaintiff.

c. A penalty recovered pursuant to the provisions of this section shall be recovered by the commissioner and paid into the State treasury.

C.26:2A-22 Rules, regulations.

6. The commissioner, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations necessary to effectuate the purposes of this act.

7. This act shall take effect on the 180th day after the date of enactment but the commissioner may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved January 8, 2018.

CHAPTER 248

AN ACT concerning the preservation of biological evidence and supplementing chapter 84A of Title 2A of the New Jersey Statutes.

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

C.2A:84A-32e Findings, declarations relative to preservation of biological evidence.

1. The Legislature finds and declares that:

a. The value of properly preserved biological evidence has been enhanced by the discovery of modern DNA testing methods, which, coupled with a comprehensive system of DNA databases that store crime scene and offender profiles, allow law enforcement to improve its crime-solving potential;

b. Tapping the potential of preserved biological evidence requires that this evidence be properly identified, collected, preserved, stored, catalogued, and organized;

c. Law enforcement agencies indicate that "cold" case investigations are hindered by an inability to access biological evidence that was collected during criminal investigations;

d. Innocent people mistakenly convicted of serious crimes for which biological evidence is probative cannot prove their innocence if the evidence is not accessible for testing under appropriate circumstances;

e. It is established that the failure to update policies regarding the preservation of evidence squanders valuable law enforcement resources, manpower hours, and storage space; and

f. Simple but crucial enhancements to protocols for properly preserving biological evidence can solve old crimes, enhance public safety, and settle claims of innocence.

C.2A:84A-32f Definitions relative to the preservation of biological evidence.

2. For the purposes of this act:

"Biological evidence" means any item that contains blood, semen, hair, saliva, skin tissue, fingernail scrapings, bone, bodily fluids, or other identifiable biological material that was collected as part of the criminal investigation or may reasonably be used to incriminate or exculpate any person for the offense, whether this material is catalogued separately, such as on a slide or swab or in a test tube, or is present on other evidence, including, but not limited to, clothing, ligatures, bedding, or other household material, drinking cups, and cigarettes; the term also shall include the contents of a sexual assault examination kit.

"Custody" means when a person currently is incarcerated, civilly committed, on parole or probation, or subject to sex offender registration.

"Director" means the Director of the Division of Criminal Justice in the Department of Law and Public Safety.

"DNA" means deoxyribonucleic acid.

"Law enforcement or prosecuting agency" or "agency" means any governmental, public or private person or entity within this State charged with the collection, storage, or retrieval of biological evidence, including, but not limited to, law enforcement agencies, prosecutors' offices, courts, public hospitals, and crime laboratories.

"Profile" means a unique identifier of a person which is derived from that person's DNA.

C.2A:84A-32g Preservation of biological evidence.

3. a. Every law enforcement or prosecuting agency shall preserve any biological evidence secured in relation to an investigation or prosecution of a crime while:

(1) The crime remains unsolved; or

(2) The person convicted of that crime remains in custody.

b. The provisions of this section shall apply to biological evidence that:

(1) Was in the possession of the agency during the investigation and prosecution of the case; and

(2) At the time of conviction was likely to contain biological material.

c. The agency shall not destroy biological evidence if an additional co-defendant, convicted of the same crime, remains in custody and shall preserve this evidence while all co-defendants remain in custody.

d. The agency shall retain evidence in the amount and in a manner sufficient to develop a DNA profile from the biological material contained in or included on the evidence.

e. Upon written request of a defendant, the agency shall prepare an inventory of biological evidence that has been preserved in connection with the defendant's criminal case.

f. The agency may destroy evidence that includes biological material before the expiration of the time period specified in subsection a. of this section if:

(1) No other provision of federal or State law requires the agency to preserve the evidence;

(2) The agency sends certified delivery of notice of intent to destroy the evidence to:

(a) all persons who remain in custody as a result of the criminal conviction, delinquency adjudication, or commitment related to the evidence in question;

(b) the attorney of record for each person in custody;

(c) the public defender;

(d) the county prosecutor where the person was convicted; and

(e) the Attorney General; and

(3) A person notified pursuant to paragraph (2) of subsection f. of this section, within 180 days after the date of receipt of the notice, does not:

(a) file a motion for performance of forensic DNA testing under section 1 of P.L.2001, c.377 (C.2A:84A-32a); or

(b) submit a written request for retention of evidence to the agency which provided notice of its intent to destroy evidence under paragraph (2) of subsection f. of this section.

g. If the agency receives a written request for retention of biological evidence after providing notice under paragraph (2) of subsection f. of this section of its intent to destroy that evidence, the agency shall retain the evidence while the person remains in custody.

h. The agency shall not be required to preserve physical evidence that is of such a size, bulk, or physical character as to render retention impracticable. When such retention is impracticable, the agency shall remove and preserve portions of the material evidence likely to contain biological evidence related to the offense, in a quantity sufficient to permit future DNA testing before returning or disposing of the physical evidence.

i. If the agency is unable to locate biological evidence that it is required to preserve under this act, the chief evidence custodian assigned to the entity charged with the preservation of the evidence shall provide an affidavit stipulating under penalty of perjury that describes the efforts taken to locate that evidence and that the evidence could not be located.

C.2A:84A-32h Responsibilities of the director.

4. The director shall:

(1) Devise standards regarding the proper collection, retention and cataloguing of biological evidence for ongoing investigations and prosecutions;

(2) Recommend practices, protocols, models, and resources for cataloguing and accessing preserved biological evidence currently in the possession of the State; and

(3) Administer and conduct training programs for law enforcement officers and other employees charged with preserving and cataloguing biological evidence regarding the methods and procedures outlined in this act.

C.2A:84A-32i Violations, disorderly persons offense.

5. Any person who by virtue of employment, or official position, has possession of, or access to, biological evidence and destroys that evidence in violation of the provisions of this act is guilty of a disorderly person's offense.

C.2A:84A-32j Guidelines, procedures.

6. The Attorney General shall promulgate guidelines and procedures governing the preservation of biological evidence as required by this act.

7. This act shall take effect on the first day of the seventh month after enactment and shall apply to biological evidence in the custody of any law enforcement or prosecuting agency on the effective date of this act.

Approved January 8, 2018.

CHAPTER 249

AN ACT concerning period for filing of complaints for certain motor vehicle violations and amending R.S.39:5-3.

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

1. R.S.39:5-3 is amended to read as follows:

Appearance, arrest process; complaint; venue.

39:5-3. a. When a person has violated a provision of this subtitle, the judge may, within 30 days after the commission of the offense, issue process directed to a constable, police officer, or the chief administrator for the appearance or arrest of the person so charged and for a violation of R.S.39:4-81, issue process within 90 days after the commission of the offense. In the case of a violation enumerated in subsection b. of this section, this period shall commence upon the filing of a complaint.

b. A complaint may be made to a judge for a violation of R.S.39:3-12, R.S.39:3-34, R.S.39:3-37, R.S.39:4-129 or R.S.39:10-24 at any time within one year after the commission of the offense; for a violation of R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-50.4a), section 5 of P.L.1990, c.103 (C.39:3-10.13), section 10 of P.L.1990 c.103 (C.39:3-10.18), section 16 of P.L.1990, c.103 (C.39:3-10.24), section 3 of P.L.1952, c.157 (C.12:7-46), section 9 of P.L.1986, c.39 (C.12:7-57), R.S.39:3-40, or section 1 of P.L.1942, c.192 (C.39:4-128.1), at any time within 90 days after the commission of the offense.

c. All proceedings shall be brought before a judge having jurisdiction in the municipality in which it is alleged that the violation occurred, but when a violation occurs on a street through which the boundary line of two or more municipalities runs or crosses, then the proceeding may be brought before the judge having jurisdiction in any one of the municipalities divided by said boundary line, and in the event there shall be no judge or should no judge having such jurisdiction be available for the acceptance of bail and disposition of the case, or should the judges having such jurisdiction be disqualified because of personal interest in the proceedings, or for any other legal cause, said proceeding shall be brought before a judge having jurisdiction in the nearest municipality to the one in which it is alleged such a violation occurred.

2. This act shall take effect immediately.

Approved January 8, 2018.

CHAPTER 250

AN ACT establishing an "Adopt a Monarch Butterfly Waystation" program, and supplementing Title 13 of the Revised Statutes.

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

C.13:1B-15.162 Short title.

1. This act shall be known and may be cited as the "Adopt a Monarch Butterfly Waystation Act."

C.13:1B-15.163 Findings, declarations relative to monarch butterfly waystations.

2. The Legislature finds and declares that:

a. Every autumn, millions of monarch butterflies migrate south from Canada and the United States to Mexico, stopping at sites along the way, like New Jersey, to feed and reproduce.

b. Reports indicate that migrating monarch butterflies are in "grave danger," as their colonies in Mexico now occupy the smallest area since records began in 1993.

c. A major cause of decline in the monarch butterfly population is the widespread loss of a plant called milkweed, which monarch butterfly larvae rely on for food.

d. Once widespread throughout the United States, milkweed has seen its range fall 58 percent between 1999 and 2010.

e. Monarch butterfly waystations provide the resources necessary for monarch butterflies to produce successive generations and sustain their spectacular migration through New Jersey and North America.

C.13:1B-15.164 Definitions relative to monarch butterfly waystations.

3. As used in this act:

"Department" means the Department of Environmental Protection.

"Monarch butterfly waystation" means a habitat that provides milkweed plants, nectar sources, and shelter needed to sustain monarch butterflies as they migrate through the State.

"Program volunteer" means any group, organization, business, or individual who has been assigned a section of State-owned lands on which to develop and maintain a monarch butterfly waystation in accordance with this act.

C.13:1B-15.165 Establishment of "Adopt a Monarch Butterfly Waystation" program.

4. The department shall, within 180 days after the effective date of this act, establish an "Adopt a Monarch Butterfly Waystation" program. The purpose of the program shall be to utilize volunteer labor in a cooperative effort with State and local government to develop, maintain, and protect monarch butterfly waystations on State-owned land throughout the State.

C.13:1B-15.166 Responsibilities of department.

5. a. The department shall:

(1) Establish criteria for the development and maintenance of monarch butterfly waystations on State-owned lands;

(2) Develop a packet of information and instructions and, within the limits of funds made available therefor, provide seeds and other planting materials, for use by program volunteers in developing and maintaining monarch butterfly waystations in accordance with this act;

(3) Coordinate with program volunteers, public interest organizations, and appropriate State and local government officials to arrange for the development and maintenance of monarch butterfly waystations on State-owned lands throughout the State;

(4) Advertise and promote the "Adopt a Monarch Butterfly Waystation" program, and develop and utilize such slogans, symbols, and mascots as the department may deem appropriate for such purposes;

(5) In consultation with the Department of Education and citizen, educational, and environmental groups, prepare educational materials on the decline in the monarch butterfly population and the ways in which all residents can create and conserve monarch butterfly habitats, and distribute these educational materials to school districts and public interest organizations;

(6) Create and maintain a list of forests, gardens, parks, and other State-owned lands where development of monarch butterfly waystations would be both beneficial and feasible, and would not substantially interfere with any other uses of the land; and

(7) Issue to each program volunteer an adoption certificate and, within the limits of funds made available therefor, provide a sign indicating the name of the participating group, organization, business, or individual for placement, if not otherwise prohibited by law or municipal ordinance, at an

appropriate point on the monarch butterfly waystation, or at such other point as the department may prescribe.

b. The department may charge program volunteers a reasonable fee to cover the reasonable costs of any information and instruction packets, seeds and other planting materials, certificates, and signs distributed.

C.13:1B-15.167 Notification of interest.

6. a. Any group, organization, business, or individual interested in developing and maintaining a monarch butterfly waystation in accordance with this act shall notify the department. Such notification may include a request to adopt, if possible, a specified portion of State-owned lands. Upon receipt of a notification of interest, the department shall: (1) assign an appropriate portion of State-owned lands to that group, organization, business, or individual for the development and maintenance of a monarch butterfly waystation; and (2) notify the group, organization, business, or individual of that assignment and provide thereto the materials required to be prepared pursuant to paragraph (2) of subsection a. of section 5 of this act.

b. Upon receipt from the department of notification of its assigned section of State-owned lands, the program volunteer shall notify the clerk of the municipality in which the assigned section of State-owned lands is located so that the municipality will be aware of the program volunteer's activities and may, at its discretion, provide assistance.

c. The period for developing and maintaining a monarch butterfly waystation on assigned State-owned lands shall be one year, but a program volunteer may renew its participation in the program by notifying the department annually at such time as shall be specified by the department.

C.13:1B-15.168 Immunity from liability.

7. a. No department, agency, bureau, board, commission, authority, or other entity of the State, or of any county or municipality, and no employee thereof, shall be liable to any person for any injury or damages that may be caused or sustained by a program volunteer while developing and maintaining a monarch butterfly waystation on State-owned lands.

As a condition of participating in the program, a prospective program volunteer shall sign a waiver releasing the department, the State, and any other appropriate governmental entity, and all employees thereof, from liability for any injury or damages that may be caused or sustained by that volunteer while developing and maintaining a monarch butterfly waystation on State-owned lands.

b. A program volunteer shall not be considered a "public employee" or "State employee" for purposes of the "New Jersey Tort Claims Act," N.J.S.59:1-1 et seq., or otherwise be accorded any of the protections set forth therein.

C.13:1B-15.169 Donations.

8. Any person may donate to the department, or to a county, municipality, or school, funds, supplies, or services for use in the "Adopt a Monarch Butterfly Waystation" program, and the department and any county, municipality, or school are authorized to accept such donations.

9. This act shall take effect immediately.

Approved January 8, 2018.

CHAPTER 251

AN ACT concerning deed procurement services 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.56:8-208 Definitions relative to deed procurement services.

1. As used in this act:

"Deed" means a written instrument entitled to be recorded in the office of a county recording officer which purports to convey or transfer title to a freehold interest in any lands, tenements, or other realty in this State by way of grant or bargain and sale thereof from the named grantor to the named grantee. A leasehold interest for 99 years or more or a proprietary lease of a cooperative unit and any assignment of a proprietary lease of a cooperative unit, shall be treated as a "freehold" for the purpose of this act. Instruments providing for common driveways; for exchanges of easements or rights-of-way; for revocable licenses to use, to adjust, or to clear defects of or clouds on title; to provide for utility service lines such as drainage, sewerage, water, electric, telephone, or other such service lines; or to quitclaim possible outstanding interests, shall not be "deeds" for the purposes of this act.

"Deed procurement services" means the provision by a nongovernmental entity of one or more copies of deeds for lands, tenements, or

other realty in this State to a property owner, for a fee in excess of the amount authorized under Title 22A of the New Jersey Statutes that the county clerk's office assesses for providing copies of deeds, and not in relation to the transfer or sale of, or the mortgage origination, mortgage servicing, mortgage refinancing, property tax servicing, or other action initiated by or on behalf of the owner with respect to, such lands, tenements, or realty.

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

C.56:8-209 Unlawful practice, violation.

2. a. It shall be an unlawful practice and a violation of P.L.1960, c.39 (C.56:8-1 et seq.) for any person to:

(1) use a written form of communication to solicit clients for deed procurement services unless the written form of communication displays, in a clear, conspicuous, and prominent manner and makes the information stand out from the rest of the text of the communication, the address and telephone number of the appropriate county clerk's office through which the recipient could obtain a copy of the deed directly, the amount of the fee provided for in Title 22A of the New Jersey Statutes that the county clerk's office assesses for providing copies of deeds, and any other language that the director may prescribe by regulation; or

(2) create a false impression in a solicitation for deed procurement services that the recipient is in any way legally required to use the person's services in order to obtain a copy of a deed.

b. Any person who uses a written form of communication to solicit clients for deed procurement services shall, at least 15 days prior to distribution, provide a copy of such written form of communication to the county clerk's office in each of the counties in which the written form of communication will be distributed.

C.56:8-210 Rules, regulations.

3. The director, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall promulgate rules and regulations to effectuate the purposes of this act.

4. This act shall take effect immediately.

Approved January 8, 2018.

CHAPTER 252

AN ACT establishing the "Milkweed for Monarchs" program, and supplementing Title 13 of the Revised Statutes.

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

C.13:1B-15.170 Short title.

1. This act shall be known and may be cited as the "Milkweed for Monarchs Act."

C.13:1B-15.171 Findings, declarations relative to the "Milkweed for Monarchs" program.

2. The Legislature finds and declares that:

a. Every autumn, millions of monarch butterflies migrate south from Canada and the United States to Mexico, stopping at sites along the way, like New Jersey, to feed and reproduce.

b. Reports indicate that migrating monarch butterflies are in "grave danger," as their colonies in Mexico now occupy the smallest area since records began in 1993.

c. A major cause of decline in the monarch butterfly population is the widespread loss of a plant called milkweed, which monarch butterfly larvae rely on for food.

d. Once widespread throughout the United States, milkweed has seen its range fall 58 percent between 1999 and 2010.

e. The "Milkweed for Monarchs" program utilizes public and private help to plant milkweed in stormwater management basins throughout the State, thereby providing monarch butterflies with the resources they need to sustain their spectacular migration.

f. Swamp milkweed, which is native to New Jersey wetlands, is perfectly suited to stormwater management basins because it is water retentive and, thus, can help reduce flooding.

C.13:1B-15.172 Definitions relative to the "Milkweed for Monarchs" program.

3. As used in this act:

"Department" means the Department of Environmental Protection.

"Program volunteer" means any group, organization, business, or individual who has been assigned a stormwater management basin in which to plant milkweed in accordance with this act.

"Stormwater management basin" means a State-owned excavation or embankment and related areas designed to retain stormwater runoff, which may be either a detention or infiltration basin that is normally dry, a retention basin that retains water in a permanent pool, or an area of constructed wetlands that is planted mainly with wetland vegetation.

C.13:1B-15.173 Establishment of the "Milkweed for Monarchs" program.

4. The department shall, within 180 days after the effective date of this act, establish the "Milkweed for Monarchs" program. The purpose of the program shall be to utilize volunteer labor in a cooperative effort with State and local government to plant and maintain milkweed in stormwater management basins throughout the State.

C.13:1B-15.174 Responsibilities of department.

5. a. The department shall:

(1) Establish criteria for the planting of milkweed in stormwater management basins on State-owned lands;

(2) Develop a packet of information and instructions and, within the limits of funds made available therefor, provide seeds and other planting materials, for use by program volunteers in planting milkweed in stormwater management basins in accordance with this act;

(3) Coordinate with program volunteers and appropriate local government officials in arranging for the planting of milkweed in stormwater management basins throughout the State;

(4) Advertise and promote the "Milkweed for Monarchs" program, and develop and utilize such slogans, symbols, and mascots as the department may deem appropriate for such purposes;

(5) In consultation with the Department of Education and citizen, educational, and environmental groups, prepare educational materials on the decline in the monarch butterfly population and the ways in which all residents can create and conserve monarch butterfly habitats, and distribute these educational materials to school districts and public interest organizations;

(6) Create and maintain a list of stormwater management basins on State-owned lands where the planting of milkweed would be both beneficial and feasible; and

(7) Issue to each program volunteer an adoption certificate and, within the limits of funds made available therefor, provide a sign indicating the name of the participating group, organization, business, or individual for placement, if not otherwise prohibited by law or municipal ordinance, at an

appropriate point on the stormwater management basin, or at such other point as the department may prescribe.

b. The department may charge program volunteers a reasonable fee to cover the reasonable costs of any information and instruction packets, seeds and other planting materials, certificates, and signs distributed.

C.13:1B-15.175 Notification of intent.

6. a. Any group, organization, business, or individual interested in adopting a stormwater management basin for the purpose of planting milkweed in accordance with this act shall notify the department. Such notification may include a request to adopt, if possible, a specified stormwater management basin. Upon receipt of a notification of interest, the department shall: (1) assign an appropriate stormwater management basin to that group, organization, business, or individual for adoption; and (2) notify the group, organization, business, or individual of that assignment and provide thereto the materials required to be prepared pursuant to paragraph (2) of subsection a. of section 5 of this act.

b. Upon receipt from the department of notification of its assigned stormwater management basin, the program volunteer shall notify the clerk of the municipality in which the assigned stormwater management basin is located so that the municipality will be aware of the program volunteer's activities and may, at its discretion, provide assistance.

c. The adoption period for a stormwater management basin shall be one year, but a program volunteer may renew its participation in the program by notifying the department annually at such time as shall be specified by the department.

C.13:1B-15.176 Immunity from liability.

7. a. No department, agency, bureau, board, commission, authority, or other entity of the State, or of any county or municipality, and no employee thereof, shall be liable to any person for any injury or damages that may be caused or sustained by a program volunteer while planting milkweed in an assigned stormwater management basin.

As a condition of participating in the program, a prospective program volunteer shall sign a waiver releasing the department, the State, and any other appropriate governmental entity, and all employees thereof, from liability for any injury or damages that may be caused or sustained by that volunteer while planting milkweed in an assigned stormwater management basin.

b. A program volunteer shall not be considered a "public employee" or "State employee" for purposes of the "New Jersey Tort Claims Act," N.J.S.59:1-1 et seq., or otherwise be accorded any of the protections set forth therein.

C.13:1B-15.177 Donations.

8. Any person may donate to the department, or to a county, municipality, or school, funds, supplies, or services for use in the "Milkweed for Monarchs" program, and the department and any county, municipality, or school are authorized to accept such donations.

9. This act shall take effect immediately.

Approved January 8, 2018.

CHAPTER 253

AN ACT allowing municipalities to authorize its parking authority to serve as a redevelopment entity, supplementing P.L.1948, c.198 (C.40:11A-1 et seq.) and amending P.L.1992, c.79.

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

C.40:11A-4.1 Authorization for parking authority to serve as redevelopment entity.

1. a. A municipality, by ordinance, may authorize its parking authority to serve as a redevelopment entity under the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et al.), and to exercise redevelopment powers within an area in need of redevelopment or in an area in need of rehabilitation in the municipality, subject to prior review and approval of the Local Finance Board pursuant to the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.).

b. In addition to the other powers and purposes of a municipal parking authority, a parking authority that is authorized to serve as a redevelopment entity is authorized to exercise all those public and essential governmental functions necessary or convenient to effectuate the purposes of the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et al.) and the terms of the redevelopment plan. If a parking authority is so authorized, the authority shall be subject to the provisions of the "Local Redevelopment and Housing Law," P.L.1992, c.79 (C.40A:12A-1 et al.). Parking authority members and any executive director shall be subject to

the course requirements of sections 46 and 47 of P.L.1992, c.79 (C.40A:12A-46 and 40A:12A-47) upon the authority being authorized to serve as a redevelopment entity. The parking authority may require applicants for employment to submit to criminal history background checks subject to the provisions of P.L.1997, c.265 (C.40A:12A-22.1 et seq.). Revenue from fees charged for parking shall be utilized solely for the purposes set forth in section 6 of P.L.1948, c.198 (C.40:11A-6).

2. Section 3 of P.L.1992, c.79 (C.40A:12A-3) is amended to read as follows:

C.40A:12A-3 Definitions.

3. As used in this act:

"Bonds" means any bonds, notes, interim certificates, debentures or other obligations issued by a municipality, county, redevelopment entity, or housing authority pursuant to P.L.1992, c.79 (C.40A:12A-1 et al.).

"Comparable, affordable replacement housing" means newly-constructed or substantially rehabilitated housing to be offered to a household being displaced as a result of a redevelopment project, that is affordable to that household based on its income under the guidelines established by the Council on Affordable Housing in the Department of Community Affairs for maximum affordable sales prices or maximum fair market rents, and that is comparable to the household's dwelling in the redevelopment area with respect to the size and amenities of the dwelling unit, the quality of the neighborhood, and the level of public services and facilities offered by the municipality in which the redevelopment area is located.

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.).

"Governing body" means the body exercising general legislative powers in a county or municipality according to the terms and procedural requirements set forth in the form of government adopted by the county or municipality.

"Housing authority" means a housing authority created or continued pursuant to this act.

"Housing project" means a project, or distinct portion of a project, which is designed and intended to provide decent, safe and sanitary dwellings, apartments or other living accommodations for persons of low and moderate income; such work or undertaking may include buildings, land, equipment, facilities and other real or personal property for necessary, convenient or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, educational, welfare or other purposes. The term "housing project" also may be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other work in connection therewith.

"Parking authority" means a public corporation created pursuant to the "Parking Authority Law," P.L.1948, c.198 (C.40:11A-1 et seq.), and authorized to exercise redevelopment powers within the municipality.

"Persons of low and moderate income" means persons or families who are, in the case of State assisted projects or programs, so defined by the Council on Affordable Housing in the Department of Community Affairs, or in the case of federally assisted projects or programs, defined as of "low and very low income" by the United States Department of Housing and Urban Development.

"Public body" means the State or any county, municipality, school district, authority or other political subdivision of the State.

"Public housing" means any housing for persons of low and moderate income owned by a municipality, county, the State or the federal government, or any agency or instrumentality thereof.

"Publicly assisted housing" means privately owned housing which receives public assistance or subsidy, which may be grants or loans for construction, reconstruction, conservation, or rehabilitation of the housing, or receives operational or maintenance subsidies either directly or through rental subsidies to tenants, from a federal, State or local government agency or instrumentality.

"Real property" means all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise, and indebtedness secured by such liens.

"Redeveloper" means any person, firm, corporation or public body that shall enter into or propose to enter into a contract with a municipality or other redevelopment entity for the redevelopment or rehabilitation of an

area in need of redevelopment, or an area in need of rehabilitation, or any part thereof, under the provisions of this act, or for any construction or other work forming part of a redevelopment or rehabilitation project.

"Redevelopment" means clearance, replanning, development and redevelopment; the conservation and rehabilitation of any structure or improvement, the construction and provision for construction of residential, commercial, industrial, public or other structures and the grant or dedication of spaces as may be appropriate or necessary in the interest of the general welfare for streets, parks, playgrounds, or other public purposes, including recreational and other facilities incidental or appurtenant thereto, in accordance with a redevelopment plan.

"Redevelopment agency" means a redevelopment agency created pursuant to subsection a. of section 11 of P.L.1992, c.79 (C.40A:12A-11) or established heretofore pursuant to the "Redevelopment Agencies Law," P.L.1949, c.306 (C.40:55C-1 et al.), repealed by this act, which has been permitted in accordance with the provisions of this act to continue to exercise its redevelopment functions and powers.

"Redevelopment area" or "area in need of redevelopment" means 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 40A:12A-6) or determined heretofore to be a "blighted area" pursuant to P.L.1949, c.187 (C.40:55-21.1 et seq.) repealed by this act, both determinations as made pursuant to the authority of Article VIII, Section III, paragraph 1 of the Constitution. A redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part.

"Redevelopment entity" means a municipality or an entity authorized by the governing body of a municipality pursuant to subsection c. of section 4 of P.L.1992, c.79 (C.40A:12A-4) to implement redevelopment plans and carry out redevelopment projects in an area in need of redevelopment, or in an area in need of rehabilitation, or in both.

"Redevelopment plan" means a plan adopted by the governing body of a municipality for the redevelopment or rehabilitation of all or any part of a redevelopment area, or an area in need of rehabilitation, which plan shall be sufficiently complete to indicate its relationship to definite municipal objectives as to appropriate land uses, public transportation and utilities, recreational and municipal facilities, and other public improvements; and to indicate proposed land uses and building requirements in the redevelopment area or area in need of rehabilitation, or both.

"Redevelopment project" means any work or undertaking pursuant to a redevelopment plan; such undertaking may include any buildings, land, including demolition, clearance or removal of buildings from land, equipment, facilities, or other real or personal properties which are necessary, convenient, or desirable appurtenances, such as but not limited to streets, sewers, utilities, parks, site preparation, landscaping, and administrative, community, health, recreational, educational, and welfare facilities.

"Rehabilitation" means an undertaking, by means of extensive repair, reconstruction or renovation of existing structures, with or without the introduction of new construction or the enlargement of existing structures, in any area that has been determined to be in need of rehabilitation or redevelopment, to eliminate substandard structural or housing conditions and arrest the deterioration of that area.

"Rehabilitation area" or "area in need of rehabilitation" means any area determined to be in need of rehabilitation pursuant to section 14 of P.L.1992, c.79 (C.40A:12A-14).

3. Section 4 of P.L.1992, c.79 (C.40A:12A-4) is amended to read as follows:

C.40A:12A-4 Powers of municipality, planning board.

4. In exercising the redevelopment and rehabilitation functions provided for in this act:

a. A municipal governing body shall have the power to:

(1) Cause a preliminary investigation to be made pursuant to subsection a. of section 6 of P.L.1992, c.79 (C.40A:12A-6) as to whether an area is in need of redevelopment;

(2) Determine pursuant to subsection b. of section 6 of P.L.1992, c.79 (C.40A:12A-6) that an area is in need of redevelopment;

(3) Adopt a redevelopment plan pursuant to section 7 of P.L.1992, c.79 (C.40A:12A-7);

(4) Determine pursuant to section 14 of P.L.1992, c.79 (C.40A:12A-14) that an area is in need of rehabilitation.

b. A municipal planning board shall have the power to:

(1) Conduct, when authorized by the municipal governing body, a preliminary investigation and hearing and make a recommendation pursuant to subsection b. of section 6 of P.L.1992, c.79 (C.40A:12A-6) as to whether an area is in need of redevelopment;

(2) Make recommendations concerning a redevelopment plan pursuant to subsection e. of section 7 of P.L.1992, c.79 (C.40A:12A-7), or prepare a redevelopment plan pursuant to subsection f. of that section;

(3) Make recommendations concerning the determination of an area in need of rehabilitation pursuant to section 14 of P.L.1992, c.79 (C.40A:12A-14).

c. The municipality shall be responsible for implementing redevelopment plans and carrying out redevelopment projects pursuant to section 8 of P.L.1992, c.79 (C.40A:12A-8). The municipality may execute these responsibilities directly, or in addition thereto or in lieu thereof, through either a municipal redevelopment agency, a parking authority authorized to exercise redevelopment powers within the municipality pursuant to section 1 of P.L.2017, c.253 (C.40:11A-4.1), or a municipal housing authority authorized to exercise redevelopment powers pursuant to section 21 of P.L.1992, c.79 (C.40A:12A-21), but there shall be only one redevelopment entity responsible for each redevelopment project. A county improvement authority authorized to undertake redevelopment projects pursuant to the "county improvement authorities law," P.L.1960, c.183 (C.40:37A-44 et seq.) may also act as a redevelopment entity pursuant to this act. Within a municipality that has been designated the capital of the State, the Capital City Redevelopment Corporation, established pursuant to P.L.1987, c.58 (C.52:9Q-9 et seq.) may also act as a redevelopment entity pursuant to P.L.1992, c.79 (C.40A:12A-1 et al.). The redevelopment entity, so authorized, may contract with any other public body, in accordance with the provisions of section 8 of P.L.1992, c.79 (C.40A:12A-8), for the carrying out of a redevelopment project or any part thereof under its jurisdiction. Notwithstanding the above, the governing body of the municipality may, by ordinance, change or rescind the designation of the redevelopment entity responsible for implementing a redevelopment plan and carrying out a redevelopment project and may assume this responsibility itself, but only the redevelopment entity authorized to undertake a particular redevelopment project shall remain authorized to complete it, unless the redevelopment entity and redeveloper agree otherwise, or unless no obligations have been entered into by the redevelopment entity with parties other than the municipality. This shall not diminish the power of the municipality to dissolve a redevelopment entity pursuant to section 24 of P.L.1992, c.79 (C.40A:12A-24), and section 20 of the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-20).

4. This act shall take effect immediately.

Approved January 8, 2018.

CHAPTER 254

AN ACT authorizing the establishment of drug donation programs, and supplementing Title 24 and Title 54 of the Revised Statutes and Title 54A of the New Jersey Statutes.

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

C.24:6M-1 Findings, declarations relative to drug donation.

1. The Legislature finds and declares that the health of low-income persons in the State can be improved, and the cost to the State of providing health care to low-income persons can be reduced, through the establishment of one or more programs that provide for: the donation of unused over-the-counter drugs, prescription drugs, and administration supplies, which would otherwise be destroyed; and the redistribution of such unused drugs and administration supplies to those persons who are most in need.

C.24:6M-2 Definitions relative to drug donation.

2. As used in sections 1 through 7 of this act:

"Administration supplies" means any supply associated with the administration of prescription drugs, including, but not limited to, diabetes test strips, nebulizers, syringes, and needles.

"Anti-rejection drug" means an over-the-counter drug or prescription drug that suppresses the immune system to prevent or reverse the rejection of a transplanted organ.

"Board" means the State Board of Pharmacy.

"Cancer drug" means a prescription drug that is used to treat cancer or the side effects of cancer, or that is used to treat the side effects of any other prescription drug that is used to treat cancer or the side effects of cancer.

"Commissioner" means the Commissioner of Health.

"Compounded drug" means a sterile or nonsterile compounded formulation for dispensing or administration pursuant to a prescription, that is prepared for a patient with needs that cannot be met by a commercially available prescription drug.

"Controlled dangerous substance" means the same as that term is defined by N.J.S.2C:35-2.

"Correctional facility" means a county or State correctional facility, county juvenile detention facility, secure juvenile facility, federal prison, or other comparable facility.

"Donated drug" means an over-the-counter drug or prescription drug that has been donated to a redistributor in accordance with the provisions of this act.

"Donor" means a drug manufacturer, wholesaler, repackager, returns processor, third-party logistics provider, health care facility, correctional facility, pharmacy, or any other person or entity that is properly licensed and authorized to possess prescription drugs, and which elects to donate over-the-counter drugs, prescription drugs, or administration supplies pursuant to this act.

"Drug donation program" means a program, established pursuant to the provisions of this act, which accepts the donation of unused over-the-counter drugs, prescription drugs, and administration supplies that would otherwise be destroyed, and which provides for the redistribution of those unused drugs and administration supplies to persons who are most in need.

"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."

"Health care facility" means a physician's office; a hospital; an outpatient clinic; a federally qualified health center; a federally qualified health center look-alike; a rural health clinic; a clinic that provides services under the federal Ryan White HIV/AIDS Program; a mental health center or clinic; a Veterans Affairs hospital; and any other health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), or a comparable facility licensed to operate within another state.

"Indigent" means a person who has an income that is below 250 percent of the federal poverty level.

"Out-of-State redistributor" means a health care facility, pharmacy, wholesaler, returns processor, or other person or entity that is properly licensed to operate in a state other than New Jersey, and is authorized to dispense over-the-counter drugs and prescription drugs, and which agrees to accept, repackage, transfer to other redistributors, and, if otherwise authorized by law, dispense donated drugs and administration supplies to eligible individuals pursuant to a prescription drug donation program established under the laws of the state in which the person or entity is located.

"Over-the-counter-drug" means a drug that contains a label that meets the requirements of 21 CFR 201.66, including (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.

"Prescriber" means a licensed physician, physician assistant, or advanced practice nurse, or any other person who is authorized by the appropriate State professional and occupational licensing board to prescribe drugs and devices as provided by law.

"Prescription drug" means any drug, intended for use in humans, which is required by federal or State law or regulation to be dispensed only pursuant to a prescription. "Prescription drug" includes cancer drugs and anti-rejection drugs, but does not include any controlled dangerous substance or compounded drug.

"Redistributor" means a health care facility, pharmacy, wholesaler, returns processor, or any other person or entity that is properly licensed and authorized to dispense over-the-counter drugs and prescription drugs, and which agrees to accept, repackage, transfer to other redistributors, and, if otherwise authorized by law, dispense donated drugs and administration supplies to eligible individuals pursuant to this act. "Redistributor" includes an out-of-State redistributor.

"Returns processor" shall mean the same as that term is defined by 21 U.S.C. s.360eee (18). "Returns processor" includes a reverse distributor.

"Tamper-evident packaging" means a package or container that has an immediate, outer, or secondary seal that must be broken in order to gain access to the container's contents. "Tamper-evident packaging" includes partially used single-unit dose or blister pack and bottles or vials sealed in pouches or with tamper-evident tape.

"Third-party intermediary" means an organization that is not a wholesaler or third-party logistics provider, and that facilitates the donation or transfer of over-the-counter drugs, prescription drugs, and administration supplies for a drug donation program established pursuant to this act, but which does not take possession or ownership of the drugs.

"Transaction date" means the date at which ownership of the drug was donated or transferred between two participants of the program as established by contract or other arrangement. If no such contract or arrangement exists, the transaction date shall be the date the drug was accepted into inventory by the redistributor.

C.24:6M-3 Establishment, maintenance of drug donation program.

3. a. No later than six months after the enactment of this act, the commissioner, in cooperation with the board, shall authorize one or more private entities to establish and maintain a drug donation program, pursuant to which a donor may donate over-the-counter drugs, prescription drugs, and administration supplies to a redistributor for final dispensing to an individ-

ual who meets the eligibility criteria established by the entity for the purposes of its program.

b. An entity that establishes a drug donation program pursuant to this act may contract with a third-party intermediary to implement and administer the program.

c. An entity that establishes a drug donation program pursuant to this act shall develop, implement, and make available, upon request of the commissioner, the board, or the public:

(1) standards and procedures for accepting, safely storing, and dispensing donated drugs and administration supplies;

(2) standards and procedures for inspecting donated drugs to ensure that the drugs are contained in sealed, tamper-evident packaging, including, but not limited to, intact single-unit doses or blister packs;

(3) standards and procedures for inspecting donated drugs to ensure that the drugs are not adulterated or misbranded;

(4) eligibility criteria for individuals to receive donated drugs and administration supplies dispensed under the program, which criteria shall prioritize the dispensing of donated drugs and administration supplies to individuals who are indigent, uninsured, or enrolled in a public health benefits program, but may permit dispensing to other individuals if a need for the donated drugs and administration supplies is not identified among persons who are indigent, uninsured, or enrolled in a public health benefits program;

(5) a means by which an individual may indicate that the individual is eligible to receive donated drugs and administration supplies under the program, which may comprise in part or whole of self-certification;

(6) a list of over-the-counter drugs and prescription drugs that the program is seeking, will accept, and will not accept, including a list of those drugs that an individual redistributor participating in the program is seeking, will accept, and will not accept;

d. Donated over-the-counter drugs, prescription drugs, and administration supplies may be transferred from one redistributor to another redistributor in this State, and may be transferred to or from a redistributor in another state, provided that such transfer is permitted under the laws of that other state. The donation, transfer, or facilitation of donations and transfers of over-the-counter drugs or prescription drugs pursuant to this subsection shall not be deemed to constitute wholesale distribution and shall not require licensing as a wholesaler.

e. (1) Any over-the-counter drugs, prescription drugs, and administration supplies that a donor legally possesses, including, but not limited to, over-the-counter drugs, prescription drugs, and administration supplies that

are discontinued in a health care facility, and that would otherwise be destroyed, are eligible for donation under this act.

(2) A prescription drug that can only be dispensed to a patient who is registered with the manufacturer of that drug, in accordance with requirements established by the federal Food and Drug Administration, shall not be accepted or distributed by any drug donation program.

f. A common carrier or contract carrier may be used to transport donated over-the-counter drugs, prescription drugs, and administration supplies, in accordance with manufacturer recommendations, including but not limited to, from a donor to a redistributor, from a redistributor to another redistributor, from a redistributor to a donor, or from a redistributor to an eligible patient.

g. The participation of any person, facility, or other entity in a drug donation program established under this act shall be voluntary.

C.24:6M-4 Conditions relative to program.

4. a. Donated drugs and administration supplies may be accepted, transferred, and dispensed by a redistributor pursuant to this act, provided that the following conditions are satisfied:

(1) the donated drugs are contained in a sealed and tamper-evident package that remains intact;

(2) the donated drugs and administration supplies are dispensed to an eligible individual by a pharmacist or other health care professional who is authorized by law to dispense over-the-counter drugs and prescription drugs;

(3) the dispensing pharmacist or other health care professional determines, prior to dispensing a donated drug, that the donated drug is not adulterated or misbranded;

(4) the dispensing pharmacist or other health care professional dispenses any donated prescription drugs or prescription administration supplies to eligible individuals only pursuant to a valid prescription;

(5) the dispensed drugs and administration supplies are in a new container or have had all previous patient information on the donated container redacted or removed;

(6) the dispensed drugs and administration supplies are properly labeled in accordance with the regulations of the board;

(7) the dispensed drugs and administration supplies have an expiration or beyond use date brought forward from the donated drug that will not expire before the use by the patient based on the prescribing practitioner's directions for use or, for over-the-counter drugs, on the package's label; and

(8) an out-of-State redistributor complies with all laws and rules in this State unless such laws or rules differ or conflict with the laws or rules of the state in which the redistributor is located.

b. A redistributor may accept over-the-counter drugs, prescription drugs, and administration supplies from a donor located in another state, provided that the transfer is permitted under the laws of that other state.

c. (1) A redistributor may repackage donated over-the-counter drugs, prescription drugs, or administration supplies before transferring, storing, or dispensing the donated drugs or administration supplies to an eligible individual, or before transferring the donated drugs or administration supplies to another redistributor.

(2) Repackaged drugs shall be labeled with the drug name, strength, and expiration date, and shall be kept in a separate designated area until inspected and initialed by a pharmacist or other health care professional.

(3) If multiple packaged donated drugs with varied expiration dates are repackaged together, the shortest expiration date shall be used.

d. Donated drugs and administration supplies shall be segregated from other drug stocks, by either physical or electronic means.

e. (1) A redistributor's receipt of reimbursement or payment from another redistributor, a governmental agency, a pharmacy benefit manager, a pharmacy services administration organization, or a health care coverage program under this section, including a usual and customary charge, shall not be deemed to constitute the resale of prescription drugs for the purposes of this act, or for the purposes of any other law or regulation.

(2) A redistributor may also charge a handling fee to an eligible individual who is dispensed a donated drug pursuant to this act, provided that, if the redistributor is for-profit, the fee does not exceed the reasonable costs of procuring, transporting, inspecting, repackaging, storing, and dispensing the donated drug. A redistributor that charges a handling fee pursuant to this paragraph shall maintain a record validating the charge, and shall make that record available to the department upon request.

f. (1) If a donor receives notice from a pharmacy or pharmaceutical manufacturer regarding the recall of a donated over-the-counter drug or prescription drug, or of donated administration supplies, the donor shall provide notice of the recall to the redistributor who received the recalled over-the-counter drug, prescription drug, or administration supplies, unless the redistributor has provided the donor with a written statement attesting that the redistributor receives recall notices for all transferred and dispensed drugs through other means.

(2) If a redistributor receives notice of a recall pursuant to paragraph (1) of this subsection, the redistributor shall provide notice of the recall to any other redistributor to whom it has transferred the recalled over-the-counter drugs, prescription drugs, or administration supplies, unless the subsequent redistributor has provided the previous redistributor with a written statement attesting that the subsequent redistributor receives recall notices for all transferred and dispensed drugs through other means.

(3) Any redistributor who receives a notice of recall shall perform a uniform destruction of all of the recalled over-the-counter drugs, prescription drugs, or administration supplies in its possession.

g. Prior to the first donation from a new donor, a redistributor shall verify and record the following as a donor record, and no other donor information shall be required:

(1) the donor meets the definition of donor under this act;

(2) the donor's name, address, phone number, and license number, if applicable;

(3) certification that the donor will not donate any controlled dangerous substances; and

(4) certification that, if applicable, the donor will remove or redact any patient names and prescription numbers on donated drugs or otherwise maintain patient confidentiality by executing a confidentiality agreement with the redistributor.

h. A drug manufacturer, repackager, pharmacy, or wholesaler other than a returns processor participating in this program shall comply with the requirements of 21 U.S.C. ss.360eee-1 through 360eee-4 relating to drug supply chain security.

i. Donated drugs and administration supplies not accepted by the redistributor shall be disposed by returning the drugs or supplies to the donor, destroying the drugs or supplies by an incinerator or other lawful method, or transferring it to a returns processor. A record of disposed drugs and administration supplies shall consist of the disposal method as described above, the date of disposal, and the name, strength, and quantity of each drug disposed and the name and quantity of any administration supplies disposed. No other record of disposal shall be required.

j. All donated drugs and administration supplies received but not yet accepted into inventory shall be kept in a separate designated area. Prior to or upon accepting a donation or transfer into inventory, a redistributor shall maintain a written or electronic inventory of the donation, consisting of the transaction date, the name, strength, and quantity of each accepted drug and the name and quantity of any accepted administration supplies, and the

name, address, and phone number of the donor. This record shall not be required if the two parties are under common ownership or common control. No other record of donation shall be required.

k. An authorized recipient shall store and maintain donated drugs physically or electronically separated from other inventory and in a secure and temperature controlled environment that meets the drug manufacturers' recommendations and United States Pharmacopeial Convention (USP) standards.

l. All records required under this act shall be retained in physical or electronic format, on or off the redistributor's premises for a period of six years. A donor or redistributor may contract with one another or a third-party entity to create or maintain records on each other's behalf. An identifier, such as a serial number or barcode, may be used in place of information required by a record or label under this act if it allows for such information to be readily retrievable. An identifier shall not be used on patient labels when dispensing or administering a drug.

m. If a record of the transaction information or history of a donation is required, the history shall begin with the acceptance of the drugs, shall include all prior donations, and, if the drug was previously dispensed, shall only include drug information required to be on the patient label in accordance with board rules and regulations.

C.24:6M-5 Immunity from liability.

5. a. Any donor, redistributor, third-party intermediary, common carrier, contract carrier, governmental agency, including but not limited to the Department of Health and the board, pharmacy benefit manager, pharmacy services administration organization, health care coverage program, or other entity or person, including but not limited to volunteers, employees, officers, directors, owners, partners, managers, and members, who acts reasonably and in good faith, within the scope of a drug donation program, and in accordance with the provisions of this act, shall be: (1) immune from civil or criminal liability for any injury, death, or loss suffered by a person who is dispensed a donated drug or donated administration supplies under this act; and (2) exempt from any professional disciplinary action stemming from any act or omission associated with any activity pursuant to this act, including but not limited to, the donation, acceptance, repackaging, transportation, transfer, or dispensing of a donated drug or donated administration supplies.

b. A drug manufacturer, wholesaler, or other entity participating in the supply chain of the donated drug or donated administration supplies who acts reasonably and in good faith, in accordance with the provisions of this act, and as otherwise required by law, shall be immune from civil or crimi-

nal liability for any injury, death, or loss to a person or property stemming from any act or omission in association with any activity pursuant to this act including but not limited to the donation, acceptance, repackaging, transportation, transfer, or dispensing of an over-the-counter drug or prescription drug that is manufactured or distributed by the drug manufacturer, wholesaler, or other entity and donated pursuant to this act, including any liability resulting from a failure to transfer or communicate product or consumer information or the expiration date of the donated drug.

c. A redistributor who dispenses donated drugs or administration supplies that have been recalled shall be immune from civil or criminal liability for any injury, death or loss suffered by a person who is dispensed those drugs or administration supplies, provided that the redistributor was not notified of the recall by the donor, by another redistributor, or through other means, as provided in subsection f. of section 4 of this act.

C.24:6M-6 Construction of act.

6. The provisions of this act shall not be construed to restrict the use of drug samples by a health care professional who is licensed to prescribe drugs and devices during the course of the professional's duties at a health care facility or pharmacy.

C.24:6M-7 Rules, regulations.

7. Not later than six months after the date of enactment of this act, the commissioner, in consultation with the board and the Director of the Division of Taxation in the Department of the Treasury, 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 effectuate the purposes of this act.

C.24:6M-8 Tax credit for donor.

8. a. For privilege periods beginning on or after the effective date of P.L.2017, c.254 (C.26:6M-1 et seq.), a taxpayer that is a donor shall be allowed a credit against the tax imposed pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), in an amount equal to the sum of: the cost to the taxpayer of the over-the-counter drugs, prescription drugs, and administration supplies as determined pursuant to 26 U.S.C. s.170(e)(3)(A); and the verifiable cost to the taxpayer to make the donation of the over-the-counter drugs, prescription drugs, and administration supplies to a redistributor during the taxable year in accordance with a drug donation program estab-

lished pursuant to the provisions of P.L.2017, c.254 (C.26:6M-1 et seq.), provided that:

(1) the donor paid for, owned, or was responsible for the over-the-counter drugs, prescription drugs, or administration supplies;

(2) the over-the-counter drugs, prescription drugs, or administration supplies were donated to, and accepted by, a redistributor in accordance with the provisions of P.L.2017, c.254 (C.26:6M-1 et seq.); and

(3) the redistributor, which processed the donated drug, complies with all recordkeeping requirements for nonsaleable returns to a returns processor under federal law.

b. The order of priority of the application of the credit allowed pursuant to this section and any other credits allowed by law shall be as prescribed by the director. The amount of the credit applied under this section against the corporation business tax liability of the taxpayer for a privilege period, together with any other credits allowed by law, shall not exceed 50 percent of the tax liability otherwise due and shall not reduce the tax liability to an amount less than the statutory minimum provided in subsection (e) of section 5 of P.L.1945, c.162 (C.54:10A-5). The amount of the credit allowable under this section which cannot be used to reduce the taxpayer's corporation business tax liability for the privilege period due to the limitations of this section may be carried forward and applied to the earliest available use within the 20 privilege periods immediately following the privilege period for which the credit is allowed. The costs of the over-the-counter drugs, prescription drugs, and administration supplies, and the costs to make the donation to a redistributor, that are included in the calculation of the credit allowed pursuant to this section shall not be allowed as an amount calculated or claimed pursuant to any other deduction or credit allowed under the corporation business tax.

c. As used in this section: "donor," "over-the-counter drugs," "prescription drugs," "administration supplies," "redistributor," "returns processor," and "drug donation program" shall mean the same as those terms are defined by section 2 of P.L.2017, c.254 (C.26:6M-2).

C.24:6M-9 Tax credit for donor.

9. a. For taxable years beginning on or after the effective date of P.L.2017, c.254 (C.26:6M-1 et seq.), a taxpayer that is a donor shall be allowed a credit against the tax otherwise due under the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., in an amount equal to the sum of: the cost to the taxpayer of the over-the-counter drugs, prescription drugs, and administration supplies as determined pursuant to 26 U.S.C.

s.170(e)(3)(A); and the verifiable cost to the taxpayer to make the donation of the over-the-counter drugs, prescription drugs, and administration supplies to a redistributor during the taxable year in accordance with a drug donation program established pursuant to the provisions of P.L.2017, c.254 (C.26:6M-1 et seq.), provided that:

(1) the donor paid for, owned, or was responsible for the over-the-counter drugs, prescription drugs, or administration supplies;

(2) the over-the-counter drugs, prescription drugs, or administration supplies were donated to, and accepted by, a redistributor in accordance with the provisions of P.L.2017, c.254 (C.26:6M-1 et seq.); and

(3) the redistributor, which processed the donated drug, complies with all recordkeeping requirements for nonsaleable returns to a returns processor under federal law.

b. (1) The order of priority of the application of the credit allowed pursuant to this section and any other credits allowed by law shall be as prescribed by the director. The amount of the credit applied under this section against the gross income tax liability of the taxpayer for a taxable year, together with any other credits allowed by law, shall not exceed 50 percent of the tax liability otherwise due. The amount of the credit allowable under this section which cannot be used to reduce the taxpayer's gross income tax liability for the taxable year due to the limitations of this section may be carried forward and applied to the earliest available use within the 20 taxable years immediately following the taxable year for which the credit is allowed. The costs of the over-the-counter drugs, prescription drugs, and administration supplies, and the costs incurred in making the donation to a redistributor, that are included in the calculation of the credit allowed pursuant to this section shall not be allowed as an amount calculated or claimed pursuant to any other deduction or credit allowed under the gross income tax.

(2) A business entity that is classified as a partnership for federal income tax purposes shall not be allowed a credit directly under the gross income tax, but the amount of credit of a taxpayer in respect of a distributive share of partnership income shall be determined by allocating to the taxpayer that proportion of the credit acquired by the partnership that is equal to the taxpayer's share, whether or not distributed, of the total distributive income or gain of the partnership 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.

c. As used in this section: "donor," "over-the-counter drugs," "prescription drugs," "administration supplies," "redistributor," "returns processor," and "drug donation program" shall mean the same as those terms are defined by section 2 of P.L.2017, c.254 (C.26:6M-2).

10. This act shall take effect on the 180th day next following the date of enactment, except that the Commissioner of Health, the Director of the State Board of Pharmacy, and the Director of the Division of Taxation in the Department of the Treasury may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved January 8, 2018.

CHAPTER 255

AN ACT establishing a task force for the study of State policy regarding hearing impairment.

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

1. a. There is established in the Department of Human Services the "New Jersey Hearing Impairment Task Force." The purpose of the task force shall be to study, compare, and evaluate State laws, regulations, and policies intended to improve the livelihood of individuals who have a hearing impairment, including but not limited to children, seniors, and veterans.

b. The task force shall consist of 14 members, as follows:

(1) The Commissioner of Human Services, the Commissioner of Education, the Commissioner of Banking and Insurance, and the Director of the Division of the Deaf and Hard of Hearing, or their designees, who shall serve ex officio;

(2) Three public members appointed by the President of the Senate as follows: one of whom is a person diagnosed with a hearing impairment; one person upon the recommendation of the AARP New Jersey; and one person upon the recommendation of the AMVETS New Jersey;

(3) Three public members appointed by the Speaker of the General Assembly as follows: one of whom is a parent of a child diagnosed with a hearing impairment; one person who is a physician with a specialty in pediatric otolaryngology; and one person who is a physician with a specialty in geriatric otolaryngology; and

(4) Four public members appointed by the Governor, as follows: one person upon the recommendation of the New Jersey State School Nurses Association; one person upon the recommendation of the New Jersey Speech-Language-Hearing Association; one person upon the recommendation of the New Jersey Academy of Audiology; and one person upon the recommendation of the New Jersey Association of Health Hearing Professionals.

c. The public members shall serve without compensation, but may be reimbursed for travel and other necessary expenses incurred in the performance of their duties and within the limits of funds available to the task force.

d. The task force shall organize as soon as practicable following the appointment of its members, and shall select a chairperson from among its members. The task force may appoint a secretary who need not be a member of the task force.

e. The task force shall meet at the call of the chairperson and hold hearings at the times and in the places it deems necessary and appropriate to fulfill its charge. The task force shall be entitled to call to its assistance and avail itself of the services of 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 Department of Human Services shall provide staff support to the task force.

2. a. It shall be the duty of the New Jersey Hearing Impairment Task Force to study and assess New Jersey laws, regulations, and policies related to hearing impairment in comparison to other states, including:

(1) the effectiveness of New Jersey health insurance mandates related to hearing impairment in comparison to health insurance mandates in other states;

(2) the accessibility and effectiveness of medical testing for individuals who may have a hearing impairment;

(3) the accessibility of hearing aids and assistive technologies for individuals who have a hearing impairment;

(4) the accessibility and effectiveness of rehabilitation services for individuals who have a hearing impairment; and

(5) the effectiveness of educational policies on the identification, evaluation, and support of children who have a hearing impairment.

b. The task force shall receive reports and testimony from independent experts, other qualified individuals, and members of the public who have experience in this State or other states in evaluating the effectiveness of state policies related to hearing impairment.

3. The task force shall issue a final report to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) no later than 180 days after its first organizational meeting. The report shall provide a summary of the study conducted by the task force and shall enumerate any recommended changes to State law, regulation, or policy. The report shall be made available to the public through a link prominently displayed on the Governor's and the Legislature's official internet websites.

4. This act shall take effect on the 180th day after the date of enactment, and sections 1 through 3 of this act shall expire upon the task force's issuance of its final report pursuant to section 3 of this act.

Approved January 8, 2018.

CHAPTER 256

AN ACT concerning housing options for individuals receiving treatment for a substance use disorder and amending P.L.1975, c.305 and P.L.1970, c.334.

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

1. 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. Admission shall not be denied on the basis that the person is currently receiving medication assisted treatment for a substance use disorder administered by a licensed treatment provider, including but not limited to methadone, buprenorphine, naltrexone, or any other medication approved by the Food and Drug Administration for the treatment of a substance use disorder. 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 the person 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.

2. 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. No narcotic or drug abuse treatment center, transitional sober living home, halfway house, or other residential aftercare facility shall be permitted to deny admission to a prospective client on the basis that the person is currently receiving medication assisted treatment for a substance use disorder administered by a licensed treatment provider, including but not limited to methadone, buprenorphine,

naltrexone, or any other medication approved by the Food and Drug Administration for the treatment of a substance use disorder.

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.

3. This act shall take effect on the first day of the fourth month next following the date of enactment, except the Commissioner of Human Services may take any anticipatory administrative action in advance as the commissioner deems necessary for the implementation of this act.

Approved January 8, 2018.

CHAPTER 257

AN ACT concerning motor vehicle wheel weights 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-99.116 Certain wheel weights prohibited; terms defined.

1. a. No person shall install on any motor vehicle a weight or other product used to balance a motor vehicle wheel or tire if the weight or other product contains lead or mercury that was intentionally added during the manufacture of the product.

b. No person shall sell or offer to sell a weight or other product for balancing a motor vehicle wheel or tire if the weight or other product contains lead or mercury that was intentionally added during the manufacture of the product.

c. No person shall sell a new motor vehicle equipped with a weight or other product used to balance a motor vehicle wheel or tire if the weight or other product contains lead or mercury that was intentionally added during the manufacture of the product.

d. As used in this act:

"Motor vehicle" means the same as that term is defined in R.S.39:1-1.

"New motor vehicle" means a motor vehicle that has not been previously sold to a person other than a distributor, wholesaler, or dealer of motor vehicles for resale.

C.13:1E-99.117 Public education program.

2. a. The Department of Environmental Protection shall establish a public education program to assure the widespread dissemination of information concerning the provisions of this act.

b. The department shall have the right to enter, at any time during normal business hours, and upon presentation of appropriate credentials, any retail establishment at which weights and other products used to balance motor vehicle wheels or tires are used or sold, and any new motor vehicle dealer, in order to determine compliance with the provisions of this act.

C.13:1E-99.118 Violations, penalties.

3. a. Any person convicted of a violation of this act shall be subject to a penalty of up to $2,500 for each offense, to be collected by the State 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 and the municipal court shall have jurisdiction over proceedings for the enforcement of the penalty provided by this section.

b. The department may institute a civil action for injunctive relief to enforce this act and to prohibit and prevent a violation of this act, and the court may proceed in the action in a summary manner.

4. Section 2 of this act shall take effect immediately and sections 1 and 3 shall take effect on the 180th day after the date of enactment.

Approved January 8, 2018.

CHAPTER 258

AN ACT concerning the modification and rehabilitation of housing for certain veterans, supplementing chapter 27D of Title 52 of the Revised Statutes, and making an appropriation.

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

C.52:27D-516 Short title.

1. This act shall be known and may be cited as the "New Jersey Housing Assistance for Veterans Act."

C.52:27D-517 Definitions relative to housing for certain veterans.

2. As used in this act:

"Director" means the Director of the Division of Housing and Community Resources in the Department of Community Affairs.

"Disabled" means a person who fulfills the definition of having a "disability" pursuant to section 3 of the "Americans with Disabilities Act of 1990," 42 U.S.C. s.12102.

"Division" means the Division of Housing and Community Resources in the Department of Community Affairs.

"Eligible veteran" means a disabled or low-income veteran.

"Energy efficient features or equipment" means features or equipment within a primary residence that help to reduce the amount of electricity used to heat, cool, or ventilate the residence, including but not limited to insulation, weatherstripping, air sealing, repaired heating systems, or duct sealing.

"Family member" means a spouse, child, parent, sibling, aunt, uncle, niece, nephew, first cousin, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half brother, or half sister, whether the individual is related by blood, marriage, or adoption.

"Low-income veteran" means a veteran occupying a household with a gross household income equal to 50 percent or less of the median gross household income for households of the same size, and within the same housing region, as defined by subsection b. of section 4 of P.L.1985, c.222 (C.52:27D-304).

"Primary residence" means a dwelling unit that is owned by the eligible veteran or by a family member of the eligible veteran, and occupied by the eligible veteran as his or her principal residence.

"Qualified organization" means a nonprofit veterans' organization that qualifies as a section 501(c)(3) or 501(c)(19) tax exempt organization under the Internal Revenue Code.

"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.

C.52:27D-518 Pilot program.

3. The director shall establish a pilot program to award grants to qualified organizations to rehabilitate and modify the primary residences of eligible veterans, and shall manage the pilot program in consultation with the Adjutant General of the Department of Military and Veterans' Affairs to most effectively advance the needs of eligible veterans. The director shall administer the pilot program for five years following the operative date of P.L.2017, c.258 (C.52:27D-516 et seq.). Grant awards totaling $1 million shall be awarded during each year the pilot program is in operation.

a. In addition to any additional information required by the director, a qualified organization seeking a grant under the pilot program shall submit an application to the division that shall include the following information:

(1) the approximate number of veterans the qualified organization has the capacity to serve through grant funding; and

(2) a description of the type of work to be completed, such as interior home modifications, energy efficiency improvements, and other similar categories of work.

b. In order to receive a grant award under the pilot program, a qualified organization shall:

(1) demonstrate expertise in providing housing rehabilitation and modification services for the purpose of making homes accessible, functional, and safe;

(2) have experience in successfully carrying out accountability and reporting requirements involved in the proper administration of grant funds; and

(3) commit to paying workers employed through the pilot program no less than the prevailing wage rate for the worker's craft or trade, as determined by the Commissioner of Labor and Workforce Development pursuant to P.L.1963, c.150 (C.34:11-56.25 et seq.).

c. In awarding grants under the pilot program, the director shall give preference to qualified organizations that employ workers from an appren-

ticeable trade participating in the Helmets to Hardhats Program, as certified by the New Jersey State Building and Construction Trades Council, such that not less than five percent of projected labor hours shall be completed by such participating organizations.

d. Low income veterans who are also disabled shall receive preference over other eligible veterans in selection for assistance under the pilot program.

e. Grant awards under the pilot program shall be used to modify and rehabilitate the primary residences of eligible veterans, and for other purposes necessary to advance this goal, as permitted by the director. Permitted uses of grant funding shall include, but shall not be limited to:

(1) installing wheelchair ramps, widening exterior and interior doors, reconfigurating and re-equipping bathrooms to enhance accessibility, removing doorway thresholds, and installing appropriate floor coverings to accommodate the functional limitations that result from having a disability;

(2) rehabilitating homes that are in a state of interior or exterior disrepair; and

(3) installing energy efficient features or equipment if the eligible veteran's monthly residential utility costs are greater than five percent of monthly household income, and an energy audit of the residence indicates that the installation of energy efficient features or equipment would reduce utility costs by 10 percent or more.

f. No qualified organization shall be awarded more than $400,000 through the pilot program in any one fiscal year. A qualified organization receiving a grant shall contribute a matching contribution in an amount not less than 50 percent of the grant award. This matching requirement may be met through cash contributions, or in-kind contributions, as permitted by the director. Eligible veterans benefitting from the pilot program shall not pay an application fee or any other cost for the work completed on their residence, unless a modest fee can be charged, as permitted by the director, without forcing the veteran's total monthly housing costs to exceed 30 percent of total household income.

g. (1) The director shall provide an annual report to the Governor, and the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), presenting the following information with respect to the associated year of the pilot program:

(a) the number of eligible veterans provided assistance under the pilot program;

(b) the socioeconomic characteristics of the benefited veterans;

(c) the total number, types, and locations of qualified organizations offered grant funding under the pilot program;

(d) the amount of matching funds, and form of in-kind contributions raised with each grant;

(e) a description of the housing rehabilitation and modification services provided, costs saved, and actions taken under the pilot program;

(f) a description of the outreach initiatives implemented to educate the general public and qualified organizations about the pilot program, and to identify eligible veterans and their families; and

(g) a description of compensation offered to workers employed through the pilot program, and a certification that workers have not been paid less than the prevailing wage rate for the worker's craft or trade, as determined by the Commissioner of Labor and Workforce Development pursuant to P.L.1963, c.150 (C.34:11-56.25 et seq.).

(h) any other information that the director considers relevant in assessing the pilot program.

(2) Not later than six months following completion of the pilot program, the director shall provide another report to the Governor, and the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), presenting information necessary to assess the success of the pilot program as a whole.

C.52:27D-519 Rules, regulations.

4. The Director of the Division of Local Government Services in the Department of Community Affairs shall promulgate rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the provisions of P.L.2017, c.258 (C.52:27D-516 et seq.), on or before the first day of the fifth month next following enactment.

5. There is appropriated from the General Fund the sum of $5 million to the Division of Local Government Services in the Department of Community Affairs for the purposes of effectuating the provisions of this act.

6. This act shall take effect immediately, but sections 1 through 3 shall remain inoperative until the first day of the fifth month next following enactment.

Approved January 8, 2018.

CHAPTER 259

AN ACT concerning used authorized emergency vehicles and supplementing Title 39 of the Revised Statutes.

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

C.39:10-9.5 Definitions relative to certain used emergency vehicles.

1. a. For the purposes of this section:

"Equipment" shall include, but not be limited to, a handheld spotlight affixed to a side mirror, an antenna used for emergency response communication equipment, a mobile vision and mobile data terminal, a siren, a strobe light, or any other light with optional strobe functions typically used on an authorized emergency vehicle;

"Marking" shall include, but not be limited to, a decal, insignia, or striping added to the authorized emergency vehicle by a State or municipal agency, or any other government entity engaged in law enforcement, fire services, or emergency medical transportation; and

"Siren" shall include, but not be limited to, an adjustment to the standard horn in a steering wheel.

b. Except as provided by subsection c. of this section, prior to the sale or transfer of an authorized emergency vehicle as defined in R.S.39:1-1, to a person or an entity other than a State or municipal agency; a government entity engaged in law enforcement, fire services, or emergency medical transportation; a volunteer fire company, a volunteer first aid, ambulance, or rescue squad; a person who is an authorized dealer of emergency vehicles; or a non-governmental emergency service provider, any equipment or marking that would identify the vehicle as an authorized emergency vehicle shall be removed.

c. Notwithstanding the provisions of subsection b. of this section, removal of equipment or marking is not required prior to sale or transfer if the authorized emergency vehicle:

(1) is excepted from registration pursuant to the provisions of R.S.39:3-1; or

(2) meets the criteria to be registered as an historic vehicle pursuant to the provisions of section 2 of P.L.1964, c.95 (C.39:3-27.4).

d. The Attorney General shall issue guidelines or directives for the enforcement of this act.

2. Section 1 of P.L.1964, c.195 (C.39:3-27.3) is amended to read as follows:

C.39:3-27.3 Definitions.

1. As used in P.L.1964, c.195 (C.39:3-27.3 et seq.):

"Chief administrator" means the Chief Administrator of the New Jersey Motor Vehicle Commission.

"Historic motor vehicle" means any motor vehicle which is:

(1) at least 25 years old;

(2) owned as a collector's item and used solely for exhibition and educational purposes by the owner; and

(3) unaltered from the manufacturer's original design, except in the case of an authorized emergency vehicle, as defined in R.S.39:1-1, if an alteration was completed in order for the vehicle to operate as an emergency vehicle.

3. Section 2 of P.L.1964, c.195 (C.39:3-27.4) is amended to read as follows:

C.39:3-27.4 Historic motor vehicles; registration, license plates, display.

2. An owner of an historic motor vehicle who is a resident of this State may register the motor vehicle under the provisions of P.L.1964, c.195 (C.39:3-27.3 et seq.). Application for registering an historic vehicle shall be on forms prescribed by the chief administrator. Upon proper application and payment of the prescribed fee, the chief administrator shall issue a special nonconventional registration and special license plate for each historic motor vehicle registered in this State. The registration and license plate shall be valid during the period of time that the vehicle is owned by the registrant. The fee for the registration and license plate shall be $25. The license plate shall bear the word "historic" and shall be of such design and colors as the chief administrator may determine. Notwithstanding the provisions of R.S.39:3-33 or any other law to the contrary, an owner of a vehicle registered as an historic vehicle, or any vehicle manufactured before 1945, shall not be required to display more than one special license plate issued for that vehicle, which plate shall be displayed on the rear of the vehicle.

4. This act shall take effect on the first day of the fourth month following enactment, except the Attorney General may take any anticipatory

administrative action in advance as shall be necessary for the implementation of this act.

Approved January 8, 2018.

CHAPTER 260

AN ACT concerning municipal free public library funding, amending R.S.40:54-8 and P.L.1959, c.155, and supplementing chapter 54 of Title 40 of the Revised Statutes.

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

1. R.S.40:54-8 is amended to read as follows:

Library tax.

40:54-8. a. Within every municipality governed by this article there shall annually be raised by taxation a sum equal to one-third of a mill, unless a higher rate is approved by the voters pursuant to subsection b. of this section, on every dollar of assessable property within such municipality based on the equalized valuation of such property as certified by the Director of the Division of Taxation in the Department of the Treasury in accordance with the provisions of R.S.54:4-49. The amount to be raised by taxation for a free public library pursuant to this subsection shall be assessed, levied, and collected in the same manner and at the same time as other municipal purposes taxes are assessed, levied, and collected therein and shall be paid from the disbursing officer to the treasurer of the free public library on a quarterly basis.

b. (1) The governing body of a municipality may by resolution submit to the voters of the municipality, at a general election, a proposition to change the rate of the tax required to annually be raised pursuant to subsection a. of this section, as deemed appropriate for the proper maintenance of a free public library; provided, however, that the rate in the proposition shall not be lower than one-third of a mill. Upon approval of the proposition by a majority of the votes cast by the voters of the municipality, the governing body of the municipality shall implement it in the manner set forth in subsection a. of this section. If the majority of votes cast are

against the proposition, the existing rate of the tax to annually be raised for a free public library shall remain unchanged.

(2) Upon petition to the governing body of a municipality signed by qualified voters of the municipality equal in number to at least 15 percent of the votes cast therein at the last preceding general election, filed with the clerk of the municipality at least 90 days before a general election, the governing body shall submit to the voters of the municipality, at the general election, a proposition otherwise authorized pursuant to paragraph (1) of this subsection.

(3) A proposition under this subsection shall not be submitted to the voters of a municipality more than once in any three-year election period.

(4) An additional sum raised by taxation for a free public library required by a proposition approved pursuant to this subsection shall, for the first tax year in which the proposition is implemented, be exempt from the limitation set forth in section 5 of P.L.1985, c.541 (C.40:54-8.1), and shall not be considered excess funds as set forth in R.S.40:54-15.

(5) If a proposition is approved pursuant to this subsection, the information required to be printed upon the property tax bill pursuant to R.S.54:4-65 shall be adjusted accordingly and shall be reflected on a single line of the property tax bill.

(6) A proposition approved pursuant to this subsection establishing a tax rate higher than one-third of a mill shall expire after 10 tax years or after the tax year in which a new proposition establishing a different tax rate is approved, whichever occurs first. The tax rate shall revert to one-third of a mill upon the expiration of a higher tax rate.

c. Following enactment of P.L.2011, c.38, the Director of the Division of Local Government Services in the Department of Community Affairs shall decrease the municipality's adjusted tax levy pursuant to subsection d. of section 11 of P.L.2007, c.62 (C.40A:4-45.46) by the amount raised by taxation for a free public library pursuant to this section, so that there is no net impact on the amount of the adjusted tax levy available to the municipality for non-library purposes pursuant to section 9 of P.L.2007, c.62 (C.40A:4-45.44).

d. Such additional sum, as in the judgment of the municipal governing body or appropriate board of the municipality, is necessary for the proper maintenance of a free public library, may be appropriated in the municipal budget from the general purposes municipal tax levy.

2. Section 1 of P.L.1959, c.155 (C.40:54-29.3) is amended to read as follows:

C.40:54-29.3 Joint free public libraries.

1. a. (1) Any two or more municipalities may unite in the support, maintenance and control of a joint free public library for the use and benefit of the residents of such municipalities.

(2) Every library established under this chapter shall be considered a free public library as defined under R.S.40:54-1 et seq. and shall have the same benefits, powers, duties and responsibilities granted to free public libraries and their governing boards of trustees.

b. The combined minimum appropriation for the joint free public library annually shall be not less than one-third of a mill on every dollar of assessable property within the participating municipalities based upon the equalized valuation of such property within the combined municipalities as certified by the Director of the Division of Taxation in the Department of the Treasury in accordance with the provisions of R.S.54:4-49.

3. Section 7 of P.L.1959, c.155 (C.40:54-29.9) is amended to read as follows:

C.40:54-29.9 Procedure for amendment of joint library agreement.

7. a. The joint library agreement may be amended by agreement among the parties thereto but such amendments shall not become effective until approved in each of the participating municipalities by ordinance, which ordinances may incorporate such amendments by reference.

b. (1) The governing body of each municipality shall, by resolution, submit to the voters of the municipality, at a general election, a proposition to change the rate of the tax required to annually be raised to support the joint free public library agreement and, pursuant to section 15 of P.L.1959, c.155 (C.40:54-29.17), as deemed appropriate for the proper maintenance of a joint free public library; provided, however, that the rate in the proposition shall not be lower than one-third of a mill on every dollar of assessable property within the participating municipalities based upon the equalized valuation of such property within the combined municipalities as certified by the Director of the Division of Taxation in the Department of the Treasury in accordance with the provisions of R.S.54:4-49. Upon approval of the proposition by a majority of the votes cast by the voters of the municipality, the governing body of the municipality shall implement it in the manner set forth in section 15 of P.L.1959, c.155 (C.40:54-29.17).

(2) Upon petition to the governing body of a municipality signed by qualified voters of the municipality equal in number to at least 15 percent of the votes cast therein at the last preceding general election, filed with the

clerk of the municipality at least 90 days before a general election, the governing body shall submit to the voters of the municipality, at the general election, a proposition otherwise authorized pursuant to paragraph (1) of this subsection.

(3) A proposition under this subsection shall not be submitted to the voters of a municipality more than once in any three-year election period.

(4) An additional sum raised by taxation for a joint free public library required by a proposition approved pursuant to this subsection shall be exempt from the limitation set forth in section 5 of P.L.1985, c.541 (C.40:54-8.1) for the first tax year in which the proposition is implemented and shall not be considered excess funds as set forth in R.S.40:54-15.

(5) If a proposition is approved pursuant to this subsection changing the rate of tax required to annually be raised to support the joint free public library agreement, the information required to be printed upon the property tax bill pursuant to R.S.54:4-65 shall be adjusted accordingly and shall be reflected on a single line of the property tax bill.

(6) Whenever one municipality in a joint free public library system changes the rate of its dedicated joint free public library tax rate, any of the participating municipalities in that joint free public library system may demand that the joint free public library agreement be amended or renegotiated.

(7) A proposition approved pursuant to this subsection establishing a tax rate higher than one-third of a mill shall expire after 10 tax years or after the tax year in which a new proposition establishing a different tax rate is approved, whichever occurs first. The tax rate shall revert to one-third of a mill upon the expiration of a higher tax rate.

c. Following the effective date of P.L.2011, c.38 (March 21, 2011), the Director of the Division of Local Government Services in the Department of Community Affairs shall decrease the municipality's adjusted tax levy pursuant to subsection d. of section 11 of P.L.2007, c.62 (C.40A:4-45.46) by the amount raised by taxation for a joint free public library pursuant to this section so that there is no net impact on the amount of the adjusted tax levy available to the municipality for non-library purposes pursuant to section 9 of P.L.2007, c.62 (C.40A:4-45.44).

d. Such additional sum, as in the judgment of the municipal governing body or appropriate board of the municipality, is necessary for the proper maintenance of a joint free public library, may be appropriated in the municipal budget from the general purposes municipal tax levy.

C.40:54-8.2 Preparation of ballots.

4. a. The officer charged with the duty of preparing the ballots for an election in which a proposition is to be submitted to the voters pursuant to subsection b. of R.S.40:54-8 or pursuant to subsection b. of section 7 of P.L.1959, c.155 (C.40:54-29.9) shall cause the proposition to be printed on the official ballots for such election in substantially the following form, as applicable.

(1) If the proposition is to increase the rate of the tax to annually be raised for the support of a free public library established pursuant to R.S.40:54-1 et seq.:

"Shall the rate of the tax annually levied for the support of the free public library in ..... (name of municipality) be increased from ..... cents per $100 of assessed equalized value of real property to ..... cents per $100 of assessed equalized value of real property?"

(2) If the proposition is to reduce the rate of the tax to annually be raised for the support of a free public library established pursuant to R.S.40:54-1 et seq.:

"Shall the rate of the tax annually levied for the support of the free public library in ..... (name of municipality) be reduced from ..... cents per $100 of assessed equalized value of real property to ..... cents per $100 of assessed equalized value of real property?"

b. The officer charged with the duty of preparing the ballots for an election in which a proposition is to be submitted to the voters pursuant to subsection b. of R.S.40:54-8 shall also cause an accompanying explanatory statement to be printed on the official ballots for such election, which statement shall include the following, as applicable:

(1) The minimum amount required to annually be raised by taxation for the support of the free public library pursuant to subsection a. of R.S.40:54-8;

(2) The current amount annually raised by taxation for the support of the free public library if above the minimum amount required to annually be raised by taxation pursuant to subsection a. of R.S.40:54-8;

(3) The proposed change in the amount to annually be raised by taxation for the support of the free public library;

(4) The effect of the proposed change on the property taxes of a residential property assessed at the average assessed value of residential properties in the municipality; and

(5) The length of time that a higher tax rate will be in effect, if applicable.

5. This act shall take effect immediately.

Approved January 8, 2018.

CHAPTER 261

AN ACT concerning the financing of certain businesses located in areas designated as "regional centers" or as "Planning Area 1" in the State Development and Redevelopment Plan and supplementing P.L.1974, c.80 (C.34:1B-1 et seq.).

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

C.34:1B-254 Definitions relative to financing of certain businesses.

1. As used in P.L.2017, c.261 (C.34:1B-254 et seq.):

"Authority" means the New Jersey Economic Development Authority established by section 4 of P.L.1974, c.80 (C.34:1B-4).

"Qualified business" means a business that qualifies, under criteria established by the authority, as a small, woman-owned, or minority-owned New Jersey-based business, manufacturer, redeveloper, or non-profit organization.

"Regional center" means an area designated as a "regional center" in the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.).

"Urban center" means an area designated as an "urban center" in the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.).

C.34:1B-255 Certain businesses included.

2. In the case of any undertaking by which the authority makes direct loans to qualified businesses located in an urban center that are unable to obtain funding from conventional sources, notwithstanding the assistance of an authority guarantee, the authority shall include within such an undertaking qualified businesses located in a regional center or in an area designated pursuant to P.L.1985, c.398 (C.52:18A-196 et seq.) as Planning Area 1 (Metropolitan).

3. This act shall take effect on the 60th day after the date of enactment, but the New Jersey Economic Development Authority may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved January 8, 2018.

CHAPTER 262

AN ACT concerning the Internet publication of a State rule-making database, and supplementing P.L.1968, c.410 (C.52:14B-1 et seq.).

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

C.52:14B-7.1 OAL to establish, maintain Internet publication of a State rule-making database.

1. a. The Office of Administrative Law shall establish and maintain, at a publicly accessible location on its Internet website, a searchable database that identifies the number, nature, and current status of all pending or proposed rule-making actions in the State. The database shall include written descriptions and listings of all such pending or proposed State rule-making actions, and shall additionally incorporate the use of charts, tables, graphs, and other graphics or visual aids, as necessary or appropriate, to provide members of the public with a full, complete, and easily comprehensible overview of pending or proposed rule-making actions in the State.

b. (1) The database established and maintained pursuant to subsection a. of this section shall include, with respect to each proposed rule-making action, a summary description that indicates:

(a) the title or subject matter of the rule-making action;

(b) the State agency responsible for the rule-making action;

(c) the identification number, if any, that is associated with the rule-making action;

(d) the types or groups of persons who are the subject of, or who will, or are likely to be, affected by, the rule-making action;

(e) the legal authority for the rule-making action;

(f) the date on which the rule-making action was initiated by the State agency;

(g) the legal deadline, if any, that is associated with the rule-making action;

(h) a concise abstract or synopsis describing the basis for, and pertinent factors necessitating, the rule-making action; and

(i) a timetable showing the history of the rule-making action.

(2) The summary description required by this subsection shall additionally include a brief statement that identifies the potential impacts of the rule-making action on the State and its residents, and the anticipated significance of those impacts. At a minimum, this statement shall indicate:

(a) the type and potential significance of any expected socio-economic impacts associated with the rule-making action, as determined in accordance with the provisions of paragraph (2) of subsection (a) of section 4 of P.L.1968, c.410 (C.52:14B-4);

(b) the number of jobs that will, or are likely to, be generated or lost as a result of the rule-making action, as determined in accordance with the provisions of paragraph (2) of subsection (a) of section 4 of P.L.1968, c.410 (C.52:14B-4);

(c) the type and significance of any expected agricultural industry impacts associated with the rule-making action, as determined in accordance with the provisions of section 7 of P.L.1998, c.48 (C.4:1C-10.3) and paragraph (2) of subsection (a) of section 4 of P.L.1968, c.410 (C.52:14B-4);

(d) whether the State agency has prepared, or will prepare, a regulatory flexibility analysis in connection with the rule-making action, in accordance with the provisions of P.L.1986, c.169 (C.52:14B-16 et seq.) and paragraph (2) of subsection (a) of section 4 of P.L.1968, c.410 (C.52:14B-4); and

(e) if a regulatory flexibility analysis has been prepared in connection with the rule-making action, the estimated number of small businesses that will, or are likely to, be affected by the rule-making action.

c. Notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the Office of Administrative Law may require each State agency to provide the information to be included in the database summary description under subsection b. of this section in association with any notice of proposed rule-making that is submitted by the agency prior to, on, or after, the effective date of this act. The form and manner in which the information will be provided shall be determined by the Office of Administrative Law.

d. The database established and maintained pursuant to subsection a. of this section shall also include distinct listings or graphics that identify the total number of pending rule-making actions by: (1) State agency; (2) rule-making type and stage; and (3) current length, in 30-day intervals, of

the State agency review associated therewith, as determined by looking to the date of each rule-making action's initiation by the State agency.

e. The Office of Administrative Law shall make regular and timely updates to the database established pursuant to subsection a. of this section to ensure that it reflects the most current information pertaining to rule-making actions undertaken by each State agency. The Office of Administrative Law shall indicate, on its Internet website, the date on which the most recent database update was performed pursuant to this subsection.

2. This act shall take effect immediately, but shall remain inoperative until the first day of the 13th month following the date of its enactment.

Approved January 8, 2018.

CHAPTER 263

AN ACT concerning breastfeeding and amending P.L.1945, c.169.

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

1. 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 or breastfeeding, 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 nonforfeitable 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 breastfeeding, 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 breastfeeding, 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 sta-

tus, pregnancy or breastfeeding, 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 or breastfeeding 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 or breastfeeding, 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 is-

sued 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 or breastfeeding, 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 or breastfeeding, 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 or breastfeeding, 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 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 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 or breastfeeding, 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 or breastfeeding, sex,

gender identity or expression, affectional or sexual orientation, liability for service in the Armed Forces of the United States, disability 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 or breastfeeding, sex, gender identity or expression, affectional or sexual orientation, liability for service in the Armed Forces of the United States, disability, 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 or breastfeeding, 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 or breastfeeding, 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 or breastfeeding, 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 or breastfeeding, 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 or breastfeeding, 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 or breastfeeding, 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 or breastfeeding, 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 com-

pensation, 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 disclose 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 or breastfeeding in a manner less favorable than the treatment of other persons not affected by pregnancy or breastfeeding 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, and, in the case of a employee breast feeding her infant child, the accommodation shall include reasonable break time each day to the employee and a suitable room or other location with privacy, other than a toilet stall, in close proximity to the work area for the employee to express breast milk for the child, 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 or breastfeeding shall not be provided in a manner less favorable than accommodations or leave provided to other employees not affected by pregnancy or breastfeeding 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 or breastfeeding.

For the purposes of this section "pregnancy or breastfeeding" means pregnancy, childbirth, and breast feeding or expressing milk for breastfeed-

ing, or medical conditions related to pregnancy, childbirth, or breastfeeding, 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.

2. This act shall take effect immediately.

Approved January 8, 2018.

CHAPTER 264

AN ACT concerning optometrists and vision care plans 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:*

C.26:2S-10.4 Optometrist not required to participate in certain plans.

1. a. A carrier shall not require an optometrist to participate in a vision care plan as a condition for entering into a contract with that carrier for the provision of medically necessary physician services within the scope of practice of an optometrist.

b. Nothing in this section shall be construed to prevent a carrier from entering into a contract with a vision care plan.

C.26:2S-10.5 Contract between carrier and vision care provider, fees permissible.

2. a. No contract between a carrier or a vision care plan and a vision care provider may seek to or require that a vision care provider provide services or materials at a fee limited or set by the carrier or vision care plan unless the services or materials are reimbursed as covered services or covered materials under the contract.

b. A vision care provider shall not charge more for services and materials that are noncovered services or noncovered materials to an enrollee of a vision care plan or carrier than the provider's usual and customary rate for those services and materials.

C.26:2S-10.6 Vision care provider, choice of sources, providers.

3. No contract between a carrier or vision care plan and a vision care provider shall restrict or limit, either directly or indirectly, the vision care provider's choice of sources and suppliers of services or materials or use of optical labs provided by the vision care provider to an enrollee.

C.26:2S-10.7 Definitions relative to optometrists, vision care plans.

4. As used in this act:

"Contractual discount" means a reduction from a vision care provider's usual and customary rate for covered services and materials required under a participating provider agreement.

"Covered materials" means materials for which reimbursement from the carrier or vision care plan is provided to a vision care provider by a covered person's plan contract, or for which a reimbursement would be available but for the application of the enrollee's contractual limitations of deductibles, copayments, or coinsurance.

"Covered services" means services for which reimbursement from the carrier or vision care plan is provided to a vision care provider by an enrollee's plan contract, or for which a reimbursement would be available but for the application of the enrollee's contractual limitations of deductibles, copayments, or coinsurance.

"Materials" means ophthalmic devices including but not limited to lenses, devices containing lenses, ophthalmic frames and other lens mounting apparatus, prisms, lens treatments and coatings contact lenses, and prosthetic devices to correct, relieve, or treat defects or abnormal conditions of the human eye or its adnexa.

"Services" means the professional work performed by a vision care provider.

"Vision care plan" means an entity that creates, promotes, sells, provides, advertises or administers, an integrated or stand-alone vision benefit plan, or a vision care insurance policy or contract which provides vision or medically necessary benefits to an enrollee pertaining to the provision of covered services or covered materials.

"Vision care provider" means a licensed doctor of optometry practicing under the authority of R.S.45:12-1 et seq. or a licensed medical or osteo-

pathic doctor practicing under the authority of R.S.45:9-1 et seq. that has also completed a residency in ophthalmology.

5. This act shall take effect on the 120th day next following enactment.

Approved January 8, 2018.

CHAPTER 265

AN ACT concerning the sale of alcoholic beverages and amending P.L.1971, c.184.

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

1. Section 1 of P.L.1971, c.184 (C.33:1-40.3) is amended to read as follows:

C.33:1-40.3 Sale of certain alcoholic beverages.

1. a. Whenever the sale of alcoholic beverages for consumption on the premises and off the premises or either thereof is authorized in any municipality by ordinance or rule or regulation of the Division of Alcoholic Beverage Control, by the holder of a retail consumption or retail distribution license, such ordinance or rule shall authorize the sale of wine and malt alcoholic beverages in original bottle or can containers for consumption off the premises on the same days and during the same hours as the sale of alcoholic beverages for consumption on the premises is permitted and authorized in the municipality. If a municipality has no ordinance or local law that authorizes the sale of alcoholic beverages for consumption on the premises, then the municipality may by ordinance authorize the sale of wine and malt alcoholic beverages in original bottle or can containers by retail distribution licensees any time between the hours of 12:30 p.m. and 6:30 p.m. on Sunday, in addition to such weekday hours as may be authorized by ordinance.

Notwithstanding the provisions of this section or any other law to the contrary, a city of the first class may establish by ordinance separate hours for:

(1) sales by each type of retail license set forth in R.S.33:1-12, and

(2) sales by such licensees for consumption on the premises and consumption off the premises.

All parts of ordinances and regulations of the Director of the Division of Alcoholic Beverage Control inconsistent with the provisions of this act are superseded to the extent of such inconsistency.

b. Notwithstanding any other provision of law to the contrary, the holder of a plenary retail consumption license or permit authorizing the sale of alcoholic beverages for consumption on the premises that is used in connection with a premises located within an international airport may sell alcoholic beverages any time between the hours of 6:00 a.m. and 3:00 a.m.

2. This act shall take effect immediately.

Approved January 8, 2018.

CHAPTER 266

AN ACT authorizing the governing body of a municipality to create and maintain a list of municipal residents in need of special assistance in case of an emergency for public safety purposes, supplementing various parts of the statutory law and amending P.L.1995, c.23.

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

C.40:48-2.67 List of municipal residents in need of special assistance.

1. The governing body of a municipality, by ordinance, may require the clerk of the municipality to maintain a list containing the names and addresses of municipal residents who identify themselves as being in need of special assistance in the event of an emergency, and who request that this information be maintained on their behalf, for public safety purposes. The list shall be cross-indexed by name and address of each resident requesting to be on the list, and shall identify the special circumstances of each individual. The clerk shall provide the list solely and strictly for the purposes of P.L.2017, c.266 (C.40:48-2.67 et al.) to the municipal police department, to each fire department or fire district serving the municipality, and to each first aid or rescue squad serving the municipality, and shall ensure that they are provided with updates at least monthly.

A notice to municipal residents advising them that such a list is being maintained by the clerk for public safety purposes shall be included annually with the tax bills mailed to local property taxpayers. The notice shall include information as to how a municipal resident may add his or her name and address to the municipal list.

The municipal clerk shall notify each landlord who has filed a certificate of registration with the municipality pursuant to section 2 of P.L.1974, c.50 (C.46:8-28) of the existence of the list, and shall provide the landlord with a copy of a notice to be provided to the landlord's tenants, including information as to how a tenant may be added to the list.

C.46:8-29.1 Tenants advised of list.

2. Within 30 days following notification by the municipal clerk pursuant to section 1 of P.L.2017, c.266 (C.40:48-2.67), and thereafter, at the time of creation of a tenancy, a landlord shall advise each tenant that the clerk of the municipality maintains a list containing the names and addresses of municipal residents who identify themselves as being in need of special assistance in the event of an emergency, and who request that this information be maintained on their behalf, for public safety purposes.

The landlord shall provide each tenant with a copy of the notice including information as to how a tenant may be added to the list.

C.52:27D-3.6 Model notice.

3. The Commissioner of Community Affairs, not later than the first day of the sixth month next following enactment of P.L.2017, c.266 (C.40:48-2.67 et al.), shall promulgate a model notice to be used by municipalities that determine to maintain a list pursuant to section 1 of P.L.2017, c.266 (C.40:48-2.67).

4. Section 1 of P.L.1995, c.23 (C.47:1A-1.1) is amended to read as follows:

C.47:1A-1.1 Definitions.

1. As used in P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented:

"Biotechnology" means any technique that uses living organisms, or parts of living organisms, to make or modify products, to improve plants or animals, or to develop micro-organisms for specific uses; including the industrial use of recombinant DNA, cell fusion, and novel bioprocessing techniques.

"Custodian of a government record" or "custodian" means in the case of a municipality, the municipal clerk and in the case of any other public agency, the officer officially designated by formal action of that agency's director or governing body, as the case may be.

"Government record" or "record" means any paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data processed or image processed document, information stored or maintained electronically or by sound-recording or in a similar device, or any copy thereof, that has been made, maintained or kept on file in the course of his or its official business by any officer, commission, agency or authority of the State or of any political subdivision thereof, including subordinate boards thereof, or that has been received in the course of his or its official business by any such officer, commission, agency, or authority of the State or of any political subdivision thereof, including subordinate boards thereof. The terms shall not include inter-agency or intra-agency advisory, consultative, or deliberative material.

A government record shall not include the following information which is deemed to be confidential for the purposes of P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented:

information received by a member of the Legislature from a constituent or information held by a member of the Legislature concerning a constituent, including but not limited to information in written form or contained in any e-mail or computer data base, or in any telephone record whatsoever, unless it is information the constituent is required by law to transmit;

any memorandum, correspondence, notes, report or other communication prepared by, or for, the specific use of a member of the Legislature in the course of the member's official duties, except that this provision shall not apply to an otherwise publicly-accessible report which is required by law to be submitted to the Legislature or its members;

any copy, reproduction or facsimile of any photograph, negative or print, including instant photographs and videotapes of the body, or any portion of the body, of a deceased person, taken by or for the medical examiner at the scene of death or in the course of a post mortem examination or autopsy made by or caused to be made by the medical examiner except:

when used in a criminal action or proceeding in this State which relates to the death of that person,

for the use as a court of this State permits, by order after good cause has been shown and after written notification of the request for the court order has been served at least five days before the order is made upon the county prosecutor for the county in which the post mortem examination or autopsy occurred,

for use in the field of forensic pathology or for use in medical or scientific education or research, or

for use by any law enforcement agency in this State or any other state or federal law enforcement agency;

criminal investigatory records;

victims' records, except that a victim of a crime shall have access to the victim's own records;

any written request by a crime victim for a record to which the victim is entitled to access as provided in this section, including, but not limited to, any law enforcement agency report, domestic violence offense report, and temporary or permanent restraining order;

personal firearms records, except for use by any person authorized by law to have access to these records or for use by any government agency, including any court or law enforcement agency, for purposes of the administration of justice;

personal identifying information received by the Division of Fish and Wildlife in the Department of Environmental Protection in connection with the issuance of any license authorizing hunting with a firearm. For the purposes of this paragraph, personal identifying information shall include, but not be limited to, identity, name, address, social security number, telephone number, fax number, driver's license number, email address, or social media address of any applicant or licensee;

trade secrets and proprietary commercial or financial information obtained from any source. For the purposes of this paragraph, trade secrets shall include data processing software obtained by a public body under a licensing agreement which prohibits its disclosure;

any record within the attorney-client privilege. This paragraph shall not be construed as exempting from access attorney or consultant bills or invoices except that such bills or invoices may be redacted to remove any information protected by the attorney-client privilege;

administrative or technical information regarding computer hardware, software and networks which, if disclosed, would jeopardize computer security;

emergency or security information or procedures for any buildings or facility which, if disclosed, would jeopardize security of the building or facility or persons therein;

security measures and surveillance techniques which, if disclosed, would create a risk to the safety of persons, property, electronic data or software;

information which, if disclosed, would give an advantage to competitors or bidders;

information generated by or on behalf of public employers or public employees in connection with any sexual harassment complaint filed with a public employer or with any grievance filed by or against an individual or in connection with collective negotiations, including documents and statements of strategy or negotiating position;

information which is a communication between a public agency and its insurance carrier, administrative service organization or risk management office;

information which is to be kept confidential pursuant to court order;

any copy of form DD-214, or that form, issued by the United States Government, or any other certificate of honorable discharge, or copy thereof, from active service or the reserves of a branch of the Armed Forces of the United States, or from service in the organized militia of the State, that has been filed by an individual with a public agency, except that a veteran or the veteran's spouse or surviving spouse shall have access to the veteran's own records;

any copy of an oath of allegiance, oath of office or any affirmation taken upon assuming the duties of any public office, or that oath or affirmation, taken by a current or former officer or employee in any public office or position in this State or in any county or municipality of this State, including members of the Legislative Branch, Executive Branch, Judicial Branch, and all law enforcement entities, except that the full name, title, and oath date of that person contained therein shall not be deemed confidential;

that portion of any document which discloses the social security number, credit card number, unlisted telephone number or driver license number of any person; except for use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf thereof, or any private person or entity seeking to enforce payment of court-ordered child support; except with respect to the disclosure of driver information by the New Jersey Motor Vehicle Commission as permitted by section 2 of P.L.1997, c.188 (C.39:2-3.4); and except that a social security number contained in a record required by law to be made, maintained or kept on file by a public agency shall be disclosed when access to the document or disclosure of that information is not otherwise prohibited by State or federal law, regulation or order or by State statute, resolution of either or both houses of the Legislature, Executive Order of the Governor, rule of court or regulation promulgated under the authority of any statute or executive order of the Governor;

A list of persons identifying themselves as being in need of special assistance in the event of an emergency maintained by a municipality for pub-

lic safety purposes pursuant to section 1 of P.L.2017, c.266 (C.40:48-2.67); and

A list of persons identifying themselves as being in need of special assistance in the event of an emergency maintained by a county for public safety purposes pursuant to section 6 of P.L.2011, c.178 (C.App.A:9-43.13).

A government record shall not include, with regard to any public institution of higher education, the following information which is deemed to be privileged and confidential:

pedagogical, scholarly and/or academic research records and/or the specific details of any research project conducted under the auspices of a public higher education institution in New Jersey, including, but not limited to research, development information, testing procedures, or information regarding test participants, related to the development or testing of any pharmaceutical or pharmaceutical delivery system, except that a custodian may not deny inspection of a government record or part thereof that gives the name, title, expenditures, source and amounts of funding and date when the final project summary of any research will be available;

test questions, scoring keys and other examination data pertaining to the administration of an examination for employment or academic examination;

records of pursuit of charitable contributions or records containing the identity of a donor of a gift if the donor requires non-disclosure of the donor's identity as a condition of making the gift provided that the donor has not received any benefits of or from the institution of higher education in connection with such gift other than a request for memorialization or dedication;

valuable or rare collections of books and/or documents obtained by gift, grant, bequest or devise conditioned upon limited public access;

information contained on individual admission applications; and

information concerning student records or grievance or disciplinary proceedings against a student to the extent disclosure would reveal the identity of the student.

"Personal firearms record" means any information contained in a background investigation conducted by the chief of police, the county prosecutor, or the Superintendent of State Police, of any applicant for a permit to purchase a handgun, firearms identification card license, or firearms registration; any application for a permit to purchase a handgun, firearms identification card license, or firearms registration; any document reflecting the issuance or denial of a permit to purchase a handgun, firearms identification card license, or firearms registration; and any permit to purchase a hand-

gun, firearms identification card license, or any firearms license, certification, certificate, form of register, or registration statement. For the purposes of this paragraph, information contained in a background investigation shall include, but not be limited to, identity, name, address, social security number, phone number, fax number, driver's license number, email address, social media address of any applicant, licensee, registrant or permit holder.

"Public agency" or "agency" means any of the principal departments in the Executive Branch of State Government, and any division, board, bureau, office, commission or other instrumentality within or created by such department; the Legislature of the State and any office, board, bureau or commission within or created by the Legislative Branch; and any independent State authority, commission, instrumentality or agency. The terms also mean any political subdivision of the State or combination of political subdivisions, and any division, board, bureau, office, commission or other instrumentality within or created by a political subdivision of the State or combination of political subdivisions, and any independent authority, commission, instrumentality or agency created by a political subdivision or combination of political subdivisions.

"Law enforcement agency" means a public agency, or part thereof, determined by the Attorney General to have law enforcement responsibilities.

"Constituent" means any State resident or other person communicating with a member of the Legislature.

"Member of the Legislature" means any person elected or selected to serve in the New Jersey Senate or General Assembly.

"Criminal investigatory record" means a record which is not required by law to be made, maintained or kept on file that is held by a law enforcement agency which pertains to any criminal investigation or related civil enforcement proceeding.

"Victim's record" means an individually-identifiable file or document held by a victims' rights agency which pertains directly to a victim of a crime except that a victim of a crime shall have access to the victim's own records.

"Victim of a crime" means a person who has suffered personal or psychological injury or death or incurs loss of or injury to personal or real property as a result of a crime, or if such a person is deceased or incapacitated, a member of that person's immediate family.

"Victims' rights agency" means a public agency, or part thereof, the primary responsibility of which is providing services, including but not limited to food, shelter, or clothing, medical, psychiatric, psychological or legal services or referrals, information and referral services, counseling and

support services, or financial services to victims of crimes, including victims of sexual assault, domestic violence, violent crime, child endangerment, child abuse or child neglect, and the Victims of Crime Compensation Board, established pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as the Victims of Crime Compensation Office pursuant to P.L.2007, c.95 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.

5. Section 6 of P.L.2011, c.178 (C.App.A:9-43.13) is amended to read as follows:

C.App.A:9-43.13 Central registry for residents with special needs.

6. a. Each county in the State may establish a central registry for residents with special needs who require additional assistance provided to them during an emergency. A central registry created pursuant to this section shall be maintained by each county office of emergency management, and shall be composed of information voluntarily provided by each registrant that includes, but is not limited to, the registrant's address, telephone number, and particular condition or assistance needs.

b. Each county that creates such a registry shall conduct a public awareness campaign, utilizing the Internet and any other available resources, to inform the general public of the importance of identifying and registering individuals with special needs prior to an emergency so that appropriate preparations may be made to ensure that these individuals receive necessary assistance during an evacuation. Information collected for purposes of a central registry created pursuant to this section shall be used only by the county office of emergency management that collected the information to prepare for and provide assistance to residents with special needs in an emergency, and shall not otherwise be divulged or made publicly available; provided however, that the director may, at the director's discretion, access and obtain information from a central registry maintained by a county office of emergency management if the information is used directly and exclusively by the director to prepare an Emergency Operations Plan required pursuant to section 19 of P.L.1989, c.222 (C.App.A:9-43.2).

c. A central registry maintained by a county office of emergency management and any information contained therein, or accessed and obtained by the director in accordance with subsection b. of this section, shall not be included under materials available to public inspections pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

d. Each municipality in the State may maintain a list containing the names and addresses of municipal residents who identify themselves as

being in need of special assistance in the event of an emergency in accordance with the provisions of section 1 of P.L.2017, c.266 (C.40:48-2.67).

6. This act shall take effect immediately.

Approved January 8, 2018.

CHAPTER 267

AN ACT concerning the promotion of sales of New Jersey farm products and amending P.L.1939, c.136.

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

1. Section 1 of P.L.1939, c.136 (C.4:10-16) is amended to read as follows:

C.4:10-16 "New Jersey Farm Products Publicity Fund."

1. a. For the purpose of advertising and promoting the sale of New Jersey farm products and the "Jersey Fresh" program, the Secretary of Agriculture is hereby authorized to solicit and receive funds, either as direct contributions, or from the sale of labels or the right to use labels authorized by the Department of Agriculture, or from any other source for advertising and promotional purposes. The monies received pursuant to this subsection shall be deposited in the "New Jersey Farm Products Publicity Fund" established pursuant to subsection b. of this section.

b. There is established in the Department of Agriculture a special nonlapsing fund to be known as the "New Jersey Farm Products Publicity Fund." The fund shall be administered by the Department of Agriculture, and monies in the fund shall be used exclusively for advertising and promoting the sale of New Jersey farm products and the "Jersey Fresh" program. Any monies deposited into a bank or trust company designated to accept deposits of State money prior to the effective date of P.L.2017, c.267 and pursuant to section 1 of P.L.1939, c.136 (C.4:10-16), for the "New Jersey Farm Products Publicity Fund" shall be transferred to the fund established pursuant to this subsection. 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 rein-

vested in such securities as are 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 this section.

c. The Secretary of Agriculture may notify interested persons and business entities of the opportunity to contribute funds to be used for the purpose established in subsection a. of this section.

2. This act shall take effect immediately.

Approved January 8, 2018.

CHAPTER 268

AN ACT concerning the collection of certain demographic data at public institutions of higher education and supplementing chapter 62 of Title 18A of the New Jersey Statutes.

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

C.18A:62-55 Collection of certain demographic information.

1. a. A public institution of higher education shall allow a student or a faculty or other staff member to identify his sexual orientation and gender identity on any form used by the institution to collect demographic information on gender, race, or ethnicity.

b. The provisions of subsection a. of this section shall apply to all forms that are created or updated by the institution on or after the effective date of this section; except that an institution shall not be required to update any existing forms solely for the purpose of complying with subsection a. of this section.

2. This act shall take effect immediately and shall first apply to the first full academic year following the date of enactment.

Approved January 8, 2018.

CHAPTER 269

AN ACT establishing the Office of the Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families and supplementing Title 30 of the Revised Statutes.

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

C.30:1AA-9.1 Office of the Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families.

1. a. There is established in but not of the Department of the Treasury the Office of the Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families. For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the Office of the Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families is hereby allocated within the Department of the Treasury, but notwithstanding this allocation, the office shall be independent of any supervision or control by the department or any board or officer thereof, or any other cabinet-level department, board, or officer thereof. The purpose of the ombudsman is to serve as a resource to provide information and support to individuals with intellectual or developmental disabilities and their families.

b. The Governor shall appoint an Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families, who shall be qualified by training and experience to perform the duties of the office. The ombudsman shall be a person of recognized judgment, integrity, and objectivity, and shall be skilled in communication, conflict resolution, and professionalism.

c. The ombudsman shall organize and direct the work of the office, including the work of such professional and clerical staff as may be necessary to carry out the ombudsman's duties.

C.30:1AA-9.2 Duties of Ombudsman.

2. a. The duties of the Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families shall include, but not be limited to, the following:

(1) to serve as a source of information for individuals with intellectual or developmental disabilities and their families and interested members of the public, to help them better understand State and federal laws and regulations governing individuals with intellectual or developmental disabilities;

(2) to provide, in coordination with the State Council on Developmental Disabilities:

(a) information and support to individuals with intellectual or developmental disabilities and their families in navigating and understanding the process for obtaining services and supports from the Division of Developmental Disabilities in the Department of Human Services and the Division of Children's System of Care in the Department of Children and Families, including information and support regarding individuals who transition from receiving services and supports from the Division of Children's System of Care to receiving services and supports from the Division of Developmental Disabilities; and

(b) assistance to individuals with intellectual or developmental disabilities in obtaining from the Division of Children's System of Care or the Division of Developmental Disabilities, as appropriate, services, supports, and opportunities that focus on personal goals and help those goals become a reality;

(3) to provide information and communication strategies to individuals with intellectual or developmental disabilities and their families for resolving a disagreement with the Division of Children's System of Care, the Division of Developmental Disabilities, the Department of Children and Families, or the Department of Human Services regarding the evaluation, placement, or provision of services and supports to an individual with an intellectual or developmental disability; and to educate individuals with intellectual or developmental disabilities and their families on the available options for resolving such disputes;

(4) to work neutrally and objectively with all parties to help ensure that a fair process is followed in the resolution of disputes concerning the provision of services and supports to individuals with intellectual or developmental disabilities receiving services from the Division of Children's System of Care or the Division of Developmental Disabilities, as appropriate;

(5) to identify any patterns of complaints that emerge regarding rights and services of individuals with intellectual or developmental disabilities, and to recommend strategies for improvement to the Division of Children's System of Care and the Division of Developmental Disabilities or the Department of Children and Families and the Department of Human Services; and

(6) to assist the Division of Children's System of Care and the Division of Developmental Disabilities in creating public information programs designed to acquaint and educate individuals with intellectual or developmental disabilities, their families, and the public about the duties of the ombudsman.

b. The ombudsman shall treat communications received in the course of the ombudsman's duties, including personally identifiable information regarding individuals with intellectual or developmental disabilities and their families, and others from whom information is acquired, as confidential, except when disclosure is necessary to enable the ombudsman to perform the duties of the office and consent for disclosure is obtained. Upon receipt of information that by law is confidential or privileged, the ombudsman shall maintain the confidentiality of the information and shall not disclose or disseminate the information except as provided by applicable State or federal law.

C.30:1AA-9.3 Annual reports.

3. a. The Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families shall issue a written report annually to the Commissioner of Human Services and the Commissioner of Children and Families. The report shall include a summary of the services the ombudsman provided during the year, and any specific recommendations the ombudsman deems appropriate and necessary concerning the State's implementation of procedures with respect to providing individuals with intellectual or developmental disabilities with services and supports.

b. The ombudsman also shall issue the report prepared pursuant to subsection a. of this section to the Governor, and pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) to the Legislature.

4. This act shall take effect immediately.

Approved January 8, 2018.

CHAPTER 270

AN ACT concerning food allergy signs in restaurants and amending P.L.2005, c.26.

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

1. Section 1 of P.L.2005, c.26 (C.26:3E-14) is amended to read as follows:

C.26:3E-14 Fact sheet distributed to restaurants relative to food allergens; definitions.

1. The Commissioner of Health, in consultation with the New Jersey Restaurant Association, shall prepare a fact sheet, to be directed to restau-

rant managers and staff, which is designed to explain nut allergies and the health-related consequences to persons with nut allergies who are exposed to food items that contain or are prepared with nut products, and includes a recommendation that restaurants identify such food items on their menus. The commissioner shall make this fact sheet available to local boards of health by electronic or other means of distribution, and local health officers shall furnish this information to restaurants at the time of inspection.

In addition the commissioner, in consultation with the New Jersey Restaurant Association and in consideration of food allergy information published by the federal Food and Drug Administration, shall prepare an informational sign promoting food allergen awareness, which shall include information about the most common food allergens, the health-related consequences of allergic reactions to food, best practices for food storage and preparation to prevent cross-contamination with food allergens, the symptoms of and appropriate responses to an allergic reaction to food, and such other information as the commissioner deems appropriate. The commissioner shall make the food allergen awareness sign available to restaurants and local boards of health, and each restaurant in the State shall acquire a food allergen awareness sign and prominently display the sign in the restaurant kitchen or another area of the restaurant that is frequently used by, and is generally accessible to, restaurant staff. In the case of restaurants in operation on the date the sign is first made available, the restaurant shall acquire and display the sign no later than one month after it is made available; in the case of restaurants that commence operations after the sign is made available, the restaurant shall acquire and display the sign as a condition of commencing restaurant operations.

As used in this section:

"Nut" means peanuts and tree nuts, including, but not limited to, almonds, brazil nuts, cashews, hazelnuts, filberts, macadamia nuts, pecans, pistachios, and walnuts; and

"Restaurant" means an establishment in which the principal business is the sale of food for consumption on the premises.

2. This act shall take effect on the first day of the fourth month next following the date of enactment, except that the Commissioner of Health may take any administrative action in advance thereof as may be necessary to implement the provisions of this act.

Approved January 8, 2018.

CHAPTER 271

AN ACT permitting smoking in certain facilities for the purpose of medical or health-related scientific research and amending P.L.2005, c.383.

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

1. Section 5 of P.L.2005, c.383 (C.26:3D-59) is amended to read as follows:

C.26:3D-59 Exceptions.

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

a. any cigar bar or cigar lounge that, in the calendar year ending December 31, 2004, generated 15% or more of its total annual gross income from the on-site sale of tobacco products and the rental of on-site humidors, not including any sales from vending machines, and is registered with the local board of health in the municipality in which the bar or lounge is located. The registration shall remain in effect for one year and shall be renewable only if: (1) in the preceding calendar year, the cigar bar or lounge generated 15% or more of its total annual gross income from the on-site sale of tobacco products and the rental of on-site humidors, and (2) the cigar bar or cigar lounge has not expanded its size or changed its location since December 31, 2004;

b. any tobacco retail establishment, or any area the tobacco retail establishment provides for the purposes of smoking;

c. any tobacco business when the testing of a cigar or pipe tobacco by heating, burning or smoking is a necessary and integral part of the process of making, manufacturing, importing or distributing cigars or pipe tobacco;

d. private homes, private residences and private automobiles;

e. the area within the perimeter of:

(1) any casino as defined in section 6 of P.L.1977, c.110 (C.5:12-6) approved by the Casino Control Commission that contains at least 150 stand-alone slot machines, 10 table games, or some combination thereof approved by the commission, which machines and games are available to the public for wagering; and

(2) any casino simulcasting facility approved by the Casino Control Commission pursuant to section 4 of P.L.1992, c.19 (C.5:12-194) that contains a simulcast counter and dedicated seating for at least 50 simulcast pa-

trons or a simulcast operation and at least 10 table games, which simulcast facilities and games are available to the public for wagering; and

f. research laboratories and other facilities that have been approved by the Department of Health to permit smoking for the purpose of medical research related to the health effects of smoking, in an indoor facility that is separately ventilated for the purpose of medical or scientific research that is conducted under physician supervision and has been approved by an Investigational Review Board (IRB), if the facility is used solely and exclusively for clinical research activities.

2. This act shall take effect immediately.

Approved January 8, 2018.

CHAPTER 272

AN ACT concerning uniform domestic violence policies for public employers and supplementing Title 11A of the New Jersey Statutes.

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

C.11A:2-6a Definitions relative to uniform domestic violence policies for public employers.

1. a. As used in this section:

"Commission" means the Civil Service Commission.

"Domestic violence" means domestic violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-19) and section 1 of P.L.2003, c.41 (C.17:29B-16).

"Employee" means an employee of a public employer.

"Human resources officer" means an employee of a public employer with a human resources job title, or its equivalent, who is responsible for orienting, training, counseling, and appraising staff.

"Public employer" means the State of New Jersey and any county, municipality, school district, or other political subdivision thereof, and any agency, authority, or instrumentality of the foregoing.

b. (1) The commission shall develop a uniform domestic violence policy, which all public employers shall adopt and distribute to their employees, regardless of whether a public employer is subject to the provisions of

Title 11A, Civil Service, of the New Jersey Statutes. A public employer may modify the uniform domestic violence policy to suit any unique needs of the public employer; provided, however, that the public employer's domestic violence policy shall not conflict with the provisions of paragraph (2) of this subsection. The commission shall review the uniform domestic violence policy periodically and shall require modification of the uniform domestic violence policy from time to time, as need may require.

(2) The commission shall provide that the uniform domestic violence policy, developed pursuant to this section, includes:

(a) a declaration encouraging employees who are victims of domestic violence to contact their human resources officer and seek assistance;

(b) a confidential method for employees to report domestic violence incidents to human resources officers;

(c) a confidentiality policy to which human resources officers receiving reports of domestic violence must adhere, unless a domestic violence incident poses an emergent danger to employees and the involvement of law enforcement is necessary;

(d) a listing of available State and local resources, support services, treatment options, advocacy and legal services, medical and counseling services, and law enforcement assistance services for domestic violence victims;

(e) a requirement that an employee's records pertaining to a domestic violence incident or domestic violence counseling be kept separate from the employee's other personnel records;

(f) an explanation of the requirements of the "New Jersey Security and Financial Empowerment Act," P.L.2013, c.82 (C.34:11C-1 et seq.); and

(g) a requirement for the public employer to develop a plan to identify, respond to, and correct employee performance issues that may be caused by a domestic violence incident.

(3) In the development of the uniform domestic violence policy, the commission shall ensure consultation with human resources officers, law enforcement personnel, prosecutors, social workers, and other persons trained in counseling, crisis intervention, or in the treatment of domestic violence victims.

c. The commission and the Division of Local Government Services in the Department of Community Affairs shall distribute the uniform domestic violence policy, and any modifications thereto, to public employers. The Director of the Division of Local Government Services shall release Local Finance Notices setting forth any changes to the uniform domestic violence policy, as changes occur.

2. This act shall take effect immediately.

Approved January 8, 2018.

CHAPTER 273

AN ACT concerning eligibility for emergency assistance and amending P.L.1997, c.14.

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

1. Section 8 of P.L.1997, c.14 (C.44:10-51) is amended to read as follows:

C.44:10-51 Provision of emergency assistance.

8. a. Emergency assistance shall be provided only to recipients of Work First New Jersey and persons receiving Supplemental Security Income pursuant to P.L.1973, c.256 (C.44:7-85 et seq.) in emergent situations. The standards for eligibility shall be established by the commissioner by regulation, except that emergency assistance shall be granted to an individual or family in which the individual or family is in a state of homelessness or imminent homelessness that, according to a signed attestation by the applicant, is the result of imminent or demonstrated domestic violence that may imperil the health and safety of the individual or family. Emergency assistance shall be provided for up to 12 cumulative months; except that:

(1) the commissioner may provide for an extension of emergency assistance for up to six additional months to a family with dependent children, if the commissioner determines that a case of extreme hardship exists. The commissioner shall review each such case on a monthly basis during the six-month period and shall continue the emergency assistance only if the commissioner determines, based upon the monthly review, that the extreme hardship continues to exist. If the extreme hardship continues to exist at the end of the six-month period, the commissioner may provide an additional six months of emergency assistance to no more than 10% of those families with dependent children which are receiving temporary rental assistance under the emergency assistance component of the program, based upon the most current data available; and

(2) the commissioner may provide for an extension of emergency assistance for up to six additional months to no more than 10% of single adults and couples without dependent children who are receiving temporary rental assistance under the emergency assistance component of the program, if the commissioner determines that a case of extreme hardship exists. The commissioner shall review each such case on a monthly basis during the six-month period and shall continue the emergency assistance only if the commissioner determines, based upon the monthly review, that the extreme hardship continues to exist.

Any form of emergency assistance provided pursuant to this section shall count toward the maximum period of emergency assistance allowed.

b. A person receiving emergency assistance shall contribute from the person's income toward the payment of all emergency shelter arrangements, including temporary housing and temporary rental assistance, in accordance with regulations adopted by the commissioner. As a condition of receipt of emergency assistance, a person shall be required to take all reasonable steps to end the person's dependency on emergency assistance and take all other actions required by the commissioner.

c. The commissioner shall adopt regulations to establish classifications for hotel or motel per diem rates in accordance with the level of enhanced services provided at a participating hotel or motel.

d. The provisions of this section shall apply to a person who receives general public assistance pursuant to P.L.1947, c.156 (C.44:8-107 et seq.) after the effective date of this act and is subsequently transferred directly into the Work First New Jersey program.

2. This act shall take effect immediately.

Approved January 8, 2018.

CHAPTER 274

AN ACT concerning harassment, intimidation, and bullying in school settings and supplementing P.L.2002, c.83 (C.18A:37-13 et seq.).

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

C.18A:37-16.1 Immunity for reporting harassment, intimidation, or bullying at certain private schools.

1. In the event that the State Board of Education requires approved private schools for students with disabilities to develop, adopt, and implement a policy prohibiting harassment, intimidation, or bullying on school grounds, a member of a board of directors or an employee of an approved private school for students with disabilities who promptly reports an incident of harassment, intimidation, or bullying to the appropriate school official designated by the school's policy or to any school administrator, and who makes this report in compliance with the procedures in the school's policy, is immune from a cause of action for damages arising from any failure to remedy the reported incident.

2. This act shall take effect immediately.

Approved January 8, 2018.

CHAPTER 275

AN ACT concerning smart growth, storm resiliency, and environmental sustainability and amending P.L.1975, c.291.

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

1. Section 19 of P.L.1975, c.291 (C.40:55D-28) is amended to read as follows:

C.40:55D-28 Preparation; contents; modification.

19. Preparation; contents; modification.

a. The planning board may prepare and, after public hearing, adopt or amend a master plan or component parts thereof, to guide the use of lands within the municipality in a manner which protects public health and safety and promotes the general welfare.

b. The master plan shall generally comprise a report or statement and land use and development proposals, with maps, diagrams and text, presenting, at least the following elements (1) and (2) and, where appropriate, the following elements (3) through (16):

(1) A statement of objectives, principles, assumptions, policies and standards upon which the constituent proposals for the physical, economic and social development of the municipality are based;

(2) A land use plan element

(a) taking into account and stating its relationship to the statement provided for in paragraph (1) hereof, and other master plan elements provided for in paragraphs (3) through (14) hereof and natural conditions, including, but not necessarily limited to, topography, soil conditions, water supply, drainage, flood plain areas, marshes, and woodlands;

(b) showing the existing and proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, open space, educational and other public and private purposes or combination of purposes including any provisions for cluster development; and stating the relationship thereof to the existing and any proposed zone plan and zoning ordinance;

(c) showing the existing and proposed location of any airports and the boundaries of any airport safety zones delineated pursuant to the "Air Safety and Zoning Act of 1983," P.L.1983, c.260 (C.6:1-80 et al.);

(d) including a statement of the standards of population density and development intensity recommended for the municipality;

(e) showing the existing and proposed location of military facilities and incorporating strategies to minimize undue encroachment upon, and conflicts with, military facilities, including but not limited to: limiting heights of buildings and structures nearby flight paths or sight lines of aircraft; buffering residential areas from noise associated with a military facility; and allowing for the potential expansion of military facilities; and

(f) including, for any land use element adopted after the effective date of P.L.2017, c.275, a statement of strategy concerning:

(i) smart growth which, in part, shall consider potential locations for the installation of electric vehicle charging stations,

(ii) storm resiliency with respect to energy supply, flood-prone areas, and environmental infrastructure, and

(iii)environmental sustainability;

(3) A housing plan element pursuant to section 10 of P.L.1985, c.222 (C.52:27D-310), including, but not limited to, residential standards and proposals for the construction and improvement of housing;

(4) A circulation plan element showing the location and types of facilities for all modes of transportation required for the efficient movement of people and goods into, about, and through the municipality, taking into account the functional highway classification system of the Federal Highway Administration and the types, locations, conditions and availability of existing and proposed transportation facilities, including air, water, road and rail;

(5) A utility service plan element analyzing the need for and showing the future general location of water supply and distribution facilities, drainage and flood control facilities, sewerage and waste treatment, solid waste disposal and provision for other related utilities, and including any storm water management plan required pursuant to the provisions of P.L.1981, c.32 (C.40:55D-93 et al.). If a municipality prepares a utility service plan element as a condition for adopting a development transfer ordinance pursuant to subsection c. of section 4 of P.L.2004, c.2 (C.40:55D-140), the plan element shall address the provision of utilities in the receiving zone as provided thereunder;

(6) A community facilities plan element showing the existing and proposed location and type of educational or cultural facilities, historic sites, libraries, hospitals, firehouses, police stations and other related facilities, including their relation to the surrounding areas;

(7) A recreation plan element showing a comprehensive system of areas and public sites for recreation;

(8) A conservation plan element providing for the preservation, conservation, and utilization of natural resources, including, to the extent appropriate, energy, open space, water supply, forests, soil, marshes, wetlands, harbors, rivers and other waters, fisheries, endangered or threatened species wildlife and other resources, and which systemically analyzes the impact of each other component and element of the master plan on the present and future preservation, conservation and utilization of those resources;

(9) An economic plan element considering all aspects of economic development and sustained economic vitality, including (a) a comparison of the types of employment expected to be provided by the economic development to be promoted with the characteristics of the labor pool resident in the municipality and nearby areas and (b) an analysis of the stability and diversity of the economic development to be promoted;

(10) An historic preservation plan element: (a) indicating the location and significance of historic sites and historic districts; (b) identifying the standards used to assess worthiness for historic site or district identification; and (c) analyzing the impact of each component and element of the master plan on the preservation of historic sites and districts;

(11) Appendices or separate reports containing the technical foundation for the master plan and its constituent elements;

(12) A recycling plan element which incorporates the State Recycling Plan goals, including provisions for the collection, disposition and recycling of recyclable materials designated in the municipal recycling ordinance, and for the collection, disposition and recycling of recyclable mate-

rials within any development proposal for the construction of 50 or more units of single-family residential housing or 25 or more units of multi-family residential housing and any commercial or industrial development proposal for the utilization of 1,000 square feet or more of land;

(13) A farmland preservation plan element, which shall include: an inventory of farm properties and a map illustrating significant areas of agricultural land; a statement showing that municipal ordinances support and promote agriculture as a business; and a plan for preserving as much farmland as possible in the short term by leveraging moneys made available by P.L.1999, c.152 (C.13:8C-1 et al.) through a variety of mechanisms including, but not limited to, utilizing option agreements, installment purchases, and encouraging donations of permanent development easements;

(14) A development transfer plan element which sets forth the public purposes, the locations of sending and receiving zones and the technical details of a development transfer program based on the provisions of section 5 of P.L.2004, c.2 (C.40:55D-141);

(15) An educational facilities plan element which incorporates the purposes and goals of the "long-range facilities plan" required to be submitted to the Commissioner of Education by a school district pursuant to section 4 of P.L.2000, c.72 (C.18A:7G-4); and

(16) A green buildings and environmental sustainability plan element, which shall provide for, encourage, and promote the efficient use of natural resources and the installation and usage of renewable energy systems; consider the impact of buildings on the local, regional and global environment; allow ecosystems to function naturally; conserve and reuse water; treat storm water on-site; and optimize climatic conditions through site orientation and design.

c. The master plan and its plan elements may be divided into subplans and subplan elements projected according to periods of time or staging sequences.

d. The master plan shall include a specific policy statement indicating the relationship of the proposed development of the municipality, as developed in the master plan to (1) the master plans of contiguous municipalities, (2) the master plan of the county in which the municipality is located, (3) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.) and (4) the district solid waste management plan required pursuant to the provisions of the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.) of the county in which the municipality is located.

In the case of a municipality situated within the Highlands Region, as defined in section 3 of P.L.2004, c.120 (C.13:20-3), the master plan shall include a specific policy statement indicating the relationship of the proposed development of the municipality, as developed in the master plan, to the Highlands regional master plan adopted pursuant to section 8 of P.L.2004, c.120 (C.13:20-8).

2. This act shall take effect immediately.

Approved January 8, 2018.

CHAPTER 276

AN ACT providing an exemption from the sales and use tax for sales of breast pumps, breast pump collection and storage supplies, and certain services to maintain and repair breast pumps, supplementing P.L.1966, c.30 (C.54:32B-1 et seq.).

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

C.54:32B-8.63 Tax exemption for certain breast pump supplies, repairs; definitions.

1. a. Receipts from sales of a breast pump, repair and replacement parts therefor, and breast pump collection and storage supplies to an individual purchaser for home use are exempt from the tax imposed under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

b. Receipts from charges for installing repair and replacement parts in, maintaining, servicing, or repairing a breast pump that is exempt from tax pursuant to subsection a. of this section are exempt from the tax imposed under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.).

c. Receipts from sales of a breast pump kit to an individual purchaser for home use are exempt from the tax imposed under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.), if the breast pump kit is comprised entirely of a breast pump and breast pump collection and storage supplies, or is comprised entirely of breast pump collection and storage supplies, that are exempt from tax pursuant to subsection a. of this section. If the breast pump kit is comprised of a breast pump, breast pump collec-

tion and storage supplies, and other taxable items of tangible personal property, or is comprised of breast pump collection and storage supplies and other taxable items of tangible personal property, the receipts from the sale of the breast pump kit are subject to tax unless the sales price of the other taxable items of tangible personal property packaged and sold with the breast pump kit at the time of sale is 10% or less of the total sales price of the breast pump kit.

d. For purposes of this section:

"Breast pump" means an electrically or manually controlled pump device used to express milk from a human breast during lactation. "Breast pump" includes the electrically or manually controlled pump device and any AC adapter or other external power supply unit packaged and sold with the pump device at the time of sale to power the pump device.

"Breast pump collection and storage supplies" means items of tangible personal property used in conjunction with a breast pump to collect milk expressed from a human breast and to store collected milk until it is ready for consumption. "Breast pump collection and storage supplies" include, but are not limited to: breast shields and breast shield connectors; breast pump tubes and tubing adapters; breast pump valves and membranes; backflow protectors and backflow protector adaptors; bottles and bottle caps specific to the operation of the breast pump; breast milk storage bags; and related items sold as part of a breast pump kit pre-packaged by the breast pump manufacturer. "Breast pump collection and storage supplies" does not include: bottles and bottle caps not specific to the operation of the breast pump; breast pump travel bags and other similar carrying accessories, including ice packs, labels, and other similar products, unless sold as part of a breast pump kit pre-packed by the breast pump manufacturer; breast pump cleaning supplies, unless sold as part of a breast pump kit prepackaged by the breast pump manufacturer; nursing bras, bra pads, breast shells, and other similar products; and creams, ointments, and other similar products that relieve breastfeeding-related symptoms or conditions of the breasts or nipples.

"Breast pump kit" means a pre-packaged set that contains one or more of the following items: a breast pump; breast pump collection and storage supplies; and other taxable items of tangible personal property that may be useful to initiate, support, or sustain breast-feeding using a breast pump during lactation.

2. This act shall take effect immediately; provided, however, that section 1 shall apply to receipts received from all sales made and services ren-

dered on or after the first day of the fourth month next following the date of enactment.

Approved January 8, 2018.

CHAPTER 277

AN ACT concerning transparency in the investment of State-administered pension funds, supplementing P.L.1968, c.23 (C.43:3C-1 et seq.), and amending P.L.1950, c.270.

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

C.43:3C-26 Adoption of uniform method to conduct, report regular stress test analyses of State-administered retirement systems.

1. a. The boards of trustees of the Teachers' Pension and Annuity Fund, established pursuant to N.J.S.18A:66-1 et seq., the Judicial Retirement System, established pursuant to P.L.1973, c.140 (C.43:6A-1 et seq.), the Public Employees' Retirement System, established pursuant to P.L.1954, c.84 (C.43:15A-1 et seq.), the Police and Firemen's Retirement System, established pursuant to P.L.1944, c.255 (C.43:16A-1 et seq.), and the State Police Retirement System, established pursuant to P.L.1965, c.89 (C.53:5A-1 et seq.), shall adopt a uniform method to conduct and report regular stress test analyses of these State-administered retirement systems. The uniform method adopted by the boards of trustees shall be a method recommended by an organization of actuaries in accordance with generally accepted and nationally recognized actuarial standards, and approved by a majority of the actuaries of the foregoing State-administered retirement systems. The stress test analyses shall provide a forward-looking projection, which considers the effects of long-term conditions and patterns of behavior of the investment market, to assess how well the investments of each State-administered retirement system are likely to perform in periods when market returns are significantly above or below baseline assumed returns. The stress test analyses shall include past investment performance data for each of the foregoing State-administered retirement systems for a minimum period of 25 years, including investment returns, both gross and net of fees, and returns by asset class.

b. The Division of Pensions and Benefits shall post, on its Internet website and in the same location as other reports and analyses produced by the division, the stress test analyses required pursuant to this section.

2. Section 13 of P.L.1950, c.270 (C.52:18A-91) is amended to read as follows:

C.52:18A-91 Powers and duties of State Investment Council.

13. a. The State Investment Council shall consult with the Director of the Division of Investment from time to time with respect to the work of the division. It shall have access to all files and records of the division and may require any officer or employee therein to provide such information as it may deem necessary in the performance of its functions. The council shall have authority to inspect and audit the respective accounts and funds administered through the Division of Investment. It shall formulate and establish, and may from time to time amend, modify or repeal, such policies as it may deem necessary or proper, which shall govern the methods, practices or procedures for investment, reinvestment, purchase, sale or exchange transactions to be followed by the Director of the Division of Investment established hereunder, except that the provisions of this subsection shall not apply to the operations account of Common Pension Fund L established pursuant to section 6 of P.L.2017, c.98 (C.5:9-22.10). Notwithstanding any provision of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the council may adopt, immediately upon filing with the Office of Administrative Law such policies and regulations relating to the investment account, established pursuant to section 6 of P.L.2017, c.98 (C.5:9-22.10), as are necessary to implement that section, which regulations shall be effective for a period not to exceed 12 months following adoption, and may thereafter be amended, adopted, or readopted by the council in accordance with the requirements of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

b. On or before January first of each year, and at such other times as it may deem in the public interest, the council shall report to the Governor, the Legislature, and the State Treasurer with respect to its work and the work of the Division of Investment. In addition to the reports specified above and in section 14 of P.L.1950, c.270 (C.52:18A-92), the council shall issue a report by March 1 of each year on the investment activities for the prior State fiscal year, which shall include a summary of the current investment policies and strategies of the council and those in effect during the prior State fiscal year, a detailed summary for each financial product of the

amount invested, performance benchmarks, and actual performance during the State fiscal year. The report shall be submitted to the Governor, the Legislature, and the State Treasurer, and shall be made available to the public through the official Internet site of the State. In addition, the council shall issue a report listing, in the aggregate and segregated by asset class, the investment returns achieved by the State-administered retirement system funds under the council's supervision by external managers. As part of any contract between the council and an external manager for the investment of State-administered retirement system funds executed after the effective date of P.L.2017, c.277, the council shall require the external manager to disclose the rate and amount of fees charged by the external manager, including performance-based earnings and carried interest. The council shall include such rate and fees in the council's report and shall submit the report to the boards of trustees of each State-administered retirement system mentioned in the report and to the Division of Pensions and Benefits, which shall post the report on its Internet website in the same location as other reports and analyses produced by the division.

c. The council shall hold a meeting each year that shall be open to the public, and shall accept comments from the public at such meeting. The matters that shall be open to discussion and public comment during this annual meeting shall include the investment policies and strategies of the council, the investment activities of the council, the financial disclosure statements filed by council members, and the certification of contributions filed by external managers, as well as other appropriate matters concerning the operations, activities and reports of the council.

d. An external manager shall be required to file a certification before being retained, and annually thereafter, that discloses the political contributions made, during the 12 months preceding the certification, by the manager or the manager's firm, or a political committee in which the manager or firm was active. The certification shall specify the political contributions made to candidates for elective public office in this State and any political committee established for the support of such candidates, and contributions made for the transition and inaugural expenses of any candidate who is elected to public office. As used in this subsection, "contribution" and "political committee" shall have the meaning set forth in "The New Jersey Campaign Contributions and Expenditures Reporting Act," P.L.1973, c.83 (C.19:44A-1 et al.). This certification shall be in addition to any other such disclosure required by law or executive order of the Governor.

3. This act shall take effect immediately.

Approved January 8, 2018.

CHAPTER 278

AN ACT concerning the Special Supplemental Nutrition Program for Women, Infants, and Children and supplementing Title 26 of the Revised Statutes.

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

C.26:1A-36.3d Farmers market vendor to participate in WIC.

1. The WIC Services Unit in the Department of Health shall authorize a farmers market vendor to participate as a vendor for the federal Special Supplemental Nutrition Program for Women, Infants, and Children if the vendor is authorized to participate as a farmers market in the federal Supplemental Nutrition Assistance Program and has not been deficient in its participation as specified by State and federal law and regulation.

The WIC Services Unit shall grant the authorization immediately upon receipt of documentation that the vendor is an authorized farmers market participant in the federal Supplemental Nutrition Assistance Program and shall not require any further documentation from the farmers market.

The WIC Services Unit shall not issue the authorization where doing so would be contrary to federal regulations or would jeopardize federal financial participation.

C.26:1A-36.3e Rules, regulations.

2. The Commissioner of Health may adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), in order to effectuate the purposes of this act.

3. This act shall take effect immediately.

Approved January 8, 2018.

CHAPTER 279

AN ACT providing for the issuance of "Equality" license plates and supplementing chapter 3 of Title 39 of the Revised Statutes.

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

C.39:3-27.150 "Equality" license plates.

1. a. Upon proper application, the Chief Administrator of the New Jersey Motor Vehicle Commission shall issue "Equality" license plates for any motor vehicle 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 Garden State Equality, LLC ("Garden State Equality") emblem, consisting of: an image of a silhouette of the mathematical equivalency sign in the background and the shape of the State of New Jersey in a circle in the foreground. The chief administrator shall select the design and color scheme, in consultation with Garden State Equality. The "Equality" 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 an "Equality" 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 a fee of $50, payable to the New Jersey Motor Vehicle Commission, which shall be in addition to the fees otherwise prescribed by law for the registration of a motor vehicle. The chief administrator shall collect annually, subsequent to the year of issuance of the "Equality" license plates, a $10 fee for the license plates in addition to the fees otherwise prescribed by law for the registration of a motor vehicle. The additional fees required by this subsection shall be deposited in the "Equality License Plate Fund" created pursuant to subsection c. of this section.

c. There is created in the Department of the Treasury a special nonlapsing fund to be known as the "Equality 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 Garden State Equality and shall be used to support lesbian, gay, bisexual, and transgender advocacy and educational programs in the

State. 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 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.279 (C.39:3-27.150 et seq.).

d. Prior to the deposit of the additional fees collected pursuant to subsection b. of this section into the "Equality 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 "Equality" license plates; and

(2) any computer programming changes that may be initially necessary to implement the "Equality" 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 "Equality" 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 "Equality" license plates.

e. The chief administrator shall notify eligible motorists of the opportunity to obtain "Equality" license plates by publicizing the availability of the license plates on the commission's website. Garden State Equality, and any other individual or entity designated by the organization, may publicize the availability of the "Equality" license plates in any manner that the organization deems appropriate.

f. The chief administrator and Garden State Equality shall develop and enter into a memorandum of agreement setting forth the procedures to be followed in carrying out their respective responsibilities under P.L.2017, c.279 (C.39:3-27.150 et seq.).

g. The Executive Director of Garden State Equality shall appoint a representative who shall act as a liaison between Garden State Equality and the commission. The liaison shall represent Garden State Equality in any and all communications with the commission regarding the "Equality" license plates established by P.L.2017, c.279 (C.39:3-27.150 et seq.).

C.39:3-27.151 Requirements for issuance of "Equality" license plates.

2. a. State or public funds shall not be used by the commission for the initial cost of:

(1) designing, producing, issuing, and publicizing the availability of "Equality" license plates; or

(2) any computer programming changes which may be necessary to implement the "Equality" license plate program established by P.L.2017, c.279 (C.39:3-27.150 et seq.).

b. Garden State Equality, or the individual or entity designated by Garden State Equality, 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 "Equality" license plates, and any computer programming which may be necessary to implement the program. Concerned organizations and individual donors may contribute monies to Garden State Equality to be used to offset the initial costs incurred by the commission for the "Equality" license plates authorized by P.L.2017, c.279 (C.39:3-27.150 et seq.). Any amount remaining after the payment of the initial cost shall be deposited in the "Equality License Plate Fund" established pursuant to subsection c. of section 1 of P.L.2017, c.279 (C.39:3-27.150).

c. The commission shall not begin designing, producing, issuing, or publicizing the availability of "Equality" license plates, or making any necessary programming changes, until the following requirements have been met:

(1) Garden State Equality, or the individual or entity designated by Garden State Equality, 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 "Equality" license plate program; and

(2) The liaison appointed by Garden State Equality pursuant to subsection g. of section 1 of P.L.2017, c.279 (C.39:3-27.150) has provided the commission with not less than 500 completed applications for "Equality" license plates. These applications shall constitute the initial order for

"Equality" 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.279 (C.39:3-27.150).

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 this act have been satisfied. The chief administrator may take anticipatory acts in advance of that date as may be necessary for the timely implementation of this act. This act shall expire if the conditions set forth in paragraphs (1) and (2) of subsection c. of section 2 of this act are not satisfied by the last day of the 12th month following enactment.

Approved January 8, 2018.

CHAPTER 280

AN ACT concerning oaths and amending P.L.1982, c.221.

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

1. Section 1 of P.L.1982, c.221 (C.41:2-3.2) is amended to read as follows:

C.41:2-3.2 State detectives, investigators, certain, administration of oaths.

1. State detectives and investigators assigned to the Division of Criminal Justice or the Division of State Police may administer oaths, if the oaths are administered only in relation to a matter involving a violation or an attempted violation of the criminal laws of this State.

2. This act shall take effect immediately.

Approved January 8, 2018.

CHAPTER 281

AN ACT concerning the licensing and supervision of radiologist assistants, amending P.L.1981, c.295 and supplementing chapter 9 of Title 45 of the Revised Statutes.

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

1. Section 3 of P.L.1981, c.295 (C.26:2D-26) is amended to read as follows:

C.26:2D-26 Definitions.

3. As used in this act:

a. "Board" means the Radiologic Technology Board of Examiners created pursuant to section 5 of P.L.1981, c.295 (C.26:2D-28).

b. "License" means a certificate issued by the board authorizing the licensee to use equipment emitting ionizing radiation on human beings for diagnostic or therapeutic purposes in accordance with the provisions of this act.

c. "Chest x-ray technologist" means a person, other than a licensed practitioner, whose practice of radiologic technology is limited to the chest area for diagnostic purposes only.

d. "Commissioner" means the Commissioner of Environmental Protection.

e. "Dental x-ray technologist" means a person, other than a licensed practitioner, whose practice of radiologic technology is limited to intraoral radiography for diagnostic purposes only.

f. "Health physicist" means a person who is certified by the American Board of Health Physics or the American Board of Radiology in radiation physics.

g. "Licensed practitioner" means a person licensed or otherwise authorized by law to practice medicine, dentistry, dental hygiene, podiatric medicine, osteopathy or chiropractic.

h. "Radiation therapy technologist" means a person, other than a licensed practitioner, whose application of radiation on human beings is for therapeutic purposes.

i. "Diagnostic x-ray technologist" means a person, other than a licensed practitioner, whose application of radiation on human beings is for diagnostic purposes.

j. "Radiologic technologist" means any person who is licensed pursuant to this act.

k. "Radiologic technology" means the use of equipment emitting ionizing radiation on human beings for diagnostic or therapeutic purposes under the supervision of a licensed practitioner.

l. "Podiatric x-ray technologist" means a person, other than a licensed practitioner, whose practice of radiologic technology is limited to the operation of x-ray machines as used by podiatrists on the lower leg, foot and ankle area for diagnostic purposes only.

m. "Orthopedic x-ray technologist" means a person, other than a licensed practitioner, whose practice of radiologic technology is limited to the spine and extremities for diagnostic purposes only.

n. "Urologic x-ray technologist" means a person, other than a licensed practitioner, whose practice of radiologic technology is limited to the abdomen and pelvic area for diagnostic purposes only.

o. "Radiologist" means a licensed practitioner specializing in radiology certified by the American Board of Radiology, the American Osteopathic Board of Radiology or other national radiologic certifying body approved by the board.

p. "Radiologist assistant" means a person, other than a licensed practitioner, who is a licensed radiologic technologist, is certified and registered with a national radiologic certifying body approved by the board, and is credentialed to provide primary advanced-level radiology health care under the supervision of a licensed radiologist.

2. Section 4 of P.L.1981, c.295 (C.26:2D-27) is amended to read as follows:

C.26:2D-27 X-ray technologist licenses.

4. a. Except as hereinafter provided, no person other than a licensed practitioner or the holder of a license as provided in this act shall use x-rays on a human being.

b. A person holding a license as a diagnostic x-ray technologist may use the title "licensed radiologic technologist" or the letters (LRT) (R) after his name. No other person shall be entitled to use the title or letters, or any other title or letters after his name that indicate or imply that he is a licensed diagnostic x-ray technologist; nor may any person hold himself out in any way, whether orally or in writing, expressly or by implication, as a licensed diagnostic technologist.

c. A person holding a limited license as a chest x-ray technologist may use the title "licensed chest x-ray technologist" or the letters (LRT) (C) after his name. No other person shall be entitled to use the title or letters, or

any other title or letters after his name that indicate or imply that he is a licensed chest x-ray technologist; nor may any person hold himself out in any way, whether orally or in writing, expressly or by implication, as a licensed chest x-ray technologist.

d. A person holding a limited license as a dental x-ray technologist may use the title "licensed dental x-ray technologist" or the letters (LRT) (D) after his name. No other person shall be entitled to use the title or letters, or any other title or letters after his name that indicate or imply that he is a licensed dental x-ray technologist; nor may any person hold himself out in any way, whether orally or in writing, expressly or by implication, as a licensed dental x-ray technologist.

e. A person holding a license as a radiation therapy technologist may use the title "licensed therapy technologist" or (LRT) (T) after his name. No other person shall be entitled to use the title or letters, or any other title or letters after his name that indicate or imply that he is a licensed therapy technologist; nor may any person hold himself out in any way, whether orally or in writing, expressly or by implication, as a licensed therapy technologist.

f. A person holding a license as provided by this act shall use medical equipment emitting ionizing radiation on human beings only for diagnostic or therapeutic purposes on a case by case basis at the specific direction of a licensed practitioner, and only if the application of the equipment is limited in a manner hereinafter specified.

g. Nothing in the provisions of this act relating to radiologic technologists shall be construed to limit, enlarge or affect, in any respect, the practice of their respective professions by duly licensed practitioners.

h. The requirement of a license shall not apply to a hospital resident specializing in radiology, who is not a licensed practitioner in the State of New Jersey, or a student enrolled in and attending a school or college of medicine, osteopathy, podiatric medicine, dentistry, dental hygiene, dental assistance, chiropractic or radiologic technology, who applies radiation to a human being while under the direct supervision of a licensed practitioner.

i. A person holding a license as a diagnostic x-ray technologist and a license as a radiation therapy technologist may use the letters (LRT) (R) (T) after his name.

j. A person holding a limited license as a podiatric x-ray technologist may use the title "licensed podiatric x-ray technologist" or the letters (LRT) (P) after his name. No other person shall be entitled to use the title or letters, or any other title or letters after his name that indicate or imply that he is a licensed podiatric x-ray technologist; nor may any person hold himself

out in any way, whether orally or in writing, expressly or by implication, as a licensed podiatric x-ray technologist.

k. A person holding a limited license as an orthopedic x-ray technologist may use the title "licensed orthopedic x-ray technologist" or the letters (LRT) (O) after his name. No other person shall be entitled to use the title or letters, or any other title or letters after his name that indicate or imply that he is a licensed orthopedic x-ray technologist; nor may any person hold himself out in any way, whether orally or in writing, expressly or by implication, as a licensed orthopedic x-ray technologist.

l. A person holding a limited license as a urologic x-ray technologist may use the title "licensed urologic x-ray technologist" or the letters (LRT) (U) after his name. No other person shall be entitled to use the title or letters, or any other title or letters after his name that indicate or imply that he is a licensed urologic x-ray technologist; nor may any person hold himself out in any way, whether orally or in writing, expressly or by implication, as a licensed urologic x-ray technologist.

m. A person holding a limited license as a radiologist assistant may use the title “licensed radiologist assistant” or the letters (RA) after the person’s name. No other person shall be entitled to use the title or letters, or any other title or letters after the person’s name that indicate or imply that the person is a licensed radiologist assistant; nor may any person represent in any way, whether orally or in writing, expressly or by implication, that such person is a licensed radiologist assistant.

3. Section 6 of P.L.1981, c.295 (C.26:2D-29) is amended to read as follows:

C.26:2D-29 Qualifications.

6. a. The board shall admit to examination for licensing any applicant who shall pay to the department a nonrefundable fee established by rule of the commission and submit satisfactory evidence, verified by oath or affirmation, that the applicant:

(1) At the time of application is at least 18 years of age;

(2) Is of good moral character;

(3) Has successfully completed a four-year course of study in a secondary school approved by the State Board of Education, or passed an approved equivalency test.

b. In addition to the requirements of subsection a. hereof, any person seeking to obtain a license in a specific area of radiologic technology shall comply with the following requirements:

(1) Each applicant for a license as a diagnostic x-ray technologist (LRT (R)) shall have satisfactorily completed a 24-month course of study in radiologic technology approved by the board or its equivalent, as determined by the board.

(2) Each applicant for a license as a radiation therapy technologist (LRT(T)) shall have satisfactorily completed a 24-month course in radiation therapy technology approved by the board or the equivalent of such, as determined by the board.

(3) Each applicant for a license as a chest x-ray technologist (LRT(C)) shall have satisfactorily completed the basic curriculum for chest radiography as approved by the board or its equivalent, as determined by the board.

(4) Each applicant for a license as a dental x-ray technologist (LRT(D)) shall have satisfactorily completed the curriculum for dental radiography as approved by the board or its equivalent, as determined by the board.

(5) Each applicant for a license as a podiatric x-ray technologist (LRT(P)) shall have satisfactorily completed the basic curriculum for podiatric radiography as approved by the board or its equivalent, as determined by the board.

(6) Each applicant for a license as an orthopedic x-ray technologist (LRT(O)) shall have satisfactorily completed the basic curriculum for orthopedic radiography as approved by the board or its equivalent, as determined by the board.

(7) Each applicant for a license as an urologic x-ray technologist (LRT(U)) shall have satisfactorily completed the basic curriculum for urologic radiography as approved by the board or its equivalent, as determined by the board.

(8) Each applicant for a license as a radiologist assistant (RA) shall have satisfactorily completed the basic curriculum for a radiologist assistant as approved by the board or its equivalent, as determined by the board.

c. The board shall establish criteria and standards for programs of diagnostic or radiation therapy and approve these programs upon a finding that the standards and criteria have been met.

4. Section 7 of P.L.1981, c.295 (C.26:2D-30) is amended to read as follows:

C.26:2D-30 Training programs.

7. a. The program of diagnostic x-ray technology shall be at least a 24-month course or its equivalent, as determined by the board. The curriculum for this course may follow the Commission on Accreditation of Allied

Health Education Programs (CAAHEP) standards; provided that the standards are not in conflict with board policies.

b. The program of radiation therapy technology shall be at least a 24-month course of study or its equivalent, as determined by the board. The curriculum for the course may follow the Commission on Accreditation of Allied Health Education Programs (CAAHEP) standards; provided that the standards are not in conflict with board policies.

c. The board shall establish criteria and standards for programs of chest radiography, podiatric radiography, orthopedic radiography, urologic radiography, dental radiography, and radiologist assistants and approve the programs upon a finding that the standards and criteria have been met.

d. An approved program of radiologic technology may be offered by a medical or educational institution or other public or private agency or institution, and, for the purpose of providing the requisite clinical experience, shall be affiliated with one or more hospitals that, in the opinion of the board, are likely to provide the experience.

5. Section 12 of P.L.1981, c.295 (C.26:2D-35) is amended to read as follows:

C.26:2D-35 Employment of unlicensed radiologic technologist, assistant.

a. No person shall knowingly or negligently employ as a radiologic technologist any person who requires and does not possess a valid license to engage in the activities of a radiologic technologist.

b. No person shall knowingly or negligently employ as a radiologist assistant any person who requires and does not possess a valid license to engage in the activities of a radiologist assistant.

C.45:9-2.1 Permitted duties of radiologist assistants; definitions; regulations.

6. a. Radiologist assistants may, under the supervision of a licensed radiologist, perform delegated fluoroscopic procedures in accordance with rules promulgated by the State Board of Medical Examiners, provided that such practice is authorized pursuant to regulations promulgated by the Radiologic Technology Board of Examiners, in the Department of Environmental Protection.

b. For purposes of this section:

(1) "Delegated fluoroscopic procedures" means the use of fluoroscopic equipment to perform any of the following procedures to the extent approved by the State Board of Medical Examiners: esophageal study; swallowing function study; upper gastrointestinal study; small bowel study; barium enema lower gastrointestinal study; nasogastric/enteric and oroenter-

ic/enteric tube placement; t-tube cholangiogram; chest fluoroscopy; hysterosalpingogram procedure and imaging; Antegrade Pyelogram; arthrogram, joint injection and aspiration; cystography or voiding cystourethrography (catheter placement); loopography; lumbar puncture with contrast; myelogram; abcess, fistula, sinus tract study; paracentesis; thoracentesis; venous access ports; tunneled and non-tunneled central venous catheters; tunneled and non-tunneled peripherally inserted central venous catheters; and tunneled and non-tunneled chest and abdominal drainage catheters; and

(2) "Radiologist assistant" means a person, other than a licensed practitioner, who is a licensed radiologic technologist, is certified and registered with a national radiologic certifying body approved by the Radiologic Technology Board of Examiners created pursuant to section 5 of P.L.1981, c.295 (C.26:2D-28), and is credentialed to provide primary advanced-level radiology health care under the supervision of a licensed radiologist.

c. The State Board of Medical Examiners shall promulgate regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to implement this section, including but not limited to approving specific delegated fluoroscopic procedures that a radiologist assistant may perform and establishing the level of supervision necessary for a radiologist assistant to perform any of the approved delegated fluoroscopic procedures.

7. This act shall take effect on the 180th day next following enactment, except that the Radiologic Technology Board of Examiners and State Board of Medical Examiners may take such anticipatory actions as may be necessary to effectuate the provisions of this act.

Approved January 8, 2018.

CHAPTER 282

AN ACT concerning tax credits for certain business headquarters located in this State and supplementing P.L.1974, c.80 (C.34:1B-1 et seq.).

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

C.34:1B-256 Findings, declarations relative to tax credits for certain business headquarters.

1. The Legislature finds and declares that:

a. (1) the Grow New Jersey Assistance Program (Grow Program) is the State's premier job creation and retention business incentive program that offers eligible businesses creating or retaining jobs in New Jersey tax credits for making certain capital investments at certain locations in the State;

(2) according to the New Jersey Economic Development Authority (authority), the State agency that administers the Grow Program, as of the end of July 2017, the authority approved 229 projects, amounting to more than $4.4 billion in tax credits to be awarded after these businesses create or retain jobs and make capital investments;

(3) the authority reports that, collectively, these eligible businesses are to make a total capital investment of $3.85 billion, create 28,800 new full-time jobs, retain 30,420 jobs at risk of leaving the State, and create 15,730 estimated construction jobs, having an estimated net benefit to the State of $13.4 billion; and

(4) although the Grow Program is achieving its intended result of having businesses locate in the commercial areas of the State's cities and shuttered suburban office parks, thereby revitalizing these commercial areas, the State has opportunities from time to time to attract corporate headquarters that have the effect of transforming the economy of a region of the State.

b. Therefore, the Legislature determines that it is in the economic interest of the residents of this State that a new, enhanced business incentive program be created to supplement the Grow Program, where an eligible business creating at least 30,000 new, full-time, high-paying jobs and making a capital investment of at least $3 billion at a site in this State, be awarded an enhanced amount of tax credits by the authority for undertaking the construction of a corporate headquarters that has the effect of transforming the economy of a region of the State.

C.34:1B-257 Definitions relative to tax credits for certain business headquarters.

2. As used in P.L.2017, c.282 (C.34:1B-256 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 (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 (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.

"Authority" means the New Jersey Economic Development Authority established by section 4 of P.L.1974, c.80 (C.34:1B-4).

"Business" means an applicant proposing to own or lease premises in a transformative corporate headquarters 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), 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 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 transformative corporate headquarters 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; and

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.

In addition to the foregoing, if a business acquires or leases a transformative corporate headquarters, the capital investment made or acquired by the seller or owner, as the case may be, if pertaining primarily to the premises of the transformative corporate headquarters, shall be considered a capital investment by the business and, if pertaining generally to the transformative corporate headquarters being acquired or leased, shall be allocated to the premises of the transformative corporate headquarters on the basis of the gross leasable area of the premises in relation to the total gross leasable area in the transformative corporate headquarters. 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 transformative corporate headquarters 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 transformative corporate headquarters made or acquired prior to the date of application.

"Commitment period" means the period of time that is one and a half times the eligibility period for each applicable phase agreement.

"Director" means the Director of the Division of Taxation in the Department of the Treasury.

"Eligibility period" means the period in which a business may claim a tax credit under the Transformative Headquarters Economic Assistance Program for a given project phase, 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 respective phase of the 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 new full-time position at a transformative corporate headquarters, which the business has filled with a full-time employee of that business.

"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; and

b. who is provided, by the business, with employee health benefits under a health benefits plan authorized pursuant to State or federal law.

"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 the transformative corporate headquarters 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 the application was not provided, by the business, with employee health benefits under a health benefits plan authorized pursuant to State or federal law.

"Government entity" means the State government, a local unit of government, or a State or local government agency or authority.

"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 Transformative Headquarters Economic Assistance Program.

"Incentive phase agreement" means a sub-agreement of the incentive agreement that governs the timing, capital investment, employment levels, and other applicable details of the respective phase.

"Incentive phase agreement effective date" means the date the authority issues a tax credit for a portion of the total tax credits awarded proportion-

ate to the number of new full-time jobs created during the respective phase, based on documentation submitted by a business pursuant to subsection a. of section 6 of P.L.2017, c.282 (C.34:1B-261).

"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.

"New full-time job" means an eligible position created by the business at the transformative corporate headquarters that did not previously exist in this State.

"Program" means the "Transformative Headquarters Economic Assistance Program" established pursuant to section 3 of P.L.2017, c.282 (C.34:1B-258).

"Providing public infrastructure" means:

a. undertaking and paying for the construction of public infrastructure;

b. contributing money or paying debt service for the construction of public infrastructure; or

c. deeding land to a government entity for use as public infrastructure.

"Public infrastructure" means:

a. buildings and structures such as: schools; fire houses; police stations; recreation centers; public works garages; and water and sewer treatment and pumping facilities;

b. open space with improvements such as: athletic fields; playgrounds; and planned parks;

c. open space without improvements;

d. public transportation facilities such as: train stations and public parking facilities; and

e. sidewalks, streets, roads, ramps, and jug handles.

To qualify as "public infrastructure," the facilities, land, or both, shall have a minimum fair market value of $5,000,000; provided, however, that multiple lands and facilities, valued individually at less than $5,000,000, that are part of the same redevelopment project may be aggregated to achieve the minimum $5,000,000 requirement. In the case of open space without improvements, the land shall have a minimum fair market value of at least $1,000,000 prior to its dedication as open space.

"Qualified business facility" means within any building, complex of buildings or structural components of buildings, and all machinery and

equipment, at one or more sites zoned for that purpose located anywhere within this State, used in connection with the operation of a business.

"Transformative corporate headquarters" or "headquarters" means the corporate headquarters of a business that is a qualified business facility at which the business intends to create at least 30,000 new full-time jobs and make at least $3,000,000,000 in capital investment.

C.34:1B-258 Transformative Headquarters Economic Assistance Program.

3. a. The Transformative Headquarters Economic Assistance Program is hereby established as a program under the jurisdiction of the New Jersey Economic Development Authority and shall be administered by the authority. The purpose of the program shall be to encourage economic development and job creation in New Jersey by providing tax credits to a business establishing a transformative corporate headquarters in this State, at which at least 30,000 new full-time jobs will be created and at least $3,000,000,000 in capital investment will be made. To implement this purpose, the program may provide tax credits claimed by an eligible business for an eligibility period not to exceed 10 years per project phase.

b. To be eligible for any tax credits pursuant to P.L.2017, c.282 (C.34:1B-256 et seq.), a business's chief executive officer or equivalent officer shall demonstrate to the authority, at the time of application, that:

(1) the business, expressly including its landlord or seller, will make, acquire, or lease a capital investment equal to, or greater than, $3,000,000,000 at a transformative corporate headquarters at which it intends to create new full-time jobs in an amount equal to or greater than 30,000;

(2) the transformative corporate headquarters shall be constructed in accordance with the minimum environmental and sustainability standards as determined by the authority;

(3) (a) the capital investment resultant from the award of tax credits and the resultant creation of full-time jobs will yield a net positive benefit to the State equaling at least 115 percent of the requested tax credit allocation amount where the net positive benefit determination shall be calculated for each phase and based on the benefits generated during a period of up to 50 years following completion of each phase of the transformative corporate headquarters, as determined by the authority, and shall equal at least 115 percent of the requested tax credit allocation amount;

(b) an individual phase may generate a net benefit of less than 115 percent of the tax credit allocation amount, provided that the total of all phases calculated up to that point, including the current phase, is at least 115 percent; and

(c) the calculation of future phases of the headquarters shall not be used to claim a net positive benefit to the State equaling at least 115 percent of the requested tax credit allocation amount towards the calculation of the current phase; and

(4) the award of tax credits will be a material factor in the business's decision to create at least 30,000 new full-time jobs at the headquarters for eligibility under the program.

c. The minimum capital investment required to be eligible under the program shall be $120 per square foot of gross leasable area for construction of a transformative corporate headquarters.

d. To assist the authority in determining whether a proposed capital investment will yield a net positive benefit, the business's chief executive officer, or equivalent officer, shall submit a certification to the authority indicating:

(1) that any projected creation of new full-time jobs at a transformative corporate headquarters would not occur but for the provision of tax credits under the program; and

(2) that the business's chief executive officer, or equivalent officer, has reviewed the information submitted to the authority and that the representations contained therein are accurate, provided however, that in satisfaction of the provisions of paragraphs (2) and (3) of subsection b. of this section, the certification shall indicate that the provision of tax credits under the program is a material factor in the business decision to create the minimum number of new full-time jobs set forth in the business's application and make a minimum amount of capital investment of $3,000,000,000 at a transformative corporate headquarters.

In the event that this certification by the business's chief executive officer, or equivalent officer, is found to be willfully false, the authority may revoke any award of tax credits in their entirety, which revocation shall be in addition to any other criminal or civil penalties that the business and the officer may be subject to.

C.34:1B-259 Incentive agreement prior to issuance of tax credits.

4. The authority shall require an eligible business to enter into an incentive agreement prior to the issuance of tax credits. The incentive agreement shall include, but not be limited to, the following:

a. a detailed description of the proposed transformative corporate headquarters, including the phases for completion of the headquarters and the number of new full-time jobs that are approved for tax credits;

b. an incentive phase agreement which for each phase, identifies a description of the phase, the expected capital investment and number of new full-time jobs, and the time following acceptance of the incentive agreement when each phase is to begin and be completed, with the awarding of tax credits under the incentive agreement to be predicated on the number of full-time jobs created through the fulfillment of each incentive phase agreement;

c. the eligibility period of the tax credits for each phase, including the first year for which the tax credits may be claimed;

d. personnel information that will enable the authority to administer the program;

e. (1) a requirement that the applicant maintain each phase of the headquarters at a location in New Jersey for the commitment period and a provision to permit the authority to recapture all or part of any tax credits awarded, at its discretion, if the business does not remain in compliance with this provision for the required term according to the incentive phase agreement schedule required pursuant to subsection b. of this section;

(2) a provision which requires the applicant to complete a number of phases of the headquarters equal to 30,000 new full-time jobs and $3,000,000,000 in capital investment prior to the 20th year following authority approval of the incentive agreement and a provision setting forth the requirements pursuant to subsection c. of section 8 of P.L.2017, c.282 (C.34:1B-263) in the event the headquarters fails to achieve the required employment level of new full-time jobs or capital investment by the 20th year of the incentive agreement;

(3) a provision that up to $25,000,000 of the tax credits awarded to the business may be sold annually, pursuant to subsection c. of section 7 of P.L.2017, c.282 (C.34:1B-262), to a third party, provided that the maximum amount of tax credits the business may sell shall be $500,000,000, and that the proceeds from the sales of tax credit are used for providing public infrastructure;

(4) a provision that each phase shall have a minimum investment of $300,000,000 and that the first phase shall employ a minimum of 5,000 new full-time jobs; and

(5) in the instance of the business terminating an existing incentive agreement in order to participate in an incentive agreement authorized pursuant to P.L.2017, c.282 (C.34:1B-256 et seq.), the permitted recapture may be calculated to recognize the period of time that the business was in compliance prior to termination.

f. a method for the business to certify that the business has met the employment and capital investment requirements of the program, pursuant to incentive phase agreements and the incentive agreement towards the headquarters completion and job creation schedule, and to report annually to the authority the number of new full-time employees against which the tax credits are to be made;

g. a provision permitting an audit of the payroll records of the business from time to time, as the authority deems necessary;

h. a provision which permits the authority to amend the agreement; and

i. a provision establishing the conditions under which the agreement may be terminated.

C.34:1B-260 Total amount of tax credit.

5. a. The total amount of the tax credit awarded for an eligible business for each new full-time job shall be $10,000 per year for 10 years. The total tax credit amount shall be calculated and credited to the business annually for each year of the eligibility period following the creation of the full-time job pursuant to the incentive phase agreements.

b. Following the enactment of P.L.2017, c.282 (C.34:1B-256 et seq.), there shall be no monetary cap on the value of credits approved by the authority attributable to the program.

C.34:1B-261 Application for tax credits.

6. a. (1) A business shall submit an application for tax credits to the authority prior to July 1, 2019. If the business requests additional time to submit its application, the authority shall have the discretion to grant one six-month extension of this deadline. A business shall submit its documentation indicating that it has met the capital investment and employment requirements for the first phase, as specified in the incentive agreement and the incentive phase agreement, for certification of its tax credit amount within three years following the date of approval of its application by the authority. The authority shall have the discretion to grant two, one-year extensions of this deadline.

(2) Full-time employment for a tax period shall be determined as the average of the monthly full-time employment for the tax period.

b. In conducting its annual review, the authority may require a business to submit any information determined by the authority to be necessary and relevant to its review.

C.34:1B-262 Application of tax credit against tax liability.

7. a. The total tax credit amount calculated and credited to the business annually for each year of the eligibility period may be applied against the tax liability otherwise due and required to be paid by the business pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and 54:18A-3), section 1 of P.L.1950, c.231 (C.17:32-15), or N.J.S.17B:23-5 for the privilege period or the tax accounting period of the business that coincides with the year of the business's eligibility period for which the tax credit has been issued.

b. The order of priority of the application of the tax credit issued to a business by the authority pursuant to section 5 of P.L.2017, c.282 (C.34:1B-260), and any other tax credits allowed by law, shall be as prescribed by the director. The amount of the tax credit applied under this section against the tax imposed pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and 54:18A-3), section 1 of P.L.1950, c.231 (C.17:32-15), or N.J.S.17B:23-5 for the privilege period or the tax accounting period, with any other credits allowed by law, shall not reduce the tax liability otherwise due and required to be paid to an amount less than zero. If the tax credit issued to a business exceeds the amount of tax otherwise due and required to be paid, the amount of that excess may be carried over, if necessary, to the 50 privilege periods or tax accounting periods following the privilege period or taxable year for which the tax credit is first allowed to be applied.

c. A business issued an annual installment of a tax credit may apply to the authority and the director for a tax credit transfer certificate in lieu of the business being allowed any amount of the tax credit against the tax liability otherwise due and required to be paid by the business, subject to the limitations on the annual and total amounts of tax credits that may be sold pursuant to paragraph (3) of subsection e. of section 4 of P.L.2017, c.282 (C.34:1B-259). The tax credit transfer certificate, upon receipt thereof by the business from the authority and the director, may be sold or assigned, in full or in part, to any other person that may have a tax liability pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and 54:18A-3), section 1 of P.L.1950, c.231 (C.17:32-15), or N.J.S.17B:23-5. The certificate issued to the business shall include a statement waiving the business's right to claim that amount of the annual installment of the tax credit against the taxes that the business has elected to sell or assign. The sale or assignment of any amount of a tax credit transfer certificate allowed pursuant to this subsection shall not be sold or exchanged for consideration received by the business of less than 75 percent

of the transferred tax credit amount. The amount of any tax credit transfer certificate used by a purchaser or assignee against a tax liability otherwise due and required to be paid shall be subject to the same limitations and conditions that apply to the use of the credit by the business that was issued the annual installment of the tax credit.

C.34:1B-263 Forfeiture, reduction of tax credit.

8. a. If, in any tax period, the number of new full-time employees employed by the business at the headquarters drops below 80 percent of the number of new full-time jobs specified in the incentive phase agreements for all phases completed, then the business shall forfeit its credit amount for that tax period and each subsequent tax period, until the first tax period for which documentation demonstrating the restoration of the number of full-time employees employed by the business at the headquarters to 80 percent of the number of jobs specified in the incentive phase agreements for all phases completed.

b. If the headquarters is sold by the owner in whole or in part during the eligibility period, the new owner shall not acquire the capital investment of the seller and the seller shall forfeit all credits for the tax period in which the sale occurs and all subsequent tax periods, provided however, that any credits of the business shall remain unaffected.

c. If the headquarters fails to achieve an employment level of 30,000 new full-time jobs or a capital investment of at least $3,000,000,000 by the 20th year of the incentive agreement, then the business shall not receive any tax credits for an incomplete phase, and for a completed phase, if the total employment achieved is between:

(1) 20,000 and 29,999 new full-time jobs, the amount of tax credits shall be reduced to $7,000 per employee per year;

(2) 10,000 and 19,999 new full-time jobs, the amount of tax credits shall be reduced to $5,000 per employee per year; and

(3) 5,000 and 9,999 new full-time jobs, the amount of tax credits shall be reduced to $3,000 per employee per year.

The business shall repay any amount of tax credits allowed prior to the 20th year of the incentive agreement that is in excess of the amount calculated based on the reduced tax credit first by forfeiting any tax credit amounts carried over, pursuant to subsection b. of section 7 of P.L.2017, c.282 (C.34:1B-262), and then by payment of current funds.

C.34:1B-264 Rules, regulations.

9. 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 and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as are necessary to implement P.L.2017, c.282 (C.34:1B-256 et seq.), including but not limited to:

(1) examples of and the determination of capital investment at the headquarters;

(2) the determination of the limits, if any, on the expense or type of furnishings that may constitute capital improvements;

(3) 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 headquarters; and

(4) 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 a headquarters shall be constructed or renovated in compliance with the minimum environmental and sustainability standards.

10. This act shall take effect immediately.

Approved January 11, 2018.

CHAPTER 283

AN ACT concerning surgical practices and amending P.L.1971, c.136, P.L.1989, c.19, and P.L.2009, c.24.

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

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

C.26:2H-12 Operation, requirements for certain health care facilities; application for license; fee.

12. a. No health care service or health care facility shall be operated unless it shall: (1) possess a valid license issued pursuant to this act, which license shall specify the kind or kinds of health care services the facility is authorized to provide; (2) establish and maintain a uniform system of cost accounting approved by the commissioner; (3) establish and maintain a uniform system of reports and audits meeting the requirements of the commissioner; (4) prepare and review annually a long range plan for the provision

of health care services; and (5) establish and maintain a centralized, coordinated system of discharge planning which assures every patient a planned program of continuing care and which meets the requirements of the commissioner which requirements shall, where feasible, equal or exceed those standards and regulations established by the federal government for all federally-funded health care facilities but shall not require any person who is not in receipt of State or federal assistance to be discharged against his will.

b. (1) Application for a license for a health care service or health care facility shall be made upon forms prescribed by the department. The department shall charge a single, nonrefundable fee for the filing of an application for and issuance of a license and a single, nonrefundable fee for any renewal thereof, and a single, nonrefundable fee for a biennial inspection of the facility, as it shall from time to time fix in rules or regulations; provided, however, that no such licensing fee shall exceed $10,000 in the case of a hospital and $4,000 in the case of any other health care facility for all services provided by the hospital or other health care facility, and no such inspection fee shall exceed $5,000 in the case of a hospital and $2,000 in the case of any other health care facility for all services provided by the hospital or other health care facility. No inspection fee shall be charged for inspections other than biennial inspections. Any surgical practice required to apply for licensure by the department as an ambulatory care facility pursuant to P.L.2017, c.283 shall be exempt from the initial and renewal license fees required by this section. The application shall contain the name of the health care facility, the kind or kinds of health care service to be provided, the location and physical description of the institution, and such other information as the department may require.

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

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

If an inspection reveals a serious health and safety violation at a residential health care facility, the department shall post the inspection report, including the name of the facility and the owner of the facility, on its web-

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

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

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

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

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

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

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

g. (1) (Deleted by amendment, P.L.2017, c.283)

(2) (Deleted by amendment, P.L.2017, c.283)

(3) (Deleted by amendment, P.L.2017, c.283)

(4) A surgical practice in operation on the date of enactment of P.L.2017, c.283 shall be required to apply to the department for licensure as an ambulatory care facility licensed to provide surgical and related services within one year of the date of enactment of P.L.2017, c.283.

A surgical practice that is certified by the Centers for Medicare and Medicaid Services (CMS) shall not be required to meet the physical plant and functional requirements specified in N.J.A.C.8:43A-19.1 et seq. A surgical practice that is not Medicare certified, either by CMS or by any deeming authority recognized by CMS, but which has obtained accreditation from the American Association of Ambulatory Surgery Facilities or any accrediting body recognized by CMS and is in operation on the date of enactment of P.L.2017, c.283, shall not be required to meet the physical plant and functional requirements specified in N.J.A.C.8:43A-19.1 et seq. A surgical practice not in operation on the date of enactment of P.L.2017, c.283, if it is certified by CMS as an ambulatory surgery center provider, shall also be exempt from these requirements. A surgical practice required by this subsection to meet the physical plant and functional requirements specified in N.J.A.C.8:43A-19.1 et seq. may apply for a waiver of any such requirement in accordance with N.J.A.C.8:43A-2.9. The commissioner shall grant a waiver of those physical plant and functional requirements, as the commissioner deems appropriate, if the waiver does not endanger the life, safety, or health of patients or the public.

A surgical practice required to be licensed pursuant to this subsection shall be exempt from the ambulatory care facility assessment pursuant to section 7 of P.L.1992, c.160 (C.26:2H-18.57); except that, if the entity expands to include any additional room dedicated for use as an operating room, the entity shall be subject to the assessment.

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

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

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

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

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

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

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

i. Beginning on the effective date of this section of P.L.2009, c.24, and as provided in P.L.2017, c.283, the department shall not issue a new license to an ambulatory care facility to provide surgical and related services unless:

(1) in the case of a licensed facility in which a transfer of ownership of the facility is proposed, the commissioner reviews the qualifications of the new owner or owners and approves the transfer;

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

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

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

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

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

(6) the facility is owned by a hospital or medical school in this State, or the facility is owned by any hospital approved on or before the effective date of P.L.2015, c.305 to provide ambulatory surgery services in this State, or the facility is owned by a hospital which applied on or before the effective date of P.L.2015, c.305 to provide ambulatory surgery services in this State so long as the hospital is later approved to provide ambulatory surgery services at the facility, or the facility is owned by any hospital approved to provide ambulatory surgery services at another facility in this State; or

(7) (a) the facility is a newly licensed ambulatory surgical facility that was created by combining two or more registered surgical practices, provided that the number of operating rooms at the newly licensed facility is not greater than the total number of operating rooms prior to the establishment of the newly licensed facility;

(b) the facility is a licensed ambulatory surgical facility that has expanded by combining with one or more registered surgical practices, provided that the number of operating rooms at the newly expanded facility is not greater than the total number of operating rooms prior to the combination of the practices and facility; or

(c) the facility is a licensed ambulatory surgical facility that has expanded through the combination of two or more licensed ambulatory surgical facilities, provided that the number of operating rooms at the newly expanded facility is not greater than the total number of operating rooms prior to the combining of the facilities.

Beginning on the effective date of P.L.2017, c.283, the department shall not issue a new registration to a surgical practice. Any surgical practice in operation on the effective date of P.L.2017, c.283 that proposes to relocate on or after the effective date of P.L.2017, c.283 shall be required to be licensed by the department as an ambulatory care facility providing surgical and related services pursuant to subsection g. of this section.

j. (Deleted by amendment, P.L.2017, c.283)

k. An ambulatory care facility licensed to provide surgical and related services and a surgical practice shall:

(1) report to the department any change in ownership of the facility within 30 days of the change in ownership; and

(2) annually report to the department the name of the facility's medical director, physician director, and physician director of anesthesia, as applicable, and the director of nursing services. The facility shall notify the de-

partment if there is any change in a named director within 30 days of the change of the director.

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 practitioner, 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 involving the use of any anesthesia performed at a surgical practice licensed by 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); and

(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.

3. Section 4 of P.L.2009, c.24 (C.45:9-22.5a) is amended to read as follows:

C.45:9-22.5a Certain referrals for procedures involving anesthesia.

4. a. A referral for ambulatory surgery or a procedure requiring anesthesia made prior to the effective date of this section of P.L.2009, c.24 by a practitioner to a surgical practice or ambulatory care facility licensed by the Department of Health to perform surgical and related services shall be deemed to comply with the provisions of section 2 of P.L.1989, c.19 (C.45:9-22.5) if the practitioner personally performed the procedure that is the subject of the referral.

b. As used in this section, "surgical practice" means a structure or suite of rooms that has the following characteristics:

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

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

(3) is established by a physician, physician professional association surgical practice, or other professional practice form specified by the State Board of Medical Examiners pursuant to N.J.A.C.13:35-6.16(f) solely for the physician's, association's or other professional entity's private medical practice.

4. 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.

5. Section 1 of this act shall take effect immediately, and sections 2 and 3 of this act shall take effect one year after 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 January 16, 2018.

CHAPTER 284

AN ACT concerning the use of smokeless tobacco in public schools and supplementing Title 26 of the Revised Statutes.

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

C.26:3D-66 Use of smokeless tobacco prohibited in public schools.

1. a. The use of smokeless tobacco is prohibited in any area of any building of, or on the grounds of, any public school.

As used in this section, "use of smokeless tobacco" means the inhalation, chewing, or placement in the oral cavity of snuff, chewing tobacco, or any other matter or substance which contains tobacco.

b. The board of education of each school district shall ensure the placement, in every public entrance to a public school building in its district, of a sign which shall be located so as to be clearly visible to the public and shall contain letters which contrast in color with the sign, indicating that the use of smokeless tobacco is prohibited therein.

c. (1) The board of education of each school district shall order any person using smokeless tobacco in violation of this section to comply with the provisions of this section. Except as otherwise provided pursuant to subsection d. of this section, a person, after being so ordered, who uses smokeless tobacco in violation of this section is subject to a fine of not less than $250 for the first offense, $500 for the second offense, and $1,000 for each subsequent offense. A penalty shall be recovered in accordance with the provisions of paragraphs (3) and (4) of this subsection.

(2) The department, the local board of health, or the board, body, or officers exercising the functions of the local board of health according to law, upon written complaint or having reason to suspect that a public school is or may be in violation of the provisions of this section, shall, by written notification, advise the board of education of the school district accordingly and order appropriate action to be taken. A board of education that receives that notice and fails or refuses to comply with the order is subject to a fine of not less than $250 for the first offense, $500 for the second offense, and $1,000 for each subsequent offense. In addition to the penalty provided herein, a court may order immediate compliance with the provisions of this section.

(3) A penalty recovered under the provisions of this section shall be recovered by, and in the name of, the Commissioner of Health or by, and in the name of, the local board of health. When the plaintiff is the commissioner, the penalty recovered shall be paid by the commissioner into the treasury of the State. When the plaintiff is a local board of health, the penalty recovered shall be paid by the local board into the treasury of the municipality where the violation occurred.

(4) A municipal court shall have jurisdiction over proceedings to enforce and collect any penalty imposed because of a violation of this section if the violation has occurred within the territorial jurisdiction of the court. The proceedings shall be summary and in accordance with the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). Process shall be in the nature of a summons or warrant and shall issue only at the suit of the commissioner or the local board of health, as the case may be, as plaintiff.

(5) The penalties provided in paragraphs (1) and (2) of this subsection shall be the only civil remedy for a violation of this section. There shall be no private right of action against a party for failure to comply with the provisions of this section.

d. A student who violates the provisions of this section after being ordered by the board of education of the district to comply with the provisions of this section, shall not be subject to the fines established pursuant to paragraph (1) of subsection c. of this section, but rather shall be prohibited

by the board of education of the district from participation in all extracurricular activities, including interscholastic athletics, and the revocation of any student parking permit that the student may possess. The board of education shall adopt a policy that establishes the length of a suspension or revocation to be imposed on a student for an initial or subsequent violation of the provisions of this section.

2. This act shall take effect on the first day of the third month next following the date of enactment, but the board of education of each school district may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved January 16, 2018.

CHAPTER 285

AN ACT concerning substance abuse treatment and supplementing Title 24 of the Revised Statutes.

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

C.24:6J-5.1 Provision of certain information to victims of opioid overdoses; definitions.

1. a. If an opioid antidote is administered by a health care professional or a first responder to a person experiencing a drug overdose, information concerning substance abuse treatment programs and resources including information on the availability of opioid antidotes shall be provided to the person as follows:

(1) If the person is admitted to a health care facility or receives treatment in the emergency department of a health care facility, a staff member designated by the health care facility, who may be a social worker, addiction counselor, or other appropriate professional, shall provide the information to the person at any time after treatment for the drug overdose is complete, but prior to the person's discharge from the facility. The designated staff member shall document the provision of the information in the person's medical record, and may, in collaboration with an appropriate health care professional, additionally develop an individualized substance abuse treatment plan for the person.

(2) If the opioid antidote is administered by a first responder and the person experiencing the overdose is not subsequently transported to a health care facility, the first responder shall provide the information to the person at the time treatment for the drug overdose is complete.

b. As used in this section:

"First responder" means a law enforcement officer, paid or volunteer firefighter, paid or volunteer member of a duly incorporated first aid, emergency, ambulance, or rescue squad association, or any other individual who, in the course of that individual's employment, is dispatched to the scene of an emergency situation for the purpose of providing medical care or other assistance.

"Health care facility" means a health care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.).

c. The Commissioner of Human Services shall develop informational materials concerning substance abuse treatment programs and resources and information on the availability of opioid antidotes for dissemination to health care professionals and first responders to facilitate the provision of information to patients pursuant to this section.

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

Approved January 16, 2018.

CHAPTER 286

AN ACT concerning certain racial and ethnic community criminal justice and public safety impact statements, supplementing Title 52 of the Revised Statutes and Title 2C of the New Jersey Statutes, and amending P.L.1968, c.410.

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

C.2C:48B-1 Findings, declarations relative to certain racial and ethnic impact statements.

1. The Legislature finds and declares that:

a. Public policymakers are increasingly concerned with the disparity between the number of minorities in the population and the number incarcerated in jails and prisons.

b. Racial and ethnic disparities in America's criminal justice system result in devastating consequences to society: offenders face daunting employment challenges, reduced lifetime employment earnings, and lack of access to public benefits; offenders' families face the shame and stigma associated with incarceration, as well as the loss of financial and emotional support of a loved one; and high rates of recidivism and burgeoning prison system costs affect all communities.

c. Nationally, one of every nine black males between 20 and 34 years old is incarcerated; 37 percent of prisoners under federal and state jurisdiction at the end of 2014 were black, 32 percent were white, and 22 percent were Hispanic; according to 2014 United States Census data, 13.2 percent of the United States population is black.

d. In this State, 60 percent of the prison population is black, 23 percent is white, and 16 percent is Hispanic; blacks make up 14.8 percent of the general population.

e. Based on current trends, one of three black males born today will serve time; the odds of Hispanic males serving time are one in six. In New Jersey, black juveniles are 24.3 times more likely to be committed to a secure juvenile facility than their white counterparts, and almost 90 percent of youth prosecuted as adults are black or Hispanic.

f. Criminal justice policies, while neutral on their face, often adversely affect minority communities; these unintended consequences could be more adequately addressed prior to adoption of a new initiative, particularly since such initiatives, once adopted, often are difficult to reverse.

g. Racial and ethnic community criminal justice and public safety impact statements are tools to guide policymakers in proactively assessing how proposed sentencing initiatives affect racial and ethnic disparities of adults and juveniles in the criminal justice system. Similar to fiscal and environmental impact statements, they provide legislators and State agency executives with a statistical analysis of the projected impact of policy changes before legislative deliberation or rule adoption.

h. It is altogether fitting and proper, and in the public interest, to require racial and ethnic community criminal justice and public safety impact statements to be prepared for bills, resolutions, or amendments that may result in an increase or a decrease in the State's adult and juvenile pretrial detention, sentencing, probation, or parole populations.

i. It is also altogether fitting and proper, and in the public interest, to require racial and ethnic community criminal justice and public safety impact statements to be included in the notice of a proposed agency rule that could increase or decrease the State's adult and juvenile pretrial detention, sentencing, probation, or parole populations.

C.52:11-57.1 Preparation of racial and ethnic impact statements for certain proposed legislation.

2. a. The Legislative Services Commission shall direct the Office of Legislative Services to prepare a racial and ethnic community criminal justice and public safety impact statement for each proposed criminal justice bill, resolution, or amendment that would affect pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in this State including, but not limited to, any bill, resolution, or amendment that establishes a new crime or offense; modifies a crime or offense or the penalties associated with a crime or offense established under current law; or modifies procedures under current law for sentencing, parole, or probation, prior to any vote being taken on the bill, resolution, or amendment in either House of the Legislature.

b. The racial and ethnic community criminal justice and public safety impact statement required in subsection a. of this section shall include, but not be limited to, an assessment of the potential impact of the proposed legislation on racial and ethnic minorities, including whether it is likely to have a disproportionate or unique impact on the racial and ethnic communities in the State and the rationale, if any, for the proposed legislation having an identifiable impact on racial and ethnic persons in this State, a statistical analysis of how the change in policy would affect racial and ethnic minorities, the impact of the change in policy on correctional facilities and services for racial and ethnic minorities, the estimated number of criminal and juvenile justice matters involving racial and ethnic minorities adjudicated each year, and the anticipated effect of the change in policy on public safety in racial and ethnic communities in the State and for victims and potential victims in those communities.

c. State agencies shall make data available to the Office of Legislative Services for the purposes of preparing racial and ethnic community criminal justice and public safety impact statements.

C.2C:48B-2 Racial and ethnic impact statement for certain proposed rules.

3. In proposing a rule for adoption, the agency involved shall issue a racial and ethnic community criminal justice and public safety impact

statement setting forth whether the proposed rule will have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in this State and, if so, how the rule would affect racial and ethnic minorities, including whether it is likely to have a disproportionate or unique impact on the racial and ethnic communities in the State and the rationale for the proposed rule having an identifiable impact on racial and ethnic persons in this State, and any anticipated impact upon correctional facilities and services for racial and ethnic minorities, the adjudication of criminal and juvenile justice matters involving racial and ethnic minorities, and public safety in racial and ethnic communities and the victims and potential victims in those communities. This statement shall be included in the notice of a proposed rule as required by subsection (a) of section 4 of P.L.1968, c.410 (C.52:14B-4).

4. Section 4 of P.L.1968, c.410 (C.52:14B-4) is amended to read as follows:

C.52:14B-4 Adoption, amendment, repeal of rules.

4. (a) Prior to the adoption, amendment, or repeal of any rule, except as may be otherwise provided, the agency shall:

(1) Give at least 30 days' notice of its intended action. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may present their views thereon. The notice shall be mailed to all persons who have made timely requests of the agency for advance notice of its rule-making proceedings and, in addition to any other public notice required by law, shall be published in the New Jersey Register. Notice shall also be distributed to the news media maintaining a press office to cover the State House Complex, and made available for public viewing through publication on the agency's Internet website. Each agency shall additionally publicize the intended action and shall adopt rules to prescribe the manner in which it will do so. In order to inform those persons most likely to be affected by or interested in the intended action, each agency shall distribute notice of its intended action to interested persons, and shall publicize the same, through the use of an electronic mailing list or similar type of subscription-based e-mail service. Additional publicity methods that may be employed include publication of the notice in newspapers of general circulation or in trade, industry, governmental or professional publications, distribution of press releases to the news media and posting of notices in appropriate locations,

including the agency's Internet website. The rules shall prescribe the circumstances under which each additional method shall be employed;

(2) Prepare for public distribution at the time the notice appears in the Register, and make available for public viewing through publication on the agency's Internet website, a statement setting forth a summary of the proposed rule, as well as a clear and concise explanation of the purpose and effect of the rule, the specific legal authority under which its adoption is authorized, a description of the expected socio-economic impact of the rule, a regulatory flexibility analysis, or the statement of finding that a regulatory flexibility analysis is not required, as provided in section 4 of P.L.1986, c.169 (C.52:14B-19), a jobs impact statement which shall include an assessment of the number of jobs to be generated or lost if the proposed rule takes effect, an agriculture industry impact statement as provided in section 7 of P.L.1998, c.48 (C.4:1C-10.3), a housing affordability impact statement, a smart growth development impact statement, as provided in section 31 of P.L.2008, c.46 (C.52:14B-4.1b), and a racial and ethnic community criminal justice and public safety impact statement as required in section 3 of P.L.2017, c.286 (C.2C:48B-2);

(3) Afford all interested persons a reasonable opportunity to submit data, views, comments, or arguments, orally or in writing. The agency shall consider fully all written and oral submissions respecting the proposed rule, including any written submissions that are received by the agency through its e-mail systems or electronic mailing lists. If within 30 days of the publication of the proposed rule sufficient public interest is demonstrated in an extension of the time for submissions, the agency shall provide an additional 30-day period for the receipt of submissions by interested parties. The agency shall not adopt the proposed rule until after the end of that 30-day extension.

The agency shall conduct a public hearing on the proposed rule at the request of a committee of the Legislature, or a governmental agency or subdivision, or if sufficient public interest is shown, provided such request is made to the agency within 30 days following publication of the proposed rule in the Register. The agency shall provide at least 15 days' notice of such hearing, shall publish such hearing notice on its Internet website, and shall conduct the hearing in accordance with the provisions of subsection (g) of this section.

The head of each agency shall adopt as part of its rules of practice adopted pursuant to section 3 of P.L.1968, c.410 (C.52:14B-3) definite standards of what constitutes sufficient public interest for conducting a public hearing and for granting an extension pursuant to this paragraph; and

(4) Prepare for public distribution, and make available for public viewing through publication on the agency's Internet website, a report listing all parties offering written or oral submissions concerning the rule, summarizing the content of the submissions and providing the agency's response to the data, views, comments, and arguments contained in the submissions.

(b) A rule prescribing the organization of an agency may be adopted at any time without prior notice or hearing. Such rules shall be effective upon filing in accordance with section 5 of P.L.1968, c.410 (C.52:14B-5) or upon any later date specified by the agency.

(c) If an agency finds that an imminent peril to the public health, safety, or welfare requires adoption of a rule upon fewer than 30 days' notice and states in writing its reasons for that finding, and the Governor concurs in writing that an imminent peril exists, the agency may proceed to adopt the rule without prior notice or hearing, or upon any abbreviated notice and hearing that it finds practicable. The agency shall publish, on its Internet website, a summary of any rule adopted pursuant to this subsection, and the statement of reasons for the agency's finding that an imminent peril exists. Any rule adopted pursuant to this subsection shall be effective for a period of not more than 60 days, unless each house of the Legislature passes a resolution concurring in its extension for a period of not more than 60 additional days. The rule shall not be effective for more than 120 days unless repromulgated in accordance with normal rule-making procedures.

(d) No rule hereafter adopted is valid unless adopted in substantial compliance with P.L.1968, c.410 (C.52:14B-1 et seq.). A proceeding to contest any rule on the ground of noncompliance with the procedural requirements of P.L.1968, c.410 (C.52:14B-1 et seq.) shall be commenced within one year from the effective date of the rule.

(e) An agency may file a notice of intent with respect to a proposed rule-making proceeding with the Office of Administrative Law, for publication in the New Jersey Register at any time prior to the formal notice of action required in subsection (a) of this section. The notice shall be for the purpose of eliciting the views of interested parties on an action prior to the filing of a formal rule proposal. Such notice shall be distributed to interested persons through the use of an electronic mailing list or similar type of subscription-based e-mail service, and made available for public viewing through publication on the agency's Internet website. The agency shall afford all interested persons a reasonable opportunity to submit data, views, comments, or arguments, orally or in writing, on the proposed action, and shall fully consider all written and oral submissions, including any written submissions received by the agency through its e-mail systems or electronic

mailing lists. An agency may use informal conferences and consultations as means of obtaining the viewpoints and advice of interested persons with respect to contemplated rule-making. An agency may also appoint committees of experts or interested persons or representatives of the general public to advise it with respect to any contemplated rule-making.

(f) An interested person may petition an agency to adopt a new rule, or amend or repeal any existing rule. Such petition may be submitted to the agency through mail, e-mail, electronic mailing list, or through any other means. Each agency shall prescribe by rule the form for the petition and the procedure for the consideration and disposition of the petition. The petition shall state clearly and concisely:

(1) The substance or nature of the rule-making which is requested;

(2) The reasons for the request and the petitioner's interest in the request;

(3) References to the authority of the agency to take the requested action.

The petitioner may provide the text of the proposed new rule, amended rule or repealed rule.

Within 60 days following receipt by an agency of any such petition, the agency shall either: (i) deny the petition, giving a written statement of its reasons; (ii) grant the petition and initiate a rule-making proceeding within 90 days of granting the petition; or (iii) refer the matter for further deliberations which shall be concluded within 90 days of referring the matter for further deliberations. Upon conclusion of such further deliberations, the agency shall either deny the petition and provide a written statement of its reasons or grant the petition and initiate a rule-making proceeding within 90 days. Upon the receipt of the petition, the agency shall file a notice stating the name of the petitioner and the nature of the request with the Office of Administrative Law for publication in the New Jersey Register. Notice of formal agency action on such petition shall also be filed with the Office of Administrative Law for publication in the Register, and shall be made available for public viewing through publication on the agency's Internet website.

If an agency fails to act in accordance with the time frame set forth in the preceding paragraph, upon written request by the petitioner, the Director of the Office of Administrative Law shall order a public hearing on the rule-making petition and shall provide the agency with a notice of the director's intent to hold the public hearing if the agency does not. If the agency does not provide notice of a hearing within 15 days of the director's notice, the director shall schedule, and provide the public with a notice of, that

hearing at least 15 days prior thereto. Hearing notice shall also be made available for public viewing through publication on the agency's Internet website. If the public hearing is held by the Office of Administrative Law, it shall be conducted by an administrative law judge, a person on assignment from another agency, a person from the Office of Administrative Law assigned pursuant to subsection o. of section 5 of P.L.1978, c.67 (C.52:14F-5), or an independent contractor assigned by the director. The petitioner and the agency shall participate in the public hearing and shall present a summary of their positions on the petition, a summary of the factual information on which their positions on the petition are based and shall respond to questions posed by any interested party. The hearing procedure shall otherwise be consistent with the requirements for the conduct of a public hearing as prescribed in subsection (g) of section 4 of P.L.1968, c.410 (C.52:14B-4), except that the person assigned to conduct the hearing shall make a report summarizing the factual record presented and the arguments for and against proceeding with a rule proposal based upon the petition. This report shall be filed with the agency and delivered or mailed to the petitioner. A copy of the report shall be filed with the Legislature along with the petition for rule-making.

(g) All public hearings shall be conducted by a hearing officer, who may be an official of the agency, a member of its staff, a person on assignment from another agency, a person from the Office of Administrative Law assigned pursuant to subsection o. of section 5 of P.L.1978, c.67 (C.52:14F-5) or an independent contractor. The hearing officer shall have the responsibility to make recommendations to the agency regarding the adoption, amendment or repeal of a rule. These recommendations shall be made public. At the beginning of each hearing, or series of hearings, the agency, if it has made a proposal, shall present a summary of the factual information on which its proposal is based, and shall respond to questions posed by any interested party. Hearings shall be conducted at such times and in locations which shall afford interested parties the opportunity to attend. A verbatim record of each hearing shall be maintained, and copies of the record shall be available to the public at no more than the actual cost, which shall be that of the agency where the petition for rule-making originated.

5. This act shall take effect on the first day of the seventh month following enactment.

Approved January 16, 2018.

CHAPTER 287

AN ACT concerning interference with employment held by a military service member and amending N.J.S.38A:14-4.

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

1. N.J.S.38A:14-4 is amended to read as follows:

Depriving military service member of employment.

38A:14-4. Any person who, either by himself or with another, willfully deprives a member of the organized militia, or the United States Armed Forces or a Reserve component thereof, of his employment or prevents his being employed by himself or another, or obstructs or annoys such member in his employ in respect to his trade, business or employment because he is a member of the organized militia, or the United States Armed Forces or a Reserve component thereof, or is performing or about to perform some duty in connection therewith or dissuades any person from enlistment therein by threat or injury to him in respect to his business, employment or trade, in case he shall enlist, shall be guilty of a crime of the fourth degree and subject to the penalties therefor, except that the amount of a fine shall be a mandatory minimum of $2,500.

Any fines collected pursuant to this section shall be deposited in the "NJ National Guard State Family Readiness Council Fund," established pursuant to section 1 of P.L.2011, c.117 (C.54A:9-25.29).

2. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 288

AN ACT concerning interference with the enjoyment of any accommodation, facility, public accommodation, or privilege by a military service member and amending N.J.S.38A:14-3.

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

1. N.J.S.38A:14-3 is amended to read as follows:

Discrimination against uniform.

38A:14-3. Any person who shall exclude a person lawfully wearing a uniform of the militia, or the United States Armed Forces or a Reserve component thereof, from the equal enjoyment of any accommodation, facility or privilege furnished by innkeepers or common carriers or by owners, managers or lessees of theatres or other places of amusement, resort, or public accommodation because of that uniform, shall be guilty of a crime of the fourth degree and subject to the penalties therefor, except that the amount of a fine shall be a mandatory minimum of $1,000.

Any fines collected pursuant to this section shall be deposited in the "NJ National Guard State Family Readiness Council Fund," established pursuant to section 1 of P.L.2011, c.117 (C.54A:9-25.29).

2. This act shall take effect immediately

Approved January 16, 2018.

CHAPTER 289

AN ACT concerning identification cards issued by a county clerk or register of deeds and mortgages for a Gold Star Parent and supplementing Title 40A of the New Jersey Statutes.

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

C.40A:9-78.8 Short title.

1. Sections 1 through 8 of P.L.2017, c.289 (C.40A:9-78.8 et seq.) shall be known and may be cited as the "County Identification Cards for Gold Star Parents Act."

C.40A:9-78.9 "Gold Star Parent" defined.

2. As used in this act, P.L.2017, c.289 (C.40A:9-78.8 et seq.), "Gold Star Parent" means a parent, 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 who died while on active duty for the United States.

C.40A:9-78.10 Gold Star Parent identification card program.

3. A county clerk or register of deeds and mortgages, as appropriate, may establish a Gold Star Parent identification card program for the sole purpose of identifying the holder as a Gold Star Parent when such identifi-

cation is required to receive discounts or other courtesies extended to military families.

C.40A:9-78.11 Issuance of Gold Star Parent identification card.

4. When such a program has been authorized, the county clerk or register of deeds and mortgages, as appropriate, shall issue an identification card to any Gold Star Parent who is a resident of the county. The Gold Star Parent identification card shall display the words "Gold Star Parent," bear the true name and branch of the armed forces in which the person who lost his or her life while on active duty for the United States served, and other identifying information as certified by the applicant for the Gold Star Parent identification card. Every application for a Gold Star Parent identification card shall be signed and certified by the applicant and shall be supported by such documentary evidence as the county clerk or register of deeds and mortgages, as appropriate, may require.

C.40A:9-78.12 Application for issuance.

5. a. Application for issuance of a Gold Star Parent identification card shall be made in a manner prescribed by the county clerk or register of deeds and mortgages, as appropriate. In order to be deemed complete, an application shall be accompanied by proof satisfactory to the county clerk or register of deeds and mortgages, as appropriate, that the applicant is a parent of a member of the armed forces who died while on active duty for the United States. Proof satisfactory may include any or all of the following:

(1) a certification of an organization formed for the support of parents of members of the armed forces who lost their lives while on active duty for the United States, that the applicant is either the parent, legal guardian or other legal custodian, whether of the whole or half blood or by adoption, of a member of the armed forces who died while on active duty for the United States;

(2) the service member's federal DD Form 1300, Report of Casualty, or its succeeding form, which identifies the member of the armed forces who died while on active duty for the United States; and

(3) documentation indicating the applicant's relationship to the service member.

The copy of the DD Form 1300 and the application shall be kept confidential and shall not be considered a government record under P.L.1963, c.73 (C.47:1A-1 et seq.), except that they may be released to another government agency.

b. The county clerk or register of deeds and mortgages, as appropriate, may consult with a representative of the Department of New Jersey of American Gold Star Mothers, Inc., or any other organization formed for the support of parents of members of the armed forces who lost their lives while on active duty for the United States or the Adjutant General of the Department of Military and Veterans' Affairs when establishing the documentation that may constitute satisfactory proof of an applicant's relationship to the service member. In instances where an applicant is unable to produce documentation deemed acceptable, the Adjutant General shall assist in making a determination of the applicant's eligibility for a Gold Star Parent Identification card.

C.40A:9-78.13 Unlawful actions.

6. It shall be unlawful for any person:

a. To display or cause or permit to be displayed or have in the person's possession any canceled, fictitious, fraudulently altered, or fraudulently obtained Gold Star Parent identification card;

b. To lend the Gold Star Parent identification card to any other person or knowingly permit the use thereof by another;

c. To display or represent any Gold Star Parent identification card not issued to the person as being the person's card;

d. To permit any unlawful use of a Gold Star Parent identification card issued to the person;

e. To photograph, photostat, duplicate, or in any way reproduce any Gold Star Parent identification card or facsimile thereof in such a manner that it could be mistaken for a valid Gold Star Parent identification card, or to display or have in the person's possession any such photograph, photostat, duplicate, reproduction, or facsimile; or

f. To alter any Gold Star Parent identification card in any manner.

C.40A:9-78.14 Identification card not deemed official for certain purposes.

7. The Gold Star Parent identification card issued under P.L.2017, c.289 (C.40A:9-78.8 et seq.), shall not be deemed sufficient valid proof of identity for official governmental purposes when a statute, regulation, or directive of a governmental entity requires proof of identity.

C.40A:9-78.15 Violations, disorderly persons offense.

8. Any person who violates any of the provisions of this act, P.L.2017, c.289 (C.40A:9-78.8 et seq.), is guilty of a disorderly persons offense.

9. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 290

AN ACT concerning the budgets of regional sewerage authorities and amending and supplementing P.L.1946, c.138.

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

C.40:14A-4.2 Provisions relative to budgets of regional sewerage authorities.

1. a. Notwithstanding the provisions of any other law to the contrary, the budget of every regional sewerage authority created pursuant to the provisions of P.L.1946, c.138 (C.40:14A-1 et seq.) shall be subject to the following provisions:

(1) (a) The percentage of growth in the fee-funded appropriations in the annual budget of a regional sewerage authority shall not exceed two percent per year; and the amount billed to customers of the authority, or the amount billed to a local unit for its proportional share of the authority's expenses, as the case may be, shall not exceed that amount billed in the previous budget year to each customer or local unit, as the case may be, by more than two percent for a similar amount of use or service of the sewerage system.

(b) A regional sewerage authority may add to the allowable growth in fee-funded appropriations in any one of the next three succeeding years, the amount of the difference between the maximum allowable increase in fee-funded appropriations for the current budget year pursuant to subparagraph (a) of this paragraph and the actual amount of fee-funded appropriations for the current budget year.

(2) The percentage of growth in the fee-funded appropriations in the annual budget of a regional sewerage authority shall be determined without consideration of any amounts appropriated by the authority for:

(a) capital expenditures, including payment of principal or interest on bonds authorized or issued pursuant to the "sewerage authorities law," P.L.1946, c.138 (C.40:14A-1 et seq.);

(b) increases in pension contributions and accrued liability for pension contributions in excess of two percent over those expenditures for the previous budget year ;

(c) increases in health care costs equal to that portion of the actual increase in total health costs for the budget year that is in excess of two percent of total health care costs in the previous budget year, but is not in excess of the product of the total health care costs in the prior year and the average percentage increase of the State Health Benefits Program, P.L.1961, c.49 (C.52:14-17.25 et seq.), as annually determined by the Division of Pensions and Benefits in the Department of the Treasury;

(d) increases in energy cost expenditures in excess of two percent over those expenditures for the previous budget year;

(e) extraordinary costs that are directly related to an emergency; and

(f) expenditures for the cost of services mandated by any order of court, by any federal or State statute, or by administrative rule, directive, order, or other legally binding device issued by a State agency which identified the cost as a mandated expenditure on certification to the Local Finance Board by the State agency.

(3) Notwithstanding the limitations imposed by paragraph (1) of this section, a regional sewerage authority may apply to the Local Finance Board for a waiver to increase its rents, rates, fees, and charges to levels sufficient to compensate for loss of revenues due to reductions in the use or service of the sewerage system.

As used in this section, "emergency" shall mean any purpose which is not foreseen at the time of the adoption of the annual budget, or for which adequate provision was not made therein, to meet a pressing need for public expenditure to protect or promote the public health, safety, morals, or welfare.

b. After the budget of a regional sewerage authority has been approved by the members of the regional sewerage authority, the budget shall be forwarded to the Director of the Division of Local Government Services for review and approval.

The director shall review the budget to ensure that the budget conforms with the requirements of subsection a. of this section and the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.), and that the budgeted expenditures are reasonable in cost and necessary for the performance of the regional sewerage authority.

If the director determines that the budget meets the requirements of this subsection, the director shall approve the budget. If the director does not approve the budget, the director shall return the budget to the members of

the regional sewerage authority with written information concerning the reasons for the disapproval of the budget.

To the extent that the provisions of subsection a. of this section conflict with the provisions of the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.), subsection a. of this section shall take precedence.

2. Section 35 of P.L.1946, c.138 (C.40:14A-35) is amended to read as follows:

C.40:14A-35 Liberal construction, independent authority; exceptions.

35. Except as provided in section 1 of P.L.2017, c.290 (C.40:14A-4.2), P.L.1946, c.138 (C.40:14A-1 et seq.) shall be construed liberally to effectuate the legislative intent and as complete and independent authority for the performance of each and every act and thing herein authorized, and a sewerage authority shall not be subject to regulation as to its service charges or as to any other matter whatsoever by any officer, board, agency, commission or other office of the State.

3. This act shall take effect immediately and shall be applicable to the next budget year following enactment.

Approved January 16, 2018.

CHAPTER 291

AN ACT concerning the use of physical restraint and seclusion techniques on students with disabilities 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:46-13.4 Definitions relative to use of physical restraint, seclusion techniques on students with disabilities.

1. As used in this act:

"Physical restraint" means the use of a personal restriction that immobilizes or reduces the ability of a student to move all or a portion of his or her body.

"Seclusion technique" means the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving, but does not include a timeout.

"Timeout" means a behavior management technique that involves the monitored separation of a student in a non-locked setting, and is implemented for the purpose of calming.

C.18A:46-13.5 Use of physical restraint on students with disabilities.

2. a. A school district, an educational services commission, or an approved private school for students with disabilities that utilizes physical restraint on students with disabilities shall ensure that:

(1) physical restraint is used only in an emergency in which the student is exhibiting behavior that places the student or others in immediate physical danger;

(2) a student is not restrained in the prone position, unless the student's primary care physician authorizes, in writing, the use of this restraint technique;

(3) staff members who are involved in the restraint of a student receive training in safe techniques for physical restraint from an entity determined by the board of education to be qualified to provide such training, and that the training is updated at least annually;

(4) the parent or guardian of a student is immediately notified when physical restraint is used on that student, which notification may be by telephone or electronic communication. A full written report of the incident of physical restraint shall be provided to the parent or guardian within 48 hours of the occurrence of the incident;

(5) each incident in which a physical restraint is used is carefully and continuously visually monitored to ensure that it was used in accordance with established procedures set forth in a board policy developed in conjunction with the entity that trains staff in safe techniques for physical restraint, in order to protect the safety of the child and others; and

(6) each incident in which physical restraint is used is documented in writing in sufficient detail to enable the staff to use this information to develop or improve the behavior intervention plan at the next individualized education plan meeting.

b. A school district, an educational services commission, and an approved private school for students with disabilities shall attempt to minimize the use of physical restraints through inclusion of positive behavior supports in the student's behavior intervention plans developed by the individualized education plan team.

C.18A:46-13.6 Use of seclusion techniques on students with disabilities.

3. a. A school district, an educational services commission, or an approved private school for students with disabilities that utilizes seclusion techniques on students with disabilities shall ensure that :

(1) a seclusion technique is used on a student with disabilities only in an emergency in which the student is exhibiting behavior that places the student or others in immediate physical danger;

(2) each incident in which a seclusion technique is used is carefully and continuously visually monitored to ensure that it was used in accordance with established procedures set forth in a board policy developed in conjunction with the entity that trains staff in safe techniques for physical restraint, in order to protect the safety of the child and others; and

(3) each incident in which a seclusion technique is used is documented in writing in sufficient detail to enable the staff to use this information to develop or improve the behavior intervention plan at the next individualized education plan meeting.

b. A school district, an educational services commission, and an approved private school for students with disabilities shall attempt to minimize the use of seclusion techniques through inclusion of positive behavior supports in the student's behavior intervention plans developed by the individualized education plan team.

C.18A:46-13.7 Guidelines, review process.

4. The department shall establish guidelines for school districts, educational services commissions, and approved private schools for students with disabilities to ensure that a review process is in place to examine the use of physical restraints or seclusion techniques in emergency situations, and for the repeated use of these methods for an individual child, within the same classroom, or by a single individual. The review process shall include educational, clinical, and administrative personnel. Pursuant to the review process the student's individualized education plan team may, as deemed appropriate, determine to revise the behavior intervention plan or classroom supports, and a school district, educational services commission, or approved private school for students with disabilities may determine to revise a staff member's professional development plan.

5. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 292

AN ACT concerning eligibility for county identification cards for veterans and amending P.L.2012, c.30.

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

1. Section 2 of P.L.2012, c.30 (C.40A:9-78.2) is amended to read as follows:

C.40A:9-78.2 "Veteran" defined.

2. As used in this act, P.L.2012, c.30 (C.40A:9-78.1 et seq.), "veteran" means a person who has served in the Army, Navy, Air Force, Marines or Coast Guard of the United States or a Reserve component thereof or the National Guard of this State or another State as defined in section 1 of P.L.1963, c.109 (C.38A:1-1), and has been honorably discharged or released under conditions other than dishonorable from such service.

2. Section 4 of P.L.2012, c.30 (C.40A:9-78.4) is amended to read as follows:

C.40A:9-78.4 Issuance of card.

4. a. When such a program has been authorized, the county clerk or register of deeds and mortgages, as appropriate, shall issue an identification card to any veteran who is a resident of the county and who does not hold an identification card issued by the federal government that identifies the person as a veteran. The veteran identification card shall bear the true name, branch of the military in which the veteran served, date of card issuance, separation form submitted, and other identifying information as certified by the applicant for such veteran identification card. Every application for a veteran identification card shall be signed and certified by the applicant and shall be supported by such documentary evidence as the county clerk or register of deeds and mortgages, as appropriate, may require.

b. The documentary evidence required by subsection a. of this section shall include the applicant's DD-214 form issued by the federal government or approved separation forms as outlined by all branches of the military and duly recorded by the office. The county clerk or register of deeds and mortgages, as appropriate, shall require a copy of the documentary evidence submitted to be kept on file with the application for the veteran identification card, and shall note the location of the original DD-214 or other approved separation form on that application form. The copy of the docu-

mentary evidence submitted and the application shall be kept confidential and shall not be considered a government record under P.L.1963, c.73 (C.47:1A-1 et seq.), except that they may be released to another government agency. The Adjutant General of the Department of Military and Veterans' Affairs shall assist in the identification, and verification as needed, of approved separation forms as outlined by all branches of the military and submitted by applicants.

3. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 293

AN ACT concerning State corrections officers, supplementing Title 11A of the New Jersey Statutes and amending P.L.1968, c.427 and N.J.S.2C:39-6.

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

C.11A:2-11.1 Title changes in the career service.

1. a. The Civil Service Commission shall effectuate the following title changes in the career service:

(1) Correction officer recruit shall be retitled as correctional police officer;

(2) Senior correction officer shall be retitled as senior correctional police officer;

(3) Correction sergeant shall be retitled as correctional police sergeant;

(4) Correction lieutenant shall be retitled as correctional police lieutenant;

(5) Correction captain shall be retitled as correctional police captain;

(6) Director of custody operations shall be retitled as correctional police chief;

(7) Correction officer apprentice shall be retitled as correctional police officer apprentice; and

(8) Correction major shall be retitled as correctional police major.

b. The title changes provided under this section shall apply to all corrections officers employed by the New Jersey Department of Corrections and the Juvenile Justice Commission.

c. Any fees associated with the retitling pursuant to subsection a. of this section shall be borne by the corrections officer whose title is changed.

2. Section 1 of P.L.1968, c.427 (C.2A:154-4) is amended to read as follows:

C.2A:154-4 Authorization to exercise police powers.

1. All correctional police officers of the State of New Jersey, parole officers employed by the State Parole Board and investigators in the Department of Corrections, who have been or who may hereafter be appointed or employed, shall, by virtue of such appointment or employment and in addition to any other power or authority, be empowered to exercise full police powers and to act as peace officers, at all times, for the detection, apprehension, arrest and conviction of offenders against the law.

Correctional police officers empowered with full police powers under this section shall, while performing their duties in a lawful manner, be deemed to be acting under lawful authority and shall enjoy all the immunities from tort liability and shall have all the pension, relief, disability, workmen's compensation, insurance and other benefits they otherwise enjoy when performing their regular duties.

3. 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 State correctional police officer, or 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 correctional police officer 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.

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

Approved January 16, 2018.

CHAPTER 294

AN ACT concerning health care facility licensure and amending and supplementing P.L.1971, c.136.

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

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

C.26:2H-1 Declaration of public policy.

1. It is hereby declared to be the public policy of the State that hospital and related health care services and behavioral health care services of the highest quality, of demonstrated need, efficiently provided and accessible at a reasonable cost are of vital concern to the public health. It is further declared that integrating physical and behavioral health care is the most effective way to improve the health of individuals and the population at large. In order to provide for the protection and promotion of the health of the inhabitants of the State, the Department of Health shall have the central responsibility for the development and administration of the State's policy with respect to health planning, hospital and related health care services and health care facility cost containment programs, behavioral health treatment and prevention programs, and all public and private institutions, whether State, county, municipal, incorporated or not incorporated, serving principally as residential health care facilities, nursing or maternity homes, or as facilities for the prevention, diagnosis, care, or treatment of human disease, mental illness, substance use disorder, pain, injury, deformity, or physical condition, shall be subject to the provisions of this act.

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

C.26:2H-2 Definitions.

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

a. "Health care facility" means the facility or institution, whether public or private, that is engaged principally in providing services for health maintenance organizations, diagnosis, or treatment of human disease, pain, injury, deformity, or physical condition, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, home health care agency, residential health care facility, dementia care home, and bioanalytical laboratory (except as specifically excluded hereunder), or central services facility serving one or more such institutions but excluding institutions that provide healing solely by prayer and excluding such bioanalytical laboratories as are independently owned and operated, and are not owned, operated, managed, or controlled, in whole or in part, directly or indirectly by any one or more health care facilities, and the predominant source of business of which is not by contract with health care facilities within the State of New Jersey and which solicit or accept specimens and operate predominantly in interstate commerce.

b. "Health care service" means the preadmission, outpatient, inpatient, and postdischarge care provided in or by a health care facility, and such other items or services as are necessary for such care, which are provided by or under the supervision of a physician for the purpose of health maintenance organizations, diagnosis, or treatment of human disease, pain, injury, disability, deformity, or physical condition, including, but not limited to, nursing service, home care nursing, and other paramedical service, ambulance service, service provided by an intern, resident in training or physician whose compensation is provided through agreement with a health care facility, laboratory service, medical social service, drugs, biologicals, supplies, appliances, equipment, bed and board, but excluding services provided by a physician in his private practice, except as provided in sections 7 and 12 of P.L.1971, c.136 (C.26:2H-7 and 26:2H-12), or by practitioners of healing solely by prayer, and services provided by first aid, rescue and ambulance squads as defined in the "New Jersey Highway Traffic Safety Act of 1987," P.L.1987, c.284 (C.27:5F-18 et seq.).

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

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

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

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

g. (Deleted by amendment, P.L.1991, c.187).

h. (Deleted by amendment, P.L.1991, c.187).

i. "Department" means the Department of Health.

j. "Commissioner" means the Commissioner of Health.

k. "Preliminary cost base" means that proportion of a hospital's current cost which may reasonably be required to be reimbursed to a properly utilized hospital for the efficient and effective delivery of appropriate and necessary health care services of high quality required by such hospital's mix of patients. The preliminary cost base initially may include costs identified by the commissioner and approved or adjusted by the commission as being in excess of that proportion of a hospital's current costs identified above, which excess costs shall be eliminated in a timely and reasonable manner prior to certification of the revenue base. The preliminary cost base shall be established in accordance with regulations proposed by the commissioner and approved by the board.

l. (Deleted by amendment, P.L.1992, c.160).

m. "Provider of health care" means an individual (1) who is a direct provider of health care service in that the individual's primary activity is the provision of health care services to individuals or the administration of health care facilities in which such care is provided and, when required by State law, the individual has received professional training in the provision of such services or in such administration and is licensed or certified for such provision or administration; or (2) who is an indirect provider of health care in that the individual (a) holds a fiduciary position with, or has a fiduciary interest in, any entity described in subparagraph b(ii) or subparagraph b(iv); provided, however, that a member of the governing body of a county or any elected official shall not be deemed to be a provider of health care unless he is a member of the board of trustees of a health care facility or a member of a board, committee or body with authority similar to that of

a board of trustees, or unless he participates in the direct administration of a health care facility; or (b) received, either directly or through his spouse, more than one-tenth of his gross annual income for any one or more of the following:

(i) Fees or other compensation for research into or instruction in the provision of health care services;

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

(iii)Producing or supplying drugs or other articles for individuals or entities for use in the provision of or in research into or instruction in the provision of health care services;

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

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

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

p. "State Health Planning Board" means the board established pursuant to section 33 of P.L.1991, c.187 (C.26:2H-5.7) to conduct certificate of need review activities.

q. "Integrated health care" means the systematic coordination of general and behavioral healthcare. This care may address mental illnesses, substance use disorders, health behaviors including their contributions to chronic medical illnesses, life stressors and crises, stress-related physical symptoms, and ineffective patterns of health care utilization.

C.26:2H-5.1g Regulations.

3. a. Pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the Commissioner of Health shall adopt regulations necessary to develop an integrated licensing system in which facilities licensed under the authority of P.L.1971, c.136 (C.26:2H-1 et seq.); P.L.1957, c.146 (C.30:9A-1 et seq.); P.L.1975, c.305 (C.26:2B-7 et seq.); sections 5 and 6 of P.L.1989, c.51 (C.26:2BB-5 and C.26:2BB-6); P.L.1969, c.152 (C.26:2G-1 et seq.); or Reorganization Plan No. 001-2017 may provide primary care, mental health care, or substance use disorder treatment services, or a combination of such services, under a single license.

b. The regulations shall:

(1) identify services authorized to be provided as primary care, mental health care, or substance use disorder treatment pursuant to an integrated health care facility license;

(2) require a single integrated health care facility license for a facility, which license shall specify the scope of primary care, mental health care, and substance use disorder treatment services that the facility is authorized to provide under the integrated health care facility license;

(3) permit a facility to hold a designation as an ambulatory care facility, community mental health program, substance use disorder treatment facility, or other type of facility recognized under State or federal law under the integrated health care facility license without requiring a separate license;

(4) identify staffing requirements consistent with staff members' scope of professional practice and credentials;

(5) establish standards for information sharing among providers and among core and non-core team members;

(6) establish requirements for collection of data on identified outcome measures;

(7) permit sharing of clinical space, administrative staff, medical records storage, and other facility resources among different categories of services, unless a separation is necessary to protect the health and safety of patients or the public or to comply with federal or State health privacy laws and regulations; and

(8) establish application requirements, compliance inspections, investigations, and enforcement actions, including but not limited to fees and penalties.

c. In developing the regulations, the commissioner shall:

(1) consult with the Division of Medical Assistance and Health Services in the Department of Human Services to develop policies that minimize barriers to participation and reimbursement in the Medicaid and NJ FamilyCare programs faced by licensed facilities for all qualifying services; and

(2) promote policies that:

(a) support an effective and efficient administration of a full range of integrated, comprehensive health care;

(b) support providers' identification of risk factors for mental illness and substance use disorders, which may include physical health diagnoses;

(c) support an increased awareness of prevention and treatment;

(d) reduce the stigma associated with receiving behavioral health treatment;

(e) will lead to improved access to mental health care and substance use disorder treatment services for all persons;

(f) will lead to improved general health and wellness, including physical health, mental health, and substance use disorders, and prevent chronic disease; and

(g) will leverage partnerships with local health authorities, employers, faith-based organizations, and others involved in promoting community health.

4. This act shall take effect on the first day of the thirteenth 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 January 16, 2018.

CHAPTER 295

AN ACT concerning the application of pesticide products near beehives and beeyards and supplementing P.L.1971, c.176 (C.13:1F-1 et seq.).

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

C.13:1F-4.1 Rules, regulations relative to application of pesticide products near beehives and beeyards; registration.

1. a. Within 180 days after the effective date of P.L.2017, c.295 (C.13:1F-4.1), the department shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations: (1) permitting beekeepers to register their honey or native beehives or beeyards with the department; and (2) requiring pesticide applicators to notify a registered beekeeper before making an outdoor application of a pesticide product that may be toxic to bees within three miles of a registered honey or native beehive or beeyard.

b. A beekeeper who wishes to receive the notice required pursuant to paragraph (2) of subsection a. of this section shall register his beehives or beeyards with the department by March 1 each year.

c. The department shall adopt, by rule or regulation, specific requirements for the registration of beehives and beeyards and for the notification required pursuant to this section. The department may also provide for exceptions to the notification requirement.

2. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 296

AN ACT requiring training for pesticide applicators and operators concerning pollinating bees and amending P.L.1971, c.176.

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

1. Section 4 of P.L.1971, c.176 (C.13:1F-4) is amended to read as follows:

C.13:1F-4 Powers of commissioner relative to use of pesticides under certain circumstances.

4. a. The commissioner shall have the power to formulate and promulgate, amend and repeal orders, rules and regulations prohibiting, conditioning and controlling the sale, purchase, transportation, labeling, use and application, or any thereof, of pesticides which cause or may tend to cause adverse effects on man or the environment by any person within this State. State rules and regulations with respect to the labeling of any pesticide, the labeling of which is prescribed by Federal law and regulations, shall to the extent practicable conform to the Federal requirements.

b. In addition to any other training and licensing requirements established by the commissioner pursuant to P.L.1971, c.176 (C.13:1F-1 et seq.), a person seeking certification and licensing as a pesticide applicator or a commercial pesticide operator shall be required to complete a continuing education or training course, approved by the department, concerning the impact of pesticides on pollinating bees.

For the purposes of this subsection, "pollinating bee" means any bee that causes a plant to make fruits or seeds by transferring pollen from a plant anther to a plant stigma, resulting in fertilization.

2. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 297

AN ACT concerning rural electric cooperatives, supplementing Title 15A of the New Jersey Statutes, and amending P.L.1945, c.162.

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

C.48:24-1 Short title.

1. Sections 1 through 19 of this act shall be known and may be cited as the "New Jersey Rural Electric Cooperative Act."

C.48:24-2 Definitions relative to rural electric cooperatives.

2. As used in P.L.2017, c.297 (C.48:24-1 et al.):

"Acquire" means to construct or by purchase, lease, devise, gift, or other mode of acquisition.

"Board" means the board of directors of a rural electric cooperative.

"Federal agency" means any department, administration, commission, board, bureau, office, establishment, agency, authority, or instrumentality of the United States of America.

"Member" means the incorporators of a rural electric cooperative and each person thereafter lawfully admitted to membership therein.

"Obligations" means bonds, notes, debentures, interim certificates, or receipts, and all other evidence of indebtedness, whether secured or unsecured, issued by a rural electric cooperative.

"Person" means any individual or entity but shall not include any Federal agency, state, or any political subdivision thereof.

"Rural area" means any area included within the boundaries of any municipality that, as of the date of the rural electric cooperative's articles of incorporation, has a population of 30,000 inhabitants or less and a population density less than 4,000 persons per square mile, according to the latest federal decennial census, including both the farm and nonfarm population thereof.

"Rural electric cooperative" or "cooperative" means a nonprofit corporation entitled to the rights, benefits, and protections established under P.L.2017, c.297 (C.48:24-1 et al.).

C.48:24-3 Recognition, affirmation of rural electric cooperative.

3. A rural electric cooperative which organized as a rural electric cooperative under the general corporation laws of this State, is hereby recognized and affirmed as a rural electric cooperative entitled to the rights, ben-

efits, and protections established under P.L.2017, c.297 (C.48:24-1 et al.), if formed for any of the following purposes:

a. Furnishing of electric energy to persons who shall be members of the cooperative in rural areas who are not receiving service from an electric public utility;

b. Assisting in the wiring of the premises of persons in rural areas who are members of the cooperative or the acquisition, supply, or installation of electrical or plumbing equipment therein; and

c. Furnishing of electric energy, wiring facilities, electrical equipment, or services in rural areas to the members thereof.

C.48:24-4 Articles of incorporation.

4. The articles of incorporation of a rural electric cooperative existing under P.L.2017, c.297 (C.48:24-1 et al.) shall state:

a. The name of the cooperative, which shall include the words "Rural Electric Cooperative" and shall not be confusingly similar to the name of any other corporation in this State;

b. The purposes for which the cooperative is formed;

c. The names and addresses of the incorporators who shall serve as directors, and manage the affairs, of the cooperative until its first annual meeting of members or until their successors are elected and qualified;

d. The number of directors, not less than three, to be elected at the annual meetings of members;

e. The address, including street and number, if any, of the cooperative's registered office;

f. The period of duration of the cooperative, which may be perpetual;

g. The terms and conditions upon which persons will be admitted to, and retain, membership in the cooperative, provided that, if expressly so stated, the determination of these matters may be reserved to the directors by the bylaws; and

h. Other provisions, not inconsistent with law, which the incorporators or directors choose to insert for the regulation of the business and affairs of the cooperative.

C.48:24-5 Use of "Rural Electric Cooperative" designation restricted.

5. The words "Rural Electric Cooperative" shall not be used in the corporate name of any corporation organized for profit or not-for-profit in this State other than a cooperative existing under P.L.2017, c.297 (C.48:24-1 et al.).

C.48:24-6 Liberal construction.

6. All of the provisions of law applicable to rural electric cooperatives shall be construed liberally. The enumeration of any object, purpose, power, manner, method, or thing shall not be deemed to exclude like or similar objects, purposes, powers, manners, methods, or things.

C.48:24-7 Powers of rural electric cooperative.

7. A rural electric cooperative existing under P.L.2017, c.297 (C.48:24-1 et al.) shall have the power:

a. To generate, manufacture, purchase, acquire, and accumulate electric energy and to transmit, distribute, sell, furnish, and dispose of that electric energy to its members; and to construct, erect, purchase, lease as lessee and, in any manner, acquire, own, hold, maintain, operate, sell, dispose of, lease as lessor, exchange, and mortgage plants, buildings, works, machinery, supplies, equipment, apparatus, and transmission and distribution lines or systems necessary, convenient, or useful;

b. To assist its members to wire their premises and install therein electrical and plumbing fixtures, machinery, supplies, apparatus, and equipment of all kinds and character and, in connection therewith and for those purposes, to purchase, acquire, lease, sell, distribute, install, and repair electrical and plumbing fixtures, machinery, supplies, apparatus, and equipment of all kinds and character;

c. To receive, acquire, endorse, pledge, hypothecate, and dispose of notes, bonds, and other evidences of indebtedness;

d. To use any highway or any right-of-way, easement, or other similar property right owned or held by the State or any political subdivision thereof, in connection with the acquisition, construction, improvement, operation, or maintenance of its lines;

e. To have and exercise the power of eminent domain for the same purposes and in the same manner as electric public utilities within the State;

f. To fix, regulate, and collect rates, fees, rents, or other charges for electric energy and any other facilities, supplies, equipment, or services furnished by the cooperative;

g. To accept gifts or grants of money, services, or property, real, or personal; and

h. To do and perform, either for itself or its members or for any other cooperative, or for the members thereof, all acts necessary and to have and exercise any and all powers as may be necessary, convenient, or appropriate to effectuate the purpose for which the cooperative is incorporated.

C.48:24-8 Power relative to bylaws.

8. The power to make, alter, or repeal the bylaws of a rural electric cooperative established pursuant to P.L.2017, c.297 (C.48:24-1 et al.) shall be vested in the board of directors of the cooperative. The bylaws may contain any provisions for the regulation and management of the affairs of the cooperative not inconsistent with law or the articles of incorporation.

C.48:24-9 Eligibility for membership.

9. All persons in rural areas served, or proposed to be served, by a rural electric cooperative shall be eligible for membership in the cooperative upon terms as the cooperative's bylaws may specify. The bylaws shall constitute a contract between the cooperative and each of its members.

C.48:24-10 Liability for, payment of debts.

10. A member shall not be liable for the debts of a rural electric cooperative, but nothing in P.L.2017, c.297 (C.48:24-1 et al.) shall be construed to relieve any member from the payment of any debt due by the member to the cooperative.

C.48:24-11 Certificate of membership.

11. When a member of a rural electric cooperative has paid a membership fee, submitted a membership application, and complied with all remaining requirements for membership as determined by the cooperative, a certificate of membership shall be issued to the member. Memberships in the cooperative and the certificates thereof shall be nontransferable. The certificate of membership shall be surrendered to the cooperative upon the resignation, expulsion, or death of the member.

C.48:24-12 Board of directors.

12. a. The business and affairs of a rural electric cooperative shall be managed under the direction of a board of not less than three directors who shall be natural persons of full age. All directors shall be members of the cooperative.

b. Any vacancy occurring in the board of directors of the cooperative shall be filled by the remaining directors in accordance with the bylaws of the cooperative.

C.48:24-13 Meetings.

13. a. An annual meeting of the members of a rural electric cooperative shall be held at a time as may be provided in the bylaws.

b. Special meetings of the members may be called by:

(1) the president;

(2) the board of directors;

(3) the members as evidenced by a petition signed by not less than one-tenth of all of the members; or

(4) other officers or persons as may be provided in the bylaws.

c. Written notice of every meeting of members shall be given in the manner prescribed in the cooperative's bylaws, but in no event shall written notice be given more than 30 days or less than 10 days before the date of the meeting. If mailed, the notice shall be deemed to be delivered when deposited in the United States mail in a sealed envelope, addressed to the member at the member's address as it appears on the records of the cooperative, with postage thereon pre-paid.

C.48:24-14 Quorum.

14. If the total number of members of a rural electric cooperative shall exceed 1,000, then at least 100 of the members present in person shall constitute a quorum for the transaction of business at all meetings of members. In the case of a joint membership, the presence at a meeting of either joint member or both shall be regarded as the presence of one member. If less than a quorum is present at any meeting, a majority of those members present in person may adjourn the meeting from time to time without further notice.

C.48:24-15 Voting.

15. Each member of a rural electric cooperative present shall be entitled to only one vote on each matter submitted to a vote at a meeting of members. All questions shall be decided by a vote of a majority of members voting thereon in person except as otherwise provided by law, the articles of incorporation, or the bylaws.

C.48:24-16 Operating expenses; revenues.

16. a. A rural electric cooperative shall be operated without profit to its members, but the rates, fees, rents, or other charges for electric energy, and any other facilities, supplies, equipment, or services furnished by the cooperative shall be sufficient at all times:

(1) to pay all operating and maintenance expenses necessary or desirable for the prudent conduct of its business and the principal of and interest on the obligations issued or assumed by the cooperative in the performance of the purpose for which it was organized; and

(2) for the creation of reserves.

b. The revenues of the cooperative shall be devoted, first, to the payment of operating and maintenance expenses and the principal and interest on outstanding obligations and, thereafter, to the reserves for improvement,

new construction, depreciation, and contingencies as the board may, from time to time, prescribe.

c. (1) Revenues not required for the purposes set forth in sub-section b. of this section shall be returned, from time to time, to the members on a pro rata basis, according to the amount of business done with each member during the period, either in cash, in abatement of current charges for electric energy, or otherwise, as the board determines, but the return may be made by way of general rate reduction to members if the board so elects. The allocation and retirement of any capital credits shall be made by the directors in accordance with the bylaws of the cooperative.

(2) Any capital credits that remain unclaimed at the expiration of a period of three years from the date of member notification by the cooperative to the member at the member's last known address, as shown on the records of the cooperative, shall be retained by the cooperative for its general corporate purposes.

C.48:24-17 Merger, consolidation, division.

17. a. Any two or more rural electric cooperatives may merge, consolidate, or divide, but only if the surviving or resulting entity is a rural electric cooperative existing under P.L.2017, c.297 (C.48:24-1 et al.) or under the laws of a neighboring state. Every merger, consolidation, or division of a cooperative shall be proposed by the adoption by the board of directors of a resolution approving the plan of merger, consolidation, or division and directing that the plan be submitted to a vote of the members entitled to vote thereon at a regular or special meeting of the members.

b. A rural electric cooperative may sell, lease, lease-sell, exchange, or otherwise dispose of all or substantially all of its assets, other than in the ordinary course of business, only when authorized by the affirmative vote of two-thirds of all the members of the cooperative.

(1) The plan of asset transfer presented shall set forth the terms and conditions of the sale, lease, exchange, or other disposition, or may authorize the board of directors of the cooperative to fix any terms and conditions, including the consideration to be received by the cooperative therefor.

(2) Prior to the submission for consideration by the members of the cooperative, the board of directors of the cooperative shall first give all other rural electric cooperatives within the State of New Jersey and a neighboring state an opportunity to submit competing proposals. That opportunity shall be presented in the form of a written notice to those cooperatives, which notice shall be attached to a copy of the proposal which the cooperative has already received. Those cooperatives shall be given not less than

30 days during which to submit competing proposals, and the actual minimum period within which proposals are to be submitted shall be stated in the written notice given to them.

(3) Within 30 days after the expiration of the notice period set by the board of directors of a cooperative under paragraph (2) of this subsection, written notice of the special meeting to consider and take action on the plan of asset transfer and expressing in detail each of the proposals shall be given to each member of the cooperative. The special meeting shall not be held sooner than 30 days after giving that notice to the members.

(4) After a plan of asset transfer has been authorized by the members of a cooperative, the board of directors, in its discretion, may either pursue or abandon the sale, lease, lease-sale, exchange, or other disposition, subject to the rights of third parties under any contracts relating thereto, without further action or approval by the members.

C.48:24-18 Dissolution.

18. A rural electric cooperative may dissolve only when authorized by the affirmative vote of two-thirds of all the members of the cooperative. Any assets remaining after all liabilities or obligations of the cooperative have been satisfied or discharged upon dissolution shall be distributed pro rata among the members of the cooperative at the time of the filing of the certificate of dissolution in accordance with the cooperative's bylaws.

C.48:24-19 Security of borrowed money.

19. Whenever any rural electric cooperative subject to P.L.2017, c.297 (C.48:24-1 et al.) has borrowed money from any federal agency, the obligations issued to secure the payment of the money shall be exempt from the provisions of the "Uniform Securities Law (1967)," P.L.1967, c.93 (C.49:3-47 et seq.) nor shall the provisions of P.L.1967, c.93 (C.49:3-47 et seq.) apply to the issuance of membership certificates by that cooperative.

20. Section 3 of P.L.1945, c.162 (C.54:10A-3) is amended to read as follows:

C.54:10A-3 Corporations exempt.

3. The following corporations shall be exempt from the tax imposed by P.L.1945, c.162 (C.54:10A-1 et seq.):

(a) Corporations subject to a tax assessed upon the basis of gross receipts, other than the alternative minimum assessment determined pursuant to section 7 of P.L.2002, c.40 (C.54:10A-5a), and corporations subject to a tax assessed upon the basis of insurance premiums collected;

(b) Corporations which operate regular route autobus service within this State under operating authority conferred pursuant to R.S.48:4-3, provided, however, that the corporations shall not be exempt from the tax on net income imposed by section 5(c) of P.L.1945, c.162 (C.54:10A-5);

(c) Railroad, canal corporations, production credit associations organized under the Farm Credit Act of 1933, or agricultural cooperative associations incorporated or domesticated under or subject to chapter 13 of Title 4 of the Revised Statutes and exempt under Subtitle A, Chapter 1F, Part IV, Section 521 of the federal Internal Revenue Code (26 U.S.C. s.521);

(d) Cemetery corporations not conducted for pecuniary profit or any private shareholder or individual;

(e) Nonprofit corporations, associations or organizations established, organized or chartered, without capital stock, under the provisions of Title 15, 16 or 17 of the Revised Statutes, Title 15A of the New Jersey Statutes or under a special charter or under any similar general or special law of this or any other state, and not conducted for pecuniary profit of any private shareholders or individual;

(f) Sewerage and water corporations subject to a tax under the provisions of P.L.1940, c.5 (C.54:30A-49 et seq.) or any statute or law imposing a similar tax or taxes;

(g) Nonstock corporations organized under the laws of this State or of any other state of the United States to provide mutual ownership housing under federal law by tenants, provided, however, that the exemption hereunder shall continue only so long as the corporations remain subject to rules and regulations of the Federal Housing Authority and the Commissioner of the Federal Housing Authority holds membership certificates in the corporations and the corporate property is encumbered by a mortgage deed or deed of trust insured under the National Housing Act (48 Stat.1246) as amended by subsequent Acts of Congress. In order to be exempted under this subsection, corporations shall annually file a report on or before August 15 with the commissioner, in the form required by the commissioner, to claim such exemption, and shall pay a filing fee of $25;

(h) Corporations not for profit organized under any law of this State where the primary purpose thereof is to provide for its shareholders or members housing in a retirement community as the same is defined under the provisions of the "Retirement Community Full Disclosure Act," P.L.1969, c.215 (C.45:22A-1 et seq.);

(i) Corporations which are licensed as insurance companies under the laws of another state, including corporations which are surplus lines insurers declared eligible by the Commissioner of Banking and Insurance pursu-

ant to section 11 of P.L.1960, c.32 (C.17:22-6.45) to insure risks within this State;

(j) (1) Municipal electric corporations that were in existence as of January 1, 1995 provided that all of their income is from sales, exchanges, or deliveries of electricity derived from customers using electricity within their municipal boundaries; and (2) Municipal electric utilities that were in existence as of January 1, 1995 provided that all of their income is from sales, exchanges, or deliveries of electricity derived from customers using electricity within their franchise area existing as of January 1, 1995. If a municipal electric corporation derives income from sales, exchanges, or deliveries of electricity from customers using the electricity outside its municipal boundaries, the municipal electric corporation shall be subject to the tax imposed by P.L.1945, c.162 (C.54:10A-1 et seq.) on all income. If a municipal electric utility derives income from sales, exchanges or deliveries of electricity from customers using electricity outside its franchise area existing as of January 1, 1995, the municipal electric utility shall be subject to the tax imposed by P.L.1945, c.162 (C.54:10A-1 et seq.) on all income; and

(k) A rural electric cooperative which is exclusively owned and controlled by the members it serves and is subject to the provisions of P.L.2017, c.297 (C.48:24-1 et al.), provided that all of the cooperative's income from the sale and distribution of electricity is derived from sales, exchanges, or deliveries of electricity to members using electricity within its franchise area. If a rural electric cooperative derives income from sales, exchanges, or deliveries of electricity from customers using electricity outside its franchise area , that rural electric cooperative shall be subject to the tax imposed by P.L.1945, c.162 (C.54:10A-1 et seq.) on income derived from those sales, exchanges, or deliveries.

21. This act shall take effect immediately and section 20 shall first apply to accounting or privilege periods commencing after the date of enactment.

Approved January 16, 2018.

CHAPTER 298

AN ACT concerning professional and occupational licenses and supplementing P.L.1978, c.73 (C.45:1-14 et seq.).

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

C.45:1-15.7 Internet to provide secure process for obtaining, renewing professional, occupational licenses, certificates of registration.

1. Each professional or occupational board designated in section 2 of P.L.1978, c.73 (C.45:1-15), shall provide on its Internet website a secure process to allow applicants to complete online any application documents, including any fee payments, required to obtain an initial license, certificate of registration, or certification, or renewal of an existing license, certificate of registration, or certification, as the case may be, and to submit electronically all necessary documentation for review and approval of that board.

C.45:1-15.8 Rules, regulations.

2. Each professional or occupational board designated in section 2 of P.L.1978, c.73 (C.45:1-15), pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall promulgate rules and regulations necessary to implement this act.

3. This act shall take effect on the first day of the 36th month next following enactment, but each board may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved January 16, 2018.

CHAPTER 299

AN ACT concerning corporation proxy solicitation materials and supplementing chapter 5 of Title 14A of the New Jersey Statutes.

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

C.14A:5-31 Establishment of procedures, conditions relative to certain proxy solicitation materials.

1. A corporation may establish, in its bylaws, procedures or conditions under which materials with respect to shareholder-nominated individuals will be included in a corporation's proxy solicitation materials, includ-

ing the form of proxy, for an upcoming election of directors. Those procedures or conditions may include, but shall not be limited to, the following:

(1) A condition requiring a minimum level of beneficial ownership of shares of the corporation's voting stock by the nominating shareholder or a minimum duration of ownership of those shares;

(2) Conditions limiting nominations of directors who have been previously nominated to the board;

(3) A provision limiting the number of shareholder-nominated directors for each shareholder meeting at which directors are to be elected;

(4) Procedures requiring the nominating shareholder to submit specified information concerning the shareholder and the shareholder's nominees, including information concerning ownership by those persons of shares of the corporation's capital stock;

(5) A provision limiting nominations to shareholders, or any affiliate of those shareholders, who have not, and whose nominee has not, within a specified time period, publicly proposed to acquire shares constituting a specified percentage of the voting power of the corporation's outstanding voting stock; and

(6) A provision requiring that the nominating shareholder undertake to indemnify the corporation in respect of any loss arising as a result of any false or misleading information or statement submitted by the nominating shareholder in connection with a nomination.

2. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 300

AN ACT concerning claims for death benefits and supplementing Title 26 of the Revised Statutes.

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

C.26:6-8.6 Professionals certifying death to provide testing, related actions necessary for survivors to claim certain benefits.

1. The attending, covering, or resident physician, the attending advanced practice nurse, or the county medical examiner who provides the

death and last sickness particulars for a death certification shall provide or offer to provide any examination, screening, test, report, or certification as shall be necessary for a survivor of the deceased person to prosecute a claim for State or federal benefits arising from the deceased person's death. The examination, screening, test, report, or certification shall be provided upon request by a survivor.

2. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 301

AN ACT establishing the Lake Hopatcong Fund and dedicating $500,000 annually from certain power vessel operator license fees, and amending P.L.2000, c.175 and P.L.1995, c.401.

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

1. Section 12 of P.L.2000, c.175 (C.58:4B-12) is amended to read as follows:

C.58:4B-12 "Lake Hopatcong Fund."

12. a. The "Lake Hopatcong Fund" is established as a nonlapsing, revolving fund in the Department of the Treasury. The fund shall be administered by the Lake Hopatcong Commission, and shall be credited with monies received and dedicated to the fund pursuant to section 4 of P.L.1995, c.401 (C.12:7-73) and subsection b. of this section, and with any interest or other investment income earned on monies in the fund. Monies in the fund shall be used to carry out the purposes and objectives of P.L.2000, c.175 (C.58:4B-1 et seq.).

b. Notwithstanding any provision of law, rule, or regulation to the contrary, any State or federal funds appropriated, allocated, or designated by law, rule, regulation, or otherwise for the protection, preservation, restoration, maintenance, management, or enhancement of Lake Hopatcong shall be deposited in the "Lake Hopatcong Fund" for expenditure in furtherance of the purposes and objectives of P.L.2000, c.175. This section shall not apply to State or federal funds appropriated, allocated, or designated for Lake Hopatcong State Park.

2. Section 13 of P.L.2000, c.175 (C.58:4B-13) is amended to read as follows:

C.58:4B-13 Appropriations, annual budget requests.

13. There is appropriated from the General Fund to the Lake Hopatcong Commission the sum of $3,000,000 to pay for startup costs and to carry out the purposes and objectives of P.L.2000, c.175 (C.58:4B-1 et seq.) in the first year after the date of enactment of P.L.2000, c.175, and any unspent monies after that first year shall be carried forward for use by the commission in future years. Each year after the date of enactment of P.L.2017, c.301, the commission shall submit its annual budget request for funds dedicated to the Lake Hopatcong Fund pursuant to section 4 of P.L.1995, c.401 (C.12:7-73) and sufficient to carry out the purposes and objectives of P.L.2000, c.175 as part of the annual budget request submitted by the Department of Environmental Protection to the Division of Budget and Accounting in the Department of the Treasury, which shall include it in the budget request submitted annually by the Governor for appropriation by the Legislature.

3. Section 4 of P.L.1995, c.401 (C.12:7-73) is amended to read as follows:

C.12:7-73 Fees for certain licenses, deposit of revenues; digitized pictures.

4. a. The fee for a 48-month power vessel operator's license required pursuant to section 3 of P.L.1995, c.401 (C.12:7-72) shall be $18 and shall be paid to the Chief Administrator of the New Jersey Motor Vehicle Commission. Of the revenue derived from the fees imposed by this subsection, beginning July 1 following the date of enactment of P.L.2017, c.301, the sum of $500,000 shall be annually credited to and deposited in the "Lake Hopatcong Fund" established pursuant to section 12 of P.L.2000, c.175 (C.58:4B-12) and the remaining revenue shall be deposited into the General Fund.

b. Each New Jersey power vessel operator's license issued pursuant to section 3 of P.L.1995, c.401 (C.12:7-72) shall have a digitized color picture of the licensee. In addition to the fee required pursuant to subsection a. of this section, the fee for the digitized color picture shall be $6 for each license or renewal.

4. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 302

AN ACT concerning the use of dogs to track wild deer and amending R.S.23:4-46.

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

1. R.S.23:4-46 is amended to read as follows:

Use of dogs to track wild deer.

23:4-46. a. No person shall at any time, or for any reason, hunt for, track, search for, seek, capture, or kill a wild deer with a dog.

b. Notwithstanding the provisions of subsection a. of this section to the contrary, a person permitted by the Division of Fish and Wildlife may use a certified tracking dog on a lead to search for and recover deer lost by a hunter during any hunting season for deer prescribed by the State Fish and Game Code.

2. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 303

AN ACT concerning computer science education 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:7C-1.1 Courses in computer science required.

1. a. No later than the beginning of the 2018-2019 school year, each public school enrolling students in grades nine through 12 , other than a county vocational school district, shall offer a course in computer science. The course shall include, but need not be limited to, instruction in computational thinking, computer programming, the appropriate use of the Internet and development of Internet web pages, data security and the prevention of data breaches, ethical matters in computer science, and the global impact of advancements in computer science. The course shall be informed by the

review undertaken by the Department of Education pursuant to section 2 of P.L.2015, c.229.

b. Beginning with the 2022-2023 school year, the State Board of Education shall adopt any appropriate changes to the New Jersey Student Learning Standards and graduation requirements based upon the review undertaken by the Department of Education pursuant to section 2 of P.L.2015, c.229.

2. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 304

AN ACT concerning the Physical Therapy Licensure Compact and supplementing Title 45 of the Revised Statutes.

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

C.45:9-37.34h Physical Therapy Licensure Compact.

1. The State of New Jersey enacts and enters into the Physical Therapy Licensure Compact with all other jurisdictions that legally join in the compact in the form substantially as follows:

Section 1. Purpose.

1. The purpose of this compact is to facilitate the practice of physical therapy with the goal of improving public access to physical therapy services. The practice of physical therapy occurs in the state where the patient is located at the time of the patient encounter. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

This compact is designed to achieve the following objectives:

a. increase public access to physical therapy services by providing for the mutual recognition of other member state licenses;

b. enhance the states' ability to protect the public's health and safety;

c. encourage the cooperation of member states in regulating multistate physical therapy practice;

d. support spouses of relocating military members;

e. enhance the exchange of licensure, investigative, and disciplinary information between member states; and

f. allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards.

Section 2. Definitions.

2. As used in this compact, except as otherwise provided, the following definitions shall apply:

"Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. ss.1209 and 1211.

"Adverse action" means disciplinary action taken by a physical therapy licensing board based upon misconduct, unacceptable performance, or a combination of both.

"Alternative program" means a non-disciplinary monitoring or practice remediation process approved by a physical therapy licensing board. This includes, but is not limited to, substance abuse issues.

"Compact" means the Physical Therapy Licensure Compact.

"Compact privilege" means the authorization granted by a remote state to allow a licensee from another member state to practice as a physical therapist or work as a physical therapist assistant in the remote state under its laws and rules. The practice of physical therapy occurs in the member state where the patient is located at the time of the patient encounter.

"Continuing competence" means a requirement, as a condition of license renewal, to provide evidence of participation in, and completion of, educational and professional activities relevant to practice or area of work.

"Data system" means a repository of information about licensees, including examination, licensure, investigative, compact privilege, and adverse action.

"Encumbered license" means a license that a physical therapy licensing board has limited in any way.

"Executive Board" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.

"Home state" means the member state that is the licensee's primary state of residence.

"Investigative information" means information, records, and documents received or generated by a physical therapy licensing board pursuant to an investigation.

"Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of physical therapy in a state.

"Licensee" means an individual licensed by the State Board of Physical Therapy Examiners or an individual who currently holds an authorization from a member state to practice as a physical therapist or to work as a physical therapist assistant.

"Member state" means a state that has enacted and entered into the compact.

"Party state" means any member state in which a licensee holds a current license or compact privilege or is applying for a license or compact privilege.

"Physical therapist" means an individual who is licensed by a state to practice physical therapy.

"Physical therapist assistant" means an individual who is licensed or certified by a state and who assists the physical therapist in selected components of physical therapy.

"Physical therapy," "physical therapy practice," and "the practice of physical therapy" mean the care and services provided by or under the direction and supervision of a licensed physical therapist.

"Physical Therapy Compact Commission" or "commission" means the national administrative body whose membership consists of all member states.

"Physical therapy licensing board" or "licensing board" means the agency of a state that is responsible for the licensing and regulation of physical therapists and physical therapist assistants.

"Remote state" means a member state other than the home state, where a licensee is exercising or seeking to exercise the compact privilege.

"Rule" means a regulation, principle, or directive promulgated by the commission that has the force of law.

"State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of physical therapy.

Section 3. State Participation in the Compact.

3. a. To participate in the compact, a state must:

(1) participate fully in the commission's data system, including using the commission's unique identifier as defined in rules;

(2) have a mechanism in place for receiving and investigating complaints about licensees;

(3) notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of investigative information regarding a licensee;

(4) fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search on criminal background checks and use the results in making licensure decisions in accordance with subsection b. of this section;

(5) comply with the rules of the commission;

(6) utilize a recognized national examination as a requirement for licensure pursuant to the rules of the commission; and

(7) have continuing competence requirements as a condition for license renewal.

b. Upon enactment of this compact, a member state shall have the authority to obtain biometric-based information from each physical therapy licensure applicant and submit this information to the Federal Bureau of Investigation for a criminal background check in accordance with 28 U.S.C. s.534 and 42 U.S.C. s.14616.

c. A member state shall grant the compact privilege to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the compact and rules.

d. Member states may charge a fee for granting a compact privilege.

Section 4. Compact Privilege.

4. a. To exercise the compact privilege under the terms and provisions of the compact, the licensee shall:

(1) hold a license in the home state;

(2) have no encumbrance on any state license;

(3) be eligible for a compact privilege in any member state in accordance with subsections d., g., and h. of this section;

(4) have not had any adverse action against any license or compact privilege within the previous two years;

(5) notify the commission that the licensee is seeking the compact privilege within a remote state;

(6) pay any applicable fees, including any state fee, for the compact privilege;

(7) meet any jurisprudence requirements established by a remote state in which the licensee is seeking a compact privilege; and

(8) report to the commission adverse action taken by any non-member state within 30 days from the date the adverse action is taken.

b. The compact privilege is valid until the expiration date of the home license. The licensee must comply with the requirements of subsection a. of this section to maintain the compact privilege in the remote state.

c. A licensee providing physical therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

d. A licensee providing physical therapy in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens. The licensee is not eligible for a compact privilege in any state until the specific time for removal has passed and all fines are paid.

e. If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:

(1) the home state license is no longer encumbered; and

(2) two years have elapsed from the date of the adverse action.

f. Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of subsection a. of this section to obtain a compact privilege in any remote state.

g. If a licensee's compact privilege in any remote state is removed, the individual shall lose the compact privilege in any remote state until the following occur:

(1) the specific period of time for which the compact privilege was removed has ended;

(2) all fines have been paid; and

(3) two years have elapsed from the date of the adverse action.

h. Once the requirements of subsection g. of this section have been met, the licensee must meet the requirements in subsection a. of this section to obtain a compact privilege in a remote state.

Section 5. Active Duty Military Personnel or their Spouses.

5. A licensee who is active duty military or is the spouse of an individual who is active duty military may designate one of the following as the home state:

a. home of record;

b. permanent Change of Station; or

c. state of current residence if it is different than the permanent Change of Station state or home of record.

Section 6. Adverse Actions.

6. a. A home state shall have exclusive power to impose adverse action against a license issued by the home state.

b. A home state may take adverse action based on the investigative information of a remote state.

c. Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that the participation shall remain non-public if required by the member state's laws, rules or regulations. Member states must require licensees who enter any alternative programs in lieu of discipline to agree not to practice in any other member state during the term of the alternative program without prior authorization from that other member state.

d. Any member state may investigate actual or alleged violations of the laws, rules or regulations authorizing the practice of physical therapy in any other member state in which a physical therapist or physical therapist assistant holds a license or compact privilege.

e. A remote state shall have the authority to:

(1) take adverse actions as set forth in subsection d. of section 4 of this compact against a licensee's compact privilege in the state;

(2) issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence, and subpoenas issued by a physical therapy licensing board in a party state for the attendance and testimony of witnesses, or the production of evidence from another party state, shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it, and the issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service laws of the state where the witnesses or evidence are located; and

(3) if otherwise permitted by state law, recover from the licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee.

f. (1) In addition to the authority granted to a member state by its respective physical therapy practice act or other applicable state law, a member state may participate with other member states in joint investigations of licensees.

(2) Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

Section 7. Establishment of the Commission.

7. a. The compact member states hereby create and establish a joint public agency known as the Physical Therapy Compact Commission:

(1) The commission is an instrumentality of the member states.

(2) The venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this compact shall be construed as a waiver of sovereign immunity.

b. (1) Each member state shall have and be limited to one delegate selected by that member state's licensing board.

(2) The delegate shall be a current member of the licensing board, who is a physical therapist, physical therapist assistant, public member, or the board administrator.

(3) Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

(4) The member state board shall fill any vacancy occurring in the commission.

(5) Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission.

(6) A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

(7) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

c. The commission shall have the following powers and duties:

(1) establish the fiscal year of the commission;

(2) establish bylaws;

(3) maintain its financial records in accordance with the bylaws;

(4) meet and take such actions as are consistent with the provisions of this compact and the bylaws;

(5) promulgate uniform rules to facilitate and coordinate implementation and administration of the compact. The rules shall have the force and effect of law and shall be binding in all member states;

(6) bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state physical therapy licensing board to sue or be sued under applicable law shall not be affected;

(7) purchase and maintain insurance and bonds;

(8) borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state;

(9) hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

(10) accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest;

(11) lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the commission shall avoid any appearance of impropriety;

(12) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

(13) establish a budget and make expenditures;

(14) borrow money;

(15) appoint committees, including standing committees comprising of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;

(16) provide and receive information from, and cooperate with, law enforcement agencies;

(17) establish and elect an executive board; and

(18) perform such other functions as may be necessary or appropriate to achieve the purposes of the compact consistent with the state regulation of physical therapy licensure and practice.

d. The executive board shall have the power to act on behalf of the commission according to the terms of this compact.

(1) The executive board shall be comprised of nine members:

(a) seven voting members who are elected by the commission from the current membership of the commission;

(b) one ex-officio, nonvoting member from the recognized national physical therapy professional association; and

(c) one ex-officio, nonvoting member from the recognized membership organization of the physical therapy licensing boards.

(2) The ex-officio members will be selected by their respective organizations.

(3) The commission may remove any member of the executive board as provided in bylaws.

(4) The executive board shall meet at least annually.

(5) The executive board shall have the following duties and responsibilities:

(a) recommend to the entire commission changes to the rules or bylaws, changes to this compact, fees paid by compact member states such as annual dues, and any commission compact fee charged to licensees for the compact privilege;

(b) ensure compact administration services are appropriately provided, contractual or otherwise;

(c) prepare and recommend the budget;

(d) maintain financial records on behalf of the commission;

(e) monitor compact compliance of member states and provide compliance reports to the commission;

(f) establish additional committees as necessary; and

(g) other duties as provided in rules or bylaws.

e. (1) All meetings shall be open to the public, and a public notice of meetings shall be given in the same manner as required under the rulemaking provisions in section 9 of this compact.

(2) The commission or the executive board or other committees of the commission may convene in a closed, non-public meeting if the commission or executive board or other committees of the commission must discuss:

(a) non-compliance of a member state with its obligations under the compact;

(b) the employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;

(c) current, threatened, or reasonably anticipated litigation;

(d) negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

(e) accusing any person of a crime or formally censuring any person;

(f) disclosure of trade secrets or commercial or financial information that is privileged or confidential;

(g) disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(h) disclosure of investigative records compiled for law enforcement purposes;

(i) disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact; or

(j) matters specifically exempted from disclosure by federal or member state statute.

(3) If a meeting, or portion of a meeting, is closed pursuant to any subparagraph of paragraph (2) of this subsection, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

(4) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in the minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

f. (1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

(3) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.

(4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission

pledge the credit of any of the member states, except by and with the authority of the member state.

(5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

g. (1) The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

(2) The commission shall defend any member, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties, or responsibilities, or that person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

Section 8. Data System.

8. a. The commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

b. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including:

(1) identifying information;

(2) licensure data;

(3) adverse actions against a license or compact privilege;

(4) non-confidential information related to alternative program participation;

(5) any denial of application for licensure, and the reason or reasons for the denial; and

(6) other information that may facilitate the administration of this compact, as determined by the rules of the commission.

c. Investigative information pertaining to a licensee in any member state will only be available to other party states.

d. The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state will be available to any other member state.

e. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

f. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

Section 9. Rulemaking.

9. a. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

b. If a majority of the legislatures of the member states reject a rule, by enactment of a statute or resolution in the same manner used to adopt the

compact within four years of the date of adoption of the rule, then the rule shall have no further force and effect in any member state.

c. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

d. Prior to promulgation and adoption of a final rule or rules by the commission, and at least 30 days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a Notice of Proposed Rulemaking:

(1) on the website of the commission or other publicly accessible platform; and

(2) on the website of each member state physical therapy licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

e. The Notice of Proposed Rulemaking shall include:

(1) the proposed time, date, and location of the meeting in which the rule will be considered and voted upon;

(2) the text of the proposed rule or amendment and the reason for the proposed rule;

(3) a request for comments on the proposed rule from any interested person; and

(4) the manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

f. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

g. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

(1) at least 25 persons;

(2) a state or federal governmental subdivision or agency; or

(3) an association having at least 25 members.

h. If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the commission shall publish the mechanism for access to the electronic hearing.

(1) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.

(2) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(3) All hearings will be recorded. A copy of the recording will be made available on request.

(4) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

i. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

j. If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

k. The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

l. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

(1) meet an imminent threat to public health, safety, or welfare;

(2) prevent a loss of commission or member state funds;

(3) meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or

(4) protect public health and safety.

m. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is chal-

lenged, the revision may not take effect without the approval of the commission.

Section 10. Oversight, Dispute Resolution, and Enforcement.

10. a. The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the commission. The commission shall be entitled to receive service of process in any judicial or administrative proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact, or promulgated rules.

b. If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

(1) provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default and any other action to be taken by the commission; and

(2) provide remedial training and specific technical assistance regarding the default.

If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states. A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state. The defaulting state may appeal the action of the commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member shall be awarded all costs of litigation, including reasonable attorney's fees.

c. Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and non-member states. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

d. The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact. By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of litigation, including reasonable attorney's fees. The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

Section 11. Date of Implementation of the Commission and Associated Rules, Withdrawal, and Amendment.

11. a. The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

b. Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

c. Any member state may withdraw from this compact by enacting a statute repealing the same.

(1) A member state's withdrawal shall not take effect until six months after enactment of the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing state's physical therapy licensing board to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

d. Nothing contained in this compact shall be construed to invalidate or prevent any physical therapy licensure agreement or other cooperative arrangement between a member state and a non-member state that does not conflict with the provisions of this compact.

e. This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

Section 12. Construction and Severability.

12. This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any party state, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

C.45:9-37.34i Intent.

2. The Physical Therapy Licensure Compact is intended to facilitate the regulation of the practice of physical therapy and no provision of the compact shall be construed as to relieve employers from complying with contractual and statutorily imposed obligations.

3. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 305

AN ACT requiring health insurance coverage for digital tomosynthesis of the breast and supplementing various parts of the statutory law.

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

C.17:48-6pp Hospital service corporation to cover digital tomosynthesis of the breast.

1. a. 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 provide coverage for expenses incurred in conducting digital tomosynthesis to detect or screen for breast cancer in women 40 years of age and over; and for diagnostic purposes in women of any age.

b. In the case of digital tomosynthesis conducted to detect or screen for breast cancer in women 40 years of age and over, no deductible, coinsurance or other cost sharing shall be applied; and in the case of digital tomosynthesis conducted for diagnostic purposes in women of any age, the same deductibles, coinsurance, and other cost sharing as apply to similar services under the contract shall be applied.

c. This section shall apply to those hospital service corporation contracts in which the hospital service corporation has reserved the right to change the premium.

C.17:48A-7mm Medical service corporation contract to cover digital tomosynthesis of the breast.

2. a. 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 provide coverage for expenses incurred in conducting digital tomosynthesis to detect or screen for breast cancer in women 40 years of age and over; and for diagnostic purposes in women of any age.

b. In the case of digital tomosynthesis conducted to detect or screen for breast cancer in women 40 years of age and over, no deductible, coinsurance or other cost sharing shall be applied; and in the case of digital

tomosynthesis conducted for diagnostic purposes in women of any age, the same deductibles, coinsurance, and other cost sharing as apply to similar services under the contract shall be applied.

c. This section shall apply to those medical service corporation contracts in which the medical service corporation has reserved the right to change the premium.

C.17:48E-35.40 Health service corporation contract to cover digital tomosynthesis of the breast.

3. a. 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 provide coverage for expenses incurred in conducting digital tomosynthesis to detect or screen for breast cancer in women 40 years of age and over; and for diagnostic purposes in women of any age.

b. In the case of digital tomosynthesis conducted to detect or screen for breast cancer in women 40 years of age and over, no deductible, coinsurance or other cost sharing shall be applied; and in the case of digital tomosynthesis conducted for diagnostic purposes in women of any age, the same deductibles, coinsurance, and other cost sharing as apply to similar services under the contract shall be applied.

c. This section shall apply to those health service corporation contracts in which the health service corporation has reserved the right to change the premium.

C.17B:26-2.1jj Individual health insurance policy to cover digital tomosynthesis of the breast.

4. a. 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 provide coverage for expenses incurred in conducting digital tomosynthesis to detect or screen for breast cancer in women 40 years of age and over; and for diagnostic purposes in women of any age.

b. In the case of digital tomosynthesis conducted to detect or screen for breast cancer in women 40 years of age and over, no deductible, coinsurance or other cost sharing shall be applied; and in the case of digital

tomosynthesis conducted for diagnostic purposes in women of any age, the same deductibles, coinsurance, and other cost sharing as apply to similar services under the policy shall be applied.

c. This section shall apply to those individual health insurance policies in which the insurer has reserved the right to change the premium.

C.17B:27-46.1pp Group health insurance policy to cover digital tomosynthesis of the breast.

5. a. 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 provide coverage for expenses incurred in conducting digital tomosynthesis to detect or screen for breast cancer in women 40 years of age and over; and for diagnostic purposes in women of any age.

b. In the case of digital tomosynthesis conducted to detect or screen for breast cancer in women 40 years of age and over, no deductible, coinsurance or other cost sharing shall be applied; and in the case of digital tomosynthesis conducted for diagnostic purposes in women of any age, the same deductibles, coinsurance, and other cost sharing as apply to similar services under the policy shall be applied.

c. This section shall apply to those group health insurance policies in which the insurer has reserved the right to change the premium.

C.17B:27A-7.23 Individual health benefits plan to cover digital tomosynthesis of the breast.

6. a. 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 provide coverage for expenses incurred in conducting digital tomosynthesis to detect or screen for breast cancer in women 40 years of age and over; and for diagnostic purposes in women of any age.

b. In the case of digital tomosynthesis conducted to detect or screen for breast cancer in women 40 years of age and over, no deductible, coinsurance or other cost sharing shall be applied; and in the case of digital tomosynthesis conducted for diagnostic purposes in women of any age, the

same deductibles, coinsurance, and other cost sharing as apply to similar services under the health benefits plan shall be applied.

c. This section shall apply to those health benefits plans in which the carrier has reserved the right to change the premium.

C.17B:27A-19.27 Small employer health benefits plan to cover digital tomosynthesis of the breast.

7. a. 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 provide coverage for expenses incurred in conducting digital tomosynthesis to detect or screen for breast cancer in women 40 years of age and over; and for diagnostic purposes in women of any age.

b. In the case of digital tomosynthesis conducted to detect or screen for breast cancer in women 40 years of age and over, no deductible, coinsurance or other cost sharing shall be applied; and in the case of digital tomosynthesis conducted for diagnostic purposes in women of any age, the same deductibles, coinsurance, and other cost sharing as apply to similar services under the health benefits plan shall be applied.

c. This section shall apply to those health benefits plans in which the carrier has reserved the right to change the premium.

C.26:2J-4.41 HMO to cover digital tomosynthesis of the breast.

8. a. A health maintenance organization contract for health care services that 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 provide coverage for expenses incurred in conducting digital tomosynthesis to detect or screen for breast cancer in women 40 years of age and over; and for diagnostic purposes in women of any age.

b. In the case of digital tomosynthesis conducted to detect or screen for breast cancer in women 40 years of age and over, no deductible, coinsurance or other cost sharing shall be applied; and in the case of digital tomosynthesis conducted for diagnostic purposes in women of any age, the same deductibles, coinsurance, and other cost sharing as apply to similar services under the contract shall be applied.

c. 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.

C.52:14-17.29y SHBC to cover digital tomosynthesis of the breast.

9. a. The State Health Benefits Commission shall ensure that every contract purchased by the commission on or after the effective date of this act that provides hospital and medical expense benefits shall provide coverage for expenses incurred in conducting digital tomosynthesis to detect or screen for breast cancer in women 40 years of age and over; and for diagnostic purposes in women of any age.

b. In the case of digital tomosynthesis conducted to detect or screen for breast cancer in women 40 years of age and over, no deductible, coinsurance or other cost sharing shall be applied; and in the case of digital tomosynthesis conducted for diagnostic purposes in women of any age, the same deductibles, coinsurance, and other cost sharing as apply to similar services under the contract shall be applied.

C.52:14-17.46.6j School Employees' Health Benefits Commission to cover digital tomosynthesis of the breast.

10. a. 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 provide coverage for expenses incurred in conducting digital tomosynthesis to detect or screen for breast cancer in women 40 years of age and over; and for diagnostic purposes in women of any age.

b. In the case of digital tomosynthesis conducted to detect or screen for breast cancer in women 40 years of age and over, no deductible, coinsurance or other cost sharing shall be applied; and in the case of digital tomosynthesis conducted for diagnostic purposes in women of any age, the same deductibles, coinsurance, and other cost sharing as apply to similar services under the contract shall be applied.

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

Approved January 16, 2018.

CHAPTER 306

AN ACT concerning real property assessment practices 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 19 of P.L.1979, c.499 (C.54:3-5.1) is amended to read as follows:

C.54:3-5.1 Reports to the director.

19. a. The president of each county board of taxation shall annually on or before August 15 report to the Director of the Division of Taxation in the Department of the Treasury, except that the president of a county board of taxation participating in the demonstration program established in section 4 of P.L.2013, c.15 (C.54:1-104) and the president of a county board of taxation in a county operating under the "Property Tax Assessment Reform Act," P.L.2009, c.118 (C.54:1-86 et seq.) shall make this required report to the director annually on or before June 1. Such report shall be in such form as shall be prescribed by the director and shall contain such information and statistics as may be appropriate to demonstrate for the immediately preceding 3-month period during which tax appeals were heard by the county board: the total number of appeals filed with the county board; the disposition of the various appeals disposed of during that period; the character of appeals filed with regard to the classification of properties appealed; the total amount of assessments involved in those appeals; the number of appeals filed in each filing fee category during that period; and, the total amount of reductions and increases of assessed valuation granted by the board during that period.

b. The Director of the Division of Taxation shall annually review the reports required under subsection a. of this section, and shall include a summary of the information contained therein in the division's annual report.

2. R.S.54:3-17 is amended to read as follows:

Ratio of assessments to value; equalization table; copies to assessors.

54:3-17. Each county tax administrator shall annually ascertain and determine, according to his best knowledge and information, the general ratio or percentage of true value at which the real property of each taxing district is in fact assessed according to the tax lists laid before the board.

On or before March 1 of each year, or on or before May 15 in the case of a county board of taxation participating in the demonstration program established in section 4 of P.L.2013, c.15 (C.54:1-104), the county tax administrator, and the county assessor in a county operating under the "Property Tax Assessment Reform Act," P.L.2009, c.118 (C.54:1-86 et seq.) shall prepare and submit to the county board an equalization table showing, for each district, the following items:

(a) The percentage level established pursuant to law for expressing the taxable value of real property in the county;

(b) The aggregate assessed value of the real property, exclusive of class II railroad property;

(c) The ratio of aggregate assessed to aggregate true value of the real property, exclusive of class II railroad property;

(d) The aggregate true value of the real property, exclusive of class II railroad property;

(e) The amount by which the valuation in item (b) should be increased or decreased in order to correspond to item (d);

(f) The aggregate assessed value of machinery implements and equipment and all other personal property used in business;

(g) The aggregate true value of machinery, implements and equipment and all other personal property used in business;

(h) The aggregate equalized valuation of machinery, implements and equipment and all other personal property used in business, computed by multiplying the aggregate true value thereof by the lower of (1) that percentage level established pursuant to law for expressing the taxable value of real property in the county, or (2) the average ratio of assessed to true value of real property as promulgated by the director on October 1 of the pretax year, pursuant to chapter 86, laws of 1954, for State school aid purposes, as the same may have been modified by the Tax Court;

(i) The amount by which the valuation in item (f) should be increased or decreased in order to correspond to item (h).

A copy of the table shall be mailed to the assessor of each district, and to the Division of Taxation, and be posted at the courthouse, not later than March 1, or not later than May 15 in the case of a county board of taxation participating in the demonstration program established in section 4 of P.L.2013, c.15 (C.54:1-104) and a county operating under the "Property Tax Assessment Reform Act," P.L.2009, c.118 (C.54:1-86 et seq.).

3. R.S.54:3-18 is amended to read as follows:

Meeting to review equalization table; hearing and notice.

54:3-18. The county board of taxation in each county shall meet annually for the purpose of reviewing the equalization table prepared pursuant to R.S.54:3-17 with respect to the several taxing districts of the county. At the meeting a hearing shall be given to the assessors and representatives of the governing bodies of the various taxing districts for the purpose of determining the accuracy of the ratios and valuations of property as shown in the equalization table, and the board shall confirm or revise the table in accordance with the facts. The hearings may be adjourned from time to time but the equalization shall be completed before March 10, or not later than May 25 in the case of a county board of taxation participating in the demonstration program established in section 4 of P.L.2013, c.15 (C.54:1-104) and a county board of taxation of a county operating under the "Property Tax Assessment Reform Act," P.L.2009, c.118 (C.54:1-86 et seq.). At the first hearing any taxing district may object to the ratio or valuation fixed for any other district, but no increase in any valuation as shown in the table shall be made by the board without giving a hearing, after 3 days' notice, to the governing body and assessor of the taxing district affected.

4. R.S.54:3-21 is amended to read as follows:

Appeal by taxpayer or taxing district; petition; complaint; exception.

54:3-21. a. (1) Except as provided in subsection b. of this section a taxpayer feeling aggrieved by the assessed valuation of the taxpayer's property, or feeling discriminated against by the assessed valuation of other property in the county, or a taxing district which may feel discriminated against by the assessed valuation of property in the taxing district, or by the assessed valuation of property in another taxing district in the county, may on or before April 1, or 45 days from the date the bulk mailing of notification of assessment is completed in the taxing district, whichever is later, appeal to the county board of taxation by filing with it a petition of appeal; provided, however, that any such taxpayer or taxing district may on or before April 1, or 45 days from the date the bulk mailing of notification of assessment is completed in the taxing district, whichever is later, file a complaint directly with the Tax Court, if the assessed valuation of the property subject to the appeal exceeds $1,000,000. In a taxing district where a municipal-wide revaluation or municipal-wide reassessment has been implemented, a taxpayer or a taxing district may appeal before or on May 1 to the county board of taxation by filing with it a petition of appeal or, if the assessed valuation of the property subject to the appeal exceeds $1,000,000, by filing

a complaint directly with the State Tax Court. Within ten days of the completion of the bulk mailing of notification of assessment, the assessor of the taxing district shall file with the county board of taxation a certification setting forth the date on which the bulk mailing was completed. If a county board of taxation completes the bulk mailing of notification of assessment, the tax administrator of the county board of taxation shall within ten days of the completion of the bulk mailing prepare and keep on file a certification setting forth the date on which the bulk mailing was completed. A taxpayer shall have 45 days to file an appeal upon the issuance of a notification of a change in assessment. An appeal to the Tax Court by one party in a case in which the Tax Court has jurisdiction shall establish jurisdiction over the entire matter in the Tax Court. All appeals to the Tax Court hereunder shall be in accordance with the provisions of the State Uniform Tax Procedure Law, R.S.54:48-1 et seq.

If a petition of appeal or a complaint is filed on April 1 or during the 19 days next preceding April 1, a taxpayer or a taxing district shall have 20 days from the date of service of the petition or complaint to file a cross-petition of appeal with a county board of taxation or a counterclaim with the Tax Court, as appropriate.

(2) With respect to property located in a county participating in the demonstration program established in section 4 of P.L.2013, c.15 (C.54:1-104) or a property located in a county operating under the "Property Tax Assessment Reform Act," P.L.2009, c.118 (C.54:1-86 et seq.), and except as provided in subsection b. of this section, a taxpayer feeling aggrieved by the assessed valuation of the taxpayer's property, or feeling discriminated against by the assessed valuation of other property in the county, or a taxing district which may feel discriminated against by the assessed valuation of property in the taxing district, or by the assessed valuation of property in another taxing district in the county, may on or before January 15, or 45 days from the date the bulk mailing of notification of assessment is completed in the taxing district, whichever date is later, appeal to the county board of taxation by filing with it a petition of appeal; provided, however, that any such taxpayer, or taxing district, may on or before April 1, or 45 days from the date the bulk mailing of notification of assessment is completed in the taxing district, whichever date is later, file a complaint directly with the Tax Court, if the assessed valuation of the property subject to the appeal exceeds $1,000,000.

If a petition of appeal is filed on January 15 or during the 19 days next preceding January 15, or a complaint is filed with the Tax Court on April 1 or during the 19 days next preceding April 1, a taxpayer or a taxing district

shall have 20 days from the date of service of the petition or complaint to file a cross-petition of appeal with a county board of taxation or a counterclaim with the Tax Court, as appropriate.

Within 10 days of the completion of the bulk mailing of notification of assessment, the assessor of the taxing district shall file with the county board of taxation a certification setting forth the date on which the bulk mailing was completed. If a county board of taxation completes the bulk mailing of notification of assessment, the tax administrator of the county board of taxation shall within 10 days of the completion of the bulk mailing prepare and keep on file a certification setting forth the date on which the bulk mailing was completed. A taxpayer shall have 45 days to file an appeal upon the issuance of a notification of a change in assessment. An appeal to the Tax Court by one party in a case in which the Tax Court has jurisdiction shall establish jurisdiction over the entire matter in the Tax Court. All appeals to the Tax Court hereunder shall be in accordance with the provisions of the State Uniform Tax Procedure Law, R.S.54:48-1 et seq.

b. No taxpayer or taxing district shall be entitled to appeal either an assessment or an exemption or both that is based on a financial agreement subject to the provisions of the "Long Term Tax Exemption Law" under the appeals process set forth in subsection a. of this section.

5. Section 18 of P.L.1979, c.499 (C.54:3-21.3a) is amended to read as follows:

C.54:3-21.3a Use of revenues from fees.

18. All revenues received by the county from fees, either established or increased pursuant to this amendatory and supplementary act, shall be used exclusively for the purposes of modernizing the record-retention capabilities of the county board of taxation, for defraying the costs incurred by the county board of taxation in recording and transcribing appeal proceedings, setting forth memorandums of judgment and in providing copies thereof, for paying any salary required to be paid by the county which is increased pursuant to this amendatory and supplementary act, and to effectuate the provisions of the real property assessment demonstration program established by section 4 of P.L.2013, c.15 (C.54:1-104).

In addition to these purposes, a county operating under the "Real Property Assessment Demonstration Program," P.L.2013, c.15 (C.54:1-101 et seq.) or the "Property Tax Assessment Reform Act," P.L.2009, c.118 (C.54:1-86 et seq.) also shall be able to use these fee moneys for costs of software and hardware necessary for computer-assisted mass appraisal of

real property, and paying for all costs related to the maintenance of tax maps.

6. R.S.54:4-35 is amended to read as follows:

Period for assessing; assessor's duplicate; preliminary, final assessment list.

54:4-35. a. Except as provided in subsection b. of this section, the assessor shall determine his taxable valuations of real property as of October 1 in each year and shall complete the preparation of his assessment list by January 10 following, on which date he shall attend before the county board of taxation and file with the board his complete assessment list, and a true copy thereof, to be called the assessor's duplicate. Such list and duplicate shall include the assessments of personal property reported or determined pursuant to this chapter. They shall be properly made up in such manner and form required by the Director of the Division of Taxation pursuant to R.S.54:4-26, to be examined, revised and corrected by the board as provided by law.

b. In the case of a municipality located in a county where the county board of taxation is participating in the demonstration program established in section 4 of P.L.2013, c.15 (C.54:1-104) and in the case of a county operating under the "Property Tax Assessment Reform Act," P.L.2009, c.118 (C.54:1-86 et seq.), the assessor shall determine the taxable valuations of real property as of October 1 in each year and shall complete the preparation of the preliminary assessment list by November 1, and the assessor shall appear on that date before the county board of taxation and shall file with the board a hard copy of the complete preliminary assessment list, or shall certify to the board, on forms promulgated by the Director of the Division of Taxation in the Department of the Treasury, that the electronic file within the county's MOD-IV tax system is his complete preliminary assessment list.

After all of the assessment appeals filed with the county tax board have been decided, the assessor shall complete the preparation of the final assessment list by May 5, on which date the assessor shall appear before the county board of taxation and shall file with the board his completed final assessment list, and a true copy of the final assessment list, which true copy shall be the assessor's duplicate. The final assessment and the assessor's duplicate shall include the assessments of personal property reported or determined pursuant to the requirements of chapter 4 of Title 54 of the Revised Statutes, in such manner and form as shall be required by the director

pursuant to R.S.54:4-26, and shall be examined, revised and corrected by the board as provided by law.

7. R.S.54:4-38 is amended to read as follows:

Public inspection notice; advertisement; appeals.

54:4-38. a. Except as provided in subsection b. of this section, every assessor, at least ten days before filing the complete assessment list and duplicate with the county board of taxation, and before annexing thereto his affidavit as required in section 54:4-36 of this title, shall notify each taxpayer of the current assessment and preceding year's taxes and give public notice by advertisement in at least one newspaper circulating within his taxing district of a time and place when and where the assessment list may be inspected by any taxpayer for the purpose of enabling the taxpayer to ascertain what assessments have been made against him or his property and to confer informally with the assessor as to the correctness of the assessments, so that any errors may be corrected before the filing of the assessment list and duplicate. Thereafter, the assessor shall notify each taxpayer by mail within 30 days of any change to the assessment. This notification of change of assessment shall contain the prior assessment and the current assessment. Any notice issued by the assessor shall contain information instructing taxpayers on how to appeal their assessment along with the deadline to file an appeal, printed in boldface type.

b. In the case of a municipality located in a county where the county board of taxation is participating in the demonstration program established in section 4 of P.L.2013, c.15 (C.54:1-104) and in the case of a county operating under the "Property Tax Assessment Reform Act," P.L.2009, c.118 (C.54:1-86 et seq.), every assessor, before filing the preliminary assessment list with the county board of taxation pursuant to subsection b. of R.S.54:4-35, shall notify each taxpayer of the preliminary assessment and preceding year's taxes and give public notice by advertisement in at least one newspaper circulating within his taxing district of a time and place when and where the assessment list may be inspected by any taxpayer for the purpose of enabling the taxpayer to ascertain what assessments have been made against the taxpayer or the taxpayer's property.

8. Section 32 of P.L.1991, c.75 (C.54:4-38.1) is amended to read as follows:

C.54:4-38.1 Notice of current assessment, preceding year's taxes, changed assessments, deadline for appeal.

32. a. Except as provided in subsection b. of this section, every assessor, prior to February 1, shall notify by mail each taxpayer of the current assessment and preceding year's taxes. Thereafter, the assessor or county board of taxation shall notify each taxpayer by mail within 30 days of any change to the assessment. This notification of change of assessment shall contain the prior assessment and the current assessment. The director shall establish the form of notice of assessment and change of assessment. Any notice issued by the assessor or county board of taxation shall contain information instructing taxpayers on how to appeal their assessment along with the deadline to file an appeal, printed in boldface type.

b. In the case of a municipality located in a county where the county board of taxation is participating in the demonstration program established in section 4 of P.L.2013, c.15 (C.54:1-104) and in the case of a county operating under the "Property Tax Assessment Reform Act," P.L.2009, c.118 (C.54:1-86 et seq.), every assessor, on or before November 15 of the pretax year, shall notify by mail each taxpayer of the preliminary assessment and preceding year's taxes. Thereafter, the assessor or county board of taxation shall notify each taxpayer by mail within 30 days of any change to the assessment which has occurred as the result of a municipal-wide revaluation or reassessment of real property within the municipality. This notification of change of assessment shall contain the prior assessment and the current assessment. The director shall establish the form of notice of assessment and change of assessment. Any notice issued by the assessor or county board of taxation shall contain information instructing taxpayers on how to appeal their assessment along with the deadline to file an appeal, printed in boldface type.

c. The county board of taxation of the demonstration county shall make the preliminary data electronically accessible to the public by posting the data in searchable form on the county's website not later than 15 business days after the submission of the preliminary data.

9. R.S.54:4-52 is amended to read as follows:

Table of aggregates for county; prepared by county board.

54:4-52. The county board of taxation shall, on or before May 20, or on or before May 31 in the case of a county board of taxation participating in the demonstration program established in section 4 of P.L.2013, c.15 (C.54:1-104) and a county board of taxation in a county operating under the

"Property Tax Assessment Reform Act," P.L.2009, c.118 (C.54:1-86 et seq.), fill out a table of aggregates copied from the duplicates of the several assessors and the certifications of the Director of the Division of Taxation relating to second-class railroad property, and enumerating the following items:

(1) The total number of acres and lots assessed;

(2) The value of the land assessed;

(3) The value of the improvements thereon assessed;

(4) The total value of the land and improvements assessed, including:

a. Second-class railroad property;

b. All other real property.

(5) The value of the personal property assessed, stating in separate columns:

a. Value of household goods and chattels assessed;

b. Value of farm stock and machinery assessed;

c. Value of stocks in trade, materials used in manufacture and other personal property assessed under section 54:4-11;

d. Value of all other tangible personal property used in business assessed.

(6) Deductions allowed, stated in separate columns:

a. Household goods and other exemptions under the provisions of section 54:4-3.16 of this Title;

b. Property exempted under section 54:4-3.12 of this Title.

(7) The net valuation taxable;

(8) Amounts deducted under the provisions of sections 54:4-49 and 54:4-53 of this Title or any other similar law (adjustments resulting from prior appeals);

(9) Amounts added under any of the laws mentioned in subdivision 8 of this section (like adjustments);

(10) Amounts added for equalization under the provisions of sections 54:3-17 to 54:3-19 of this Title;

(11) Amounts deducted for equalization under the provisions of sections 54:3-17 to 54:3-19 of this Title;

(12) Net valuation on which county, State and State school taxes are apportioned;

(13) The number of polls assessed;

(14) The amount of dog taxes assessed;

(15) The property exempt from taxation under the following special classifications:

a. Public school property;

b. Other school property;

c. Public property;

d. Church and charitable property;

e. Cemeteries and graveyards;

f. Other exemptions not included in foregoing classifications subdivided showing exemptions of real property and exemptions of personal property;

g. The total amount of exempt property.

(16) State road tax;

(17) State school tax;

(18) County taxes apportioned, exclusive of bank stock taxes;

(19) Local taxes to be raised, exclusive of bank stock taxes, subdivided as follows:

a. District school tax;

b. Other local taxes.

(20) Total amount of miscellaneous revenues, including surplus revenue appropriated, for the support of the taxing district budget, which, for a municipality operating under the State fiscal year, shall be the amounts for the fiscal year ending June 30 of the year in which the table is prepared;

(21) District court taxes;

(22) Library tax;

(23) Bank stock taxes due taxing district;

(24) Tax rate for local taxing purposes to be known as general tax rate to apply per $100.00 of valuation, which general tax rate shall be rounded up to the nearest one-half penny after receipt in any year of a municipal resolution submitted to the county tax board on or before April 1 of that tax year requesting that the general tax rate be rounded up to the nearest one-half penny.

For municipalities operating under the State fiscal year, the amount for local municipal purposes shall be the amount as certified pursuant to section 16 of P.L.1994, c.72 (C.40A:4-12.1). The table shall also include a footnote showing the amount raised by taxation for municipal purposes as shown in the State fiscal year budget ending June 30 of the year the table is prepared.

In addition to the above such other matters may be added, or such changes in the foregoing items may be made, as may from time to time be directed by the Director of the Division of Taxation. The forms for filling out tables of aggregates shall be prescribed by the director and sent by him to the county treasurers of the several counties to be by them transmitted to the county board of taxation. Such table of aggregates shall be correctly added by columns and shall be signed by the members of the county board

of taxation and shall within three days thereafter be transmitted to the county treasurer who shall file the same and forthwith cause it to be printed in its entirety and shall transmit certified copy of same to the Director of the Division of Taxation, the State Auditor, the Director of the Division of Local Government Services in the Department of Community Affairs, the clerk of the board of freeholders, and the clerk of each municipality in the county.

C.54:4-23b Inspections of real property for purposes of reassessment.

10. Regarding inspections of real property for purposes of a municipal-wide reassessment pursuant to R.S.54:4-23, in the case of a municipality located in a county wherein the county board of taxation is participating in the demonstration program established in section 4 of P.L.2013, c.15 (C.54:1-104) and in the case of a county operating under the "Property Tax Assessment Reform Act," P.L.2009, c.118 (C.54:1-86 et seq.), the assessor shall make three good-faith attempts to physically inspect the interior of each of the properties in the municipality not later than December 31 of the eighth year immediately preceding the year of the implementation of the proposed district-wide reassessment. Such inspections may be performed in an ongoing eight-year assessment cycle. If, after the third attempt to inspect the interior of the premises, access to the interior of the premises has not been granted by the property owner, the assessor shall assess the property using other observations and sources, including information on the property record card maintained by the assessor.

11. Section 6 of P.L.2009, c.118 (C.54:1-91) is amended to read as follows:

C.54:1-91 Appointment of deputy, assistant deputy county assessors.

6. a. The county governing body shall appoint deputy county assessors and assistant deputy county assessors as needed, subject to the requirements of section 13 of P.L.2009, c.118 (C.54:1-98). Deputy county assessors and assistant deputy county assessors may be appointed at any time after the appointment of the county assessor in a pilot county.

A candidate for the position of deputy county assessor or assistant deputy county assessor shall hold a certified tax assessor certificate. Such a candidate may substitute, for any requirement of years of experience for appointment to those positions, on a year for year basis, membership in the Appraisal Institute or years of experience as a Principal Assistant Assessor.

b. The county assessor shall direct the work of all deputy county assessors.

c. (1) The county assessor shall be responsible to the county governing body for the efficient operation of his office and of the deputy county assessors within the pilot county.

(2) The county assessor shall determine employment jurisdictions for deputy county assessors under his supervision, however, the county governing body shall establish their hours of employment, the terms and conditions of their employment, and fix their compensation.

d. The county assessor shall establish a permanent central office within the pilot county, and may authorize additional permanent or temporary district offices within the pilot county, within the limits of funds made available for those purposes by the county governing body.

e. (1) The county assessor may request that the county governing body employ such additional professional and clerical assistants as are necessary for the performance of his duties.

(2) Any professional or clerical assistants supervised by the county assessor shall be employees of the pilot county.

f. After December 31st of the third full year next following the first appointment of a county assessor pursuant to subsection a. of section 4 of P.L.2009, c.118 (C.54:1-89), the position of county tax administrator is abolished in that pilot county.

C.54:4-23c Rules, regulations.

12. The State Treasurer, in consultation with the Director of the Division of Taxation in the Department of the Treasury, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations to effectuate the provisions of P.L.2017, c.306 (C.54:4-23b et al.).

13. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 307

AN ACT clarifying the ownership requirements for certain homes and seasonal rentals exempt from the bulk sale notification requirements, amending P.L.2007, c.100.

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

1. Section 5 of P.L.2007, c.100 (C.54:50-38) is amended to read as follows:

C.54:50-38 Notification to director of proposed sale, transfer, assignment of assets; claim for State taxes; exemptions.

5. a. (1) Whenever a person shall make a sale, transfer, or assignment in bulk of any part or the whole of the person's business assets except as provided by paragraph (2) of this subsection, otherwise than in the ordinary course of business, the purchaser, transferee or assignee shall, at least 10 days before taking possession of the subject of the sale, transfer or assignment, or paying therefor, notify the director by registered mail, or other such method as the director may prescribe, of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferrer or assignor has represented to, or informed the purchaser, transferee or assignee that the seller, transferrer or assignor owes any State tax and whether or not the purchaser, transferee, or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing. Within 10 days of receiving such notice, the director shall notify the purchaser, transferee or assignee by such means as the director may prescribe that a possible claim for State taxes exists and include the amount of the State's claim.

(2) (a) Paragraph (1) of this subsection shall not apply to the sale, transfer or assignment of a simple dwelling house if the seller, transferrer or assignor is an "individual," "estate," or "trust" as those terms are used for the purposes of the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq. or any combination thereof owning the simple dwelling house as joint tenants, tenants in common or tenancy by the entirety; paragraph (1) shall apply to the sale, transfer or assignment of a simple dwelling house if the seller, transferrer or assignor is a business entity, including but not limited to a corporation or a partnership. "Simple dwelling house" means a dwelling unit, attached or detached, and land appurtenant thereto, including but not limited to a one-family or two-family building or structure, a unit of a horizontal property regime established pursuant to the "Horizontal Property Act," P.L.1963, c.168 (C.46:8A-1 et seq.), a unit in a housing cooperative as defined under "The Cooperative Recording Act of New Jersey," P.L.1987, c.381 (C.46:8D-1 et seq.), or a unit of a condominium property established pursuant to the "Condominium Act," P.L.1969, c.257 (C.46:8B-1 et seq.), but does not include a structure or structures containing more than two units of dwelling space or containing, according to the records of the municipal property tax assessor, commercial property including, or in addition to, the units of dwelling space.

(b) Paragraph (1) of this subsection shall not apply to the sale, transfer or assignment of a seasonal rental unit or the sale, transfer or assignment of a lease for the seasonal use or rental of real property if the seller, transferrer or assignor is an "individual," "estate," or "trust" as those terms are used for the purposes of the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq. or any combination thereof owning the seasonal rental unit or lease for the seasonal use or rental of real property as joint tenants, tenants in common or tenancy by the entirety; paragraph (1) shall apply to the sale, transfer or assignment of a seasonal rental unit or the sale, transfer or assignment of a lease for the seasonal use or rental of real property if the seller, transferrer or assignor is a business entity, including but not limited to a corporation or a partnership.

For the purposes of this paragraph:

"seasonal rental unit" means

(i) a "timeshare estate" as that term is defined by section 2 of P.L.2006, c.63 (C.45:15-16.51); and

(ii) a dwelling unit rented for a term of not more than 125 consecutive days for residential purposes by a person having a permanent residence elsewhere; and

"lease for the seasonal use or rental of real property" means

(i) a "timeshare use" as that term is defined by section 2 of P.L.2006, c.63 (C.45:15-16.51); and

(ii) the use or rental for a term of not more than 125 consecutive days for residential purposes by a person having a permanent place of residence elsewhere.

(3) Paragraph (1) of this subsection shall not apply to the sale, transfer, or assignment of a grant, tax credit, or tax credit transfer certificate that has been awarded, issued, or otherwise made available to a person in connection with a State or local business assistance or incentive program or activity authorized by law in effect on the effective date of P.L.2017, c.12.

For purposes of this paragraph, "State or local business assistance or incentive program or activity" includes but shall not be limited to: the corporation business tax credit and insurance premiums tax credit certificate transfer program established by section 17 of P.L.2004, c.65 (C.34:1B-120.2); the Business Retention and Relocation Assistance Program established by P.L.1996, c.25 (C.34:1B-112 et seq.); the Business Employment Incentive Program established by P.L.1996, c.26 (C.34:1B-124 et al.); the Urban Transit Hub Tax Credit Program established by P.L.2007, c.346 (C.34:1B-207 et seq.); the Grow New Jersey Assistance Program established by section 3 of P.L.2011, c.149 (C.34:1B-244); and the State or local

Economic Redevelopment and Growth Grant program established by section 4 or section 5 of P.L.2009, c.90 (C.52:27D-489d or C.52:27D-489e).

b. If, upon receiving timely notice of a sale, transfer or assignment from a purchaser, transferee or assignee, the director fails to provide timely notice to the purchaser, transferee or assignee that a possible claim for such State tax or taxes exists, the purchaser, transferee or assignee may transfer over to the seller, transferrer or assignor any sums of money, property or choses in action, or other consideration to the extent of the amount of the State's claim. The purchaser, transferee or assignee shall not be subject to the liabilities and remedies imposed under the provisions of the uniform commercial code, Title 12A of the New Jersey Statutes, and shall not be personally liable for the payment to the State of any such taxes theretofore or thereafter determined to be due to the State from the seller, transferrer or assignor.

c. If the purchaser, transferee or assignee shall fail to give notice to the director as required by the preceding paragraph, or if the director shall inform the purchaser, transferee or assignee that a possible claim for such State tax or taxes exists, any sums of money, property or choses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the seller, transferrer or assignor shall be subject to a first priority right and lien for any such State taxes theretofore or thereafter determined to be due from the seller, transferrer or assignor to the State, and the purchaser, transferee or assignee is forbidden to transfer to the seller, transferrer or assignor any such sums of money, property or choses in action to the extent of the amount of the State's claim. For failure to comply with the provisions of this section the purchaser, transferee or assignee, in addition to being subject to the liabilities and remedies imposed under the provisions of the uniform commercial code, Title 12A of the New Jersey Statutes, shall be personally liable for the payment to the State of any such taxes theretofore or thereafter determined to be due to the State from the seller, transferrer or assignor, and such liability may be assessed and enforced in the same manner as the liability for any State tax under the State Uniform Tax Procedure Law, R.S.54:48-1 et seq.

2. This act shall take effect immediately, and shall apply retroactively to sales, transfers, and assignments on or after August 1, 2007.

Approved January 16, 2018.

CHAPTER 308

AN ACT concerning an electronic lien and titling system for New Jersey motor vehicles and supplementing Title 39 of the Revised Statutes.

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

C.39:10-11.2 Electronic lien, titling system for motor vehicles.

1. a. Within 60 days of the effective date of this act, the Chief Administrator of the New Jersey Motor Vehicle Commission shall complete a study to determine whether the commission has the resources and capability to establish and implement, within 12 months of the effective date of this act, an electronic lien and titling system to process and administer, in a cost-effective manner, the notification, recording, and release of security interests and title information by the lienholders of motor vehicles in lieu of a paper based system used for those purposes.

b. If the chief administrator determines that the commission has the resources and capability to establish and implement an electronic lien and titling system, the commission shall establish and implement an electronic lien and titling system within 12 months of the effective date of this act.

c. If the chief administrator determines that the commission does not have the resources and capability to establish and implement an electronic lien and titling system, the commission shall contract with a qualified bidder to establish and implement an electronic lien and titling system for the State. A contract entered into pursuant to this subsection shall be offered, advertised, and awarded in the manner prescribed in chapter 34 of Title 52 of the Revised Statutes and consistent with the provisions of sections 2 and 3 of this act.

C.39:10-11.3 Additional requirements.

2. In addition to the requirements set forth in chapter 34 of Title 52 of the Revised Statutes, whenever the chief administrator seeks to contract for the establishment and implementation of an electronic lien and titling system, the specifications and invitations for bids shall include, but not be limited to, provisions providing that the contract:

a. shall be for a term of not less than seven years;

b. shall be a no-cost contract, ensuring that: (1) the commission shall be assessed no charges by the successful bidder for establishing and implementing the electronic lien and titling system; and (2) the successful bidder shall be obligated to reimburse the commission for all reasonable

implementation costs directly associated with the establishment and implementation of the electronic lien and titling system; and

c. authorizes the successful bidder to charge participating lienholders and their agents reasonable fees for implementing and administering an electronic lien and titling system.

C.39:10-11.4 Requirements for bidders.

3. In addition to the provisions of chapter 34 of Title 52 of the Revised Statutes concerning the qualifications of bidders, an applicant seeking to enter into a contract with the State to establish and implement an electronic lien and titling system shall have a demonstrated history of directly providing both electronic lien services to state motor vehicle departments or agencies and electronic lien software and services to lienholders.

C.39:10-11.5 Participation.

4. Within one year of the date upon which an electronic lien and titling system established pursuant to this act becomes operational, all lienholders, except individuals and those lienholders who are not normally engaged in the business of financing motor vehicles and are administratively exempted by the chief administrator, shall participate in the electronic lien and titling system.

C.39:10-11.6 Rules, regulations.

5. The chief administrator may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to effectuate the purposes of this act, including, but not necessarily limited to, regulations providing for the oversight of any successful bidder by the chief administrator and regulations designating the class or classes of lienholders that are exempt from the provisions of the act requiring participation by all lienholders within one year.

6. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 309

AN ACT concerning health benefits coverage for donated human breast milk and supplementing various parts of the statutory law.

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

C.17:48-6qq Hospital service corporation to provide coverage for donated human breast milk.

1. a. A hospital service corporation contract that provides hospital or medical expense benefits and is delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide coverage for expenses incurred in the provision of pasteurized donated human breast milk, which may include human milk fortifiers if indicated by the prescribing licensed medical practitioner, provided that:

(1) the covered person is an infant under the age of six months;

(2) the milk is obtained from a human milk bank that meets quality guidelines established by the Department of Health; and

(3) a licensed medical practitioner has issued an order for an infant who is medically or physically unable to receive maternal breast milk or participate in breast feeding or whose mother is medically or physically unable to produce maternal breast milk in sufficient quantities or participate in breast feeding despite optimal lactation support; or

(4) a licensed medical practitioner has issued an order for an infant who meets any of the following conditions:

(a) a body weight below healthy levels determined by the licensed medical practitioner;

(b) a congenital or acquired condition that places the infant at a high risk for development of necrotizing enterocolitis; or

(c) a congenital or acquired condition that may benefit from the use of donor breast milk as determined by the Department of Health.

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

c. 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.

d. The benefits shall be provided to the same extent as for any other prescribed items under the contract.

e. If there is no supply of human breast milk that meets the requirements of paragraph (2) of subsection a. of this section, the hospital service corporation shall not be required to provide coverage of expenses pursuant to this section.

C.17:48A-7nn Medical service corporation to provide coverage for donated human breast milk.

2. a. A medical service corporation contract that provides hospital or medical expense benefits and is delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide coverage for expenses incurred in the provision of pasteurized donated human breast milk, which may include human milk fortifiers if indicated by the prescribing licensed medical practitioner, provided that:

(1) the covered person is an infant under the age of six months;

(2) the milk is obtained from a human milk bank that meets quality guidelines established by the Department of Health; and

(3) a licensed medical practitioner has issued an order for an infant who is medically or physically unable to receive maternal breast milk or participate in breast feeding or whose mother is medically or physically unable to produce maternal breast milk in sufficient quantities or participate in breast feeding despite optimal lactation support; or

(4) a licensed medical practitioner has issued an order for an infant who meets any of the following conditions:

(a) a body weight below healthy levels determined by the licensed medical practitioner;

(b) a congenital or acquired condition that places the infant at a high risk for development of necrotizing enterocolitis; or

(c) a congenital or acquired condition that may benefit from the use of donor breast milk as determined by the Department of Health.

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

c. 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.

d. The benefits shall be provided to the same extent as for any other prescribed items under the contract.

e. If there is no supply of human breast milk that meets the requirements of paragraph (2) of subsection a. of this section, the medical service corporation shall not be required to provide coverage of expenses pursuant to this section.

C.17:48E-35.41 Health service corporation to provide coverage for donated human breast milk.

3. a. A health service corporation contract that provides hospital or medical expense benefits and is delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide coverage for expenses incurred in the provision of pasteurized donated human breast milk, which may include human milk fortifiers if indicated by the prescribing licensed medical practitioner, provided that:

(1) the covered person is an infant under the age of six months;

(2) the milk is obtained from a human milk bank that meets quality guidelines established by the Department of Health; and

(3) a licensed medical practitioner has issued an order for an infant who is medically or physically unable to receive maternal breast milk or participate in breast feeding or whose mother is medically or physically unable to produce maternal breast milk in sufficient quantities or participate in breast feeding despite optimal lactation support; or

(4) a licensed medical practitioner has issued an order for an infant who meets any of the following conditions:

(a) a body weight below healthy levels determined by the licensed medical practitioner;

(b) a congenital or acquired condition that places the infant at a high risk for development of necrotizing enterocolitis; or

(c) a congenital or acquired condition that may benefit from the use of donor breast milk as determined by the Department of Health.

b. The provisions of this section shall apply to those health service corporation contracts in which the health service corporation has reserved the right to change the premium.

c. 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.

d. The benefits shall be provided to the same extent as for any other prescribed items under the contract.

e. If there is no supply of human breast milk that meets the requirements of paragraph (2) of subsection a. of this section, the health service corporation shall not be required to provide coverage of expenses pursuant to this section.

C.17B:26-2.1kk Individual health insurance policy to provide coverage for donated human breast milk.

4. a. An individual health insurance policy that provides hospital or medical expense benefits and is delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide coverage for expenses incurred in the provision of pasteurized donated human breast milk, which may include human milk fortifiers if indicated by the prescribing licensed medical practitioner, provided that:

(1) the covered person is an infant under the age of six months;

(2) the milk is obtained from a human milk bank that meets quality guidelines established by the Department of Health; and

(3) a licensed medical practitioner has issued an order for an infant who is medically or physically unable to receive maternal breast milk or participate in breast feeding or whose mother is medically or physically unable to produce maternal breast milk in sufficient quantities or participate in breast feeding despite optimal lactation support; or

(4) a licensed medical practitioner has issued an order for an infant who meets any of the following conditions:

(a) a body weight below healthy levels determined by the licensed medical practitioner;

(b) a congenital or acquired condition that places the infant at a high risk for development of necrotizing enterocolitis; or

(c) a congenital or acquired condition that may benefit from the use of donor breast milk as determined by the Department of Health.

b. The provisions of this section shall apply to those policies in which the insurer has reserved the right to change the premium.

c. Nothing in this section shall preclude the insurer from performing utilization review, including periodic review of the medical necessity of a particular service.

d. The benefits shall be provided to the same extent as for any other prescribed items under the policy.

e. If there is no supply of human breast milk that meets the requirements of paragraph (2) of subsection a. of this section, the insurer shall not be required to provide coverage of expenses pursuant to this section.

C.17B:27-46.1qq Group health insurance policy to provide coverage for donated human breast milk.

5. a. A group health insurance policy that provides hospital or medical expense benefits and is delivered, issued, executed or renewed in this State,

or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide coverage for expenses incurred in the provision of pasteurized donated human breast milk, which may include human milk fortifiers if indicated by the prescribing licensed medical practitioner, provided that:

(1) the covered person is an infant under the age of six months;

(2) the milk is obtained from a human milk bank that meets quality guidelines established by the Department of Health; and

(3) a licensed medical practitioner has issued an order for an infant who is medically or physically unable to receive maternal breast milk or participate in breast feeding or whose mother is medically or physically unable to produce maternal breast milk in sufficient quantities or participate in breast feeding despite optimal lactation support; or

(4) a licensed medical practitioner has issued an order for an infant who meets any of the following conditions:

(a) a body weight below healthy levels determined by the licensed medical practitioner;

(b) a congenital or acquired condition that places the infant at a high risk for development of necrotizing enterocolitis; or

(c) a congenital or acquired condition that may benefit from the use of donor breast milk as determined by the Department of Health.

b. The provisions of this section shall apply to those policies in which the insurer has reserved the right to change the premium.

c. Nothing in this section shall preclude the insurer from performing utilization review, including periodic review of the medical necessity of a particular service.

d. The benefits shall be provided to the same extent as for any other prescribed items under the policy.

e. If there is no supply of human breast milk that meets the requirements of paragraph (2) of subsection a. of this section, the insurer shall not be required to provide coverage of expenses pursuant to this section.

C.17B:27A-7.24 Individual health benefits plan to provide coverage for donated human breast milk.

6. a. An individual health benefits plan that provides hospital or medical expense benefits and is delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide coverage for expenses incurred in the provision of pasteurized do-

nated human breast milk, which may include human milk fortifiers if indicated by the prescribing licensed medical practitioner, provided that:

(1) the covered person is an infant under the age of six months;

(2) the milk is obtained from a human milk bank that meets quality guidelines established by the Department of Health; and

(3) a licensed medical practitioner has issued an order for an infant who is medically or physically unable to receive maternal breast milk or participate in breast feeding or whose mother is medically or physically unable to produce maternal breast milk in sufficient quantities or participate in breast feeding despite optimal lactation support; or

(4) a licensed medical practitioner has issued an order for an infant who meets any of the following conditions:

(a) a body weight below healthy levels determined by the licensed medical practitioner;

(b) a congenital or acquired condition that places the infant at a high risk for development of necrotizing enterocolitis; or

(c) a congenital or acquired condition that may benefit from the use of donor breast milk as determined by the Department of Health.

b. The provisions of this section shall apply to those individual health benefits plans in which the carrier has reserved the right to change the premium.

c. Nothing in this section shall preclude the carrier from performing utilization review, including periodic review of the medical necessity of a particular service.

d. The benefits shall be provided to the same extent as for any other prescribed items under the plan.

e. If there is no supply of human breast milk that meets the requirements of paragraph (2) of subsection a. of this section, the carrier shall not be required to provide coverage of expenses pursuant to this section.

C.17B:27A-19.28 Small employer health benefits plan to provide coverage for donated human breast milk.

7. a. A small employer health benefits plan that provides hospital or medical expense benefits and is delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide coverage for expenses incurred in the provision of pasteurized donated human breast milk, which may include human milk fortifiers if indicated by the prescribing licensed medical practitioner, provided that:

(1) the covered person is an infant under the age of six months;

(2) the milk is obtained from a human milk bank that meets quality guidelines established by the Department of Health; and

(3) a licensed medical practitioner has issued an order for an infant who is medically or physically unable to receive maternal breast milk or participate in breast feeding or whose mother is medically or physically unable to produce maternal breast milk in sufficient quantities or participate in breast feeding despite optimal lactation support; or

(4) a licensed medical practitioner has issued an order for an infant who meets any of the following conditions:

(a) a body weight below healthy levels determined by the licensed medical practitioner;

(b) a congenital or acquired condition that places the infant at a high risk for development of necrotizing enterocolitis; or

(c) a congenital or acquired condition that may benefit from the use of donor breast milk as determined by the Department of Health.

b. The provisions of this section shall apply to those small employer health benefits plans in which the carrier has reserved the right to change the premium.

c. Nothing in this section shall preclude the carrier from performing utilization review, including periodic review of the medical necessity of a particular service.

d. The benefits shall be provided to the same extent as for any other prescribed items under the plan.

e. If there is no supply of human breast milk that meets the requirements of paragraph (2) of subsection a. of this section, the carrier shall not be required to provide coverage of expenses pursuant to this section.

C.26:2J-4.42 HMO to provide coverage for donated human breast milk.

8. a. A health maintenance organization contract that provides hospital or medical expense benefits and is delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide coverage for expenses incurred in the provision of pasteurized donated human breast milk, which may include human milk fortifiers if indicated by the prescribing licensed medical practitioner, provided that:

(1) the covered person is an infant under the age of six months;

(2) the milk is obtained from a human milk bank that meets quality guidelines established by the Department of Health; and

(3) a licensed medical practitioner has issued an order for an infant who is medically or physically unable to receive maternal breast milk or participate in breast feeding or whose mother is medically or physically unable to produce maternal breast milk in sufficient quantities or participate in breast feeding despite optimal lactation support; or

(4) a licensed medical practitioner has issued an order for an infant who meets any of the following conditions:

(a) a body weight below healthy levels determined by the licensed medical practitioner;

(b) a congenital or acquired condition that places the infant at a high risk for development of necrotizing enterocolitis; or

(c) a congenital or acquired condition that may benefit from the use of donor breast milk as determined by the Department of Health.

b. The provisions of this section shall apply to those contracts for health care services by health maintenance organizations under which the health maintenance organization has reserved the right to change the schedule of charges.

c. 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.

d. The benefits shall be provided to the same extent as for any other prescribed items under the contract.

e. If there is no supply of human breast milk that meets the requirements of paragraph (2) of subsection a. of this section, the health maintenance organization shall not be required to provide coverage of expenses pursuant to this section.

C.52:14-17.29z SHBC to provide coverage for donated human breast milk.

9. a. The State Health Benefits Commission shall ensure that every contract purchased by the commission on or after the effective date of this act that provides hospital or medical expense benefits shall provide coverage for expenses incurred in the provision of pasteurized donated human breast milk, which may include human milk fortifiers if indicated by the prescribing licensed medical practitioner, provided that:

(1) the covered person is an infant under the age of six months;

(2) the milk is obtained from a human milk bank that meets quality guidelines established by the Department of Health; and

(3) a licensed medical practitioner has issued an order for an infant who is medically or physically unable to receive maternal breast milk or participate in breast feeding or whose mother is medically or physically

unable to produce maternal breast milk in sufficient quantities or participate in breast feeding despite optimal lactation support; or

(4) a licensed medical practitioner has issued an order for an infant who meets any of the following conditions:

(a) a body weight below healthy levels determined by the licensed medical practitioner;

(b) a congenital or acquired condition that places the infant at a high risk for development of necrotizing enterocolitis; or

(c) a congenital or acquired condition that may benefit from the use of donor breast milk as determined by the Department of Health.

b. Nothing in this section shall preclude the carrier from performing utilization review, including periodic review of the medical necessity of a particular service.

c. The benefits shall be provided to the same extent as for any other prescribed items under the contract.

d. If there is no supply of human breast milk that meets the requirements of paragraph (2) of subsection a. of this section, the carrier shall not be required to provide coverage of expenses pursuant to this section.

C.52:14-17.46.6k School Employees' Health Benefits Commission to provide coverage for donated human breast milk.

10. a. 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 or medical expense benefits shall provide coverage for expenses incurred in the provision of pasteurized donated human breast milk, which may include human milk fortifiers if indicated by the prescribing licensed medical practitioner, provided that:

(1) the covered person is an infant under the age of six months;

(2) the milk is obtained from a human milk bank that meets quality guidelines established by the Department of Health; and

(3) a licensed medical practitioner has issued an order for an infant who is medically or physically unable to receive maternal breast milk or participate in breast feeding or whose mother is medically or physically unable to produce maternal breast milk in sufficient quantities or participate in breast feeding despite optimal lactation support; or

(4) a licensed medical practitioner has issued an order for an infant who meets any of the following conditions:

(a) a body weight below healthy levels determined by the licensed medical practitioner;

(b) a congenital or acquired condition that places the infant at a high risk for development of necrotizing enterocolitis; or

(c) a congenital or acquired condition that may benefit from the use of donor breast milk as determined by the Department of Health.

b. Nothing in this section shall preclude the carrier from performing utilization review, including periodic review of the medical necessity of a particular service.

c. The benefits shall be provided to the same extent as for any other prescribed items under the contract.

d. If there is no supply of human breast milk that meets the requirements of paragraph (2) of subsection a. of this section, the carrier shall not be required to provide coverage of expenses pursuant to this section.

11. This act shall take effect on January 1st of the year following enactment.

Approved January 16, 2018.

CHAPTER 310

AN ACT concerning local government investment pools and amending P.L.1977, c.177 and P.L.1977, c.396.

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

1. Section 1 of P.L.1977, c.177 (C.18A:20-37) is amended to read as follows:

C.18A:20-37 Purchase of certain types of securities; definitions.

1. a. When authorized by resolution adopted by a majority vote of all its members the board of education of any school district may use moneys, which may be in hand, for the purchase of the following types of securities which, if suitable for registry, may be registered in the name of the school district:

(1) Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America;

(2) Government money market mutual funds;

(3) Any obligation that a federal agency or a federal instrumentality has issued in accordance with an act of Congress, which security has a ma-

turity date not greater than 397 days from the date of purchase, provided that such obligations bear a fixed rate of interest not dependent on any index or other external factor;

(4) Bonds or other obligations of the school district or bonds or other obligations of the local unit or units within which the school district is located;

(5) Bonds or other obligations, having a maturity date of not more than 397 days from the date of purchase, issued by New Jersey school districts, municipalities, counties, and entities subject to the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.). Other bonds or obligations having a maturity date not more than 397 days from the date of purchase may be approved by the Division of Investment in the Department of the Treasury for investment by school districts;

(6) Local government investment pools;

(7) Deposits with the State of New Jersey Cash Management Fund established pursuant to section 1 of P.L.1977, c.281 (C.52:18A-90.4); or

(8) Agreements for the repurchase of fully collateralized securities, if:

(a) the underlying securities are permitted investments pursuant to paragraphs (1) and (3) of this subsection a. or are bonds or other obligations, having a maturity date of not more than 397 days from the date of purchase, issued by New Jersey school districts, municipalities, counties, and entities subject to the requirements of the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.);

(b) the custody of collateral is transferred to a third party;

(c) the maturity of the agreement is not more than 30 days;

(d) the underlying securities are purchased through a public depository as defined in section 1 of P.L.1970, c.236 (C.17:9-41) and for which a master repurchase agreement providing for the custody and security of collateral is executed.

b. Any investment instruments in which the security is not physically held by the school district shall be covered by a third party custodial agreement which shall provide for the designation of such investments in the name of the school board and prevent unauthorized use of such investments.

c. Purchase of investment securities shall be executed by the "delivery versus payment" method to ensure that securities are either received by the school district or a third party custodian prior to or upon the release of the school district's funds.

d. Any investments not purchased and redeemed directly from the issuer, government money market mutual fund, local government investment pool, or the State of New Jersey Cash Management Fund, shall be

purchased and redeemed through the use of a national or State bank located within this State or through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to section 9 of P.L.1967, c.93 (C.49:3-56) and has at least $25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government securities.

e. For the purposes of this section:

(1) a "government money market mutual fund" means an investment company or investment trust:

(a) which is registered with the Securities and Exchange Commission under the "Investment Company Act of 1940," 15 U.S.C. s.80a-1 et seq., and operated in accordance with 17 C.F.R. s.270.2a-7, except that a government money market mutual fund may not impose liquidity fees or redemption gates regardless of whether permitted to do so under 17 C.F.R. s.270.2a-7;

(b) the portfolio of which is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 17 C.F.R. s.270.2a-7, securities that have been issued by New Jersey school districts, municipalities, counties, and entities subject to the requirements of the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.) that meet the definition of an eligible security pursuant to 17 C.F.R. s.270.2a-7 and repurchase agreements that are collateralized by such securities in which direct investment may be made pursuant to paragraphs (1), (3), and (5)of subsection a. of this section; and

(c) which is rated by a nationally recognized statistical rating organization.

(2) a "local government investment pool" means an investment pool:

(a) which is managed in accordance with generally accepted accounting and financial reporting principles for local government investment pools established by the Governmental Accounting Standards Board;

(b) which is rated in the highest category by a nationally recognized statistical rating organization;

(c) the portfolio of which is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 17 C.F.R. s.270.2a-7, securities that have been issued by New Jersey school districts, municipalities, counties, and entities subject to the requirements of the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.) that meet the definition of an eligible security pursuant to 17 C.F.R. s.270.2a-7

and repurchase agreements that are collateralized by such securities in which direct investment may be made pursuant to paragraphs (1), (3), and (5) of subsection a. of this section;

(d) which is in compliance with such rules as may be adopted pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which may promulgate rules providing for disclosure and reporting requirements, and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investments;

(e) which does not permit investments in instruments that: are subject to high price volatility with changing market conditions; cannot reasonably be expected, at the time of interest rate adjustment, to have a market value that approximates their par value; or utilize an index that does not support a stable net asset value;

(f) which purchases and redeems investments directly from the issuer, a government money market mutual fund, or the State of New Jersey Cash Management Fund, or through the use of a national or State bank located within this State, or through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to section 9 of P.L.1967, c.93 (C.49:3-56) and has at least $25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government securities; and

(g) which does not impose liquidity fees or redemption gates.

f. Investments in, or deposits or purchases of financial instruments made pursuant to this section shall not be subject to the requirements of the "Public School Contracts Law," N.J.S.18A:18A-1 et seq.

2. Section 8 of P.L.1977, c.396 (C.40A:5-15.1) is amended to read as follows:

C.40A:5-15.1 Securities which may be purchased by local units.

8. Securities which may be purchased by local units.

a. When authorized by a cash management plan approved pursuant to N.J.S.40A:5-14, any local unit may use moneys which may be in hand for the purchase of the following types of securities which, if suitable for registry, may be registered in the name of the local unit:

(1) Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America;

(2) Government money market mutual funds;

(3) Any obligation that a federal agency or a federal instrumentality has issued in accordance with an act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor;

(4) Bonds or other obligations of the local unit or bonds or other obligations of school districts of which the local unit is a part or within which the school district is located;

(5) Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, issued by New Jersey school districts, municipalities, counties, and entities subject to the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.). Other bonds or obligations having a maturity date not more than 397 days from the date of purchase may be approved by the Division of Local Government Services in the Department of Community Affairs for investment by local units;

(6) Local government investment pools;

(7) Deposits with the State of New Jersey Cash Management Fund established pursuant to section 1 of P.L.1977, c.281 (C.52:18A-90.4); or

(8) Agreements for the repurchase of fully collateralized securities, if:

(a) the underlying securities are permitted investments pursuant to paragraphs (1) and (3) of this subsection a. or are bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, issued by New Jersey school districts, municipalities, counties, and entities subject to the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.);

(b) the custody of collateral is transferred to a third party;

(c) the maturity of the agreement is not more than 30 days;

(d) the underlying securities are purchased through a public depository as defined in section 1 of P.L.1970, c.236 (C.17:9-41); and

(e) a master repurchase agreement providing for the custody and security of collateral is executed.

b. Any investment instruments in which the security is not physically held by the local unit shall be covered by a third party custodial agreement which shall provide for the designation of such investments in the name of the local unit and prevent unauthorized use of such investments.

c. Purchase of investment securities shall be executed by the "delivery versus payment" method to ensure that securities are either received by the

local unit or a third party custodian prior to or upon the release of the local unit's funds.

d. Any investments not purchased and redeemed directly from the issuer, government money market mutual fund, local government investment pool, or the State of New Jersey Cash Management Fund, shall be purchased and redeemed through the use of a national or State bank located within this State or through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to section 9 of P.L.1967, c.93 (C.49:3-56) and has at least $25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government securities.

e. For the purposes of this section:

(1) a "government money market mutual fund" means an investment company or investment trust:

(a) which is registered with the Securities and Exchange Commission under the "Investment Company Act of 1940," 15 U.S.C. s.80a-1 et seq., and operated in accordance with 17 C.F.R. s.270.2a-7, except that a government money market mutual fund may not impose liquidity fees or redemption gates regardless of whether permitted to do so under 17 C.F.R. s.270.2a-7;

(b) the portfolio of which is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 17C.F.R.s.270.2a-7, securities that have been issued by New Jersey school districts, municipalities, counties, and entities subject to the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.) that meet the definition of an eligible security pursuant to 17 C.F.R. s.270.2a-7, and repurchase agreements that are collateralized by such securities in which direct investment may be made pursuant to paragraphs (1), (3), and (5) of subsection a. of this section; and

(c) which is rated by a nationally recognized statistical rating organization.

(2) a "local government investment pool" means an investment pool:

(a) which is managed in accordance with generally accepted accounting and financial reporting principles for local government investment pools established by the Governmental Accounting Standards Board;

(b) which is rated in the highest category by a nationally recognized statistical rating organization;

(c) which is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 17 C.F.R. s.270.2a-7, securities that have been issued by New Jersey school districts, municipalities, counties, and entities subject to the "Local Authorities Fiscal Control Law," P.L.1983, c.313 (C.40A:5A-1 et seq.) that meet the definition of an eligible security pursuant to 17 C.F.R. 270.2a-7 and repurchase agreements that are collateralized by such securities in which direct investment may be made pursuant to paragraphs (1), (3), and (5) of subsection a. of this section;

(d) which is in compliance with such rules as may be adopted pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which may promulgate rules providing for disclosure and reporting requirements, and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investments;

(e) which does not permit investments in instruments that: are subject to high price volatility with changing market conditions; cannot reasonably be expected, at the time of interest rate adjustment, to have a market value that approximates their par value; or utilize an index that does not support a stable net asset value;

(f) which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Cash Management Fund, or through the use of a national or State bank located within this State, or through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to section 9 of P.L.1967, c.93 (C.49:3-56) and has at least $25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government securities ; and

(g) which does not impose liquidity fees or redemption gates.

f. Investments in, or deposits or purchases of financial instruments made pursuant to this section shall not be subject to the requirements of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

3. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 311

AN ACT concerning liability for food donations and gleaning activities, amending and supplementing P.L.1982, c.178, and supplementing Title 4 of the Revised Statutes.

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

1. 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.

2. Section 3 of P.L.1982, c.178 (C.24:4A-3) is amended to read as follows:

C.24:4A-3 Nonliability for food donated.

3. a. Any donor of prepared or perishable food or any gleaner of agricultural food, which food appears to be fit for human consumption at the time it is donated to a nonprofit organization or any other person, shall not be liable for damages in any civil action or subject to criminal prosecution for any injury or death due to the condition of the food, unless the injury or death is a direct result of the gross negligence, recklessness or knowing misconduct of the donor or gleaner.

b. A food bank, nonprofit organization, or their agents who in good faith receive and distribute prepared or perishable food which appears to be fit for human consumption at the time it is distributed shall not be liable for damages in any civil action or subject to criminal prosecution for any injury or death due to the condition of the food, unless the injury or death is a direct result of the gross negligence, recklessness or knowing misconduct of the organization or an agent of the organization.

c. An owner of agricultural food who gives permission to a gleaner to enter upon his land for the purpose of harvesting donated agricultural food for distribution shall not be liable for damages in any civil action due to the presence of the gleaner on the land and shall not be liable for damages in any civil action or subject to criminal prosecution resulting from the consumption of the food gleaned or donated.

d. This section applies to good faith donations of perishable or prepared food which is not readily marketable due to appearance, freshness, grade, passage of the "best by" or other open date, surplus supply, or other conditions which do not affect its fitness for human consumption. The protections provided in this section shall apply regardless of compliance with any laws, rules, regulations, or ordinances regulating the quality or labeling of food.

C.24:4A-3.1 Immunity from liability.

3. A nonprofit organization that organizes or hosts volunteers on agricultural land for the purpose of collecting or gleaning agricultural food from the land for ultimate distribution to needy individuals shall not be liable for damages in any civil action due to the presence or activity of the organization or volunteers on the land, unless the damage is a direct result of the gross negligence, recklessness, or knowing misconduct of the nonprofit organization or volunteer.

C.4:10-25.2d Guidance document.

4. Within 90 days after the effective date of P.L.2017, c.311 (C.24:4A-3.1 et al.), the Department of Agriculture shall prepare and publish on its Internet website a guidance document that provides information to farmers, food banks, donors, nonprofit organizations, and other persons on the State and federal liability protections available for food donations, gleaning, and other related activities.

5. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 312

AN ACT concerning performance and maintenance guarantees under the "Municipal Land Use Law" and amending P.L.1975, c.291.

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

1. Section 41 of P.L.1975, c.291 (C.40:55D-53) is amended to read as follows:

C.40:55D-53 Guarantees required; surety; release.

41. Guarantees required; surety; release. a. Before filing of final subdivision plats or recording of minor subdivision deeds or as a condition of final site plan approval or as a condition to the issuance of a zoning permit pursuant to subsection d. of section 52 of P.L.1975, c.291 (C.40:55D-65), the municipality may require and shall accept in accordance with the standards adopted by ordinance and regulations adopted pursuant to section 1 of P.L.1999, c.68 (C.40:55D-53a) for the purpose of assuring the installation and maintenance of certain on-tract improvements, the furnishing of a performance guarantee, and provision for a maintenance guarantee in accordance with paragraphs (1) and (2) of this subsection. If a municipality has adopted an ordinance requiring a successor developer to furnish a replacement performance guarantee, as a condition to the approval of a permit update under the State Uniform Construction Code, for the purpose of updating the name and address of the owner of property on a construction permit, the governing body may require and shall accept in accordance with the standards adopted by ordinance and regulations adopted pursuant to section 1 of P.L.1999, c.68 (C.40:55D-53a) for the purpose of assuring the installa-

tion and maintenance of certain on-tract improvements, the furnishing of a performance guarantee, and provision for a maintenance guarantee, in accordance with paragraphs (1) and (2) of this subsection.

(1) (a) If required by ordinance, the developer shall furnish a performance guarantee in favor of the municipality in an amount not to exceed 120% of the cost of installation of only those improvements required by an approval or developer's agreement, ordinance, or regulation to be dedicated to a public entity, and that have not yet been installed, which cost shall be determined by the municipal engineer, according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4), for the following improvements as shown on the approved plans or plat: streets, pavement, gutters, curbs, sidewalks, street lighting, street trees, surveyor's monuments, as shown on the final map and required by "the map filing law," P.L.1960, c.141 (C.46:23-9.9 et seq.; repealed by section 2 of P.L.2011, c.217) or N.J.S.46:26B-1 through N.J.S.46:26B-8, water mains, sanitary sewers, community septic systems, drainage structures, public improvements of open space, and any grading necessitated by the preceding improvements.

The municipal engineer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted by the obligor.

(b) A municipality may also require a performance guarantee to include, within an approved phase or section of a development privately-owned perimeter buffer landscaping, as required by local ordinance or imposed as a condition of approval.

At the developer's option, a separate performance guarantee may be posted for the privately-owned perimeter buffer landscaping.

(c) In the event that the developer shall seek a temporary certificate of occupancy for a development, unit, lot, building, or phase of development, as a condition of the issuance thereof, the developer shall, if required by an ordinance adopted by the municipality, furnish a separate guarantee, referred to herein as a "temporary certificate of occupancy guarantee," in favor of the municipality in an amount equal to 120% of the cost of installation of only those improvements or items which remain to be completed or installed under the terms of the temporary certificate of occupancy and which are required to be installed or completed as a condition precedent to the issuance of the permanent certificate of occupancy for the development, unit, lot, building or phase of development and which are not covered by an existing performance guarantee. Upon posting of a "temporary certificate

of occupancy guarantee," all sums remaining under a performance guarantee, required pursuant to subparagraph (a) of this paragraph, which relate to the development, unit, lot, building, or phase of development for which the temporary certificate of occupancy is sought, shall be released. The scope and amount of the "temporary certificate of occupancy guarantee" shall be determined by the zoning officer, municipal engineer, or other municipal official designated by ordinance. At no time may a municipality hold more than one guarantee or bond of any type with respect to the same line item. The "temporary certificate of occupancy guarantee" shall be released by the zoning officer, municipal engineer, or other municipal official designated by ordinance upon the issuance of a permanent certificate of occupancy with regard to the development, unit, lot, building, or phase as to which the temporary certificate of occupancy relates.

(d) A developer shall, if required by an ordinance adopted by the municipality, furnish to the municipality a "safety and stabilization guarantee," in favor of the municipality. At the developer's option, a "safety and stabilization guarantee" may be furnished either as a separate guarantee or as a line item of the performance guarantee. A "safety and stabilization guarantee" shall be available to the municipality solely for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise implementing measures to protect the public from access to an unsafe or unstable condition, only in the circumstance that:

(i) site disturbance has commenced and, thereafter, all work on the development has ceased for a period of at least 60 consecutive days following such commencement for reasons other than force majeure, and

(ii) work has not recommenced within 30 days following the provision of written notice by the municipality to the developer of the municipality's intent to claim payment under the guarantee. A municipality shall not provide notice of its intent to claim payment under a "safety and stabilization guarantee" until a period of at least 60 days has elapsed during which all work on the development has ceased for reasons other than force majeure. A municipality shall provide written notice to a developer by certified mail or other form of delivery providing evidence of receipt.

The amount of a "safety and stabilization guarantee" for a development with bonded improvements in an amount not exceeding $100,000 shall be $5,000.

The amount of a "safety and stabilization guarantee" for a development with bonded improvements exceeding $100,000 shall be calculated as a percentage of the bonded improvement costs of the development or phase of development as follows:

$5,000 for the first $100,000 of bonded improvement costs, plus

two and a half percent of bonded improvement costs in excess of $100,000 up to $1,000,000, plus

one percent of bonded improvement costs in excess of $1,000,000.

A municipality shall release a separate "safety and stabilization guarantee" to a developer upon the developer's furnishing of a performance guarantee which includes a line item for safety and stabilization in the amount required under this paragraph.

A municipality shall release a "safety and stabilization guarantee" upon the municipal engineer's determination that the development of the project site has reached a point that the improvements installed are adequate to avoid any potential threat to public safety.

(2) (a) If required by ordinance, the developer shall post with the municipality, prior to the release of a performance guarantee required pursuant to subparagraph (a), subparagraph (b), or both subparagraph (a) and subparagraph (b) of paragraph (1) of this subsection, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the improvements which are being released.

(b) If required, the developer shall post with the municipality, upon the inspection and issuance of final approval of the following private site improvements by the municipal engineer, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the following private site improvements: stormwater management basins, in-flow and water quality structures within the basins, and the out-flow pipes and structures of the stormwater management system, if any, which cost shall be determined according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4).

(c) The term of the maintenance guarantee shall be for a period not to exceed two years and shall automatically expire at the end of the established term.

(3) In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the municipality for such utilities or improvements.

b. The time allowed for installation of the bonded improvements for which the performance guarantee has been provided may be extended by the governing body by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of

the installation, which cost shall be determined by the municipal engineer according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4) as of the time of the passage of the resolution.

c. If the required bonded improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the municipality for the reasonable cost of the improvements not completed or corrected and the municipality may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

d. (1) Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the obligor may request of the governing body in writing, by certified mail addressed in care of the municipal clerk, that the municipal engineer prepare, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section, a list of all uncompleted or unsatisfactory completed bonded improvements. If such a request is made, the obligor shall send a copy of the request to the municipal engineer. The request shall indicate which bonded improvements have been completed and which bonded improvements remain uncompleted in the judgment of the obligor. Thereupon the municipal engineer shall inspect all bonded improvements covered by obligor's request and shall file a detailed list and report, in writing, with the governing body, and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request.

(2) The list prepared by the municipal engineer shall state, in detail, with respect to each bonded improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed bonded improvement determined to be unsatisfactory. The report prepared by the municipal engineer shall identify each bonded improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory bonded improvement, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section.

e. (1) The governing body, by resolution, shall either approve the bonded improvements determined to be complete and satisfactory by the municipal engineer, or reject any or all of these bonded improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the municipal engineer. Upon adoption of the resolution by the governing body, the obligor shall be released from all liability pursuant to its performance guarantee, with respect to those approved bonded improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that 30% of the amount of the total performance guarantee and "safety and stabilization guarantee" posted may be retained to ensure completion and acceptability of all improvements. The "safety and stabilization guarantee" shall be reduced by the same percentage as the performance guarantee is being reduced at the time of each performance guarantee reduction.

For the purpose of releasing the obligor from liability pursuant to its performance guarantee, the amount of the performance guarantee attributable to each approved bonded improvement shall be reduced by the total amount for each such improvement, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section, including any contingency factor applied to the cost of installation. If the sum of the approved bonded improvements would exceed 70 percent of the total amount of the performance guarantee, then the municipality may retain 30 percent of the amount of the total performance guarantee and "safety and stabilization guarantee" to ensure completion and acceptability of bonded improvements, as provided above, except that any amount of the performance guarantee attributable to bonded improvements for which a "temporary certificate of occupancy guarantee" has been posted shall be released from the performance guarantee even if such release would reduce the amount held by the municipality below 30 percent.

(2) If the municipal engineer fails to send or provide the list and report as requested by the obligor pursuant to subsection d. of this section within 45 days from receipt of the request, the obligor may apply to the court in a summary manner for an order compelling the municipal engineer to provide the list and report within a stated time and the cost of applying to the court,

including reasonable attorney's fees, may be awarded to the prevailing party.

If the governing body fails to approve or reject the bonded improvements determined by the municipal engineer to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within 45 days from the receipt of the municipal engineer's list and report, the obligor may apply to the court in a summary manner for an order compelling, within a stated time, approval of the complete and satisfactory improvements and approval of a reduction in the performance guarantee for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section; and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

(3) In the event that the obligor has made a cash deposit with the municipality or approving authority as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee, provided that if the developer has furnished a "safety and stabilization guarantee," the municipality may retain cash equal to the amount of the remaining "safety and stabilization guarantee".

f. If any portion of the required bonded improvements is rejected, the approving authority may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification, as set forth in this section shall be followed.

g. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the governing body or the municipal engineer.

h. (1) The obligor shall reimburse the municipality for reasonable inspection fees paid to the municipal engineer for the foregoing inspection of improvements; which fees shall not exceed the sum of the amounts set forth in subparagraphs (a) and (b) of this paragraph. The municipality may require the developer to post the inspection fees in escrow in an amount:

(a) not to exceed, except for extraordinary circumstances, the greater of $500 or 5% of the cost of bonded improvements that are subject to a performance guarantee under subparagraph (a), subparagraph (b), or both subparagraph (a) and subparagraph (b) of paragraph (1) of subsection a. of this section; and

(b) not to exceed 5% of the cost of private site improvements that are not subject to a performance guarantee under subparagraph (a) of paragraph (1) of subsection a. of this section, which cost shall be determined pursuant to section 15 of P.L.1991, c.256 (C.40:55D-53.4).

(2) For those developments for which the inspection fees total less than $10,000, fees may, at the option of the developer, be paid in two installments. The initial amount deposited in escrow by a developer shall be 50% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the municipal engineer for inspections, the developer shall deposit the remaining 50% of the inspection fees.

(3) For those developments for which the inspection fees total $10,000 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited in escrow by a developer shall be 25% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the municipal engineer for inspection, the developer shall make additional deposits of 25% of the inspection fees.

(4) If the municipality determines that the amount in escrow for the payment of inspection fees, as calculated pursuant to subparagraphs (a) and (b) of paragraph (1) of this subsection, is insufficient to cover the cost of additional required inspections, the municipality may require the developer to deposit additional funds in escrow provided that the municipality delivers to the developer a written inspection escrow deposit request, signed by the municipal engineer, which: informs the developer of the need for additional inspections, details the items or undertakings that require inspection, estimates the time required for those inspections, and estimates the cost of performing those inspections.

i. In the event that final approval is by stages or sections of development pursuant to subsection a. of section 29 of P.L.1975, c.291 (C.40:55D-38), the provisions of this section shall be applied by stage or section.

j. To the extent that any of the improvements have been dedicated to the municipality on the subdivision plat or site plan, the municipal governing body shall be deemed, upon the release of any performance guarantee required pursuant to subsection a. of this section, to accept dedication for public use of streets or roads and any other improvements made thereon according to site plans and subdivision plats approved by the approving authority, provided that such improvements have been inspected and have received final approval by the municipal engineer.

2. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 313

AN ACT concerning certain tax incentive programs and the provisions associated with tax credit transfer certificates, revising the tax treatment of those tax credit transfer certificates, 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 6 of P.L.2011, c.149 (C.34:1B-247) is amended to read as follows:

C.34:1B-247 Limits on combined value of approval credits.

6. a. (1) The combined value of all credits approved by the authority pursuant to P.L.2007, c.346 (C.34:1B-207 et seq.) and P.L.2011, c.149 (C.34:1B-242 et al.) prior to December 31, 2013 shall not exceed $1,750,000,000, except as may be increased by the authority as set forth in paragraph (5) of subsection a. of section 35 of P.L.2009, c.90 (C.34:1B-209.3). Following the enactment of the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.), there shall be no monetary cap on the value of credits approved by the authority attributable to the program pursuant to the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.).

(2) (Deleted by amendment, P.L.2013, c.161).

(3) (Deleted by amendment, P.L.2013, c.161).

(4) (Deleted by amendment, P.L.2013, c.161).

(5) (Deleted by amendment, P.L.2013, c.161).

b. (1) A business shall submit an application for tax credits prior to July 1, 2019. The authority shall not approve an application for tax credits unless the application was submitted prior to July 1, 2019.

(2) (a) A business shall submit its documentation indicating that it has met the capital investment and employment requirements specified in the incentive agreement for certification of its tax credit amount within three years following the date of approval of its application by the authority. The

authority shall have the discretion to grant two six-month extensions of this deadline. Except as provided in subparagraph (b) of this paragraph, in no event shall the incentive effective date occur later than four years following the date of approval of an application by the authority.

(b) As of the effective date of P.L.2015, c.252, a business which applied for the tax credit prior to July 1, 2014 under P.L.2011, c.149 (C.34:1B-242 et al.), shall submit its documentation to the authority no later than July 28, 2018, indicating that it has met the capital investment and employment requirements specified in the incentive agreement for certification of its tax credit amount.

(3) Full-time employment for an accounting or privilege period shall be determined as the average of the monthly full-time employment for the period.

(4) A business seeking a credit for a mega project shall apply for the credit within four years after the effective date of the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.).

c. (1) In conducting its annual review, the authority may require a business to submit any information determined by the authority to be necessary and relevant to its review.

The credit amount for any tax period for which the documentation of a business's credit amount remains uncertified as of a date three years after the closing date of that period shall be forfeited, although credit amounts for the remainder of the years of the eligibility period shall remain available to it.

The credit amount may be taken by the tax certificate holder for the tax period for which it was issued or may be carried forward for use by the tax certificate holder in any of the next 20 successive tax periods, and shall expire thereafter. The tax certificate holder may transfer the tax credit amount on or after the date of issuance or at any time within three years of the date of issuance for use by the transferee in the tax period for which it was issued or in any of the next 20 successive tax periods. Notwithstanding the foregoing, no more than the amount of tax credits equal to the total credit amount divided by the duration of the eligibility period in years may be taken in any tax period.

(2) Credits granted to a partnership shall be passed through to the partners, members, or owners, respectively, pro-rata or pursuant to an executed agreement among the partners, members, or owners documenting an alternate distribution method provided to the Director of the Division of Taxation in the Department of the Treasury accompanied by any additional information as the director may require.

(3) The amount of credit allowed may be applied against the tax liability otherwise due pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), pursuant to sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and C.54:18A-3), pursuant to section 1 of P.L.1950, c.231 (C.17:32-15), or pursuant to N.J.S.17B:23-5.

d. (1) If, in any tax period, the business reduces the total number of full-time employees in its Statewide workforce by more than 20 percent from the number of full-time employees in its Statewide workforce in the last tax period prior to the credit amount approval under section 3 of P.L.2011, c.149 (C.34:1B-244), then the business shall forfeit its credit amount for that tax period and each subsequent tax period, until the first tax period for which documentation demonstrating the restoration of the business's Statewide workforce to the threshold levels required by this paragraph has been reviewed and approved by the authority, for which tax period and each subsequent tax period the full amount of the credit shall be allowed.

(2) If, in any tax period, the number of full-time employees employed by the business at the qualified business facility located within a qualified incentive area drops below 80 percent of the number of new and retained full-time jobs specified in the incentive agreement, then the business shall forfeit its credit amount for that tax period and each subsequent tax period, until the first tax period for which documentation demonstrating the restoration of the number of full-time employees employed by the business at the qualified business facility to 80 percent of the number of jobs specified in the incentive agreement.

(3) (a) If the qualified business facility is sold by the owner in whole or in part during the eligibility period, the new owner shall not acquire the capital investment of the seller and the seller shall forfeit all credits for the tax period in which the sale occurs and all subsequent tax periods, provided however that any credits of the business shall remain unaffected.

(b) In connection with a regional distribution facility of foodstuffs, the business entity or entities which own or lease the facility shall qualify as a business regardless of: (i) the type of the business entity or entities which own or lease the facility; (ii) the ownership or leasing of the facility by more than one business entity; or (iii) the ownership of the business entity or entities which own or lease the facility. The ownership or leasing, whether by members, shareholders, partners, or other owners of the business entity or entities, shall be treated as ownership or leasing by affiliates. The members, shareholders, partners, or other ownership or leasing participants and others that are tenants in the facility shall be treated as affiliates for the purpose of counting the full-time employees and capital investments in the facility. The

business entity or entities may distribute credits to members, shareholders, partners, or other ownership or leasing participants in accordance with their respective interests. If the business entity or entities or their members, shareholders, partners, or other ownership or leasing participants lease space in the facility to members, shareholders, partners, or other ownership or leasing participants or others as tenants in the facility, the leases shall be treated as a lease to an affiliate, and the business entity or entities shall not be subject to forfeiture of the credits. For the purposes of this section, leasing shall include subleasing and tenants shall include subtenants.

(4) (a) For a project located within a Garden State Growth Zone, if, in any tax period, the number of full-time employees employed by the business at the qualified business facility located within a qualified incentive area increases above the number of full-time employees specified in the incentive agreement, then the business shall be entitled to an increased base credit amount for that tax period and each subsequent tax period, for each additional full-time employee added above the number of full-time employees specified in the incentive agreement, until the first tax period for which documentation demonstrating a reduction of the number of full-time employees employed by the business at the qualified business facility, at which time the tax credit amount will be adjusted accordingly pursuant to this section.

(b) For a project located within a Garden State Growth Zone which qualifies under the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), or which contains a Tourism District as established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219) and regulated by the Casino Reinvestment Development Authority, and which qualifies for a tax credit pursuant to subsubparagraph (ii) of subparagraphs (a) through (e) of paragraph (6) of subsection d. of section 5 of P.L.2011, c.149 (C.34:1B-246), if, in any tax period the number of full-time employees employed by the business at the qualified business facility located within a qualified incentive area increases above the number of full-time employees specified in the incentive agreement such that the business shall then meet the minimum number of employees required in subparagraph (b), (c), (d), or (e) of paragraph (6) of subsection d. of section 5 of P.L.2011, c.149 (C.34:1B-246), then the authority shall recalculate the total tax credit amount per full-time job by using the certified capital investment of the project allowable under the applicable subsubparagraph and the number of full-time jobs certified on the date of the recalculation and applying those numbers to subparagraph (b), (c), (d), or (e) of paragraph (6) of subsection d. of section 5 of P.L.2011, c.149 (C.34:1B-246), until the first tax period for which documentation demonstrating a reduction of the

number of full-time employees employed by the business at the qualified business facility, at which time the tax credit amount shall be adjusted accordingly pursuant to this section.

e. The authority shall not enter into an incentive agreement with a business that has previously received incentives pursuant to the "Business Retention and Relocation Assistance Act," P.L.1996, c.25 (C.34:1B-112 et seq.), the "Business Employment Incentive Program Act," P.L.1996, c.26 (C.34:1B-124 et seq.), or any other program administered by the authority unless:

(1) the business has satisfied all of its obligations underlying the previous award of incentives or is compliant with section 4 of P.L.2011, c.149 (C.34:1B-245); or

(2) the capital investment incurred and new or retained full-time jobs pledged by the business in the new incentive agreement are separate and apart from any capital investment or jobs underlying the previous award of incentives.

f. A business which has already applied for a tax credit incentive award prior to the effective date of the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.), but who has not yet been approved for the tax credits, or has not executed an agreement with the authority, may proceed under that application or seek to amend the application or reapply for a tax credit incentive award for the same project or any part thereof for the purpose of availing itself of any more favorable provisions of the program.

2. Section 7 of P.L.2011, c.149 (C.34:1B-248) is amended to read as follows:

C.34:1B-248 Application for tax credit transfer certificate.

7. A business may apply to the Director of the Division of Taxation in the Department of the Treasury and the chief executive officer of the authority for a tax credit transfer certificate, covering one or more years, in lieu of the business being allowed any amount of the credit against the tax liability of the business. The tax credit transfer certificate, upon receipt thereof by the business from the director and the chief executive officer of the authority, may be sold or assigned, in full or in part, in an amount not less than $25,000, to any other person that may have a tax liability pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), pursuant to sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and 54:18A-3), pursuant to section 1 of P.L.1950, c.231 (C.17:32-15), or pursuant to N.J.S.17B:23-5. The certificate provided to the business shall include a statement waiving the business's right to claim that

amount of the credit against the taxes that the business has elected to sell or assign. The sale or assignment of any amount of a tax credit transfer certificate allowed under this section shall not be exchanged for consideration received by the business of less than 75 percent of the transferred credit amount before considering any further discounting to present value which shall be permitted, except that the 75 percent minimum measure of consideration shall not apply to the sale or assignment of a tax credit transfer certificate to an affiliate irrespective of whether the affiliate met the capital investment and employment requirements specified in the incentive agreement. Any amount of a tax credit transfer certificate used by a purchaser or assignee against a tax liability shall be subject to the same limitations and conditions that apply to the use of the credit by the business that originally applied for and was allowed the credit.

3. Section 10 of P.L.2014, c.63 (C.34:1B-251) is amended to read as follows:

C.34:1B-251 Definitions relative to certain economic development projects.

10. a. For the purposes of this section:

"Authority" means the New Jersey Economic Development Authority established pursuant to section 4 of P.L.1974, c.80 (C.34:1B-4).

"Government entity" means the State government, a local unit of government, or a State or local government agency or authority.

"Providing public infrastructure" means undertaking and paying for the construction of public infrastructure; contributing money or paying debt service for the construction of public infrastructure; or deeding land to a government entity for use as public infrastructure.

"Public infrastructure" means: (1) buildings and structures, such as schools; fire houses; police stations; recreation centers; public works garages; and water and sewer treatment and pumping facilities; (2) open space with improvements such as athletic fields; playgrounds; planned parks; (3) open space without improvements; and (4) public transportation facilities such as train stations and public parking facilities. To qualify as public infrastructure under this section, the facilities, land, or both, shall have a minimum fair market value of $5 million; provided, however, that multiple lands and facilities, valued individually at less than $5 million, that are part of the same redevelopment project may be aggregated to achieve the minimum $5 million requirement. In the case of open space without improvements, the land shall have a minimum fair market value of at least $1 million prior to its dedication as open space. Sidewalks, streets, roads, ramps,

and jug handles shall not be deemed public infrastructure for the purposes of this section.

"Tax credit" means a credit equal to 100 percent of the applicant's cost of providing public infrastructure for use to offset a tax liability.

"Tax liability" means a liability for the taxes imposed pursuant to the "Corporation Business Tax (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), and liability for basic, general, additional, and supplemental realty transfer fees imposed pursuant to P.L.1968, c.49 (C.46:15-5 et seq.), as amended and supplemented.

"Urban transit hub municipality" means an urban transit hub municipality, as defined in section 2 of P.L.2011, c.149 (C.34:1B-243).

b. Commencing with October 24, 2014, the effective date of P.L.2014, c.63 (C.34:1B-251 et al.), and ending on December 31 of the fifth complete year next following, an applicant that has agreed to, or has provided, public infrastructure may apply to the New Jersey Economic Development Authority for a tax credit under the following conditions:

(1) The applicant or another entity by contract or development agreement either makes a new capital investment in an amount equal to or greater than $10,000,000 at any time during the term set forth in this subsection, or causes another entity by contract or development agreement to construct a building, complex of buildings or other similar structures or facilities, which relies on the completed public infrastructure and completes construction during the term set forth in this subsection.

(2) The applicant has not received a tax credit under the "Grow New Jersey Assistance Program" established by section 3 of P.L.2011, c.149 (C.34:1B-244).

(3) The applicant has not received a grant under a State or a local Economic Redevelopment and Growth Grant program pursuant to section 4 or section 5 of P.L.2009, c.90 (C.52:27D-489d or C.52:27D-489e).

(4) The applicant is not a "Garden State Growth Zone Development Entity," as defined in section 23 of P.L.2013, c.161 (C.52:27D-489r).

(5) The applicant is not partnered with the New Jersey Sports and Exposition Authority for the capital investment pursuant to this section.

c. The New Jersey Economic Development Authority shall grant an application for a tax credit if the government entity receiving the public infrastructure adopts a resolution and files it with the authority, consenting to the award of the tax credit and the ownership of the public infrastructure is transferred to that government entity, and either: (1) the construction commences after January 1, 2013; (2) the construction is completed, as evidenced by a certificate of occupancy or other certificate of completion, after

January 1, 2013; (3) the first monetary or debt service payment occurs after January 1, 2013; or (4) the land is deeded to the government entity after January 1, 2013.

d. (1) (a) Except as provided in subparagraph (b) of this paragraph, the total amount of tax credits that may be awarded to an eligible applicant for a single project shall not exceed $5,000,000.

(b) In the case of an applicant engaged in a brownfields redevelopment project comprising park and infrastructure development within an urban transit hub municipality, the total amount of tax credits the authority may award to the applicant shall not exceed $2,000,000 cumulative of all applications submitted under this section by the applicant. As used in this subparagraph, "applicant" means an entity applying for a tax credit pursuant to subsection b. of this section and shall include its subsidiaries, its parent, affiliated entities, and common principal owners.

(c) The total value of all tax credits approved by the authority pursuant to this section shall not exceed $22,000,000.

(2) A tax credit granted pursuant to this section may be transferred in the same manner as tax credits are transferred pursuant to section 7 of P.L.2011, c.149 (C.34:1B-248) and utilized in the same manner as provided pursuant to paragraph (1) of subsection c. of section 6 of P.L.2011, c.149 (C.34:1B-247).

(3) Except for the limitations set forth in paragraph (1) of this subsection, nothing in this section shall prohibit an applicant from applying for and being awarded multiple tax credit awards based on separate public infrastructure projects.

e. The chief executive of the authority, in consultation with the Director of the Division of Taxation in the Department of the Treasury, may adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to implement the provisions of this section.

4. Section 4 of P.L.1945, c.162 (C.54:10A-4) is amended to read as follows:

C.54:10A-4 Definitions.

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

(a) "Commissioner" or "director" shall mean the Director of the Division of Taxation of the State Department of the Treasury.

(b) "Allocation factor" shall mean the proportionate part of a taxpayer's net worth or entire net income used to determine a measure of its tax under this act.

(c) "Corporation" shall mean any corporation, joint-stock company or association and any business conducted by a trustee or trustees wherein interest or ownership is evidenced by a certificate of interest or ownership or similar written instrument, any other entity classified as a corporation for federal income tax purposes, and any state or federally chartered building and loan association or savings and loan association.

(d) "Net worth" shall mean the aggregate of the values disclosed by the books of the corporation for (1) issued and outstanding capital stock, (2) paid-in or capital surplus, (3) earned surplus and undivided profits, and (4) surplus reserves which can reasonably be expected to accrue to holders or owners of equitable shares, not including reasonable valuation reserves, such as reserves for depreciation or obsolescence or depletion. Notwithstanding the foregoing, net worth shall not include any deduction for the amount of the excess depreciation described in paragraph (2)(F) of subsection (k) of this section. The foregoing aggregate of values shall be reduced by 50% of the amount disclosed by the books of the corporation for investment in the capital stock of one or more subsidiaries, which investment is defined as ownership (1) of at least 80% of the total combined voting power of all classes of stock of the subsidiary entitled to vote and (2) of at least 80% of the total number of shares of all other classes of stock except nonvoting stock which is limited and preferred as to dividends. In the case of investment in an entity organized under the laws of a foreign country, the foregoing requisite degree of ownership shall effect a like reduction of such investment from the net worth of the taxpayer, if the foreign entity is considered a corporation for any purpose under the United States federal income tax laws, such as (but not by way of sole examples) for the purpose of supplying deemed paid foreign tax credits or for the purpose of status as a controlled foreign corporation. In calculating the net worth of a taxpayer entitled to reduction for investment in subsidiaries, the amount of liabilities of the taxpayer shall be reduced by such proportion of the liabilities as corresponds to the ratio which the excluded portion of the subsidiary values bears to the total assets of the taxpayer.

In the case of banking corporations which have international banking facilities as defined in subsection (n), the foregoing aggregate of values shall also be reduced by retained earnings of the international banking facility. Retained earnings means the earnings accumulated over the life of such

facility and shall not include the distributive share of dividends paid and federal income taxes paid or payable during the tax year.

If in the opinion of the commissioner, the corporation's books do not disclose fair valuations the commissioner may make a reasonable determination of the net worth which, in his opinion, would reflect the fair value of the assets, exclusive of subsidiary investments as defined aforesaid, carried on the books of the corporation, in accordance with sound accounting principles, and such determination shall be used as net worth for the purpose of this act.

(e) (Deleted by amendment, P.L.1998, c.114.)

(f) "Investment company" shall mean any corporation whose business during the period covered by its report consisted, to the extent of at least 90% thereof of holding, investing and reinvesting in stocks, bonds, notes, mortgages, debentures, patents, patent rights and other securities for its own account, but this shall not include any corporation which: (1) is a merchant or a dealer of stocks, bonds and other securities, regularly engaged in buying the same and selling the same to customers; or (2) had less than 90% of its average gross assets in New Jersey, at cost, invested in stocks, bonds, debentures, mortgages, notes, patents, patent rights or other securities or consisting of cash on deposit during the period covered by its report; or (3) is a banking corporation, a savings institution, or a financial business corporation as defined in the Corporation Business Tax Act.

(g) "Regulated investment company" shall mean any corporation which for a period covered by its report, is registered and regulated under the Investment Company Act of 1940 (54 Stat. 789), as amended.

(h) "Taxpayer" shall mean any corporation, and any partnership required, or consenting, to report or to pay taxes, interest or penalties under this act. "Taxpayer" shall not include a partnership that is listed on a United States national stock exchange.

(i) "Fiscal year" shall mean an accounting period ending on any day other than the last day of December on the basis of which the taxpayer is required to report for federal income tax purposes.

(j) Except as herein provided, "privilege period" shall mean the calendar or fiscal accounting period for which a tax is payable under this act.

(k) "Entire net income" shall mean total net income from all sources, whether within or without the United States, and shall include the gain derived from the employment of capital or labor, or from both combined, as well as profit gained through a sale or conversion of capital assets.

For the purpose of this act, the amount of a taxpayer's entire net income shall be deemed prima facie to be equal in amount to the taxable income, before net operating loss deduction and special deductions, which the tax-

payer is required to report, or, if the taxpayer is classified as a partnership for federal tax purposes, would otherwise be required to report, to the United States Treasury Department for the purpose of computing its federal income tax, provided however, that in the determination of such entire net income,

(1) Entire net income shall exclude for the periods set forth in paragraph (2)(F)(i) of this subsection, any amount, except with respect to qualified mass commuting vehicles as described in section 168(f)(8)(D)(v) of the Internal Revenue Code as in effect immediately prior to January 1, 1984, which is included in a taxpayer's federal taxable income solely as a result of an election made pursuant to the provisions of paragraph (8) of that section.

(2) Entire net income shall be determined without the exclusion, deduction or credit of:

(A) The amount of any specific exemption or credit allowed in any law of the United States imposing any tax on or measured by the income of corporations.

(B) Any part of any income from dividends or interest on any kind of stock, securities or indebtedness, except as provided in paragraph (5) of subsection (k) of this section.

(C) Taxes paid or accrued to the United States, a possession or territory of the United States, a state, a political subdivision thereof, or the District of Columbia, or to any foreign country, state, province, territory or subdivision thereof, on or measured by profits or income, or business presence or business activity, or the tax imposed by this act, or any tax paid or accrued with respect to subsidiary dividends excluded from entire net income as provided in paragraph (5) of subsection (k) of this section.

(D) (Deleted by amendment, P.L.1985, c.143.)

(E) (Deleted by amendment, P.L.1995, c.418.)

(F) (i) The amount by which depreciation reported to the United States Treasury Department for property placed in service on and after January 1, 1981, but prior to taxpayer fiscal or calendar accounting years beginning on and after the effective date of P.L.1993, c.172, for purposes of computing federal taxable income in accordance with section 168 of the Internal Revenue Code in effect after December 31, 1980, exceeds the amount of depreciation determined in accordance with the Internal Revenue Code provisions in effect prior to January 1, 1981, but only with respect to a taxpayer's accounting period ending after December 31, 1981; provided, however, that where a taxpayer's accounting period begins in 1981 and ends in 1982, no modification shall be required with respect to this paragraph (F) for the report filed for such period with respect to property placed in service during that part of the accounting period which occurs in 1981. The provisions of

this subparagraph shall not apply to assets placed in service prior to January 1, 1998 of a gas, gas and electric, and electric public utility that was subject to the provisions of P.L.1940, c.5 (C.54:30A-49 et seq.) prior to 1998.

(ii) For the periods set forth in subparagraph (F)(i) of paragraph (2) of this subsection, any amount, except with respect to qualified mass commuting vehicles as described in section 168(f)(8)(D)(v) of the Internal Revenue Code as in effect immediately prior to January 1, 1984, which the taxpayer claimed as a deduction in computing federal income tax pursuant to a qualified lease agreement under paragraph (8) of that section.

The director shall promulgate rules and regulations necessary to carry out the provisions of this section, which rules shall provide, among others, the manner in which the remaining life of property shall be reported.

(G) (i) The amount of any civil, civil administrative, or criminal penalty or fine, including a penalty or fine under an administrative consent order, assessed and collected for a violation of a State or federal environmental law, an administrative consent order, or an environmental ordinance or resolution of a local governmental entity, and any interest earned on the penalty or fine, and any economic benefits having accrued to the violator as a result of a violation, which benefits are assessed and recovered in a civil, civil administrative, or criminal action, or pursuant to an administrative consent order. The provisions of this paragraph shall not apply to a penalty or fine assessed or collected for a violation of a State or federal environmental law, or local environmental ordinance or resolution, if the penalty or fine was for a violation that resulted from fire, riot, sabotage, flood, storm event, natural cause, or other act of God beyond the reasonable control of the violator, or caused by an act or omission of a person who was outside the reasonable control of the violator.

(ii) The amount of treble damages paid to the Department of Environmental Protection pursuant to subsection a. of section 7 of P.L.1976, c.141 (C.58:10-23.11f), for costs incurred by the department in removing, or arranging for the removal of, an unauthorized discharge upon failure of the discharger to comply with a directive from the department to remove, or arrange for the removal of, the discharge.

(H) The amount of any sales and use tax paid by a utility vendor pursuant to section 71 of P.L.1997, c.162.

(I) Interest paid, accrued or incurred for the privilege period to a related member, as defined in section 5 of P.L.2002, c.40 (C.54:10A-4.4), except that a deduction shall be permitted to the extent that the taxpayer establishes by clear and convincing evidence, as determined by the director, that: (i) a principal purpose of the transaction giving rise to the payment of the interest

was not to avoid taxes otherwise due under Title 54 of the Revised Statutes or Title 54A of the New Jersey Statutes, (ii) the interest is paid pursuant to arm's length contracts at an arm's length rate of interest, and (iii)(aa) the related member was subject to a tax on its net income or receipts in this State or another state or possession of the United States or in a foreign nation, (bb) a measure of the tax includes the interest received from the related member, and (cc) the rate of tax applied to the interest received by the related member is equal to or greater than a rate three percentage points less than the rate of tax applied to taxable interest by this State.

A deduction shall also be permitted if the taxpayer establishes by clear and convincing evidence, as determined by the director, that the disallowance of a deduction is unreasonable, or the taxpayer and the director agree in writing to the application or use of an alternative method of apportionment under section 8 of P.L.1945, c.162 (C.54:10A-8); nothing in this subsection shall be construed to limit or negate the director's authority to otherwise enter into agreements and compromises otherwise allowed by law.

A deduction shall also be permitted to the extent that the taxpayer establishes by a preponderance of the evidence, as determined by the director, that the interest is directly or indirectly paid, accrued or incurred to (i) a related member in a foreign nation which has in force a comprehensive income tax treaty with the United States, provided however that the taxpayer shall disclose on its return for the privilege period the name of the related member, the amount of the interest, the relevant foreign nation, and such other information as the director may prescribe or (ii) to an independent lender and the taxpayer guarantees the debt on which the interest is required.

(J) Amounts deducted for federal tax purposes pursuant to section 199 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.199, except that this exclusion shall not apply to amounts deducted pursuant to that section that are exclusively based upon domestic production gross receipts of the taxpayer which are derived only from any lease, rental, license, sale, exchange, or other disposition of qualifying production property which the taxpayer demonstrates to the satisfaction of the director was manufactured or produced by the taxpayer in whole or in significant part within the United States but not qualified production property that was grown or extracted by the taxpayer. "Manufactured or produced" as used in this paragraph shall be limited to performance of an operation or series of operations the object of which is to place items of tangible personal property in a form, composition, or character different from that in which they were acquired. The change in form, composition, or character shall be a substantial change,

and result in a transformation of property into a different or substantially more usable product.

(3) The commissioner may, whenever necessary to properly reflect the entire net income of any taxpayer, determine the year or period in which any item of income or deduction shall be included, without being limited to the method of accounting employed by the taxpayer.

(4) There shall be allowed as a deduction from entire net income of a banking corporation, to the extent not deductible in determining federal taxable income, the eligible net income of an international banking facility determined as follows:

(A) The eligible net income of an international banking facility shall be the amount remaining after subtracting from the eligible gross income the applicable expenses;

(B) Eligible gross income shall be the gross income derived by an international banking facility, which shall include, but not be limited to, gross income derived from:

(i) Making, arranging for, placing or carrying loans to foreign persons, provided, however, that in the case of a foreign person which is an individual, or which is a foreign branch of a domestic corporation (other than a bank), or which is a foreign corporation or foreign partnership which is controlled by one or more domestic corporations (other than banks), domestic partnerships or resident individuals, all the proceeds of the loan are for use outside of the United States;

(ii) Making or placing deposits with foreign persons which are banks or foreign branches of banks (including foreign subsidiaries) or foreign branches of the taxpayers or with other international banking facilities;

(iii) Entering into foreign exchange trading or hedging transactions related to any of the transactions described in this paragraph; or

(iv) Such other activities as an international banking facility may, from time to time, be authorized to engage in;

(C) Applicable expenses shall be any expense or other deductions attributable, directly or indirectly, to the eligible gross income described in subparagraph (B) of this paragraph.

(5) Entire net income shall exclude 100% of dividends which were included in computing such taxable income for federal income tax purposes, paid to the taxpayer by one or more subsidiaries owned by the taxpayer to the extent of the 80% or more ownership of investment described in subsection (d) of this section and shall exclude 50% of dividends which were included in computing such taxable income for federal income tax purposes, paid to the taxpayer by one or more subsidiaries owned by the taxpayer

to the extent of 50% or more ownership of investment, such ownership of investment calculated in the same manner as the 80% or more of ownership of investment is calculated as described in subsection (d) of this section.

(6) (A) Net operating loss deduction. There shall be allowed as a deduction for the privilege period the net operating loss carryover to that period.

(B) Net operating loss carryover. A net operating loss for any privilege period ending after June 30, 1984 shall be a net operating loss carryover to each of the seven privilege periods following the period of the loss and a net operating loss for any privilege period ending after June 30, 2009 shall be a net operating loss carryover to each of the twenty privilege periods following the period of the loss. The entire amount of the net operating loss for any privilege period (the "loss period") shall be carried to the earliest of the privilege periods to which the loss may be carried. The portion of the loss which shall be carried to each of the other privilege periods shall be the excess, if any, of the amount of the loss over the sum of the entire net income, computed without the exclusions permitted in paragraphs (4) and (5) of this subsection or the net operating loss deduction provided by subparagraph (A) of this paragraph, for each of the prior privilege periods to which the loss may be carried.

(C) Net operating loss. For purposes of this paragraph the term "net operating loss" means the excess of the deductions over the gross income used in computing entire net income without the net operating loss deduction provided for in subparagraph (A) of this paragraph and the exclusions in paragraphs (4) and (5) of this subsection.

(D) Change in ownership. Where there is a change in 50% or more of the ownership of a corporation because of redemption or sale of stock and the corporation changes the trade or business giving rise to the loss, no net operating loss sustained before the changes may be carried over to be deducted from income earned after such changes. In addition where the facts support the premise that the corporation was acquired under any circumstances for the primary purpose of the use of its net operating loss carryover, the director may disallow the carryover.

(E) Notwithstanding the provisions of this paragraph (6) of subsection (k) of this section to the contrary, for privilege periods beginning during calendar year 2002 and calendar year 2003, no deduction for any net operating loss carryover shall be allowed and for privilege periods beginning during calendar year 2004 and calendar year 2005, there shall be allowed as a deduction for the privilege period so much of the net operating loss carryover as reduces entire net income otherwise calculated by 50%. If and only to the extent that any net operating loss carryover deduction is disal-

lowed by reason of this subparagraph (E), the date on which the amount of the disallowed net operating loss carryover deduction would otherwise expire shall be extended by a period equal to the period for which application of the net operating loss was disallowed by this subparagraph.

Provided, that this subparagraph (E) shall not restrict the surrender or acquisition of corporation business tax benefit certificates pursuant to section 1 of P.L.1997, c.334 (C.34:1B-7.42a) and shall not restrict the application of corporation business tax benefit certificates pursuant to section 2 of P.L.1997, c.334 (C.54:10A-4.2).

(F) Reduction for discharge of indebtedness. A net operating loss for any privilege period ending after June 30, 2014, and any net operating loss carryover to such privilege period, shall be reduced by the amount excluded from federal taxable income under subparagraph (A), (B), or (C) of paragraph (1) of subsection (a) of section 108 of the federal Internal Revenue Code (26 U.S.C. s.108), for the privilege period of the discharge of indebtedness.

(7) The entire net income of gas, electric and gas and electric public utilities that were subject to the provisions of P.L.1940, c.5 (C.54:30A-49 et seq.) prior to 1998, shall be adjusted by substituting the New Jersey depreciation allowance for federal tax depreciation with respect to assets placed in service prior to January 1, 1998. For gas, electric, and gas and electric public utilities that were subject to the provisions of P.L.1940, c.5 (C.54:30A-49 et seq.) prior to 1998, the New Jersey depreciation allowance shall be computed as follows: All depreciable assets placed in service prior to January 1, 1998 shall be considered a single asset account. The New Jersey tax basis of this depreciable asset account shall be an amount equal to the carryover adjusted basis for federal income tax purposes on December 31, 1997 of all depreciable assets in service on December 31, 1997, increased by the excess, of the "net carrying value," defined to be adjusted book basis of all assets and liabilities, excluding deferred income taxes, recorded on the public utility's books of account on December 31, 1997, over the carryover adjusted basis for federal income tax purposes on December 31, 1997 of all assets and liabilities owned by the gas, electric, or gas and electric public utility as of December 31, 1997. "Books of account" for gas, gas and electric, and electric public utilities means the uniform system of accounts as promulgated by the Federal Energy Regulatory Commission and adopted by the Board of Public Utilities. The following adjustments to entire net income shall be made pursuant to this section:

(A) Depreciation for property placed in service prior to January 1, 1998 shall be adjusted as follows:

(i) Depreciation for federal income tax purposes shall be disallowed in full.

(ii) A deduction shall be allowed for the New Jersey depreciation allowance. The New Jersey depreciation allowance shall be computed for the single asset account described above based on the New Jersey tax basis as adjusted above as if all assets in the single asset account were first placed in service on January 1, 1998. Depreciation shall be computed using the straight line method over a thirty-year life. A full year's depreciation shall be allowed in the initial tax year. No half-year convention shall apply. The depreciable basis of the single account shall be reduced by the adjusted federal tax basis of assets sold, retired, or otherwise disposed of during any year on which gain or loss is recognized for federal income tax purposes as described in subparagraph (B) of this paragraph.

(B) Gains and losses on sales, retirements and other dispositions of assets placed in service prior to January 1, 1998 shall be recognized and reported on the same basis as for federal income tax purposes.

(C) The Director of the Division of Taxation shall promulgate regulations describing the methodology for allocating the single asset account in the event that a portion of the utility's operations are separated, spun-off, transferred to a separate company or otherwise desegregated.

(8) In the case of taxpayers that are gas, electric, gas and electric, or telecommunications public utilities as defined pursuant to subsection (q) of this section, the director shall have authority to promulgate rules and issue guidance correcting distortions and adjusting timing differences resulting from the adoption of P.L.1997, c.162 (C.54:10A-5.25 et al.).

(9) Notwithstanding paragraph (1) of this subsection, entire net income shall not include the income derived by a corporation organized in a foreign country from the international operation of a ship or ships, or from the international operation of aircraft, if such income is exempt from federal taxation pursuant to section 883 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.883.

(10) Entire net income shall exclude all income of an alien corporation the activities of which are limited in this State to investing or trading in stocks and securities for its own account, investing or trading in commodities for its own account, or any combination of those activities, within the meaning of section 864 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.864, as in effect on December 31, 1998. Notwithstanding the previous sentence, if an alien corporation undertakes one or more infrequent, extraordinary or non-recurring activities, including but not limited to the sale of tangible property, only the income from such infrequent, extraordi-

nary or non-recurring activity shall be subject to the tax imposed pursuant to P.L.1945, c.162 (C.54:10A-1 et seq.), and that amount of income subject to tax shall be determined without regard to the allocation to that specific transaction of any general business expense of the taxpayer and shall be specifically assigned to this State for taxation by this State without regard to section 6 of P.L.1945, c.162 (C.54:10A-6). For the purposes of this paragraph, "alien corporation" means a corporation organized under the laws of a jurisdiction other than the United States or its political subdivisions.

(11) No deduction shall be allowed for research and experimental expenditures, to the extent that those research and experimental expenditures are qualified research expenses or basic research payments for which an amount of credit is claimed pursuant to section 1 of P.L.1993, c.175 (C.54:10A-5.24) unless those research and experimental expenditures are also used to compute a federal credit claimed pursuant to section 41 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.41.

(12) (A) Notwithstanding the provisions of subsection (k) of section 168 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.168, subsection (b) of section 1400L of the federal Internal Revenue Code of 1986, 26 U.S.C. s.1400L, or any other federal law, for property acquired after September 10, 2001, the depreciation deduction otherwise allowed pursuant to section 167 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.167, shall be determined pursuant to the provisions of the federal Internal Revenue Code of 1986 (26 U.S.C. s.1 et seq.) in effect on December 31, 2001.

(B) The director shall prescribe the rules and regulations necessary to carry out the provisions of this paragraph, including, among others, those for determining the adjusted basis of the acquired property for the purposes of the Corporation Business Tax Act (1945), P.L.1945, c.162.

(13) (A) Notwithstanding the provisions of section 179 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.179, for property placed in service on or after January 1, 2004, the costs that a taxpayer may otherwise elect to treat as an expense which is not chargeable to a capital account shall be determined pursuant to the provisions of the federal Internal Revenue Code of 1986 (26 U.S.C. s.1 et seq.) in effect on December 31, 2002.

(B) The director shall prescribe the rules and regulations necessary to carry out the provisions of this paragraph, including, among others, those for determining the adjusted basis of the acquired property for the purposes of the Corporation Business Tax Act (1945), P.L.1945, c.162.

(14) Notwithstanding the provisions of subsection (i) of section 108 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.108), for privilege periods beginning after December 31, 2008 and before January 1, 2011,

entire net income shall include the amount of discharge of indebtedness income excluded for federal income tax purposes pursuant to subsection (i) of section 108 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.108), and for privilege periods beginning on or after January 1, 2014 and before January 1, 2019, entire net income shall exclude the amount of discharge of indebtedness income included for federal income tax purposes, pursuant to subsection (i) of section 108 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.108).

(15) Entire net income shall exclude the gain or income derived from the sale or assignment of a tax credit transfer certificate pursuant to section 7 of P.L.2011, c.149 (C.34:1B-248) and section 10 of P.L.2014, c.63 (C.34:1B-251).

(l) "Real estate investment trust" shall mean any corporation, trust or association qualifying and electing to be taxed as a real estate investment trust under federal law.

(m)"Financial business corporation" shall mean any corporate enterprise which is (1) in substantial competition with the business of national banks and which (2) employs moneyed capital with the object of making profit by its use as money, through discounting and negotiating promissory notes, drafts, bills of exchange and other evidences of debt; buying and selling exchange; making of or dealing in secured or unsecured loans and discounts; dealing in securities and shares of corporate stock by purchasing and selling such securities and stock without recourse, solely upon the order and for the account of customers; or investing and reinvesting in marketable obligations evidencing indebtedness of any person, copartnership, association or corporation in the form of bonds, notes or debentures commonly known as investment securities; or dealing in or underwriting obligations of the United States, any state or any political subdivision thereof, or of a corporate instrumentality of any of them. This shall include, without limitation of the foregoing, business commonly known as industrial banks, dealers in commercial paper and acceptances, sales finance, personal finance, small loan and mortgage financing businesses, as well as any other enterprise employing moneyed capital coming into competition with the business of national banks; provided that the holding of bonds, notes, or other evidences of indebtedness by individual persons not employed or engaged in the banking or investment business and representing merely personal investments not made in competition with the business of national banks, shall not be deemed financial business. Nor shall "financial business" include national banks, production credit associations organized under the Farm Credit Act of 1933 or the Farm Credit Act of 1971, Pub.L.92-

181 (12 U.S.C. s.2091 et seq.), stock and mutual insurance companies duly authorized to transact business in this State, security brokers or dealers or investment companies or bankers not employing moneyed capital coming into competition with the business of national banks, real estate investment trusts, or any of the following entities organized under the laws of this State: credit unions, savings banks, savings and loan and building and loan associations, pawnbrokers, and State banks and trust companies.

(n) "International banking facility" shall mean a set of asset and liability accounts segregated on the books and records of a depository institution, United States branch or agency of a foreign bank, or an Edge or Agreement Corporation that includes only international banking facility time deposits and international banking facility extensions of credit as such terms are defined in section 204.8(a)(2) and section 204.8(a)(3) of Regulation D of the board of governors of the Federal Reserve System, 12 CFR Part 204, effective December 3, 1981. In the event that the United States enacts a law, or the board of governors of the Federal Reserve System adopts a regulation which amends the present definition of international banking facility or of such facilities' time deposits or extensions of credit, the Commissioner of Banking and Insurance shall forthwith adopt regulations defining such terms in the same manner as such terms are set forth in the laws of the United States or the regulations of the board of governors of the Federal Reserve System. The regulations of the Commissioner of Banking and Insurance shall thereafter provide the applicable definitions.

(o) "S corporation" means a corporation included in the definition of an "S corporation" pursuant to section 1361 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.1361.

(p) "New Jersey S corporation" means a corporation that is an S corporation; which has made a valid election pursuant to section 3 of P.L.1993, c.173 (C.54:10A-5.22); and which has been an S corporation continuously since the effective date of the valid election made pursuant to section 3 of P.L.1993, c.173 (C.54:10A-5.22).

(q) "Public Utility" means "public utility" as defined in R.S.48:2-13.

(r) "Qualified investment partnership" means a partnership under this act that has more than 10 members or partners with no member or partner owning more than a 50% interest in the entity and that derives at least 90% of its gross income from dividends, interest, payments with respect to securities loans, and gains from the sale or other disposition of stocks or securities or foreign currencies or commodities or other similar income (including but not limited to gains from swaps, options, futures or forward contracts) derived with respect to its business of investing or trading in those stocks,

securities, currencies or commodities, but "investment partnership" shall not include a "dealer in securities" within the meaning of section 1236 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.1236.

(s) "Savings institution" means a state or federally chartered building and loan association, savings and loan association, or savings bank.

(t) "Partnership" means an entity classified as a partnership for federal income tax purposes.

5. N.J.S.54A:5-1 is amended to read as follows:

New Jersey gross income defined.

54A:5-1. New Jersey Gross Income Defined. New Jersey gross income shall consist of the following categories of income:

a. Salaries, wages, tips, fees, commissions, bonuses, and other remuneration received for services rendered whether in cash or in property, and amounts paid or distributed, or deemed paid or distributed, out of a medical savings account that are not excluded from gross income pursuant to section 5 of P.L.1997, c.414 (C.54A:6-27).

b. Net profits from business. The net income from the operation of a business, profession or other activity after provision for all costs and expenses incurred in the conduct thereof, determined either on a cash or accrual basis in accordance with the method of accounting allowed for federal income tax purposes but without deduction of the amount of:

(1) taxes based on income;

(2) a civil, civil administrative, or criminal penalty or fine, including a penalty or fine under an administrative consent order, assessed and collected for a violation of a State or federal environmental law, an administrative consent order, or an environmental ordinance or resolution of a local governmental entity, and any interest earned on the penalty or fine, and any economic benefits having accrued to the violator as a result of a violation, which benefits are assessed and recovered in a civil, civil administrative, or criminal action, or pursuant to an administrative consent order. The provisions of this paragraph shall not apply to a penalty or fine assessed or collected for a violation of a State or federal environmental law, or local environmental ordinance or resolution, if the penalty or fine was for a violation that resulted from fire, riot, sabotage, flood, storm event, natural cause, or other act of God beyond the reasonable control of the violator, or caused by an act or omission of a person who was outside the reasonable control of the violator; and

(3) treble damages paid to the Department of Environmental Protection pursuant to subsection a. of section 7 of P.L.1976, c.141 (C.58:10-23.11f) for costs incurred by the department in removing, or arranging for the removal of, an unauthorized discharge upon the failure of the discharger to comply with a directive from the department to remove, or arrange for the removal of, a discharge.

c. Net gains or income from disposition of property. Net gains or net income, less net losses, derived from the sale, exchange or other disposition of property, including real or personal, whether tangible or intangible as determined in accordance with the method of accounting allowed for federal income tax purposes. For the purpose of determining gain or loss, the basis of property shall be the adjusted basis used for federal income tax purposes, except as expressly provided for under this act, but without a deduction for penalties, fines, or economic benefits excepted pursuant to paragraph (2), or for treble damages excepted pursuant to paragraph (3) of subsection b. of this section.

A taxpayer's net gain or loss on the sale, exchange or other disposition of a share of an S corporation shall be calculated by increasing the adjusted basis of the share by an amount equal to the shareholder's net losses and deductions in respect of the share allowed and deducted from income for federal income tax purposes, not including any personal net operating loss deductions, to the extent that such net losses were not offset by the taxpayer's pro rata share of S corporation income otherwise subject to taxation pursuant to subsection p. of this section in respect of another S corporation, subject to rules of priority and assignment determined by the director.

For the tax year 1976, any taxpayer with a tax liability under this subsection, or under the "Tax on Capital Gains and Other Unearned Income Act," P.L.1975, c.172 (C.54:8B-1 et seq.), shall not be subject to payment of an amount greater than the amount he would have paid if either return had covered all capital transactions during the full tax year 1976; provided, however, that the rate which shall apply to any capital gain shall be that in effect on the date of the transaction. To the extent that any loss is used to offset any gain under P.L.1975, c.172, it shall not be used to offset any gain under the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq.

The term "net gains or income" shall not include gains or income derived from obligations which are referred to in clause (1) or (2) of N.J.S.54A:6-14 of this act or from securities which evidence ownership in a qualified investment fund as defined in section 2 of P.L.1987, c.310 (C.54A:6-14.1). The term "net gains or income" shall not include gains or income derived from the sale or assignment of a tax credit transfer certifi-

cate pursuant to section 7 of P.L.2011, c.149 (C.34:1B-248) and section 10 of P.L.2014, c.63 (C.34:1B-251). The term "net gains or net income" shall not include gains or income from transactions to the extent to which non-recognition is allowed for federal income tax purposes. The term "sale, exchange or other disposition" shall not include the exchange of stock or securities in a corporation a party to a reorganization in pursuance of a plan of reorganization, solely for stock or securities in such corporation or in another corporation a party to the reorganization and the transfer of property to a corporation by one or more persons solely in exchange for stock or securities in such corporation if immediately after the exchange such person or persons are in control of the corporation. For purposes of this clause, stock or securities issued for services shall not be considered as issued in return for property.

For purposes of this clause, the term "reorganization" means--

(i) A statutory merger or consolidation;

(ii) The acquisition by one corporation, in exchange solely for all or part of its voting stock (or in exchange solely for all or a part of the voting stock of a corporation which is in control of the acquiring corporation) of stock of another corporation if, immediately after the acquisition, the acquiring corporation has control of such other corporation (whether or not such acquiring corporation had control immediately before the acquisition);

(iii) The acquisition by one corporation, in exchange solely for all or part of its voting stock (or in exchange solely for all or a part of the voting stock of a corporation which is in control of the acquiring corporation), of substantially all of the properties of another corporation, but in determining whether the exchange is solely for stock the assumption by the acquiring corporation of a liability of the other, or the fact that property acquired is subject to a liability, shall be disregarded;

(iv) A transfer by a corporation of all or a part of its assets to another corporation if immediately after the transfer the transferor, or one or more of its shareholders (including persons who were shareholders immediately before the transfer), or any combination thereof, is in control of the corporation to which the assets are transferred;

(v) A recapitalization;

(vi) A mere change in identity, form, or place of organization however effected; or

(vii) The acquisition by one corporation, in exchange for stock of a corporation (referred to in this subclause as "controlling corporation") which is in control of the acquiring corporation, of substantially all of the properties of another corporation which in the transaction is merged into

the acquiring corporation shall not disqualify a transaction under subclause (i) if such transaction would have qualified under subclause (i) if the merger had been into the controlling corporation, and no stock of the acquiring corporation is used in the transaction;

(viii) A transaction otherwise qualifying under subclause (i) shall not be disqualified by reason of the fact that stock of a corporation (referred to in this subclause as the "controlling corporation") which before the merger was in control of the merged corporation is used in the transaction, if after the transaction, the corporation surviving the merger holds substantially all of its properties and of the properties of the merged corporation (other than stock of the controlling corporation distributed in the transaction); and in the transaction, former shareholders of the surviving corporation exchanged, for an amount of voting stock of the controlling corporation, an amount of stock in the surviving corporation which constitutes control of such corporation.

For purposes of this clause, the term "control" means the ownership of stock possessing at least 80% of the total combined voting power of all classes of stock entitled to vote and at least 80% of the total number of shares of all other classes of stock of the corporation.

For purposes of this clause, the term "a party to a reorganization" includes a corporation resulting from a reorganization, and both corporations, in the case of a reorganization resulting from the acquisition by one corporation of stock or properties of another. In the case of a reorganization qualifying under subclause (i) by reason of subclause (vii) the term "a party to a reorganization" includes the controlling corporation referred to in such subclause (vii).

Notwithstanding any provisions hereof, upon every such exchange or conversion, the taxpayer's basis for the stock or securities received shall be the same as the taxpayer's actual or attributed basis for the stock, securities or property surrendered in exchange therefor.

d. Net gains or net income derived from or in the form of rents, royalties, patents, and copyrights.

e. Interest, except interest referred to in clause (1) or (2) of N.J.S.54A:6-14, or distributions paid by a qualified investment fund as defined in section 2 of P.L.1987, c.310 (C.54A:6-14.1), to the extent provided in that section.

f. Dividends. "Dividends" means any distribution in cash or property made by a corporation, association or business trust that is not an S corporation, (1) out of accumulated earnings and profits, or (2) out of earnings and profits of the year in which such dividend is paid and any distribution

in cash or property made by an S corporation, as specifically determined pursuant to section 16 of P.L.1993, c.173 (C.54A:5-14).

The term "dividends" shall not include distributions paid by a qualified investment fund as defined in section 2 of P.L.1987, c.310 (C.54A:6-14.1), to the extent provided in that section.

g. Gambling winnings.

h. Net gains or income derived through estates or trusts.

i. Income in respect of a decedent.

j. Amounts distributed or withdrawn from an employee trust attributable to contributions to the trust which were excluded from gross income under the provisions of chapter 6 of Title 54A of the New Jersey Statutes, amounts rolled over from an IRA, as defined pursuant to subsection (a) of section 408 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.408, that is not a Roth IRA, as defined pursuant to subsection b. of section 2 of P.L.1998,c.57 (C.54A:6-28) to an IRA that is a Roth IRA, and pensions and annuities except to the extent of exclusions in N.J.S.54A:6-10 hereunder, notwithstanding the provisions of N.J.S.18A:66-51, P.L.1973, c.140, s.41 (C.43:6A-41), P.L.1954, c.84, s.53 (C.43:15A-53), P.L.1944, c.255, s.17 (C.43:16A-17), P.L.1965, c.89, s.45 (C.53:5A-45), R.S.43:10-14, P.L.1943, c.160, s.22 (C.43:10-18.22), P.L.1948, c.310, s.22 (C.43:10-18.71), P.L.1954, c.218, s.32 (C.43:13-22.34), P.L.1964, c.275, s.11 (C.43:13-22.60), R.S.43:10-57, P.L.1938, c.330, s.13 (C.43:10-105), R.S.43:13-44, and P.L.1943, c.189, s.5 (C.43:13-37.5).

k. Distributive share of partnership income, excluding the gain or income derived from the sale or assignment of a tax credit transfer certificate pursuant to section 7 of P.L.2011, c.149 (C.34:1B-248) and section 10 of P.L.2014, c.63 (C.34:1B-251).

l. Amounts received as prizes and awards, except as provided in N.J.S.54A:6-8 and N.J.S.54A:6-11 hereunder.

m. Rental value of a residence furnished by an employer or a rental allowance paid by an employer to provide a home.

n. Alimony and separate maintenance payments to the extent that such payments are required to be made under a decree of divorce or separate maintenance but not including payments for support of minor children.

o. Income, gain or profit derived from acts or omissions defined as crimes or offenses under the laws of this State or any other jurisdiction.

p. Net pro rata share of S corporation income, excluding the gain or income derived from the sale or assignment of a tax credit transfer certificate pursuant to section 7 of P.L.2011, c.149 (C.34:1B-248) and section 10 of P.L.2014, c.63 (C.34:1B-251).

6. This act shall take effect immediately and section 4 shall apply to accounting and privilege periods beginning on and after January 1, 2017 and section 5 shall apply to taxable years beginning on and after January 1, 2017.

Approved January 16, 2018.

CHAPTER 314

AN ACT concerning certain business tax credit program document submission deadlines 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 3 of P.L.2007, c.346 (C.34:1B-209) is amended to read as follows:

C.34:1B-209 Credit for qualified business facilities, conditions for eligibility; allowance.

3. a. (1) A business, upon application to and approval from the authority, shall be allowed a credit of 100 percent of its capital investment, made after the effective date of P.L.2007, c.346 (C.34:1B-207 et seq.) but prior to its submission of documentation pursuant to subsection c. of this section, in a qualified business facility within an eligible municipality, pursuant to the restrictions and requirements of this section. To be eligible for any tax credits authorized under this section, a business shall demonstrate to the authority, at the time of application, that the State's financial support of the proposed capital investment in a qualified business facility will yield a net positive benefit to both the State and the eligible municipality. The value of all credits approved by the authority pursuant to P.L.2007, c.346 (C.34:1B-207 et seq.) shall not exceed $1,750,000,000, except as may be increased by the authority as set forth in paragraph (5) of subsection a. of P.L.2009, c.90 (C.34:1B-209.3) and section 6 of P.L.2010, c.57 (C.34:1B-209.4).

(2) A business, other than a tenant eligible pursuant to paragraph (3) of this subsection, shall make or acquire capital investments totaling not less than $50,000,000 in a qualified business facility, at which the business shall employ not fewer than 250 full-time employees to be eligible for a credit under this section. A business that acquires a qualified business facility shall also be deemed to have acquired the capital investment made or acquired by the seller.

(3) A business that is a tenant in a qualified business facility, the owner of which has made or acquired capital investments in the facility totaling not less than $50,000,000, shall occupy a leased area of the qualified business facility that represents at least $17,500,000 of the capital investment in the facility at which the tenant business and up to two other tenants in the qualified business facility shall employ not fewer than 250 full-time employees in the aggregate to be eligible for a credit under this section. The amount of capital investment in a facility that a leased area represents shall be equal to that percentage of the owner's total capital investment in the facility that the percentage of net leasable area leased by the tenant is of the total net leasable area of the qualified business facility. Capital investments made by a tenant shall be deemed to be included in the calculation of the capital investment made or acquired by the owner, but only to the extent necessary to meet the owner's minimum capital investment of $50,000,000. Capital investments made by a tenant and not allocated to meet the owner's minimum capital investment threshold of $50,000,000 shall be added to the amount of capital investment represented by the tenant's leased area in the qualified business facility.

(4) A business shall not be allowed tax credits under this section if the business participates in a business employment incentive agreement, pursuant to P.L.1996, c.26 (C.34:1B-124 et seq.), relating to the same capital and employees that qualify the business for this credit, or if the business receives assistance pursuant to P.L.1996, c.25 (C.34:1B-112 et seq.). A business that is allowed a tax credit under this section shall not be eligible for incentives authorized pursuant to P.L.2002, c.43 (C.52:27BBB-1 et al.). A business shall not qualify for a tax credit under this section, based upon its capital investment and the employment of full-time employees, if that capital investment or employment was the basis for which a grant was provided to the business pursuant to the "InvestNJ Business Grant Program Act," P.L.2008, c.112 (C.34:1B-237 et seq.).

(5) Full-time employment for an accounting or a privilege period shall be determined as the average of the monthly full-time employment for the period.

(6) The capital investment of the owner of a qualified business facility is that percentage of the capital investment made or acquired by the owner of the building that the percentage of net leasable area of the qualified business facility not leased to tenants is of the total net leasable area of the qualified business facility.

(7) A business shall be allowed a tax credit of 100 percent of its capital investment, made after the effective date of P.L.2011, c.89 but prior to its

submission of documentation pursuant to subsection c. of this section, in a qualified business facility that is part of a mixed use project, provided that (a) the qualified business facility represents at least $17,500,000 of the total capital investment in the mixed use project, (b) the business employs not fewer than 250 full-time employees in the qualified business facility, and (c) the total capital investment in the mixed use project of which the qualified business facility is a part is not less than $50,000,000. The allowance of credits under this paragraph shall be subject to the restrictions and requirements, to the extent that those are not inconsistent with the provisions of this paragraph, set forth in paragraphs (1) through (6) of this subsection, including, but not limited to, the requirement that the business shall demonstrate to the authority, at the time of application, that the State's financial support of the proposed capital investment in a qualified business facility will yield a net positive benefit to both the State and the eligible municipality.

(8) In determining whether a proposed capital investment will yield a net positive benefit, the authority shall not consider the transfer of an existing job from one location in the State to another location in the State as the creation of a new job, unless (a) the business proposes to transfer existing jobs to a municipality in the State as part of a consolidation of business operations from two or more other locations that are not in the same municipality whether in-State or out-of-State, or (b) the business's chief executive officer, or equivalent officer, submits a certification to the authority indicating that the existing jobs are at risk of leaving the State and that the business's chief executive officer, or equivalent officer, has reviewed the information submitted to the authority and that the representations contained therein are accurate, and the business intends to employ not fewer than 500 full-time employees in the qualified business facility. In the event that this certification by the business's chief executive officer, or equivalent officer, is found to be willfully false, the authority may revoke any award of tax credits in their entirety, which revocation shall be in addition to any other criminal or civil penalties that the business and the officer may be subject to. When considering an application involving intra-State job transfers, the authority shall require the company to submit the following information as part of its application: a full economic analysis of all locations under consideration by the company; all lease agreements, ownership documents, or substantially similar documentation for the business's current in-State locations; and all lease agreements, ownership documents, or substantially similar documentation for the potential out-of-State location alternatives, to the extent they exist. Based on this information, and any other information deemed relevant by the authority, the authority shall independently verify

and confirm, by way of making a factual finding by separate vote of the authority's board, the business's assertion that the jobs are actually at risk of leaving the State, before a business may be awarded any tax credits under this section.

b. (1) If applications under this section have been received by the authority prior to the effective date of the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.), then, to the extent that there remains sufficient financial authorization for the award of a tax credit, the authority is authorized to consider those applications and to make awards of tax credits to eligible applicants, provided that the authority shall take final action on those applications no later than December 31, 2013.

(2) A business shall apply for the credit under this section prior to the effective date of the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.), and shall submit its documentation for approval of its credit amount no later than April 26, 2021.

(3) If a business has submitted an application under this section and that application has not been approved for any reason, the lack of approval shall not serve to prejudice in any way the consideration of a new application as may be submitted for the qualified business facility for the provision of incentives offered pursuant to the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.).

(4) Tax credits awarded pursuant to P.L.2007, c.346 (C.34:1B-207 et seq.) for applications submitted to and approved by the authority prior to the effective date of the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.), shall be administered by the authority in the manner established prior to that date.

(5) With respect to an application received by the authority prior to the effective date of the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.) for a qualified business facility that is located on or adjacent to the campus of an acute care medical facility, (a) the minimum number of full-time employees required for eligibility under the program may be employed by any number of tenants or other occupants of the facility, in the aggregate, and the initial satisfaction of the requirement following completion of the project shall be deemed to satisfy the employment requirements of the program in all respects, and (b) if the capital investment in the facility exceeds $100,000,000, the determination of the net positive benefit yield shall be based on the benefits generated during a period of up to 30 years following the completion of the project, as determined by the authority.

c. (1) The amount of credit allowed shall, except as otherwise provided, be equal to the capital investment made by the business, or the capital investment represented by the business's leased area, or area owned by the business as a condominium, and shall be taken over a 10-year period, at the rate of one-tenth of the total amount of the business's credit for each tax accounting or privilege period of the business, beginning with the tax period in which the business is first certified by the authority as having met the investment capital and employment qualifications, subject to any reduction or disqualification as provided by subsection d. of this section as determined by annual review by the authority. In conducting its annual review, the authority may require a business to submit any information determined by the authority to be necessary and relevant to its review.

The credit amount for any tax period ending after July 28, 2021 during which the documentation of a business's credit amount remains uncertified shall be forfeited, although credit amounts for the remainder of the years of the 10-year credit period shall remain available to it.

The credit amount that may be taken for a tax period of the business that exceeds the final liabilities of the business for the tax period may be carried forward for use by the business in the next 20 successive tax periods, and shall expire thereafter, provided that the value of all credits approved by the authority against tax liabilities pursuant to P.L.2007, c.346 (C.34:1B-207 et seq.) in any fiscal year shall not exceed $260,000,000.

The amount of credit allowed for a tax period to a business that is a tenant in a qualified business facility shall not exceed the business's total lease payments for occupancy of the qualified business facility for the tax period.

(2) A business that is a partnership shall not be allowed a credit under this section directly, but the amount of credit of an owner of a business shall be determined by allocating to each owner of the partnership that proportion of the credit of the business that is equal to the owner of the partnership's share, whether or not distributed, of the total distributive income or gain of the partnership for its tax period ending within or at the end of the owner's tax period, or that proportion that is allocated by an agreement, if any, among the owners of the partnership that has been provided to the Director of the Division of Taxation in the Department of the Treasury by the time and accompanied by the additional information as the director may require.

(3) The amount of credit allowed may be applied against the tax liability otherwise due pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), pursuant to sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and C.54:18A-3), pursuant to section 1 of P.L.1950, c.231 (C.17:32-15), or pursuant to N.J.S.17B:23-5.

d. (1) If, in any tax period, fewer than 200 full-time employees of the business at the qualified business facility are employed in new full-time positions, the amount of the credit otherwise determined pursuant to final calculation of the award of tax credits pursuant to subsection c. of this section shall be reduced by 20 percent for that tax period and each subsequent tax period until the first period for which documentation demonstrating the restoration of the 200 full-time employees employed in new full-time positions at the qualified business facility has been reviewed and approved by the authority, for which tax period and each subsequent tax period the full amount of the credit shall be allowed; provided, however, that for businesses applying before January 1, 2010, there shall be no reduction if a business relocates to an urban transit hub from another location or other locations in the same municipality. For the purposes of this paragraph, a "new full-time position" means a position created by the business at the qualified business facility that did not previously exist in this State.

(2) If, in any tax period, the business reduces the total number of full-time employees in its Statewide workforce by more than 20 percent from the number of full-time employees in its Statewide workforce in the last tax accounting or privilege period prior to the credit amount approval under subsection a. of this section, then the business shall forfeit its credit amount for that tax period and each subsequent tax period, until the first tax period for which documentation demonstrating the restoration of the business's Statewide workforce to the threshold levels required by this paragraph has been reviewed and approved by the authority, for which tax period and each subsequent tax period the full amount of the credit shall be allowed.

(3) If, in any tax period, (a) the number of full-time employees employed by the business at the qualified business facility located in an urban transit hub within an eligible municipality drops below 250, or (b) the number of full-time employees, who are not the subject of intra-State job transfers, pursuant to paragraph (8) of subsection a. of this section, employed by the business at any other business facility in the State, whether or not located in an urban transit hub within an eligible municipality, drops by more than 20 percent from the number of full-time employees in its workforce in the last tax accounting or privilege period prior to the credit amount approval under this section, then the business shall forfeit its credit amount for that tax period and each subsequent tax period, until the first tax period for which documentation demonstrating the restoration of the number of full-time employees employed by the business at the qualified business facility to 250 or an increase above the 20 percent reduction has been

reviewed and approved by the authority, for which tax period and each subsequent tax period the full amount of the credit shall be allowed.

(4) (i) If the qualified business facility is sold in whole or in part during the 10-year eligibility period, the new owner shall not acquire the capital investment of the seller and the seller shall forfeit all credits for the tax period in which the sale occurs and all subsequent tax periods; provided, however, that any credits of tenants shall remain unaffected.

(ii) If a tenant subleases its tenancy in whole or in part during the 10-year eligibility period, the new tenant shall not acquire the credit of the sublessor, and the sublessor tenant shall forfeit all credits for the tax period of its sublease and all subsequent tax periods.

e. (1) The Executive Director of the New Jersey Economic Development Authority, in consultation with the Director of the Division of Taxation in the Department of the Treasury, shall adopt rules in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as are necessary to implement P.L.2007, c.346 (C.34:1B-207 et seq.), including, but not limited to: examples of and the determination of capital investment; the enumeration of eligible municipalities; specific delineation of urban transit hubs; the determination of the limits, if any, on the expense or type of furnishings that may constitute capital improvements; the promulgation of procedures and forms necessary to apply for a credit, including the enumeration of the certification procedures and allocation of tax credits for different phases of a qualified business facility or mixed use project; and provisions for credit applicants to be charged an initial application fee, and ongoing service fees, to cover the administrative costs related to the credit.

(2) Through regulation, the authority shall establish standards based on the green building manual prepared by the Commissioner of Community Affairs, pursuant to section 1 of P.L.2007, c.132 (C.52:27D-130.6), regarding the use of renewable energy, energy-efficient technology, and non-renewable resources in order to reduce environmental degradation and encourage long-term cost reduction.

2. Section 35 of P.L.2009, c.90 (C.34:1B-209.3) is amended to read as follows:

C.34:1B-209.3 Developers allowed certain tax credits.

35. a. (1) A developer, upon application to and approval from the authority, shall be allowed a credit of up to 35 percent of its capital investment, or up to 40 percent for a project located in a Garden State Growth Zone, made after the effective date of P.L.2009, c.90 (C.52:27D-489a et al.)

but prior to its submission of documentation pursuant to subsection c. of this section, in a qualified residential project, pursuant to the restrictions and requirements of this section. To be eligible for any tax credits authorized under this section, a developer shall demonstrate to the authority, through a project pro forma analysis at the time of application, that the qualified residential project is likely to be realized with the provision of tax credits at the level requested, but is not likely to be accomplished by private enterprise without the tax credits. The value of all credits approved by the authority pursuant to this section for qualified residential projects may be up to $150,000,000, except as may be increased by the authority as set forth below and as set forth in paragraph (5) of this subsection; provided; however, that the combined value of all credits approved by the authority pursuant to section 3 of P.L.2007, c.346 (C.34:1B-207) and this section shall not exceed $1,750,000,000, except as may be increased by the authority as set forth in paragraph (5) of this subsection. The authority shall monitor application and allocation activity under P.L.2007, c.346 (C.34:1B-207 et seq.), and if sufficient credits are available after taking into account allocation under P.L.2007, c.346 (C.34:1B-207 et seq.) to those qualified business facilities for which applications have been filed or for which applications are reasonably anticipated, and if the executive director judges certain qualified residential projects to be meritorious, the aforementioned $150,000,000 cap may, in the discretion of the executive director, from time to time, be exceeded for allocation to qualified residential projects in amounts as the executive director deems reasonable, justified, and appropriate. In allocating all credits to qualified residential projects under this section, the executive director shall take into account, together with other factors deemed relevant by the executive director: input from the municipality in which the project is to be located; whether the project contributes to the recovery of areas affected by Hurricane Sandy; whether the project furthers specific State or municipal planning and development objectives, or both; and whether the project furthers a public purpose, such as catalyzing urban development or maximizing the value of vacant, dilapidated, outmoded, government-owned, or underutilized property, or both.

(2) A developer shall make or acquire capital investments totaling not less than $50,000,000 in a qualified residential project to be eligible for a credit under this section. A developer that acquires a qualified residential project shall also be deemed to have acquired the capital investment made or acquired by the seller.

(3) The capital investment requirement may be met by the developer or by one or more of its affiliates.

(4) A developer of a mixed use project shall be allowed a credit pursuant to subparagraph (a) or (b) of this paragraph, but not both.

(a) A developer shall be allowed a credit in accordance with this section for a qualified residential project that includes a mixed use project.

(b) A developer shall be allowed a credit of up to 35 percent of its capital investment, or up to 40 percent for a project located in a Garden State Growth Zone, made after the effective date of P.L.2011, c.89, but prior to its submission of documentation pursuant to subsection c. of this section, in a qualified residential project that is part of a mixed use project, provided that:

(i) the capital investment in the qualified residential project represents at least $17,500,000 of the total capital investment in the mixed use project; and

(ii)the total capital investment in the mixed use project of which the qualified residential project is a part is not less than $50,000,000.

The allowance of credits under this paragraph shall be subject to the restrictions and requirements, to the extent that those are not inconsistent with the provisions of this paragraph, set forth in paragraphs (1) through (3) of this subsection, including, but not limited to, the requirement prescribed in paragraph (1) of this subsection that the developer shall demonstrate to the authority, through a project pro forma analysis at the time of application, that the qualified residential project is likely to be realized with the provision of tax credits at the level requested but is not likely to be accomplished by private enterprise without the tax credits.

As used in this subparagraph:

"Mixed use project" means a project comprising both a qualified residential project and a qualified business facility.

(5) The authority may approve and allocate credits for qualified residential projects in a value sufficient to meet the requirements of all applications that were received by the authority between October 24, 2012 and December 21, 2012, without regard to the terms of any competitive solicitation, except for the $33,000,000 per project cap, and without need for reapplication by any applicant. The authority shall take final action on those applications prior to the 120th day after the date of enactment of the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.).

b. (1) A developer shall apply for the credit under this section on or prior to December 21, 2012 but may thereafter supplement an application as may be requested by the authority. A developer shall submit its documentation for approval of its credit amount no later than April 26, 2021.

(2) If a developer has submitted an application under this section and the application has not been approved for any reason, the lack of approval shall not serve to prejudice in any way the consideration of a new applica-

tion as may be submitted for the project for the provision of incentives offered pursuant to the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.).

c. The credit shall be administered in accordance with the provisions of subsections c. and e. of section 3 of P.L.2007, c.346 (C.34:1B-209), as amended by section 32 of P.L.2009, c.90, and section 33 of P.L.2009, c.90 (C.34:1B-209.1), except that:

(1) all references therein to "business" and "qualified business facility" shall be deemed to refer respectively to "developer" and "qualified residential project," as those terms are defined in section 34 of P.L.2009, c.90 (C.34:1B-209.2); and

(2) all references therein to credits claimed by tenants and to reductions or disqualifications in credits as determined by annual review of the authority shall be disregarded.

For purposes of a "mixed use project" as that term is used and defined pursuant to subparagraph (b) of paragraph (4) of subsection a. of this section, "qualified business facility" means that term as defined pursuant to section 2 of P.L.2007, c.346 (C.34:1B-208).

3. Section 6 of P.L.2009, c.90 (C.52:27D-489f) is amended to read as follows:

C.52:27D-489f Payment to developer from State.

6. a. Up to the limits established in subsection b. of this section and in accordance with a redevelopment incentive grant agreement, beginning upon the receipt of occupancy permits for any portion of the redevelopment project, or upon any other event evidencing project completion as set forth in the incentive grant agreement, the State Treasurer shall pay to the developer incremental State revenues directly realized from businesses operating at the site of the redevelopment project from the following taxes: the Corporation Business Tax Act (1945), P.L.1945, c.162 (C.54:10A-1 et seq.), the tax imposed on marine insurance companies pursuant to R.S.54:16-1 et seq., the tax imposed on insurers generally, pursuant to P.L.1945, c.132 (C.54:18A-1 et seq.), the public utility franchise tax, public utilities gross receipts tax and public utility excise tax imposed on sewerage and water corporations pursuant to P.L.1940, c.5 (C.54:30A-49 et seq.), those tariffs and charges imposed by electric, natural gas, telecommunications, water and sewage utilities, and cable television companies under the jurisdiction of the New Jersey Board of Public Utilities, or comparable entity, except for those tariffs, fees, or taxes related to societal benefits charges assessed

pursuant to section 12 of P.L.1999, c.23 (C.48:3-60), any charges paid for compliance with the "Global Warming Response Act," P.L.2007, c.112 (C.26:2C-37 et seq.), transitional energy facility assessment unit taxes paid pursuant to section 67 of P.L.1997, c.162 (C.48:2-21.34), and the sales and use taxes on public utility and cable television services and commodities, the tax derived from net profits from business, a distributive share of partnership income, or a pro rata share of S corporation income under the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., the tax derived from a business at the site of a redevelopment project that is required to collect the tax pursuant to the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.), the tax imposed pursuant to P.L.1966, c.30 (C.54:32B-1 et seq.) from the purchase of furniture, fixtures and equipment, or materials for the remediation, the construction of new structures at the site of a redevelopment project, the hotel and motel occupancy fee imposed pursuant to section 1 of P.L.2003, c.114 (C.54:32D-1), or the portion of the fee imposed pursuant to section 3 of P.L.1968, c.49 (C.46:15-7) derived from the sale of real property at the site of the redevelopment project and paid to the State Treasurer for use by the State, that is not credited to the "Shore Protection Fund" or the "Neighborhood Preservation Nonlapsing Revolving Fund" ("New Jersey Affordable Housing Trust Fund") pursuant to section 4 of P.L.1968, c.49 (C.46:15-8). Any developer shall be allowed to assign their ability to apply for the tax credit under this subsection to a non-profit organization with a mission dedicated to attracting investment and completing development and redevelopment projects in a Garden State Growth Zone. The non-profit organization may make an application on behalf of a developer which meets the requirements for the tax credit, or a group of non-qualifying developers, such that these will be considered a unified project for the purposes of the incentives provided under this section.

b. (1) Up to an average of 75 percent of the projected annual incremental revenues or 85 percent of the projected annual incremental revenues in a Garden State Growth Zone may be pledged towards the State portion of an incentive grant.

(2) In the case of a qualified residential project or a project involving university infrastructure, if the authority determines that the estimated amount of incremental revenues pledged towards the State portion of an incentive grant is inadequate to fully fund the amount of the State portion of the incentive grant, then in lieu of an incentive grant based on the incremental revenues, the developer shall be awarded tax credits equal to the full amount of the incentive grant.

(3) In the case of a mixed use parking project, if the authority determines that the estimated amount of incremental revenues pledged towards the State portion of an incentive grant is inadequate to fully fund the amount of the State portion of the incentive grant, then, in lieu of an incentive grant based on the incremental revenues, the developer shall be awarded tax credits equal to the full amount of the incentive grant.

The value of all credits approved by the authority pursuant to paragraphs (2) and (3) of this subsection shall not exceed $823,000,000, of which:

(a) $250,000,000 shall be restricted to qualified residential projects within Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem counties, of which $175,000,000 of the credits shall be restricted to the following categories of projects: (i) qualified residential projects located in a Garden State Growth Zone located within the aforementioned counties; and (ii) mixed use parking projects located in a Garden State Growth Zone or urban transit hub located within the aforementioned counties; (iii) and $75,000,000 of the credits shall be restricted to qualified residential projects in municipalities with a 2007 Municipal Revitalization Index of 400 or higher as of the date of enactment of the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.) and located within the aforementioned counties;

(b) $395,000,000 shall be restricted to the following categories of projects: (i) qualified residential projects located in urban transit hubs that are commuter rail in nature that otherwise do not qualify under subparagraph (a) of this paragraph; (ii) qualified residential projects located in Garden State Growth Zones that do not qualify under subparagraph (a) of this paragraph; (iii) mixed use parking projects located in urban transit hubs or Garden State Growth Zones that do not qualify under subparagraph (a) of this paragraph, provided however, an urban transit hub shall be allocated no more than $25,000,000 for mixed use parking projects; (iv) qualified residential projects which are disaster recovery projects that otherwise do not qualify under subparagraph (a) of this paragraph; (v) qualified residential projects in SDA municipalities located in Hudson County that were awarded State Aid in State Fiscal Year 2013 through the Transitional Aid to Localities program and otherwise do not qualify under subparagraph (a) of this paragraph; (vi) $25,000,000 of credits shall be restricted to mixed use parking projects in Garden State Growth Zones which have a population in excess of 125,000 and do not qualify under subparagraph (a) of this paragraph; (vii) $40,000,000 of credits shall be restricted to qualified residential projects that include a theater venue for the performing arts and do not qualify under

subparagraph (a) of this paragraph, which projects are located in a municipality with a population of less than 100,000 according to the latest federal decennial census, and within which municipality is located an urban transit hub and a campus of a public research university, as defined in section 1 of P.L.2009, c.308 (C.18A:3B-46); and (viii) $105,000,000 of credits shall be restricted to qualified residential projects and mixed use parking projects in Garden State Growth Zones having a population in excess of 125,000 and do not qualify under subparagraph (a) of this paragraph;

(c) $87,000,000 shall be restricted to the following categories of projects: (i) qualified residential projects located in distressed municipalities, deep poverty pockets, highlands development credit receiving areas or redevelopment areas, otherwise not qualifying pursuant to subparagraph (a) or (b) of this paragraph; and (ii) mixed use parking projects that do not qualify under subparagraph (a) or (b) of this paragraph, and which are used by an independent institution of higher education, a school of medicine, a nonprofit hospital system, or any combination thereof; provided, however, that $20,000,000 of the $87,000,000 shall be allocated to mixed use parking projects that do not qualify under subparagraph (a) or (b) of this paragraph;

(d) (i) $16,000,000 shall be restricted to qualified residential projects that are located within a qualifying economic redevelopment and growth grant incentive area otherwise not qualifying under subparagraph (a), (b), or (c) of this paragraph; and

(ii) an additional $50,000,000 shall be restricted to qualified residential projects which, as of the effective date of P.L.2016, c.51, are located in a city of the first class with a population in excess of 270,000, are subject to a Renewal Contract for a Section 8 Mark-Up-To-Market Project from the United States Department of Housing and Urban Development, and for which an application for the award of tax credits under this subsection was submitted prior to January 1, 2016; and

(e) $25,000,000 shall be restricted to projects involving university infrastructure.

(f) For subparagraphs (a) through (d) of this paragraph, not more than $40,000,000 of credits shall be awarded to any qualified residential project in a deep poverty pocket or distressed municipality and not more than $20,000,000 of credits shall be awarded to any other qualified residential project. The developer of a qualified residential project seeking an award of credits towards the funding of its incentive grant shall submit an incentive grant application prior to July 1, 2016 and if approved after September 18, 2013, the effective date of P.L.2013, c.161 (C.52:27D-489p et al.) shall submit a temporary certificate of occupancy for the project no later than

July 28, 2021. The developer of a mixed use parking project seeking an award of credits towards the funding of its incentive grant pursuant to subparagraph (c) of this paragraph and if approved after the effective date of P.L.2015, c.217, shall submit a temporary certificate of occupancy for the project no later than July 28, 2021. The developer of a qualified residential project or a mixed use parking project seeking an award of credits toward the funding of its incentive grant for a project restricted under category (viii) of subparagraph (b) of this paragraph shall submit an incentive grant application prior to July 1, 2018, and if approved after the effective date of P.L.2017, c.59, shall submit a temporary certificate of occupancy for the project no later than July 28, 2021. Applications for tax credits pursuant to this subsection relating to an ancillary infrastructure project or infrastructure improvement in the public right-of-way, or both, shall be accompanied with a letter of support relating to the project or improvement by the governing body or agency in which the project is located. Credits awarded to a developer pursuant to this subsection shall be subject to the same financial and related analysis by the authority, the same term of the grant, and the same mechanism for administering the credits, and shall be utilized or transferred by the developer as if the credits had been awarded to the developer pursuant to section 35 of P.L.2009, c.90 (C.34:1B-209.3) for qualified residential projects thereunder. No portion of the revenues pledged pursuant to the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.) shall be subject to withholding or retainage for adjustment, in the event the developer or taxpayer waives its rights to claim a refund thereof.

(4) A developer may apply to the Director of the Division of Taxation in the Department of the Treasury and the chief executive officer of the authority for a tax credit transfer certificate, if the developer is awarded a tax credit pursuant to paragraph (2) or paragraph (3) of this subsection, covering one or more years, in lieu of the developer being allowed any amount of the credit against the tax liability of the developer. The tax credit transfer certificate, upon receipt thereof by the developer from the director and the chief executive officer of the authority, may be sold or assigned, in full or in part, to any other person who may have a tax liability pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and C.54:18A-3), section 1 of P.L.1950, c.231 (C.17:32-15), or N.J.S.17B:23-5. The certificate provided to the developer shall include a statement waiving the developer's right to claim that amount of the credit against the taxes that the developer has elected to sell or assign. The sale or assignment of any amount of a tax credit transfer certificate allowed under

this paragraph shall not be exchanged for consideration received by the developer of less than 75 percent of the transferred credit amount before considering any further discounting to present value that may be permitted. Any amount of a tax credit transfer certificate used by a purchaser or assignee against a tax liability shall be subject to the same limitations and conditions that apply to the use of the credit by the developer who originally applied for and was allowed the credit.

c. All administrative costs associated with the incentive grant shall be assessed to the applicant and be retained by the State Treasurer from the annual incentive grant payments.

d. The incremental revenue for the revenues listed in subsection a. of this section shall be calculated as the difference between the amount collected in any fiscal year from any eligible revenue source included in the State redevelopment incentive grant agreement, less the revenue increment base for that eligible revenue.

e. The municipality is authorized to collect any information necessary to facilitate grants under this program and remit that information in order to assist in the calculation of incremental revenue.

4. Section 6 of P.L.2011, c.149 (C.34:1B-247) is amended to read as follows:

C.34:1B-247 Limits on combined value of approved credits.

6. a. (1) The combined value of all credits approved by the authority pursuant to P.L.2007, c.346 (C.34:1B-207 et seq.) and P.L.2011, c.149 (C.34:1B-242 et al.) prior to December 31, 2013 shall not exceed $1,750,000,000, except as may be increased by the authority as set forth in paragraph (5) of subsection a. of section 35 of P.L.2009, c.90 (C.34:1B-209.3). Following the enactment of the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.), there shall be no monetary cap on the value of credits approved by the authority attributable to the program pursuant to the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.).

(2) (Deleted by amendment, P.L.2013, c.161)

(3) (Deleted by amendment, P.L.2013, c.161)

(4) (Deleted by amendment, P.L.2013, c.161)

(5) (Deleted by amendment, P.L.2013, c.161)

b. (1) A business shall submit an application for tax credits prior to July 1, 2019. The authority shall not approve an application for tax credits unless the application was submitted prior to July 1, 2019.

(2) (a) A business shall submit its documentation indicating that it has met the capital investment and employment requirements specified in the incentive agreement for certification of its tax credit amount within three years following the date of approval of its application by the authority. The authority shall have the discretion to grant two six-month extensions of this deadline. Except as provided in subparagraph (b) of this paragraph, in no event shall the incentive effective date occur later than four years following the date of approval of an application by the authority.

(b) As of the effective date of P.L.2017, c.314, a business which applied for the tax credit prior to July 1, 2014 under P.L.2011, c.149 (C.34:1B-242 et al.), shall submit its documentation to the authority no later than July 28, 2019, indicating that it has met the capital investment and employment requirements specified in the incentive agreement for certification of its tax credit amount.

(3) Full-time employment for an accounting or privilege period shall be determined as the average of the monthly full-time employment for the period.

(4) A business seeking a credit for a mega project shall apply for the credit within four years after the effective date of the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.).

c. (1) In conducting its annual review, the authority may require a business to submit any information determined by the authority to be necessary and relevant to its review.

The credit amount for any tax period for which the documentation of a business's credit amount remains uncertified as of a date three years after the closing date of that period shall be forfeited, although credit amounts for the remainder of the years of the eligibility period shall remain available to it.

The credit amount may be taken by the tax certificate holder for the tax period for which it was issued or may be carried forward for use by the tax certificate holder in any of the next 20 successive tax periods, and shall expire thereafter. The tax certificate holder may transfer the tax credit amount on or after the date of issuance or at any time within three years of the date of issuance for use by the transferee in the tax period for which it was issued or in any of the next 20 successive tax periods. Notwithstanding the foregoing, no more than the amount of tax credits equal to the total credit amount divided by the duration of the eligibility period in years may be taken in any tax period.

(2) Credits granted to a partnership shall be passed through to the partners, members, or owners, respectively, pro-rata or pursuant to an executed agreement among the partners, members, or owners documenting an alternate distribution method provided to the Director of the Division of Taxa-

tion in the Department of the Treasury accompanied by any additional information as the director may require.

(3) The amount of credit allowed may be applied against the tax liability otherwise due pursuant to section 5 of P.L.1945, c.162 (C.54:10A-5), pursuant to sections 2 and 3 of P.L.1945, c.132 (C.54:18A-2 and C.54:18A-3), pursuant to section 1 of P.L.1950, c.231 (C.17:32-15), or pursuant to N.J.S.17B:23-5.

d. (1) If, in any tax period, the business reduces the total number of full-time employees in its Statewide workforce by more than 20 percent from the number of full-time employees in its Statewide workforce in the last tax period prior to the credit amount approval under section 3 of P.L.2011, c.149 (C.34:1B-244), then the business shall forfeit its credit amount for that tax period and each subsequent tax period, until the first tax period for which documentation demonstrating the restoration of the business's Statewide workforce to the threshold levels required by the incentive agreement has been reviewed and approved by the authority, for which tax period and each subsequent tax period the full amount of the credit shall be allowed.

(2) If, in any tax period, the number of full-time employees employed by the business at the qualified business facility located within a qualified incentive area drops below 80 percent of the number of new and retained full-time jobs specified in the incentive agreement, then the business shall forfeit its credit amount for that tax period and each subsequent tax period, until the first tax period for which documentation demonstrating the restoration of the number of full-time employees employed by the business at the qualified business facility to 80 percent of the number of jobs specified in the incentive agreement.

(3) (a) If the qualified business facility is sold by the owner in whole or in part during the eligibility period, the new owner shall not acquire the capital investment of the seller and the seller shall forfeit all credits for the tax period in which the sale occurs and all subsequent tax periods, provided however that any credits of the business shall remain unaffected.

(b) In connection with a regional distribution facility of foodstuffs, the business entity or entities which own or lease the facility shall qualify as a business regardless of: (i) the type of the business entity or entities which own or lease the facility; (ii) the ownership or leasing of the facility by more than one business entity; or (iii) the ownership of the business entity or entities which own or lease the facility. The ownership or leasing, whether by members, shareholders, partners, or other owners of the business entity or entities, shall be treated as ownership or leasing by affiliates. The members, shareholders, partners, or other ownership or leasing participants and others

that are tenants in the facility shall be treated as affiliates for the purpose of counting the full-time employees and capital investments in the facility. The business entity or entities may distribute credits to members, shareholders, partners, or other ownership or leasing participants in accordance with their respective interests. If the business entity or entities or their members, shareholders, partners, or other ownership or leasing participants lease space in the facility to members, shareholders, partners, or other ownership or leasing participants or others as tenants in the facility, the leases shall be treated as a lease to an affiliate, and the business entity or entities shall not be subject to forfeiture of the credits. For the purposes of this section, leasing shall include subleasing and tenants shall include subtenants.

(4) (a) For a project located within a Garden State Growth Zone, if, in any tax period, the number of full-time employees employed by the business at the qualified business facility located within a qualified incentive area increases above the number of full-time employees specified in the incentive agreement, then the business shall be entitled to an increased base credit amount for that tax period and each subsequent tax period, for each additional full-time employee added above the number of full-time employees specified in the incentive agreement, until the first tax period for which documentation demonstrating a reduction of the number of full-time employees employed by the business at the qualified business facility, at which time the tax credit amount will be adjusted accordingly pursuant to this section.

(b) For a project located within a Garden State Growth Zone which qualifies under the "Municipal Rehabilitation and Economic Recovery Act," P.L.2002, c.43 (C.52:27BBB-1 et al.), or which contains a Tourism District as established pursuant to section 5 of P.L.2011, c.18 (C.5:12-219) and regulated by the Casino Reinvestment Development Authority, and which qualifies for a tax credit pursuant to subsubparagraph (ii) of subparagraphs (a) through (e) of paragraph (6) of subsection d. of section 5 of P.L.2011, c.149 (C.34:1B-246), if, in any tax period the number of full-time employees employed by the business at the qualified business facility located within a qualified incentive area increases above the number of full-time employees specified in the incentive agreement such that the business shall then meet the minimum number of employees required in subparagraph (b), (c), (d), or (e) of paragraph (6) of subsection d. of section 5 of P.L.2011, c.149 (C.34:1B-246), then the authority shall recalculate the total tax credit amount per full-time job by using the certified capital investment of the project allowable under the applicable subsubparagraph and the number of full-time jobs certified on the date of the recalculation and applying those numbers to subparagraph (b), (c), (d), or (e) of paragraph (6)

of subsection d. of section 5 of P.L.2011, c.149 (C.34:1B-246), until the first tax period for which documentation demonstrating a reduction of the number of full-time employees employed by the business at the qualified business facility, at which time the tax credit amount shall be adjusted accordingly pursuant to this section.

e. The authority shall not enter into an incentive agreement with a business that has previously received incentives pursuant to the "Business Retention and Relocation Assistance Act," P.L.1996, c.25 (C.34:1B-112 et seq.), the "Business Employment Incentive Program Act," P.L.1996, c.26 (C.34:1B-124 et al.), or any other program administered by the authority unless:

(1) the business has satisfied all of its obligations underlying the previous award of incentives or is compliant with section 4 of P.L.2011, c.149 (C.34:1B-245); or

(2) the capital investment incurred and new or retained full-time jobs pledged by the business in the new incentive agreement are separate and apart from any capital investment or jobs underlying the previous award of incentives.

f. A business which has already applied for a tax credit incentive award prior to the effective date of the "New Jersey Economic Opportunity Act of 2013," P.L.2013, c.161 (C.52:27D-489p et al.), but who has not yet been approved for the tax credits, or has not executed an agreement with the authority, may proceed under that application or seek to amend the application or reapply for a tax credit incentive award for the same project or any part thereof for the purpose of availing itself of any more favorable provisions of the program.

5. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 315

AN ACT concerning the operation of unmanned aircraft systems and amending and supplementing various parts of the statutory law.

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

C.2C:40-27 Definitions relative to operation of unmanned aircraft systems.

1. a. As used in this act:

"Operate" means to fly, control, direct, or program the flight of an unmanned aircraft system.

"Unmanned aircraft" means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

"Unmanned aircraft system" means an unmanned aircraft and associated elements, including communication links and the components that control the unmanned aircraft, that are required for the pilot in command to operate safely and efficiently.

b. Except as otherwise prohibited by P.L.2017, c.315 (C.2C:40-27 et al.), a person who is authorized by federal law to operate an unmanned aircraft system may operate an unmanned aircraft system in this State for any purpose, provided that the person operates the unmanned aircraft system in a manner consistent with applicable federal law and regulations. Nothing in this section shall be construed to affect federal preemption of State law regarding aviation.

For purposes of this subsection, "person" means an individual, partnership, corporation, association, governmental entity, or other legal or commercial entity.

c. An owner or operator of a critical infrastructure, including a political subdivision, may apply to the Administrator of the Federal Aviation Administration, pursuant to section 2209 of the "FAA Extension, Safety, and Security Act of 2016," Pub.L.114-190, in order to prohibit or restrict the operation of unmanned aircraft systems in close proximity to the critical infrastructure.

Prior to applying to the Administrator of the Federal Aviation Administration to prohibit or restrict the operation of unmanned aircraft systems in close proximity to a critical infrastructure, a political subdivision shall hold a minimum of one public hearing, with adequate notice to the public, concerning the proposed application.

C.2C:40-28 Violations, degree of offense, crime.

2. a. A person commits a disorderly persons offense if he knowingly or intentionally operates as defined in section 1 of P.L.2017, c.315 (C.2C:40-27) an unmanned aircraft system as defined in section 1 of P.L.2017, c.315 (C.2C:40-27) in a manner that endangers the life or property of another. In making this determination, the court shall consider the standards for safe operation of small unmanned aircraft systems prescribed by federal law or regulation.

b.(1) A person commits a crime of the fourth degree if he knowingly or intentionally creates or maintains a condition which endangers the safety or security of a correctional facility by operating an unmanned aircraft system on the premises of or in close proximity to that facility without license or privilege to do so.

(2) A person commits a crime of the third degree if he knowingly operates an unmanned aircraft system to conduct surveillance of, or gather information about, a correctional facility without license or privilege to do so.

For purposes of this subsection, "correctional facility" means a jail, prison, lockup, penitentiary, reformatory, training school, or other similar facility within the State of New Jersey.

c. A person commits a crime of the fourth degree if he knowingly or intentionally operates an unmanned aircraft system in a manner that interferes with a first responder who is actively engaged in response or actively engaged in air, water, vehicular, ground, or specialized transport.

For purposes of this subsection "first responder" means a law enforcement officer, paid or volunteer firefighter, paid or volunteer member of a duly incorporated first aid, emergency, ambulance, or rescue squad association, or any other individual who, in the course of his employment, is dispatched to the scene of a motor vehicle accident or other emergency situation for the purpose of providing medical care or other assistance.

d. A person commits a disorderly persons offense if he knowingly operates an unmanned aircraft system or uses an unmanned aircraft system to take or assist in the taking of wildlife.

e. A person commits a disorderly persons offense if he operates an unmanned aircraft system while under the influence of intoxicating liquor, a narcotic, hallucinogenic, or habit-producing drug or with a blood alcohol concentration of 0.08% or more by weight of alcohol in the defendant's blood.

f. It shall be a violation of any restraining order issued by the court pursuant to section 2 of P.L.1999, c.47 (C.2C:12-10.2), section 3 or 4 of P.L.2015, c.147 (C.2C:14-15 or C.2C:14-16), section 12 of P.L.1991, c.261 (C.2C:25-28), section 4 of P.L.1999, c.334 (C.2C:35-5.7), or any other court order restraining contact with a person or location, for a person subject to that order to knowingly operate an unmanned aircraft system to fly within a distance of a person or location that would violate that restraining order.

g. Notwithstanding the provisions of N.J.S.2C:1-8 or any other law to the contrary, a conviction under this section shall not merge with a conviction of harassment pursuant to N.J.S.2C:33-4, stalking pursuant to section 1 of P.L.1992, c.209 (C.2C:12-10), invasion of privacy pursuant to section 1

of P.L.2003, c.206 (C.2C:14-9), obstructing administration of law or other governmental function pursuant to N.J.S.2C:29-1, introducing contraband pursuant to N.J.S.2C:29-6, contempt of a domestic violence order pursuant to subsection b. of N.J.S.2C:29-9 which constitutes a crime or disorderly persons offense, or any other criminal offense, even if any other conviction involves the use of an unmanned aircraft system, nor shall the other conviction merge with a conviction under this section.

3. 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 incar-

ceration 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 or the conditions set forth in subsection g. of this section concerning the operation as defined in section 1 of P.L.2017, c.315 (C.2C:40-27) of an unmanned aircraft system as defined in section 1 of P.L.2017, c.315 (C.2C:40-27). 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 calculating 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 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.

g. The special sentence of parole supervision for life required by this section may include reasonable conditions prohibiting or restricting the person's operation of an unmanned aircraft system in order to reduce the likelihood of a recurrence of criminal or delinquent behavior.

4. Section 2 of P.L.1993, c.11 (C.23:7A-2) is amended to read as follows:

C.23:7A-2 Prevention of lawful taking of wildlife prohibited.

2. No person may, for the purpose of hindering or preventing the lawful taking of wildlife:

a. block, obstruct, or impede, or attempt to block, obstruct, or impede, a person lawfully taking wildlife;

b. erect a barrier with the intent to deny ingress to or egress from areas where wildlife may be lawfully taken;

c. make, or attempt to make, unauthorized physical contact with a person lawfully taking wildlife;

d. engage in, or attempt to engage in, theft, vandalism, or destruction of personal or real property;

e. disturb or alter, or attempt to disturb or alter, the condition or authorized placement of personal or real property intended for use in the lawful taking of wildlife;

f. enter or remain upon public lands or waters, or upon private lands or waters without permission of the owner thereof or an agent of that landowner, where wildlife may be lawfully taken;

g. make or attempt to make loud noises or gestures, set out or attempt to set out animal baits, scents, or lures or human scent, use any other natural or artificial visual, aural, olfactory, or physical stimuli, or engage in or attempt to engage in any other similar action or activity, in order to disturb, alarm, drive, attract, or affect the behavior of wildlife or disturb, alarm, disrupt, or annoy a person lawfully taking wildlife;

h. interject himself into the line of fire of a person lawfully taking wildlife; or

i. operate as defined in section 1 of P.L.2017, c.315 (C.2C:40-27) an unmanned aircraft system as defined in section 1 of P.L.2017, c.315 (C.2C:40-27).

Subsections a., b., e., f., g., and i. of this section shall not apply to a law enforcement officer or conservation officer enforcing the laws of this State or any local ordinance, or a private landowner or agent thereof on land or waters owned by that private landowner.

C.2C:40-29 Provisions preempt existing laws.

5. The provisions of P.L.2017, c.315 (C.2C:40-27 et al.) shall preempt any law, ordinance, resolution, or regulation adopted by the governing body of a county or municipality concerning the private use of an unmanned aircraft system that is inconsistent with the provisions of this act.

C.2C:40-30 Authorized use permitted.

6. Nothing in P.L.2017, c.315 (C.2C:40-27 et al.) shall prohibit the authorized use, in compliance with applicable federal rules and regulations, of an unmanned aircraft system by a public employee or a public entity, or by a first responder in the performance of official duties.

For purposes of this section "first responder" means a law enforcement officer, paid or volunteer firefighter, paid or volunteer member of a duly incorporated first aid, emergency, ambulance, or rescue squad association, or any other individual who, in the course of his employment, is dispatched to the scene of a motor vehicle accident or other emergency situation for the purpose of providing medical care or other assistance.

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

Approved January 16, 2018.

CHAPTER 316

AN ACT concerning powers of appointment and amending N.J.S.3B:3-45.

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

1. N.J.S.3B:3-45 is amended to read as follows:

Exercise of power of appointment.

3B:3-45. Exercise of power of appointment.

a. Unless the terms of a will, trust, or other governing instrument expressly provide otherwise, whenever such will, trust, or other governing instrument grants a power of appointment to another person, who as the power holder is authorized to further dispose of the property amongst appointees selected by the power holder, that power holder, other than a power holder acting in the capacity of a trustee or other fiduciary, shall be deemed authorized to exercise the power of appointment to create less than absolute interests for the benefit of one or more permissible appointees of the power, including interests in trust and the creation of new powers of appointment, whether general or limited, exercisable by the one or more appointees. A direction in the will, trust, or governing instrument that property subject to a power of appointment be distributed "to" an appointee, or to an appointee "outright," "in fee simple," "absolutely," "forever," or any other term, phrase, or statement of similar import, shall not be deemed to evidence the intent of the testator, settlor, or creator of the governing instrument to prohibit the exercise of a power of appointment to create less than absolute interests, including interests in trust.

b. A general residuary clause in a will, or a will making general disposition of all of the testator's property, does not exercise a power of appointment held by the testator unless specific reference is made to the power or there is some other indication of intention to include the property subject to the power.

2. This act shall take effect immediately, and apply to any instrument executed before, on, or after the effective date.

Approved January 16, 2018.

CHAPTER 317

AN ACT establishing standardized changed conditions clauses for certain local public contracts and supplementing P.L.1971, c.198 (C.40A:11-1 et seq.).

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

C.40A:11-16.7 Changed conditions clauses for certain local public contracts.

1. All construction contracts issued by a contracting unit for bids which were advertised on or after the effective date of P.L.2017, c.317 (C.40A:11-16.7 et seq.) shall include the changed conditions contract provisions set forth in this section, which provisions shall be deemed to be a part of any such contract even if not expressly incorporated therein, and which provisions may not be modified in any manner by the contracting unit.

a. A contract subject to this section shall include the following differing site conditions provisions:

(1) If the contractor encounters differing site conditions during the progress of the work of the contract, the contractor shall promptly notify the contracting unit in writing of the specific differing site conditions encountered before the site is further disturbed and before any additional work is performed in the impacted area.

(2) Upon receipt of a differing site conditions notice in accordance with paragraph (1) of this subsection, or upon the contracting unit otherwise learning of differing site conditions, the contracting unit shall promptly undertake an investigation to determine whether differing site conditions are present.

(3) If the contracting unit determines different site conditions that may result in additional costs or delays exist, the contracting unit shall provide prompt written notice to the contractor containing directions on how to proceed.

(4) (a) The contracting unit shall make a fair and equitable adjustment to the contract price and contract completion date for increased costs and delays resulting from the agreed upon differing site conditions encountered by the contractor.

(b) If both parties agree that the contracting unit's investigation and directions decrease the contractor's costs or time of performance, the contracting unit shall be entitled to a fair and equitable downward adjustment of the contract price or time of performance.

(c) If the contracting unit determines that there are no differing site conditions present that would result in additional costs or delays, the contracting unit shall so advise the contractor, in writing, and the contractor shall resume performance of the contract, and shall be entitled to pursue a differing site conditions claim against the contracting unit for additional compensation or time attributable to the alleged differing site conditions.

(5) Execution of the contract by the contractor shall constitute a representation that the contractor has visited the site and has become generally familiar with the local conditions under which the work is to be performed.

(6) As used in this subsection, "differing site conditions" mean physical conditions at the contract work site that are subsurface or otherwise concealed and which differ materially from those indicated in the contract documents or are of such an unusual nature that the conditions differ materially from those ordinarily encountered and generally recognized as inherent in the work of the character provided for in the contract.

b. A contract subject to this section shall include the following suspension of work provisions:

(1) The contracting unit shall provide written notice to the contractor in advance of any suspension of work lasting more than 10 calendar days of the performance of all or any portion of the work of the contract.

(2) If the performance of all or any portion of the work of the contract is suspended by the contracting unit for more than 10 calendar days due to no fault of the contractor or as a consequence of an occurrence beyond the contracting unit's control, the contractor shall be entitled to compensation for any resultant delay to the project completion or additional contractor expenses, and to an extension of time, provided that, to the extent feasible, the contractor, within 10 calendar days following the conclusion of the suspension, notifies the contracting unit, in writing, of the nature and extent of the suspension of work. The notice shall include available supporting information, which information may thereafter be supplemented by the contractor as needed and as may be reasonably requested by the contracting unit. Whenever a work suspension exceeds 60 days, upon seven days' writ-

ten notice, either party shall have the option to terminate the contract for cause and to be fairly and equitably compensated therefor.

(3) Upon receipt of the contractor's suspension of work notice in accordance with paragraph (2) of this subsection, the contracting unit shall promptly evaluate the contractor's notice and promptly advise the contractor of its determination on how to proceed in writing.

(4) (a) If the contracting unit determines that the contractor is entitled to additional compensation or time, the contracting unit shall make a fair and equitable upward adjustment to the contract price and contract completion date.

(b) If the contracting unit determines that the contractor is not entitled to additional compensation or time, the contractor shall proceed with the performance of the contract work, and shall be entitled to pursue a suspension of work claim against the contracting unit for additional compensation or time attributable to the suspension.

(5) Failure of the contractor to provide timely notice of a suspension of work shall result in a waiver of a claim if the contracting unit can prove by clear and convincing evidence that the lack of notice or delayed notice by the contractor actually prejudiced the contracting unit's ability to adequately investigate and defend against the claim.

c. A contract subject to this section shall include the following change in character of work provisions:

(1) If the contractor believes that a change directive by the contracting unit results in a material change to the contract work, the contractor shall so notify the contracting unit in writing. The contractor shall continue to perform all work on the project that is not the subject of the notice.

(2) Upon receipt of the contractor's change in character notice in accordance with paragraph (1) of this subsection, the contracting unit shall promptly evaluate the contractor's notice and promptly advise the contractor of its determination on how to proceed in writing.

(3) (a) If the contracting unit determines that a change to the contractor's work caused or directed by the contracting unit materially changes the character of any aspect of the contract work, the contracting unit shall make a fair and equitable upward adjustment to the contract price and contract completion date. The basis for any such price adjustment shall be the difference between the cost of performance of the work as planned at the time of contracting and the actual cost of such work as a result of its change in character, or as otherwise mutually agreed upon by the contractor and the contracting unit prior to the contractor performing the subject work.

(b) If the contracting unit determines that the contractor is not entitled to additional compensation or time, the contractor shall continue the performance of all contract work, and shall be entitled to pursue a claim against the contracting unit for additional compensation or time attributable to the alleged material change.

(4) As used in this subsection, "material change" means a character change which increases or decreases the contractor's cost of performing the work, increases or decreases the amount of time by which the contractor completes the work in relation to the contractually required completion date, or both.

d. A contract subject to this section shall include the following change in quantity provisions:

(1) The contracting unit may increase or decrease the quantity of work to be performed by the contractor.

(2) (a) If the quantity of a pay item is cumulatively increased or decreased by 20 percent or less from the bid proposal quantity, the quantity change shall be considered a minor change in quantity.

(b) If the quantity of a pay item is increased or decreased by more than 20 percent from the bid proposal quantity, the quantity change shall be considered a major change in quantity.

(3) For any minor change in quantity, the contracting unit shall make payment for the quantity of the pay item performed at the bid price for the pay item.

(4) (a) For a major increase in quantity, the contracting unit or contractor may request to renegotiate the price for the quantity in excess of 120 percent of the bid proposal quantity. If a mutual agreement cannot be reached on a negotiated price for a major quantity increase, the contracting unit shall pay the actual costs plus an additional 10 percent for overhead and an additional 10 percent for profit, unless otherwise specified in the original bid.

(b) For a major decrease in quantity, the contracting unit or contractor may request to renegotiate the price for the quantity of work performed. If a mutual agreement cannot be reached on a negotiated price for a major quantity decrease, the contracting unit shall pay the actual costs plus an additional 10 percent for overhead and an additional 10 percent for profit, unless otherwise specified in the original bid; provided, however, that the contracting unit shall not make a payment in an amount that exceeds 80 percent of the value of the bid price multiplied by the bid proposal quantity.

(5) As used in this subsection, the term "bid proposal quantity" means the quantity indicated in the bid proposal less the quantities designated in the project plans as "if and where directed."

C.40A:11-16.8 Rules, regulations.

2. The Commissioner of Community Affairs, not later than 90 days immediately following the effective date of P.L.2017, c.317 (C.40A:11-16.7 et seq.), shall promulgate 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 standardize the forms and procedures throughout the State for the new changed conditions process.

3. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 318

AN ACT requiring a survey of fire suppression systems currently installed in public and nonpublic school buildings.

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

1. a. The Division of Fire Safety in the Department of Community Affairs shall conduct a survey of fire suppression systems in all public and nonpublic school buildings in the State and shall provide those results to the Department of Education. The survey shall include the following information for each building:

(1) whether a fire suppression system is installed and operational;

(2) the year in which an existing fire suppression system was installed, and any year in which additional piping or standpipes were added to the system or an additional system was installed in the same structure;

(3) the cost of curing any defect if an installed fire suppression system is not fully operational; and

(4) the cost of a reinstallation or annual maintenance of a fire suppression system that is inadequate or not fully operational.

b. The survey required pursuant to subsection a. of this section shall be published by the Division of Fire Safety and posted on its Internet web-

site, no later than the first day of the third January next following the effective date of P.L.2017, c.318.

2. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 319

AN ACT designating Boardwalk Hall, located at 2301 Boardwalk, Atlantic City, New Jersey, in memory of James "Jim" Whelan and supplementing P.L.1977, c.110 (C.5:12-1 et seq.).

WHEREAS, James "Jim" Whelan, the distinguished educator, mayor, and State Senator from Atlantic County, was born on November 8, 1948 in Philadelphia, lived most of his adult life in Atlantic City and died unexpectedly at his home in the city on August 22, 2017; and

WHEREAS, Senator Whelan graduated from Temple University, where he was a nationally-ranked distance swimmer, spent his summers as an ocean lifeguard, and earned a Master's Degree in Education from Temple University while working as a teacher and swimming coach; and

WHEREAS, Senator Whelan began his service in local and State office while teaching in the Atlantic City school system, serving as a councilman in the city from 1982 to 1990, and as mayor from 1990 to 2001; and

WHEREAS, While Senator Whelan was mayor, Atlantic City attracted more than $4.5 billion in new business starts and expansions that created thousands of jobs, and the city saw the resurgence and redevelopment of the city's neighborhoods with new housing and new schools; and

WHEREAS, Senator Whelan was elected to the General Assembly in 2005, sponsoring a law providing greater options in long-term care for frail seniors and adults with disabilities; and

WHEREAS, Senator Whelan was first elected to the Senate in 2007, where he served for the next decade, sponsoring multiple pieces of legislation that promoted and protected tourism and the State's casino industry, including a law to keep casinos open during State budget impasses; and

WHEREAS, Senator Whelan was the sponsor of legislation creating the Atlantic City Tourism District, a law to allow Internet gaming in the city, and a law to regulate the burgeoning fantasy sports industry; and

WHEREAS, In addition to gaming legislation, Senator Whelan sponsored many bills promoting education, highlighted by his sponsorship of a law creating a program to help veterans become teachers and a law to address the shortage of math and science teachers in the State; and

WHEREAS, As a member of the Senate, Senator Whelan was well-known and greatly respected for his kindness, fairness, and decency as a legislator and as the chairman of the Senate State Government Committee, a position in which he served from February 2010 to his passing; and

WHEREAS, In Atlantic City, Senator Whelan was greatly loved by many of the municipality's residents, many of whom considered him to be a personal friend and a devoted, caring mentor; and

WHEREAS, Given Senator Whelan's many distinguished accomplishments and memorable achievements on behalf of the City of Atlantic City and the State of New Jersey, it is proper and fitting that Boardwalk Hall in Atlantic City be designated, in memory of Senator Whelan, as the "Jim Whelan Boardwalk Hall"; now, therefore,

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

C.5:12-219.1 "Jim Whelan Boardwalk Hall."

1. The Governor, or the designee thereof, shall designate Boardwalk Hall, located at 2301 Boardwalk, Atlantic City, New Jersey, in memory of James "Jim" Whelan, as the "Jim Whelan Boardwalk Hall" and erect appropriate signs bearing this designation and dedication.

C.5:12-219.2 Provision of funds for signage.

2. Except for funds of the Casino Reinvestment 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.319 (C.5:12-219.1). 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 January 16, 2018.

CHAPTER 320

AN ACT allowing counties to prioritize certain funds for homeless veterans and amending P.L.2009, c.123.

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

1. Section 6 of P.L.2009, c.123 (C.52:27D-287f) is amended to read as follows:

C.52:27D-287f Utilization of County Homelessness Trust Fund.

6. a. Each county shall utilize its County Homelessness Trust Fund with the advice of the County Homelessness Trust Fund Task Force for the operation of a homeless housing grant program. This program is established in order to provide:

(1) for the acquisition, construction, or rehabilitation of housing projects or units within housing projects that supply permanent affordable housing for homeless persons or families, including those at risk of homelessness;

(2) rental assistance vouchers, including tenant and project based subsidies, for affordable housing projects or units within housing projects that provide permanent affordable housing for homeless persons or families, including those at risk of homelessness;

(3) supportive services as may be required by homeless individuals or families in order to obtain or maintain, or both, permanent affordable housing; and

(4) prevention services for at risk homeless individuals or families so that they can obtain and maintain permanent affordable housing.

b. Grants awarded by the governing body of the county shall be used to support projects that:

(1) measurably reduce homelessness;

(2) demonstrate government cost savings over time;

(3) employ evidence-based models;

(4) can be replicated in other counties;

(5) include an outcome measurement component;

(6) are consistent with the local homeless housing plan; or

(7) fund the acquisition, construction, or rehabilitation projects that will serve homeless individuals or families for a period of at least 30 years or the equal to the longest term of affordability required by other funding sources.

c. Each county that has established a County Homelessness Trust Fund shall transmit information concerning the uses of the funds to the New Jersey Housing and Mortgage Finance Agency in accordance with requirements established by that agency.

d. The governing body of a county may by resolution establish a preference for veterans that gives first priority, in the distribution of grants, for the benefit of homeless veterans, including those at risk of homelessness.

2. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 321

AN ACT concerning non-consensual towing services and amending P.L.2007, c.193.

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

1. Section 7 of P.L.2007, c.193 (C.56:13-13) is amended to read as follows:

C.56:13-13 Consent required for towing from privately owned property; exceptions.

7. a. No person shall tow any motor vehicle parked for an unauthorized purpose or during a time at which such parking is not permitted from any privately owned parking lot, from other private property or from any common driveway without the consent of the motor vehicle owner or operator, unless:

(1) the person shall have entered into a contract for private property towing with the owner of the property;

(2) there is posted in a conspicuous place at all vehicular entrances to the property which can easily be seen by the public, a sign no smaller than 36 inches high and 36 inches wide stating:

(a) the purpose or purposes for which parking is authorized and the times during which such parking is permitted;

(b) that unauthorized parking is prohibited and unauthorized motor vehicles will be towed at the owner's expense;

(c) the name, address, and telephone number of the towing company that will perform the towing;

(d) the charges for the towing and storage of towed motor vehicles;

(e) the street address of the storage facility where the towed vehicles can be redeemed after payment of the posted charges and the times during which the vehicle may be redeemed; and

(f) such contact information for the Division of Consumer Affairs as may be required by regulation;

(3) the property owner has authorized the person to remove the particular motor vehicle; and

(4) the person tows the motor vehicle to a secure storage facility that is located within a reasonable distance of the property from which the vehicle was towed.

b. No private property owner shall authorize the towing of any motor vehicle parked for an unauthorized purpose or during a time at which such parking is not permitted from the private property owner's property without the consent of the motor vehicle owner or operator, unless:

(1) the private property owner has contracted with a private property towing company for removal of vehicles parked on the property without authorization; and

(2) a sign that conforms to the requirements of paragraph (2) of subsection a. of this section is posted on the property.

c. (Deleted by amendment, P.L.2009, c.39)

d. This section shall not apply to a motor vehicle parked on a lot or parcel on which is situated a single-family unit or an owner occupied multiunit structure of not more than six units, a motor vehicle parked in front of any driveway or garage entrance where the motor vehicle is blocking access to that driveway or garage entrance, or a motor vehicle in which the towing is authorized by a law enforcement officer of this State, or any political subdivision of the State, while in the actual performance of the officer's duties and as deemed appropriate for public safety.

e. The requirements of paragraph (2) of subsection a. of this section shall not apply to a residential community in which parking spaces are specifically assigned to community residents, provided that:

(1) the assigned spaces are clearly marked as such;

(2) there is specific documented approval by the property owner authorizing the removal of the particular vehicle; and

(3) a sign, which can easily be seen by the public, is posted in a conspicuous place at all vehicular entrances to the residential community property, stating that unauthorized parking in an assigned space is prohibited and unauthorized motor vehicles will be towed at the owner's expense, and providing information or a telephone number enabling the vehicle owner or operator to immediately obtain information as to the location of the towed vehicle.

The exemption in this subsection shall not apply to any private parking lot or parcel owned or assigned to a commercial or other nonresidential entity located in such residential communities.

2. Section 10 of P.L.2007, c.193 (C.56:13-16) is amended to read as follows:

C.56:13-16 Unlawful practices for towing company.

10. It shall be an unlawful practice for any private property towing company or for any other towing company that provides non-consensual towing services:

a. (Deleted by amendment, P.L.2009, c.39)

b. (Deleted by amendment, P.L.2009, c.39)

c. (Deleted by amendment, P.L.2009, c.39)

d. To give any benefit or advantage, including a pecuniary benefit, to any person for providing information about motor vehicles parked for unauthorized purposes on privately owned property or otherwise in connection with private property towing of motor vehicles parked without authorization or during a time at which such parking is not permitted;

e. To fail, when so requested by the owner or operator of a vehicle subject to non-consensual towing, to release a vehicle to the owner or operator that has been, or is about to be, hooked or lifted but has not actually been moved or removed from the property when the vehicle owner or operator returns to the vehicle, unless the vehicle subject to non-consensual towing has been authorized to be towed by a law enforcement officer of this State, or any political subdivision of the State, while in the actual performance of the officer's duties and as deemed appropriate for public safety, or to charge the owner or operator requesting release of the vehicle an unreasonable or excessive decoupling fee. Such a fee shall be presumptively unreasonable and excessive if it exceeds by more than 25 percent, or a different percentage established by the director by regulation, the usual and

customary decoupling fee charged by the towing company for a vehicle subject to consensual towing, or if it exceeds by more than 50 percent, or a different percentage established by the director by regulation, the usual and customary decoupling fee charged for vehicles subject to non-consensual towing by other private property towing companies operating in the municipality in which the vehicle was subjected to non-consensual towing;

f. (1) To charge a fee for a private property or other non-consensual towing or related storage service not listed on the schedule of services for which a fee may be charged as established by the director except as may be permitted by the director by regulation; or

(2) To charge an unreasonable or excessive fee;

g. To refuse to accept for payment in lieu of cash or an insurance company check for towing or storage services a debit card, charge card or credit card if the operator ordinarily accepts such card at his place of business, unless such refusal is authorized in accordance with section 4 of P.L.2002, c.67 (C.56:13-4) as amended by section 21 of P.L.2007, c.193; or

h. To monitor, patrol, or otherwise surveil a private property for the purposes of identifying vehicles parked for unauthorized purposes and towing a motor vehicle parked for an unauthorized purpose from such private property without having been specifically requested to tow such vehicle by the owner of the property.

3. Section 14 of P.L.2007, c.193 (C.56:13-20) is amended to read as follows:

C.56:13-20 Effect of act on local government, toll road authority, law enforcement powers.

14. a. The provisions of P.L.2007, c.193 (C.56:13-7 et al.) shall not preempt any political subdivision from requiring or issuing any registration or license of any towing company.

(1) (Deleted by amendment, P.L.2009, c.39)

(2) (Deleted by amendment, P.L.2009, c.39)

b. The provisions of P.L.2007, c.193 (C.56:13-7 et al.) shall not be deemed to limit the authority of the New Jersey Turnpike Authority or the South Jersey Transportation Authority to establish rules and regulations governing the provision of towing and storage services on the roadways and properties under each entity's respective control.

c. The provisions of P.L.2007, c.193 (C.56:13-7 et al.) shall not be deemed to limit the authority of any law enforcement agency of this State,

or political subdivision of the State, from authorizing the towing of a vehicle, at the owner's expense, as deemed appropriate for public safety.

4. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 322

AN ACT authorizing the State Treasurer to sell as surplus State property certain land and improvements thereon in the Borough of Totowa, County of Passaic.

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 formerly known as the North Jersey Developmental Center, which consists of 144.22+ acres of land and improvements thereon, designated as Block 154, Lot 19, Block 154.01, Lot 1, and Block 154.02, Lot 1, in the Borough of Totowa, County of Passaic, 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 conditions approved by the State House Commission.

2. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 323

AN ACT concerning firearm components and amending and supplementing various sections of statutory law.

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

1. N.J.S.2C:39-1. Definitions. The following definitions apply to this chapter and to chapter 58:

Definitions.

a. "Antique firearm" means any rifle or shotgun and "antique cannon" means a destructive device defined in paragraph (3) of subsection c. of this section, if the rifle, shotgun or destructive device, as the case may be, is incapable of being fired or discharged, or which does not fire fixed ammunition, regardless of date of manufacture, or was manufactured before 1898 for which cartridge ammunition is not commercially available, and is possessed as a curiosity or ornament or for its historical significance or value.

b. "Deface" means to remove, deface, cover, alter or destroy the name of the maker, model designation, manufacturer's serial number or any other distinguishing identification mark or number on any firearm.

c. "Destructive device" means any device, instrument or object designed to explode or produce uncontrolled combustion, including (1) any explosive or incendiary bomb, mine or grenade; (2) any rocket having a propellant charge of more than four ounces or any missile having an explosive or incendiary charge of more than one-quarter of an ounce; (3) any weapon capable of firing a projectile of a caliber greater than 60 caliber, except a shotgun or shotgun ammunition generally recognized as suitable for sporting purposes; (4) any Molotov cocktail or other device consisting of a breakable container containing flammable liquid and having a wick or similar device capable of being ignited. The term does not include any device manufactured for the purpose of illumination, distress signaling, line-throwing, safety or similar purposes.

d. "Dispose of" means to give, give away, lease, loan, keep for sale, offer, offer for sale, sell, transfer, or otherwise transfer possession.

e. "Explosive" means any chemical compound or mixture that is commonly used or is possessed for the purpose of producing an explosion and which contains any oxidizing and combustible materials or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects. The term shall not include small arms ammunition, or explosives in the form prescribed by the official United States Pharmacopoeia.

f. "Firearm" means any handgun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, device or instrument in the nature

of a weapon from which may be fired or ejected any solid projectable ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. It shall also include, without limitation, any firearm which is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person.

g. "Firearm silencer" means any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent, or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearm.

h. "Gravity knife" means any knife which has a blade which is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force.

i. "Machine gun" means any firearm, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir, belt or other means of storing and carrying ammunition which can be loaded into the firearm, mechanism or instrument and fired therefrom. A machine gun also shall include, without limitation, any firearm with a trigger crank attached.

j. "Manufacturer" means any person who receives or obtains raw materials or parts and processes them into firearms or finished parts of firearms, except a person who exclusively processes grips, stocks and other nonmetal parts of firearms. The term does not include a person who repairs existing firearms or receives new and used raw materials or parts solely for the repair of existing firearms.

k. "Handgun" means any pistol, revolver or other firearm originally designed or manufactured to be fired by the use of a single hand.

l. "Retail dealer" means any person including a gunsmith, except a manufacturer or a wholesale dealer, who sells, transfers or assigns for a fee or profit any firearm or parts of firearms or ammunition which he has purchased or obtained with the intention, or for the purpose, of reselling or reassigning to persons who are reasonably understood to be the ultimate consumers, and includes any person who is engaged in the business of repairing firearms or who sells any firearm to satisfy a debt secured by the pledge of a firearm.

m. "Rifle" means any firearm designed to be fired from the shoulder and using the energy of the explosive in a fixed metallic cartridge to fire a single projectile through a rifled bore for each single pull of the trigger.

n. "Shotgun" means any firearm designed to be fired from the shoulder and using the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shots or a single projectile for each pull of the trigger, or any firearm designed to be fired from the shoulder which does not fire fixed ammunition.

o. "Sawed-off shotgun" means any shotgun having a barrel or barrels of less than 18 inches in length measured from the breech to the muzzle, or a rifle having a barrel or barrels of less than 16 inches in length measured from the breech to the muzzle, or any firearm made from a rifle or a shotgun, whether by alteration, or otherwise, if such firearm as modified has an overall length of less than 26 inches.

p. "Switchblade knife" means any knife or similar device which has a blade which opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife.

q. "Superintendent" means the Superintendent of the State Police.

r. "Weapon" means anything readily capable of lethal use or of inflicting serious bodily injury. The term includes, but is not limited to, all (1) firearms, even though not loaded or lacking a clip or other component to render them immediately operable; (2) components which can be readily assembled into a weapon; (3) gravity knives, switchblade knives, daggers, dirks, stilettos, or other dangerous knives, billies, blackjacks, bludgeons, metal knuckles, sandclubs, slingshots, cesti or similar leather bands studded with metal filings or razor blades imbedded in wood; and (4) stun guns; and any weapon or other device which projects, releases, or emits tear gas or any other substance intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air.

s. "Wholesale dealer" means any person, except a manufacturer, who sells, transfers, or assigns firearms, or parts of firearms, to persons who are reasonably understood not to be the ultimate consumers, and includes persons who receive finished parts of firearms and assemble them into completed or partially completed firearms, in furtherance of such purpose, except that it shall not include those persons dealing exclusively in grips, stocks and other nonmetal parts of firearms.

t. "Stun gun" means any weapon or other device which emits an electrical charge or current intended to temporarily or permanently disable a person.

u. "Ballistic knife" means any weapon or other device capable of lethal use and which can propel a knife blade.

v. "Imitation firearm" means an object or device reasonably capable of being mistaken for a firearm.

w. "Assault firearm" means:

(1) The following firearms:

Algimec AGM1 type

Any shotgun with a revolving cylinder such as the "Street Sweeper" or "Striker 12"

Armalite AR-180 type

Australian Automatic Arms SAR

Avtomat Kalashnikov type semi-automatic firearms

Beretta AR-70 and BM59 semi-automatic firearms

Bushmaster Assault Rifle

Calico M-900 Assault carbine and M-900

CETME G3

Chartered Industries of Singapore SR-88 type

Colt AR-15 and CAR-15 series

Daewoo K-1, K-2, Max 1 and Max 2, AR 100 types

Demro TAC-1 carbine type

Encom MP-9 and MP-45 carbine types

FAMAS MAS223 types

FN-FAL, FN-LAR, or FN-FNC type semi-automatic firearms

Franchi SPAS 12 and LAW 12 shotguns

G3SA type

Galil type Heckler and Koch HK91, HK93, HK94, MP5, PSG-1

Intratec TEC 9 and 22 semi-automatic firearms

M1 carbine type

M14S type

MAC 10, MAC 11, MAC 11-9mm carbine type firearms

PJK M-68 carbine type

Plainfield Machine Company Carbine

Ruger K-Mini-14/5F and Mini-14/5RF

SIG AMT, SIG 550SP, SIG 551SP, SIG PE-57 types

SKS with detachable magazine type

Spectre Auto carbine type

Springfield Armory BM59 and SAR-48 type

Sterling MK-6, MK-7 and SAR types

Steyr A.U.G. semi-automatic firearms

USAS 12 semi-automatic type shotgun

Uzi type semi-automatic firearms
Valmet M62, M71S, M76, or M78 type semi-automatic firearms
Weaver Arm Nighthawk.

(2) Any firearm manufactured under any designation which is substantially identical to any of the firearms listed above.

(3) A semi-automatic shotgun with either a magazine capacity exceeding six rounds, a pistol grip, or a folding stock.

(4) A semi-automatic rifle with a fixed magazine capacity exceeding 15 rounds.

(5) A part or combination of parts designed or intended to convert a firearm into an assault firearm, or any combination of parts from which an assault firearm may be readily assembled if those parts are in the possession or under the control of the same person.

(6) A firearm with a bump stock attached.

x. "Semi-automatic" means a firearm which fires a single projectile for each single pull of the trigger and is self-reloading or automatically chambers a round, cartridge, or bullet.

y. "Large capacity ammunition magazine" means a box, drum, tube or other container which is capable of holding more than 15 rounds of ammunition to be fed continuously and directly therefrom into a semi-automatic firearm.

z. "Pistol grip" means a well-defined handle, similar to that found on a handgun, that protrudes conspicuously beneath the action of the weapon, and which permits the shotgun to be held and fired with one hand.

aa. "Antique handgun" means a handgun manufactured before 1898, or a replica thereof, which is recognized as being historical in nature or of historical significance and either (1) utilizes a match, friction, flint, or percussion ignition, or which utilizes a pin-fire cartridge in which the pin is part of the cartridge or (2) does not fire fixed ammunition or for which cartridge ammunition is not commercially available.

bb. "Trigger lock" means a commercially available device approved by the Superintendent of State Police which is operated with a key or combination lock that prevents a firearm from being discharged while the device is attached to the firearm. It may include, but need not be limited to, devices that obstruct the barrel or cylinder of the firearm, as well as devices that immobilize the trigger.

cc. "Trigger locking device" means a device that, if installed on a firearm and secured by means of a key or mechanically, electronically or electromechanically operated combination lock, prevents the firearm from being discharged without first deactivating or removing the device by means

of a key or mechanically, electronically or electromechanically operated combination lock.

dd. "Personalized handgun" means a handgun which incorporates within its design, and as part of its original manufacture, technology which automatically limits its operational use and which cannot be readily deactivated, so that it may only be fired by an authorized or recognized user. The technology limiting the handgun's operational use may include, but not be limited to: radio frequency tagging, touch memory, remote control, fingerprint, magnetic encoding and other automatic user identification systems utilizing biometric, mechanical or electronic systems. No make or model of a handgun shall be deemed to be a "personalized handgun" unless the Attorney General has determined, through testing or other reasonable means, that the handgun meets any reliability standards that the manufacturer may require for its commercially available handguns that are not personalized or, if the manufacturer has no such reliability standards, the handgun meets the reliability standards generally used in the industry for commercially available handguns.

ee. "Bump stock" means any device or instrument for a firearm that increases the rate of fire achievable with the firearm by using energy from the recoil of the firearm to generate a reciprocating action that facilitates repeated activation of the trigger.

ff. "Trigger crank" means any device or instrument to be attached to a firearm that repeatedly activates the trigger of the firearm through the use of a lever or other part that is turned in a circular motion; provided, however, the term shall not include any weapon initially designed and manufactured to fire through the use of a crank or lever.

2. N.J.S.2C:39-3 is amended to read as follows:

Prohibited weapons and devices.

2C:39-3. Prohibited Weapons and Devices.

a. Destructive devices. Any person who knowingly has in his possession any destructive device is guilty of a crime of the third degree.

b. Sawed-off shotguns. Any person who knowingly has in his possession any sawed-off shotgun is guilty of a crime of the third degree.

c. Silencers. Any person who knowingly has in his possession any firearm silencer is guilty of a crime of the fourth degree.

d. Defaced firearms. Any person who knowingly has in his possession any firearm which has been defaced, except an antique firearm or an antique handgun, is guilty of a crime of the fourth degree.

e. Certain weapons. Any person who knowingly has in his possession any gravity knife, switchblade knife, dagger, dirk, stiletto, billy, blackjack, metal knuckle, sandclub, slingshot, cestus or similar leather band studded with metal filings or razor blades imbedded in wood, ballistic knife, without any explainable lawful purpose, is guilty of a crime of the fourth degree.

f. Dum-dum or body armor penetrating bullets. (1) Any person, other than a law enforcement officer or persons engaged in activities pursuant to subsection f. of N.J.S.2C:39-6, who knowingly has in his possession any hollow nose or dum-dum bullet, or (2) any person, other than a collector of firearms or ammunition as curios or relics as defined in Title 18, United States Code, section 921 (a) (13) and has in his possession a valid Collector of Curios and Relics License issued by the Bureau of Alcohol, Tobacco and Firearms, who knowingly has in his possession any body armor breaching or penetrating ammunition, which means: (a) ammunition primarily designed for use in a handgun, and (b) which is comprised of a bullet whose core or jacket, if the jacket is thicker than.025 of an inch, is made of tungsten carbide, or hard bronze, or other material which is harder than a rating of 72 or greater on the Rockwell B. Hardness Scale, and (c) is therefore capable of breaching or penetrating body armor, is guilty of a crime of the fourth degree. For purposes of this section, a collector may possess not more than three examples of each distinctive variation of the ammunition described above. A distinctive variation includes a different head stamp, composition, design, or color.

g. Exceptions. (1) Nothing in subsection a., b., c., d., e., f., j. or k. of this section shall apply to any member of the Armed Forces of the United States or the National Guard, or except as otherwise provided, to any law enforcement officer while actually on duty or traveling to or from an authorized place of duty, provided that his possession of the prohibited weapon or device has been duly authorized under the applicable laws, regulations or military or law enforcement orders. Nothing in subsection h. of this section shall apply to any law enforcement officer who is exempted from the provisions of that subsection by the Attorney General. Nothing in this section shall apply to the possession of any weapon or device by a law enforcement officer who has confiscated, seized or otherwise taken possession of said weapon or device as evidence of the commission of a crime or because he believed it to be possessed illegally by the person from whom it was taken, provided that said law enforcement officer promptly notifies his superiors of his possession of such prohibited weapon or device.

(2) a. Nothing in subsection f. (1) shall be construed to prevent a person from keeping such ammunition at his dwelling, premises or other land

owned or possessed by him, or from carrying such ammunition from the place of purchase to said dwelling or land, nor shall subsection f. (1) be construed to prevent any licensed retail or wholesale firearms dealer from possessing such ammunition at its licensed premises, provided that the seller of any such ammunition shall maintain a record of the name, age and place of residence of any purchaser who is not a licensed dealer, together with the date of sale and quantity of ammunition sold.

b. Nothing in subsection f.(1) shall be construed to prevent a designated employee or designated licensed agent for a nuclear power plant under the license of the Nuclear Regulatory Commission from possessing hollow nose ammunition 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.

(3) Nothing in paragraph (2) of subsection f. or in subsection j. shall be construed to prevent any licensed retail or wholesale firearms dealer from possessing that ammunition or large capacity ammunition magazine at its licensed premises for sale or disposition to another licensed dealer, the Armed Forces of the United States or the National Guard, or to a law enforcement agency, provided that the seller maintains a record of any sale or disposition to a law enforcement agency. The record shall include the name of the purchasing agency, together with written authorization of the chief of police or highest ranking official of the agency, the name and rank of the purchasing law enforcement officer, if applicable, and the date, time and amount of ammunition sold or otherwise disposed. A copy of this record shall be forwarded by the seller to the Superintendent of the Division of State Police within 48 hours of the sale or disposition.

(4) Nothing in subsection a. of this section shall be construed to apply to antique cannons as exempted in subsection d. of N.J.S.2C:39-6.

(5) Nothing in subsection c. of this section shall be construed to apply to any person who is specifically identified in a special deer management permit issued by the Division of Fish and Wildlife to utilize a firearm silencer as part of an alternative deer control method implemented in accordance with a special deer management permit issued pursuant to section 4 of P.L.2000, c.46 (C.23:4-42.6), while the person is in the actual performance of the permitted alternative deer control method and while going to and from the place where the permitted alternative deer control method is being utilized. This exception shall not, however, otherwise apply to any person to authorize the purchase or possession of a firearm silencer.

h. Stun guns. Any person who knowingly has in his possession any stun gun is guilty of a crime of the fourth degree.

i. Nothing in subsection e. of this section shall be construed to prevent any guard in the employ of a private security company, who is licensed to carry a firearm, from the possession of a nightstick when in the actual performance of his official duties, provided that he has satisfactorily completed a training course approved by the Police Training Commission in the use of a nightstick.

j. Any person who knowingly has in his possession a large capacity ammunition magazine is guilty of a crime of the fourth degree unless the person has registered an assault firearm pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12) and the magazine is maintained and used in connection with participation in competitive shooting matches sanctioned by the Director of Civilian Marksmanship of the United States Department of the Army.

k. Handcuffs. Any person who knowingly has in his possession handcuffs as defined in P.L.1991, c.437 (C.2C:39-9.2), under circumstances not manifestly appropriate for such lawful uses as handcuffs may have, is guilty of a disorderly persons offense. A law enforcement officer shall confiscate handcuffs possessed in violation of the law.

l. Bump stock or trigger crank. Any person who knowingly possesses a bump stock as defined in subsection ee. of N.J.S.2C:39-1 or a trigger crank as defined in subsection ff. of N.J.S.2C:39-1, regardless of whether the person is in possession of a firearm, is guilty of a crime of the third degree.

Notwithstanding the provisions of N.J.S.2C:1-8 or any other provision of law, a conviction arising out of this subsection shall not merge with a conviction for possessing an assault firearm in violation of subsection f. of N.J.S.2C:39-5 or a machine gun in violation of subsection a. of N.J.S.2C:39-5 and a separate sentence shall be imposed upon each conviction. Notwithstanding the provisions of N.J.S.2C:44-5 or any other provisions of law, the sentence imposed pursuant to this subsection shall be served consecutively to that imposed for unlawfully possessing an assault firearm in violation of subsection f. of N.J.S.2C:39-5.

3. N.J.S.2C:39-9 is amended to read as follows:

Manufacture, transport, disposition and defacement of weapons and dangerous instruments and applicances.

2C:39-9. Manufacture, Transport, Disposition and Defacement of Weapons and Dangerous Instruments and Appliances. a. Machine guns. Any person who manufactures, causes to be manufactured, transports, ships,

sells or disposes of any machine gun without being registered or licensed to do so as provided in chapter 58 is guilty of a crime of the third degree.

b. Sawed-off shotguns. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any sawed-off shotgun is guilty of a crime of the third degree.

c. Firearm silencers. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any firearm silencer is guilty of a crime of the fourth degree.

d. Weapons. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any weapon, including gravity knives, switchblade knives, ballistic knives, daggers, dirks, stilettos, billies, blackjacks, metal knuckles, sandclubs, slingshots, cesti or similar leather bands studded with metal filings, or, except as otherwise provided in subsection i. of this section, in the case of firearms if he is not licensed or registered to do so as provided in chapter 58, is guilty of a crime of the fourth degree. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of any weapon or other device which projects, releases or emits tear gas or other substances intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air, which is intended to be used for any purpose other than for authorized military or law enforcement purposes by duly authorized military or law enforcement personnel or the device is for the purpose of personal self-defense, is pocket-sized and contains not more than three-quarters of an ounce of chemical substance not ordinarily capable of lethal use or of inflicting serious bodily injury, or other than to be used by any person permitted to possess such weapon or device under the provisions of subsection d. of N.J.S.2C:39-5, which is intended for use by financial and other business institutions as part of an integrated security system, placed at fixed locations, for the protection of money and property, by the duly authorized personnel of those institutions, is guilty of a crime of the fourth degree.

e. Defaced firearms. Any person who defaces any firearm is guilty of a crime of the third degree. Any person who knowingly buys, receives, disposes of or conceals a defaced firearm, except an antique firearm or an antique handgun, is guilty of a crime of the fourth degree.

f. (1) Any person who manufactures, causes to be manufactured, transports, ships, sells, or disposes of any bullet, which is primarily designed for use in a handgun, and which is comprised of a bullet whose core or jacket, if the jacket is thicker than .025 of an inch, is made of tungsten carbide, or hard bronze, or other material which is harder than a rating of 72

or greater on the Rockwell B. Hardness Scale, and is therefore capable of breaching or penetrating body armor and which is intended to be used for any purpose other than for authorized military or law enforcement purposes by duly authorized military or law enforcement personnel, is guilty of a crime of the fourth degree.

(2) Nothing in this subsection shall be construed to prevent a licensed collector of ammunition as defined in paragraph (2) of subsection f. of N.J.S.2C:39-3 from transporting the bullets defined in paragraph (1) of this subsection from (a) any licensed retail or wholesale firearms dealer's place of business to the collector's dwelling, premises, or other land owned or possessed by him, or (b) to or from the collector's dwelling, premises or other land owned or possessed by him to any gun show for the purposes of display, sale, trade, or transfer between collectors, or (c) to or from the collector's dwelling, premises or other land owned or possessed by him to any rifle or pistol club organized in accordance with the rules prescribed by the National Board for the Promotion of Rifle Practice; provided that the club has filed a copy of its charter with the superintendent of the State Police and annually submits a list of its members to the superintendent, and provided further that the ammunition being transported shall be carried not loaded in any firearm and contained in a closed and fastened case, gun box, or locked in the trunk of the automobile in which it is being transported, and the course of travel shall include only such deviations as are reasonably necessary under the circumstances.

g. Assault firearms. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of an assault firearm without being registered or licensed to do so pursuant to N.J.S.2C:58-1 et seq. is guilty of a crime of the third degree.

h. Large capacity ammunition magazines. Any person who manufactures, causes to be manufactured, transports, ships, sells or disposes of a large capacity ammunition magazine which is intended to be used for any purpose other than for authorized military or law enforcement purposes by duly authorized military or law enforcement personnel is guilty of a crime of the fourth degree.

i. Transporting firearms into this State for an unlawful sale or transfer. Any person who knowingly transports, ships or otherwise brings into this State any firearm for the purpose of unlawfully selling, transferring, giving, assigning or otherwise disposing of that firearm to another individual is guilty of a crime of the second degree. Any motor vehicle used by a person to transport, ship, or otherwise bring a firearm into this State for unlawful sale or transfer shall be subject to forfeiture in accordance with the

provisions of N.J.S.2C:64-1 et seq.; provided however, this forfeiture provision shall not apply to innocent owners, nor shall it affect the rights of a holder of a valid lien.

The temporary transfer of a firearm shall not constitute a violation of this subsection if that firearm is transferred:

(1) while hunting or target shooting in accordance with the provisions of section 1 of P.L.1992, c.74 (C.2C:58-3.1);

(2) for shooting competitions sponsored by a licensed dealer, law enforcement agency, legally recognized military organization, or a rifle or pistol club which has filed a copy of its charter with the superintendent in accordance with the provisions of section 1 of P.L.1992, c.74 (C.2C:58-3.1); or

(3) for participation in a training course conducted by a certified instructor in accordance with the provisions of section 1 of P.L.1997, c.375 (C.2C:58-3.2).

The transfer of any firearm that uses air or carbon dioxide to expel a projectile; or the transfer of an antique firearm shall not constitute a violation of this subsection.

j. Any person who manufactures, causes to be manufactured, transports, ships, sells, or disposes of a bump stock as defined in subsection ee. of N.J.S.2C:39-1 or a trigger crank as defined in subsection ff. of N.J.S.2C:39-1 is guilty of a crime of the third degree.

C.2C:58-14.1 Voluntary surrender of certain firearm components.

4. a. No licensed manufacturer, wholesale dealer of firearms, or retail dealer of firearms in possession of a bump stock as defined in subsection ee. of N.J.S.2C:39-1 or a trigger crank as defined in subsection ff. of N.J.S.2C:39-1 on the effective date of P.L.2017, c.323 (C.2C:58-14.1 et al.) who voluntarily surrenders the bump stock or trigger crank in accordance with the provisions of N.J.S.2C:39-12 or otherwise lawfully disposes of the bump stock or trigger crank within 30 days of the effective date of P.L.2017, c.323 (C.2C:58-14.1 et al.) shall be convicted of an offense for possession of a bump stock or trigger crank under subsection l. of N.J.S.2C:39-3 or unlawful manufacture, transport, shipment, sale, or disposition of a bump stock or trigger crank under subsection j. of N.J.S.2C:39-9.

b. Except as otherwise provided in subsection a. of this section with respect to licensed manufacturers, wholesale dealers of firearms, and retail dealers of firearms, no person in possession of a bump stock as defined in subsection ee. of N.J.S.2C:39-1 or a trigger crank as defined in subsection ff. of N.J.S.2C:39-1 on the effective date of P.L.2017, c.323 (C.2C:58-14.1

et al.) who voluntarily surrenders the bump stock or trigger crank in accordance with the provisions of N.J.S.2C:39-12 or otherwise lawfully disposes of the bump stock or trigger crank within 90 days of the effective date of P.L.2017, c.323 (C.2C:58-14.1 et al.) shall be convicted of an offense for possession of a bump stock or trigger crank under subsection l. of N.J.S.2C:39-3.

5. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 324

AN ACT directing the Governor, on behalf of the State of New Jersey, to notify the Congress of the United States, the Governor of the State of New York, and the Waterfront Commission of New York Harbor, of the State of New Jersey's intention to withdraw from the compact created by P.L.1953, c.202 (C.32:23-1 et seq.), supplementing Titles 32 and 53 of the Revised Statutes, amending R.S.52:14-7, and repealing parts of the statutory law.

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

C.32:23-229 Findings, declarations.

1. The Legislature finds and declares that:

a. The Port of New York and New Jersey (port) has been one of the backbones of the region's economy for decades. When ranked by tonnage, the port is the largest port complex on the East coast of North America and the third largest in the United States. When ranked by the value of shipments passing through it, the port is the second busiest freight gateway in the United States. The port's strategic location, within one day's drive of a significant percentage of the national market and developed transportation infrastructure, are key assets that have made the region a gateway for international trade. Since the birth of containerization in 1956, the marine terminals on the New Jersey side of the port have grown significantly in comparison to the New York terminals. Today more than 82 percent of the cargo and 82 percent of the work hours are on the New Jersey side of the port. The port and freight industry in New Jersey alone supports more than 143,000 direct jobs and 250,000 total jobs, nearly $14.5 billion in personal income,

over $20 billion in business income, and nearly $4.9 billion in federal, State, and local taxes, of which State and local taxes account for $1.6 billion.

b. The Waterfront Commission of New York Harbor (commission) was created through a compact between the states of New Jersey and New York and approved by Congress in 1953. The commission's mission is to ensure fair hiring and employment practices and investigate, deter, and combat criminal activity and influence in the port. The commission has itself been tainted by corruption in recent years and, moreover, has exercised powers that do not exist within the authorizing compact, by dictating the terms of collective bargaining agreements of organized labor, and by requiring stevedoring companies to hire and retain independent inspectors to examine company operations in order for those companies to continue to operate in the port. Further, the commission, despite changes in the industry to drive out organized crime's influence, has over-regulated the businesses at the port in an effort to justify its existence as the only waterfront commission in any port in the United States. As a result, the commission has become an impediment to future job growth and prosperity at the port.

c. While there is a continued need to regulate port-located business to ensure fairness and safety, there are numerous federal, State, and local taxpayer funded agencies that have jurisdiction that the commission lacks to regulate port operations, including, but not limited to: the United States Department of Homeland Security; United States Customs and Border Protection; the United States Coast Guard; the Transportation Security Administration; the Federal Bureau of Investigation; the United States Department of Labor's Division of Longshore and Harbor Workers Compensation; the National Labor Relations Board; the Food and Drug Administration; the United States Environmental Protection Agency; the United States Department of Transportation; the Federal Maritime Commission; the Occupational Safety and Health Administration; the Port Authority of New York and New Jersey Police Department; depending on the particular location of the facility in New Jersey, the City of Newark Police Department, City of Elizabeth Police Department, City of Bayonne Police Department, City of Jersey City Police Department, and the New Jersey State Police; and, in matters of fair hiring and employment discrimination, the United States Equal Employment Opportunity Commission and the New Jersey Division on Civil Rights.

d. Abolishing the commission and transferring the New Jersey portion of the commission's law enforcement responsibilities to the New Jersey State Police would be practical and efficient, as the State Police is suited to undertake an investigation of any criminal activity in the ports of northern New Jersey without impeding economic prosperity.

C.32:23-230 Withdrawal from compact.

2. a. Within 30 days of the effective date of P.L.2017, c.324 (C.32:23-229 et al.), the Governor, on behalf of the State of New Jersey, shall notify the Congress of the United States, the Governor of the State of New York, and the waterfront commission of New York harbor, of the State of New Jersey's intention to withdraw from:

(1) the compact entered into by the State of New Jersey pursuant to its agreement thereto under P.L.1953, c.202 (C.32:23-1 et seq.) and by the State of New York pursuant to its agreement thereto under P.L.1953, c.882 (NY Unconsol. Ch.307, s.1), as amended and supplemented; and

(2) the compact, entered into by the State of New Jersey pursuant to its agreement thereto under P.L.1970, c.58 (C.32:23-150 et seq.) and by the State of New York pursuant to its agreement thereto under P.L.1970, c.951 (NY Unconsol. Ch.307, s.10), as amended and supplemented.

b. As soon as practicable after the date of notification pursuant to subsection a. of this section, the Governor shall notify the presiding officers of each house of the Legislature that the notification has occurred, the date of the notification, and any other information concerning the notification the Governor deems appropriate.

C.53:2-8 Definitions.

3. As used in P.L.2017, c.324 (C.32:23-229 et al.):

"Career offender" means a person whose behavior is pursued in an occupational manner or context for the purpose of economic gain, utilizing methods that are deemed criminal violations against the laws of this State.

"Career offender cartel" means a number of career offenders acting in concert, and may include what is commonly referred to as an organized crime group.

"Carrier" means a carrier as that term is defined in 49 U.S.C. s.13102.

"Carrier of freight by water" means any person who may be engaged or who may hold himself or herself out as willing to be engaged, whether as a common carrier, a contract carrier, or otherwise, except for carriage of liquid cargoes in bulk in tank vessels designed for use exclusively in that service or carriage by barge of bulk cargoes consisting of only a single commodity loaded or carried without wrappers or containers and delivered by the carrier without transportation mark or count, in the carriage of freight by water between any point in the port of New York district, as applicable only within the State of New Jersey, and a point outside that district.

"Checker" means a longshoreman who is employed to engage in direct and immediate checking of waterborne freight or of the custodial account-

ing therefor or in the recording or tabulation of the hours worked at piers or other waterfront terminals by natural persons employed by carriers of freight by water or stevedores.

"Commission" means the waterfront commission of New York harbor established by the State of New Jersey pursuant to P.L.1953, c.202 (C.32:23-1 et seq.) and by the State of New York pursuant to its agreement thereto under P.L.1953, c.882 (NY Unconsol. Ch.307, s.1).

"Common carrier" means a common carrier as that term is defined in 46 U.S.C. s.40102.

"Compact" means the compact entered into by the State of New Jersey pursuant to its agreement thereto under P.L.1953, c.202 (C.32:23-1 et seq.) and by the State of New York pursuant to its agreement thereto under P.L.1953, c.882 (NY Unconsol. Ch.307, s.1), as amended and supplemented.

"Consignee" means the person designated on a bill of lading as the recipient of waterborne freight consigned for carriage by water.

"Container" means any receptacle, box, carton, or crate which is specifically designed and constructed so that it may be repeatedly used for the carriage of freight by a carrier of freight by water.

"Contract carrier" means a contract carrier as that term is defined in 49 U.S.C. s.13102.

"Division" means the Division of State Police in the Department of Law and Public Safety.

"Freight" means freight which has been or will be, carried by, or consigned for carriage by a carrier of freight by water.

"Hiring agent" means any natural person who, on behalf of a carrier of freight by water or a stevedore, shall select any longshoreman for employment, and "hiring agent" includes any natural person, who on behalf of any other person shall select any longshoreman for employment.

"Immunity" means that a person shall not be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which, pursuant to an order of the division, the person gave answer or produced evidence, and that no answer given or evidence produced shall be received against the person upon any criminal proceeding.

"Labor organization" means and 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 and conditions of employment, or other mutual aid or protection, but "labor organization" shall not include a federation or congress of labor organizations organized on a national or international basis even though one of its constituent labor organizations may represent persons so registered or licensed.

"Longshoreman" means a natural person, other than a hiring agent, who is employed for work at a pier or other waterfront terminal, either by a carrier of freight by water or by a stevedore, to: a. physically move waterborne freight on vessels berthed at piers, on piers or at other waterfront terminals; b. engage in direct and immediate checking of any such freight or of the custodial accounting therefor or in the recording or tabulation of the hours worked at piers or other waterfront terminals by natural persons employed by carriers of freight by water or stevedores; c. supervise directly and immediately others who are employed as a longshoreman; d. physically to perform labor or services incidental to the movement of waterborne freight on vessels berthed at piers, on piers or at other waterfront terminals; e. physically move waterborne freight to or from a barge, lighter, or railroad car for transfer to or from a vessel of a carrier of freight by water which is, shall be, or shall have been berthed at the same pier or other waterfront terminal; or f. perform labor or services involving, or incidental to, the movement of freight at a pier or other waterfront terminal.

"Longshoremen's register" means the register of eligible longshoremen compiled and maintained by the division pursuant to section 8 of P.L.2017, c.324 (C.53:2-13).

"Marine terminal" means an area which includes piers, which is used primarily for the moving, warehousing, distributing, or packing of waterborne freight or freight to or from piers and which is under common ownership or control with the pier.

"Other waterfront terminal" means any warehouse, depot, or other terminal, other than a pier, which is located within a marine terminal in the port of New York district and which is used for waterborne freight in whole or substantial part, and includes any warehouse, depot, or other terminal, other than a pier, whether enclosed or open, which is located in a marine terminal in the port of New York district, any part of which is used by any person to perform labor or services involving, or incidental to, the movement of waterborne freight or freight.

"Person" means not only a natural person but also any partnership, joint venture, association, corporation, or any other legal entity but shall not include the United States, any state or territory thereof, or any department, division, board, authority, or authority of one or more of the foregoing.

"Pier" means any wharf, pier, dock, or quay in regular use for the movement of waterborne freight between vessel and shore.

"Pier superintendent" means any natural person other than a longshoreman who is employed for work at a pier or other waterfront terminal by a carrier of freight by water or a stevedore and whose work at the pier or

other waterfront terminal includes the supervision, directly or indirectly, of the work of longshoremen.

"Port of New York district" or "district" means the district created by Article II of the compact dated April 30, 1921, between the states of New York and New Jersey, authorized by chapter 154 of the laws of New York of 1921 and chapter 151 of the laws of New Jersey of 1921.

"Port watchman" means any watchman, gateman, roundsman, detective, guard, guardian, or protector of property employed by the operator of any pier or other waterfront terminal or by a carrier of freight by water to perform services in that capacity on any pier or other waterfront terminal.

"Select any longshoreman for employment" means select a person for the commencement or continuation of employment as a longshoreman, or the denial or termination of employment as a longshoreman.

"Stevedore" means a contractor, not including an employee, engaged for compensation pursuant to a contract or arrangement with a carrier of freight by water, in moving waterborne freight carried or consigned for carriage by the carrier on vessels of the carrier berthed at piers, on piers at which the vessels are berthed or at other waterfront terminals. "Stevedore" shall also include: a. a contractor engaged for compensation pursuant to a contract or arrangement with the United States, any state or territory thereof, or any department, division, board, commission, or authority of one or more of the foregoing, in moving freight carried or consigned for carriage between any point in the port of New York district and a point outside that district on vessels of the public agency berthed at piers, on piers at which their vessels are berthed or at other waterfront terminals; b. a contractor, engaged for compensation pursuant to a contract or arrangement with any person to perform labor or services incidental to the movement of waterborne freight on vessels berthed at piers, on piers or at other waterfront terminals; or c. a contractor engaged for compensation pursuant to a contract or arrangement with any other person to perform labor or services involving, or incidental to, the movement of freight into or out of containers, which have been or which will be carried by a carrier of freight by water, on vessels berthed at piers, on piers or at other waterfront terminals.

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

"Terrorist group" means a group associated, affiliated, or funded in whole or in part by a terrorist organization designated by the United States Secretary of State in accordance with section 219 of the federal Immigration and Nationality Act, as amended from time to time, or any other organization which assists, funds, or engages in crimes or acts of terrorism as defined in the laws of the United States, or of this State.

"Transfer date" means the 90th day following the notification by the Governor pursuant to section 2 of P.L.2017, c.324 (C.32:23-230).

"Waterborne freight" means freight carried by or consigned for carriage by carriers of freight by water, and shall also include freight described in the definition of "stevedore" and in the definition of "other waterfront terminal." Provided, however, that at the point at which the freight is released from a pier or marine terminal to the possession of the consignee or the person designated by the consignee, the freight shall no longer be considered waterborne freight if:

a. the freight is not further transported by water; and

b. services involving or incidental to the unloading, storage, inspection, grading, repackaging, or processing of freight occur at a location outside a pier or marine terminal.

"Witness" means any person whose testimony is desired in any investigation, interview, or other proceeding conducted by the division under the authority granted pursuant to P.L.2017, c.324 (C.32:23-229 et al.).

C.53:2-9 Division to assume powers, assets, duties after transfer date.

4. a. Until the transfer date established pursuant to section 31 of P.L.2017, c.324 (C.53:2-36) shall have become operative, the division shall not exercise any powers, rights, or duties conferred by P.L.2017, c.324 (C.32:23-229 et al.) or by any other law in any way which will interfere with the powers, rights, and duties of the commission. The division and the commission are directed to cooperate with each other after the date of notification pursuant to section 2 of P.L.2017, c.324 (C.32:23-230) until the transfer date, and the commission shall make available to the division all information concerning its property and assets, contracts, operations, and finances within New Jersey as the division may require to provide for the efficient exercise by the division of all powers, rights, and duties conferred upon the division by P.L.2017, c.324 (C.32:23-229 et al.).

b. After the transfer date established pursuant to section 31 of P.L.2017, c.324 (C.53:2-36):

(1) The division shall assume all of the powers, rights, assets, and duties of the commission within this State, and those powers, rights, assets, and duties shall then and thereafter be vested in and exercised by the division;

(2) The officers having custody of the funds of the commission applicable to this State shall deliver those funds into the custody of the State Treasurer, the property and assets of the commission within this State shall, without further act or deed, become the property and assets of the division; and

(3) Any officers and employees of the commission seeking to be transferred to the division may apply to become employees of the division until determined otherwise by the division. Nothing in P.L.2017, c.324 (C.32:23-229 et al.) shall be construed to deprive any officers or employees of the commission of their rights, privileges, obligations, or status with respect to any pension or retirement system. The commission employees shall retain all of their rights and benefits under existing collective negotiation agreements or contracts until such time as new or revised agreements or contracts are agreed to. All existing employee representatives shall be retained to act on behalf of those employees until such time as the employees shall, pursuant to law, elect to change those representatives. If an existing officer or employee becomes a member of an administered retirement system of the State of New Jersey, the officer or employee shall receive the same amount of service credit in the retirement system as the officer or employee previously had in the pension or retirement system as an employee of the commission, provided that there is a transfer of funds, or purchase, of the full cost of that credit from the pension or retirement system of the commission to an administered retirement system of the State of New Jersey. Nothing in P.L.2017, c.324 (C.32:23-229 et al.) shall affect the civil service status, if any, of those officers or employees;

(4) All debts, liabilities, obligations, and contracts of the commission applicable only to this State, as determined by the officers having custody of the funds of the commission, except to the extent specifically provided for or established to the contrary in P.L.2017, c.324 (C.32:23-229 et al.), are imposed upon the division, and all creditors of the commission and persons having claims against or contracts with the commission of any kind or character may enforce those debts, claims, and contracts against the division as successor to the commission in the same manner as they might have done against the commission, and the rights and remedies of those holders, creditors, and persons having claims against or contracts with the commission shall not be limited or restricted in any manner by P.L.2017, c.324 (C.32:23-229 et al.);

(5) In continuing the functions, contracts, obligations, and duties of the commission within this State, the division is authorized to act in its own name as may be convenient or advisable under the circumstances from time to time;

(6) Any references to the commission in any other law or regulation shall then and thereafter be deemed to refer and apply to the division;

(7) All rules and regulations of the commission shall continue in effect as the rules and regulations of the division until amended, supplemented, or

rescinded by the division pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). Regulations of the commission inconsistent with the provisions of P.L.2017, c.324 (C.32:23-229 et al.) or of regulations of the division shall be deemed void;

(8) All operations of the commission within this State shall continue as operations of the division until altered by the division as provided or permitted pursuant to P.L.2017, c.324 (C.32:23-229 et al.); and

(9) The powers vested in the division by P.L.2017, c.324 (C.32:23-229 et al.) shall be construed as being in addition to, and not in diminution of, the powers heretofore vested by law in the commission to the extent not otherwise altered or provided for in P.L.2017, c.324 (C.32:23-229 et al.).

c. A license, registration, or permit issued by the commission prior to the date of notification pursuant to section 2 of P.L.2017, c.324 (C.32:23-230) shall, subject to the terms of its issuance, continue to be valid on and after the transfer date as a license, registration, or permit issued by the division. An application for a license, registration, or permit filed with the commission prior to and pending on that notification date shall, as of and from the notification date, be deemed to be filed with and pending before the division.

C.53:2-10 Additional powers, duties of division.

5. In addition to the powers and duties elsewhere prescribed in law, the division shall have the power:

a. To determine the location, size, and suitability of accommodations necessary and desirable for the establishment and maintenance of the employment information centers provided in section 16 of P.L.2017, c.324 (C.53:2-21)and for administrative offices for the division;

b. To administer and enforce the provisions of P.L.2017, c.324 (C.32:23-229 et al.);

c. Consistent with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to adopt and enforce rules and regulations as the division may deem necessary to effectuate the purposes of P.L.2017, c.324 (C.32:23-229 et al.) or to prevent the circumvention or evasion thereof;

d. By its members and its properly designated officers, agents, and employees, with respect to the implementation and enforcement of P.L.2017, c.324 (C.32:23-229 et al.), to administer oaths and issue subpoenas to compel the attendance of witnesses and the giving of testimony and the production of other evidence;

e. To have for 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 within this State, for the purposes of making inspection or enforcing the provisions of P.L.2017, c.324 (C.32:23-229 et al.); and no person shall obstruct or in any way interfere with any officer, employee, or agent of the division in the making of an inspection, or in the enforcement of the provisions of P.L.2017, c.324 (C.32:23-229 et al.) or in the performance of any other power or duty under P.L.2017, c.324 (C.32:23-229 et al.);

f. To recover possession of any suspended or revoked license issued pursuant to sections 6, 7, and 13 of P.L.2017, c.324 (C.53:2-11, C.53:2-12, and C.53:2-18) within the port of New York district in this State;

g. To make investigations and collect and compile information concerning waterfront practices generally within the port of New York district in this State and upon all matters relating to the accomplishment of the objectives of P.L.2017, c.324 (C.32:23-229 et al.);

h. To advise and consult with representatives of labor and industry and with public officials and agencies concerned with the effectuation of the purposes of P.L.2017, c.324 (C.32:23-229 et al.), upon all matters which the division may desire, including but not limited to, the form and substance of rules and regulations, the administration of the provisions of P.L.2017, c.324 (C.32:23-229 et al.), maintenance of the longshoremen's register, and issuance and revocation of licenses;

i. To make annual and other reports to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature containing recommendations for the improvement of the conditions of waterfront labor within the port of New York district in this State and for the effectuation of the purposes of P.L.2017, c.324 (C.32:23-229 et al.). The annual reports shall state the division's findings and determinations as to whether the public necessity still exists for: (1) the continued registration of longshoremen; (2) the continued licensing of any occupation or employment required to be licensed hereunder; and (3) the continued public operation of the employment information centers provided for in section 16 of P.L.2017, c.324 (C.53:2-21);

j. To co-operate with and receive from any department, division, bureau, board, commission, authority, or agency of this State, or of any county or municipality thereof, any assistance and data as will enable the division to properly to carry out its powers and duties hereunder; and to request a department, division, bureau, board, commission, authority, or agency, with the consent thereof, to execute the division's functions and powers, as the public interest may require; and

k. To exercise the powers and duties of the division as provided in P.L.2017, c.324 (C.32:23-229 et al.) to its officers, employees, and agents designated by the division;

l. To issue temporary permits and permit temporary registrations under such terms and conditions as the division may prescribe which shall be valid for a period to be fixed by the division not in excess of six months;

m. To require any applicant for a license or registration or any prospective licensee to furnish facts and evidence as the division may deem appropriate to enable it to ascertain whether the license or registration should be granted;

n. In any case in which the division has the power to revoke, cancel or suspend any license, the division shall also have the power to impose as an alternative to that revocation, cancellation, or suspension, a penalty, which the licensee may elect to pay the division in lieu of the revocation, cancellation, or suspension. The maximum penalty shall be $5,000 for each separate offense. The division may, for good cause shown, abate all or part of the penalty;

o. To designate any officer, agent, or employee of the division to be an investigator who shall be vested with all the powers of a peace or police officer of the State of New Jersey;

p. To confer immunity, in the following manner prescribed by section 20 of P.L.2017, c.324 (C.53:2-25);

q. To require any applicant or renewal applicant for registration as a longshoreman, any applicant or renewal applicant for registration as a checker, or any applicant or renewal applicant for registration as a telecommunications system controller and any person who is sponsored for a license as a pier superintendent or hiring agent, any person who is an individual owner of an applicant or renewal applicant stevedore, or any persons who are individual partners of an applicant or renewal applicant stevedore, or any officers, directors, or stockholders owning five percent or more of any of the stock of an applicant or renewal applicant corporate stevedore or any applicant or renewal applicant for a license as a port watchman or any other category of applicant or renewal applicant for registration or licensing within the division's jurisdiction to be fingerprinted by the division at the cost and expense of the applicant or renewal applicant;

r. To exchange fingerprint data with and receive criminal history record information from the Federal Bureau of Investigation and the State Bureau of Identification for use in making the determinations required by this section; and

s. Notwithstanding any other provision of law, rule, or regulation to the contrary, to require any applicant for employment or employee of the division engaged in the implementation or enforcement of P.L.2017, c.324 (C.32:23-229 et al.) to be fingerprinted at the cost and expense of the applicant or employee and to exchange fingerprint data with and receive criminal history record information from the Federal Bureau of Investigation and the State Bureau of Identification for use in the hiring or retention of those persons.

C.53:2-11 License required for pier superintendent, hiring agent.

6. a. A person shall not act as a pier superintendent or as a hiring agent within the port of New York district in this State without first having obtained from the division a license to act as a pier superintendent or hiring agent, as the case may be, and a person shall not employ or engage another person to act as a pier superintendent or hiring agent who is not so licensed.

b. A license to act as a pier superintendent or hiring agent shall be issued only upon the written application, under oath, of the person proposing to employ or engage another person to act as a pier superintendent or hiring agent, verified by the prospective licensee as to the matters concerning the prospective licensee, and shall state the following:

(1) The full name and business address of the applicant;

(2) The full name, residence, business address, if any, place and date of birth, and social security number of the prospective licensee;

(3) The present and previous occupations of the prospective licensee, including the places where the person was employed and the names of the person's employers;

(4) Any further facts and evidence as may be required by the division to ascertain the character, integrity, and identity of the prospective licensee; and

(5) That if a license is issued to the prospective licensee, the applicant will employ the licensee as pier superintendent or hiring agent, as the case may be.

c. A license shall not be granted pursuant to this section:

(1) Unless the division shall be satisfied that the prospective licensee possesses good character and integrity;

(2) If the prospective licensee has, without subsequent pardon, been convicted by a court of the United States, or any State or territory thereof, of the commission of, or the attempt or conspiracy to commit, treason, murder, manslaughter, or any of the following offenses: illegally using, carrying, or possessing a pistol or other dangerous weapon; making or pos-

sessing burglar's instruments; buying or receiving stolen property; unlawful entry of a building; aiding an escape from prison; unlawfully possessing, possessing with intent to distribute, sale, or distribution of a controlled dangerous substance or a controlled dangerous substance analog; or a violation prescribed in subsection g. of this section. Any prospective licensee ineligible for a license by reason of any conviction under this paragraph may submit satisfactory evidence to the division that the prospective licensee has for a period of not less than five years, measured as hereinafter provided, and up to the time of application, so acted as to warrant the grant of a license, in which event the division may, in its discretion, issue an order removing that ineligibility. The five-year period shall be measured either from the date of payment of any fine imposed upon that person or the suspension of sentence or from the date of the person's unrevoked release from custody by parole, commutation, or termination of sentence; and

(3) If the prospective licensee knowingly or willfully advocates the desirability of overthrowing or destroying the government of the United States by force or violence or shall be a member of a group which advocates that desirability, knowing the purposes of a group having that advocacy.

d. When the application shall have been examined and further inquiry and investigation made as the division shall deem proper and when the division shall be satisfied therefrom that the prospective licensee possesses the qualifications and requirements prescribed in this section, the division shall issue and deliver to the prospective licensee a license to act as pier superintendent or hiring agent for the applicant, as the case may be, and shall inform the applicant of this action. The division may issue a temporary permit to any prospective licensee for a license issued under this section pending final action on an application made for that license. Any temporary permit shall be valid for a period not in excess of 30 days.

e. A person shall not be licensed to act as a pier superintendent or hiring agent for more than one employer, except at a single pier or other waterfront terminal, but nothing in P.L.2017, c.324 (C.32:23-229 et al.) shall be construed to limit in any way the number of pier superintendents or hiring agents any employer may employ.

f. A license granted pursuant to this section shall continue through the duration of the licensee's employment by the employer who shall have applied for the license.

g. Any license issued pursuant to this section may be revoked or suspended for a period as the division deems in the public interest or the licensee thereunder may be reprimanded for any of the following offenses:

(1) Conviction of a crime or act by the licensee or other cause which would require or permit the person's disqualification from receiving a license upon original application;

(2) Fraud, deceit, or misrepresentation in securing the license, or in the conduct of the licensed activity;

(3) Violation of any of the provisions of P.L.2017, c.324 (C.32:23-229 et al.);

(4) Unlawfully possessing, possessing with intent to distribute, sale, or distribution of a controlled dangerous substance or a controlled dangerous substance analog;

(5) Employing, hiring, or procuring any person in violation of P.L.2017, c.324 (C.32:23-229 et al.) or inducing or otherwise aiding or abetting any person to violate the terms of P.L.2017, c.324 (C.32:23-229 et al.);

(6) Paying, giving, causing to be paid or given or offering to pay or give to any person any valuable consideration to induce the other person to violate any provision of P.L.2017, c.324 (C.32:23-229 et al.) or to induce any public officer, agent, or employee to fail to perform the person's duty hereunder;

(7) Consorting with known criminals for an unlawful purpose;

(8) Transfer or surrender of possession of the license to any person either temporarily or permanently without satisfactory explanation;

(9) False impersonation of another licensee under P.L.2017, c.324 (C.32:23-229 et al.);

(10) Receipt or solicitation of anything of value from any person other than the licensee's employer as consideration for the selection or retention for employment of any longshoreman;

(11) Coercion of a longshoreman by threat of discrimination or violence or economic reprisal, to make purchases from or to utilize the services of any person;

(12) Lending any money to or borrowing any money from a longshoreman for which there is a charge of interest or other consideration; or

(13) Membership in a labor organization which represents longshoremen or port watchmen; but nothing in this section shall be deemed to prohibit pier superintendents or hiring agents from being represented by a labor organization or organizations which do not also represent longshoremen or port watchmen. The American Federation of Labor, the Congress of Industrial Organizations and any other similar federation, congress, or other organization of national or international occupational or industrial labor organizations shall not be considered an organization which represents

longshoremen or port watchmen within the meaning of this section although one of the federated or constituent labor organizations thereof may represent longshoremen or port watchmen.

C.53:2-12 Licensure required for stevedore.

7. a. A person shall not act as a stevedore within the port of New York district in this State without having first obtained a license from the division, and a person shall not employ a stevedore to perform services as such within the port of New York district unless the stevedore is so licensed.

b. Any person intending to act as a stevedore within the port of New York district shall file in the office of the division a written application for a license to engage in that occupation, duly signed, and verified as follows:

c. If the applicant is a natural person, the application shall be signed and verified by that person and if the applicant is a partnership, the application shall be signed and verified by each natural person composing or intending to compose that 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 division to ascertain the character, integrity, and identity of each natural person signing the application.

d. 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 subsection a. of this section as to a natural person who is a member of a partnership, and the requirements as may be specified in rules and regulations promulgated by the division pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall apply to each above-named 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 the corporation shall forthwith give notice of that fact in writing to the division, certified by the secretary.

e. A license shall not be granted:

(1) If any person whose signature or name appears in the application is not the real party in interest, required by subsection d. of this section, to

sign or to be identified in the application or if the person so signing or named in the application is an undisclosed agent or trustee for any real party in interest;

(2) Unless the division shall be satisfied that the applicant and all members, officers, and stockholders required by subsection d. of this section to sign or be identified in the application for license possess good character and integrity;

(3) Unless the applicant is either a natural person, partnership, or corporation;

(4) Unless the applicant shall be a party to a contract then in force or which will take effect upon the issuance of a license, with a carrier of freight by water for the loading and unloading by the applicant of one or more vessels of such carrier at a pier within the port of New York district;

(5) If the applicant or any member, officer, or stockholder required by subsection d. of this section to sign or be identified in the application for license has, without subsequent pardon, been convicted by a court of the United States or any State or territory thereof of the commission of, or the attempt or conspiracy to commit, treason, murder, manslaughter, or any of the offenses described in subsection h. of this section. Any applicant ineligible for a license by reason of any of those convictions may submit satisfactory evidence to the division that the person whose conviction was the basis of ineligibility has for a period of not less than five years, measured as hereinafter provided and up to the time of application, so acted as to warrant the grant of that license, in which event the division may, in its discretion issue an order removing that ineligibility. The aforesaid period of five years shall be measured either from the date of payment of any fine imposed upon that person or the suspension of sentence or from the date of the person's unrevoked release from custody by parole, commutation, or termination of sentence;

(6) If the applicant has paid, given, caused to have been paid or given, or offered to pay or give to any officer or employee of any carrier of freight by water any valuable consideration for an improper or unlawful purpose or to induce that person to procure the employment of the applicant by the carrier for the performance of stevedoring services; or

(7) If the applicant has paid, given, caused to be paid or given, or offered to pay or give to any officer or representative of a labor organization any valuable consideration for an improper or unlawful purpose or to induce the officer or representative to subordinate the interests of the labor organization or its members in the management of the affairs of the labor organization to the interests of the applicant.

f. When the application shall have been examined and further inquiry and investigation made as the division shall deem proper and when the division shall be satisfied therefrom that the applicant possesses the qualifications and requirements prescribed in this section, the division shall issue and deliver a license to that applicant. The division may issue a temporary permit to any applicant for a license under the provisions of this section pending final action on an application made for a license. A temporary permit shall be valid for a period not in excess of 30 days.

g. A stevedore's license shall be for a term of five years or fraction of that five-year period, and shall expire on the first day of December. In the event of the death of the licensee, if a natural person, or its termination or dissolution by reason of the death of a partner, if a partnership, or if the licensee shall cease to be a party to any contract of the type prescribed by paragraph (4) of subsection e. of section 7 of P.L.2017, c.324 (C.53:2-12), the license shall terminate 90 days after that event or upon its expiration date, whichever shall be sooner. A license may be renewed by the division for successive five-year periods upon fulfilling the same requirements as are established in this section for an original application for a stevedore's license.

h. Any license issued pursuant to this section may be revoked or suspended for a period as the division deems in the public interest or the licensee thereunder may be reprimanded for any of the following offenses on the part of the licensee or of any person required by this section to sign or be identified in an original application for a license:

(1) Conviction of a crime or other cause which would permit or require disqualification of the licensee from receiving a license upon original application;

(2) Fraud, deceit, or misrepresentation in securing the license or in the conduct of the licensed activity;

(3) Failure by the licensee to maintain a complete set of books and records containing a true and accurate account of the licensee's receipts and disbursements arising out of the licensee's activities within the port of New York district in this State;

(4) Failure to keep its books and records available during business hours for inspection by the division and its duly designated representatives until the expiration of the fifth calendar year following the calendar year during which occurred the transactions recorded therein; or

(5) Any other offense described in this section.

i. In addition to the grounds elsewhere established in P.L.2017, c.324 (C.32:23-229 et al.), the division shall not grant an application for a license as stevedore if the applicant has paid, given, caused to have been paid or

given, or offered to pay or give to any agent of any carrier of freight by water any valuable consideration for an improper or unlawful purpose or, without the knowledge and consent of the carrier, to induce the agent to procure the employment of the applicant by the carrier or its agent for the performance of stevedoring services.

C.53:2-13 Longshoremen's register.

8. a. The division shall establish a longshoremen's register in which shall be included all qualified longshoremen eligible, as hereinafter provided, for employment as longshoremen in the port of New York district in this State. A person shall not act as a longshoreman within the port of New York district in this State unless at the time the person is included in the longshoremen's register, and a person shall not employ another to work as a longshoreman within the port of New York district in this State unless at the time the other person is included in the longshoremen's register.

b. Any person applying for inclusion in the longshoremen's register shall file at a place and in a manner as the division shall designate a written statement, signed, and verified by the applicant, setting forth the applicant's full name, residence address, social security number, and any further facts and evidence as the division may prescribe to establish the identity of that person and the person's criminal record, if any.

c. The division may in its discretion deny application for inclusion in the longshoremen's register by a person:

(1) Who has been convicted by a court of the United States or any State or territory thereof, without subsequent pardon, of treason, murder, manslaughter, or of any of the offenses described in subsection g. of section 6 of P.L.2017, c.324 (C.53:2-11) or of attempt or conspiracy to commit any of those crimes;

(2) Who knowingly or willingly advocates the desirability of overthrowing or destroying the government of the United States by force or violence or who shall be a member of a group which advocates that desirability knowing the purposes of the group advocating that desirability; or

(3) Whose presence at the piers or other waterfront terminals in the port of New York district in this State is found by the division, on the basis of the facts and evidence before it, to constitute a danger to the public peace or safety.

d. Unless the division shall determine to exclude the applicant from the longshoremen's register for violation of the offenses described in subsection g. of section 6 of P.L.2017, c.324 (C.53:2-11), it shall include that person in the longshoremen's register. The division may permit temporary

registration of any applicant under the provisions of this section pending final action on an application made for temporary registration. Any temporary registration shall be valid for a period not in excess of 30 days.

e. The division shall have power to reprimand any longshoreman registered under this section or to remove the person from the longshoremen's register for a period of time as it deems in the public interest for any of the following offenses:

(1) Conviction of a crime or other cause which would permit disqualification of a person from inclusion in the longshoremen's register upon original application;

(2) Fraud, deceit, or misrepresentation in securing inclusion in the longshoremen's register;

(3) Transfer or surrender of possession to any person either temporarily or permanently of any card or other means of identification issued by the authority as evidence of inclusion in the longshoremen's register, without satisfactory explanation;

(4) False impersonation of another longshoreman registered under this section or of another person licensed pursuant to P.L.2017, c.324 (C.32:23-229 et al.);

(5) Willful commission of or willful attempt to commit at or on a waterfront terminal or adjacent highway any act of physical injury to any other person or of willful damage to or misappropriation of any other person's property, unless justified or excused by law; and

(6) Any other offense described in subsection g. of section 6 of P.L.2017, c.324 (C.53:2-11).

f. Whenever, as a result of amendments to P.L.2017, c.324 (C.32:23-229 et al.) or of a ruling by the division, registration as a longshoreman is required for any person to continue in employment, that person shall be registered as a longshoreman; provided, however, that the person satisfies all the other requirements of P.L.2017, c.324 (C.32:23-229 et al.) for registration as a longshoreman.

g. The division shall have the right to recover possession of any card or other means of identification issued as evidence of inclusion in the longshoremen's register in the event that the holder thereof has been removed from the longshoremen's register.

h. Nothing contained in P.L.2017, c.324 (C.32:23-229 et al.) shall be construed to limit in any way any labor rights reserved by P.L.2017, c.324 (C.32:23-229 et al.).

C.53:2-14 Removal of certain persons from longshoremen's register.

9. a. The division shall, at regular intervals, remove from the longshoremen's register any person who shall have been registered for at least nine months and who shall have failed during the preceding six calendar months either to have worked as a longshoreman in the port of New York district in this State or to have applied for employment as a longshoreman at an employment information center established under section 16 of P.L.2017, c.324 (C.53:2-21) for the minimum number of days as shall have been established by the division pursuant to subsection b. of this section.

b. On or before the first day of June following the date on which P.L.2017, c.324 (C.32:23-229 et al.) becomes operative, and on or before each succeeding first day of June or December, the division shall, for the purposes of P.L.2017, c.324 (C.32:23-229 et al.), establish for the six-month period beginning on each date a minimum number of days and the distribution of the days during that period.

c. In establishing any minimum number of days or period, the division shall consult with the collective bargaining representatives of stevedores and other employers of longshoremen in the port of New York district and with labor organizations representing longshoremen in the district.

d. A longshoreman who has been removed from the longshoremen's register pursuant to subsection e. of section 8 of P.L.2017, c.324 (C.53:2-13) may seek reinstatement upon fulfilling the same requirements as for initial inclusion in the longshoremen's register, but not before the expiration of one year from the date of removal, except that immediate reinstatement shall be made upon proper showing that the registrant's failure to work or apply for work for the minimum number of days, described in subsection c. of this section, was caused by the fact that the registrant was engaged in the military service of the United States or was incapacitated by ill health, physical injury, or other good cause.

e. Notwithstanding any other provision of P.L.2017, c.324 (C.32:23-229 et al.), the division shall at any time have the power to register longshoremen on a temporary basis to meet special or emergency needs.

C. 53:2-15 Power of division to remove persons from longshoremen's register.

10. Notwithstanding any other provisions of P.L.2017, c.324 (C.32:23-229 et al.), the division shall have the power to remove from the longshoremen's register any person, including a person registered as longshoremen for less than nine months, who shall have failed to have worked as a longshoreman in the port of New York district in this State for a minimum number of days during a period of time as shall have been established by the

division. In administering this section, the division, in its discretion, may count applications for employment as a longshoreman at an employment information center established pursuant to section 16 of P.L.2017, c.324 (C.53:2-21) as constituting actual work as a longshoreman, provided, however, that the division shall count as actual work the compensation received by any longshoreman pursuant to the guaranteed wage provisions of any collective bargaining agreement relating to longshoremen. Prior to the commencement of any period of time established by the division pursuant to this section, the division shall establish for that period the minimum number of days of work required and the distribution of days during that period and shall also determine whether or not application for employment as a longshoreman shall be counted as constituting actual work as a longshoreman. The division may classify longshoremen according to length of service as a longshoreman and develop other criteria as may be reasonable and necessary to carry out the provisions of P.L.2017, c.324 (C.32:23-229 et al.). The division shall have the power to vary the requirements of this section with respect to their application to the various classifications of longshoremen. In administering this section, the division shall observe the standards set forth in section 2 of P.L.1966, c.18 (C.32:23-114), as that section shall have been amended through the enactment of P.L.1999, c.206. Nothing in this section shall be construed to modify, limit, or restrict in any way any of the rights protected by section 23 of P.L.2017, c.324 (C.53:2-28).

C.53:2-16 List of qualified longshoremen for employment as checkers.

11. a. The division shall establish within the longshoremen's register a list of all qualified longshoremen eligible, as hereinafter provided, for employment as checkers in the port of New York district in this State. A person shall not act as a checker within the port of New York district in this State unless at the time the person is included in the longshoremen's register as a checker, and a person shall not employ another to work as a checker within the port of New York district in this State unless at the time such other person is included in the longshoremen's register as a checker.

b. Any person applying for inclusion in the longshoremen's register as a checker shall file at a place and in a manner as the division shall designate a written statement, signed, and verified by the applicant, setting forth the following:

(1) The full name, residence, place and date of birth, and social security number of the applicant;

(2) The present and previous occupations of the applicant, including the places where the applicant was employed and the names of the applicant's employers; and

(3) Any further facts and evidence as may be required by the authority to ascertain the character, integrity, and identity of the applicant.

c. A person shall not be included in the longshoremen's register as a checker:

(1) Unless the division shall be satisfied that the applicant possesses good character and integrity;

(2) If the applicant has, without subsequent pardon, been convicted by a court of the United States or any State or territory thereof, of the authority of, or the attempt or conspiracy to commit treason, murder, manslaughter, or any of the following offenses: illegally using, carrying or possessing a pistol or other dangerous weapon; making or possessing burglar's instruments; buying or receiving stolen property; unlawful entry of a building; aiding an escape from prison; unlawfully possessing, possessing with intent to distribute, sale or distribution of a controlled dangerous substance or a controlled dangerous substance analog; petty larceny, where the evidence shows the property was stolen from a vessel, pier or other waterfront terminal; or a violation of P.L.2017, c.324 (C.32:23-229 et al.). An applicant ineligible for inclusion in the longshoremen's register as a checker by reason of a conviction may submit satisfactory evidence to the division that the applicant has for a period of not less than five years, measured as hereinafter provided, and up to the time of application, so acted as to warrant inclusion in the longshoremen's register as a checker, in which event the division may, in its discretion, issue an order removing the applicant's ineligibility. The five-year period shall be measured either from the date of payment of any fine imposed upon that person or the suspension of sentence or from the date of the person's unrevoked release from custody by parole, commutation, or termination of sentence; or

(3) If the applicant knowingly or willfully advocates the desirability of overthrowing or destroying the government of the United States by force or violence or shall be a member of a group which advocates that desirability, knowing the purposes of the group advocating that desirability.

d. When the application shall have been examined and further inquiry and investigation made as the division shall deem proper and when the division shall be satisfied therefrom that the applicant possesses the qualifications and requirements prescribed by this section, the division shall include the applicant in the longshoremen's register as a checker. The division may permit temporary registration as a checker to any applicant under this sec-

tion pending final action on an application made for temporary registration, under the terms and conditions as the division may prescribe, which shall be valid for a period to be fixed by the division, not in excess of six months.

e. The division shall have power to reprimand any checker registered under this section or to remove the person from the longshoremen's register as a checker for a period of time as the division deems in the public interest for any of the following offenses:

(1) Conviction of a crime or other cause which would permit disqualification of the person from inclusion in the longshoremen's register as a checker upon original application;

(2) Fraud, deceit, or misrepresentation in securing inclusion in the longshoremen's register as a checker or in the conduct of the registered activity;

(3) Violation of any of the provisions of P.L.2017, c.324 (C.32:23-229 et al.);

(4) Unlawfully possessing, possessing with intent to distribute, sale, or distribution of a controlled dangerous substance or a controlled dangerous substance analog;

(5) Inducing or otherwise aiding or abetting any person to violate the terms of P.L.2017, c.324 (C.32:23-229 et al.);

(6) Paying, giving, causing to be paid or given, or offering to pay or give to any person any valuable consideration to induce the other person to violate any provision of P.L.2017, c.324 (C.32:23-229 et al.) or to induce any public officer, agent, or employee to fail to perform the person's duty under P.L.2017, c.324 (C.32:23-229 et al.);

(7) Consorting with known criminals for an unlawful purpose;

(8) Transfer or surrender of possession to any person either temporarily or permanently of any card or other means of identification issued by the division as evidence of inclusion in the longshoremen's register without satisfactory explanation; or

(9) False impersonation of another longshoreman or of another person licensed under P.L.2017, c.324 (C.32:23-229 et al.).

f. The division shall have the right to recover possession of any card or other means of identification issued as evidence of inclusion in the longshoremen's register as a checker in the event that the holder thereof has been removed from the longshoremen's register as a checker.

g. Nothing contained in this section shall be construed to limit in any way any rights of labor reserved by section 23 of P.L.2017, c.324 (C.53:2-28).

C.53:2-17 Applications for inclusion in longshoremen's register.

12. The division shall accept applications for inclusion in the longshoremen's register upon:

a. the joint recommendation in writing of stevedores and other employers of longshoremen in the port of New York district in this State, acting through their representative for the purposes of collective bargaining with a labor organization representing the longshoremen in the district, and that labor organization; or

b. the petition in writing of a stevedore or other employer of longshoremen in the port of New York district in this State which does not have a representative for the purposes of collective bargaining with a labor organization representing those longshoremen.

C.53:2-18 Licensure for port watchmen.

13. a. A person shall not act as a port watchman within the port of New York district in this State without first having obtained a license from the division, and a person shall not employ a port watchman who is not so licensed.

b. A license to act as a port watchman shall be issued only upon written application, duly verified, which shall state the following:

(1) The full name, residence, business address, if any, place, and date of birth, and social security number of the applicant;

(2) The present and previous occupations of the applicant, including the places where the applicant was employed and the names of the applicant's employers;

(3) The citizenship of the applicant and, if the person is a naturalized citizen of the United States, the court and date of naturalization; and

(4) Any further facts and evidence as may be required by the division to ascertain the character, integrity, and identity of the applicant.

c. A port watchman license shall not be granted:

(1) Unless the division shall be satisfied that the applicant possesses good character and integrity;

(2) If the applicant has, without subsequent pardon, been convicted by a court of the United States or of any State or territory thereof of the authority of, or the attempt or conspiracy to commit, treason, murder, manslaughter or any of the offenses described in subsection g. of section 6 of P.L.2017, c.324 (C.53:2-11);

(3) Unless the applicant shall meet reasonable standards of physical and mental fitness for the discharge of a port watchman's duties as may from time to time be established by the division;

(4) If the applicant shall be a member of any labor organization which represents longshoremen or pier superintendents or hiring agents; but nothing in P.L.2017, c.324 (C.32:23-229 et al.) shall be deemed to prohibit port watchmen from being represented by a labor organization or organizations which do not also represent longshoremen or pier superintendents or hiring agents. The American Federation of Labor, the Congress of Industrial Organizations (AFL-CIO) and any other similar federation, congress, or other organization of national or international occupational or industrial labor organizations shall not be considered a labor organization which represents longshoremen or pier superintendents or hiring agents within the meaning of this section although one of the federated or constituent labor organizations thereof may represent longshoremen or pier superintendents or hiring agents;

(5) If the applicant knowingly or willfully advocates the desirability of overthrowing or destroying the government of the United States by force or violence or shall be a member of a group which advocates that desirability, knowing the purposes of the group's advocacy.

d. When the application shall have been examined and further inquiry and investigation made as the division shall deem proper and when the authority shall be satisfied therefrom that the applicant possesses the qualifications and requirements prescribed in this section and regulations issued pursuant thereto, the division shall issue and deliver a license to the applicant. The division may issue a temporary permit to any applicant for a license under the provisions of this section pending final action on an application made for that license. Any temporary permit shall be valid for a period not in excess of 30 days.

e. A license granted pursuant to this section shall continue for a term of three years. A license may be renewed by the division for successive three-year periods upon fulfilling the same requirements established in this section for an original application.

f. Notwithstanding any provision of this section, a license to act as a port watchman shall continue indefinitely and need not be renewed, provided that the licensee shall, as required by the division:

(1) Submit to a medical examination and meet the physical and mental fitness standards may be established by the division;

(2) Complete a refresher course of training; and

(3) Submit supplementary personal history information.

g. Any license issued pursuant to this section may be revoked or suspended for a period as the division deems in the public interest or the licensee thereunder may be reprimanded for any of the following offenses:

(1) Conviction of a crime or other cause which would permit or require the holder's disqualification from receiving a license upon original application;

(2) Fraud, deceit, or misrepresentation in securing the license; and

(3) Any other offense described in subsection g. of section 6 of P.L.2017, c.324 (C.53:2-11).

h. The division shall, at regular intervals, cancel the license or temporary permit of a port watchman who has failed during the preceding 12 months to work as a port watchman in the port of New York district in this State a minimum number of hours as established by the division, except that the division shall immediately restore the license or temporary permit upon a proper showing that the failure to so work was caused by the fact that the licensee or permit holder was engaged in the military service of the United States or was incapacitated by ill health, physical injury, or other good cause.

i. Any port watchman ineligible for a license by reason pursuant to this section may petition for and the division may issue an order removing the ineligibility. A petition for an order to remove an ineligibility may be made to the division before or after the hearing required by section 14 of P.L.2017, c.324 (C.53:2-19).

C.53:2-19 Reasonable prior notice, hearing prior to denial of license, registration.

14. a. The division shall not deny any application for a license or registration without giving the applicant or prospective licensee reasonable prior notice and an opportunity to be heard at a hearing conducted by the division.

b. Any application for a license or for inclusion in the longshoremen's register, and any license issued or registration made, may be denied, revoked, cancelled, or suspended as the case may be, only in the manner prescribed in this section.

c. The division may on its own initiative or on complaint of any person, including any public official or agency, institute proceedings to revoke, cancel, or suspend any license or registration after a hearing at which the licensee or registrant and any person making a complaint shall be given an opportunity to be heard, provided that any order of the division revoking, cancelling, or suspending any license or registration shall not become effective until 15 days subsequent to the serving of notice thereof upon the licensee or registrant unless in the opinion of the division the continuance of the license or registration for that period would be inimical to the public peace or safety. The hearing shall be held in a manner and upon notice as may be prescribed by the rules of the division, but the notice shall be of not less than 10 days and shall state the nature of the complaint.

d. Pending the determination of a hearing pursuant to this section, the division may temporarily suspend a license or registration if, in the opinion of the division, the continuance of the license or registration for that 15-day period, pursuant to subsection c. of this section, is inimical to the public peace or safety.

e. The division, or a member, officer, employee, or agent of the division as may be designated by the division for such purpose, shall have the power to issue subpoenas to compel the attendance of witnesses and the giving of testimony or production of other evidence and to administer oaths in connection with a hearing. It shall be the duty of the division or of any member, officer, employee, or agent of the division designated by the division for that purpose to issue subpoenas at the request of and upon behalf of the licensee, registrant, or applicant. The person conducting the hearing on behalf of the division shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure in conducting the hearing.

f. Upon the conclusion of the hearing, the division shall take action upon the findings and determination as the division deems proper and shall execute an order carrying its findings into effect. The action in the case of an application for a license or registration shall be the granting or denial thereof. The action in the case of a licensee shall be revocation of the license or suspension thereof for a fixed period or reprimand or a dismissal of the charges. The action in the case of a registered longshoreman shall be dismissal of the charges, reprimand, or removal from the longshoremen's register for a fixed period or permanently.

g. The action of the division, in denying any application for a license or in refusing to include any person in the longshoremen's register established pursuant to section 8 of P.L.2017, c.324 (C.53:2-13), or in suspending or revoking a license or removing any person from the longshoremen's register or in reprimanding a licensee, or registrant, shall be subject to judicial review by a proceeding instituted in this State at the instance of the applicant, licensee, or registrant in the manner provided by State law for review of the final decision or action of an administrative agency of the State; provided, however, that notwithstanding any other provision of law, the court shall have power to stay for not more than 30 days an order of the division suspending or revoking a license or removing a longshoreman from the longshoremen's register.

C.53:2-20 Hearings, right to counsel, reopening, rehearing.

15. a. At hearings conducted by the division, pursuant to section 14 of P.L.2017, c.324 (C.53:2-19), applicants, prospective licensees, licensees,

and registrants shall have the right to be accompanied and represented by counsel.

b. After the conclusion of a hearing but prior to the making of an order by the division, a hearing may, upon petition and in the discretion of the hearing officer, be reopened for the presentation of additional evidence. A petition to reopen the hearing shall state in detail the nature of the additional evidence, together with the reasons for the failure to submit such evidence prior to the conclusion of the hearing. The division may upon its own motion and upon reasonable notice reopen a hearing for the presentation of additional evidence. Upon petition, after the making of an order of the division, rehearing may be granted in the discretion of the division. A petition for rehearing shall state in detail the grounds upon which the petition is based and shall separately set forth each error of law and fact alleged to have been made by the division in its determination, together with the facts and arguments in support thereof. The petition shall be filed with the division not later than 30 days after service of the division's order, unless the division for good cause shown shall otherwise direct. The division may upon its own motion grant a rehearing after the making of an order.

C.53:2-21 Designation of division on own behalf, agent of the State.

16. a. The division is hereby designated on its own behalf or as agent of the State of New Jersey, as provided by the act of Congress of the United States, effective June 6, 1933, entitled "An act to provide for the establishment of a national employment system and for co-operation with the states in the promotion of such system and for other purposes," as amended, for the purpose of obtaining the benefits of that act of Congress as are necessary or appropriate to the establishment and operation of employment information centers authorized by this section.

b. The division shall have all powers necessary to take steps to formulate plans and to execute projects related to the establishment and operation of employment information centers, as may be necessary to obtain any benefits for the operation of employment information centers in accomplishing the purposes of P.L.2017, c.324 (C.32:23-229 et al.).

c. Any officer or agency designated by this State, pursuant to the act of June 6, 1933, as amended, is authorized and empowered, upon the request of the division and subject to its direction, to exercise the powers and duties conferred upon the division by the provisions of this section.

d. The division shall establish and maintain one or more employment information centers within the port of New York district in this State at locations as the division may determine. A person shall not, directly or indi-

rectly, hire any person for work as a longshoreman or port watchman within the port of New York district in this State, except through an employment information center as may be prescribed by the division. A person shall not accept any employment as a longshoreman or port watchman within the port of New York district in this State, except through an employment information center. At each employment information center, the division shall keep and exhibit the longshoremen's register and any other records the division shall determine to the end that longshoremen and port watchmen shall have the maximum information as to available employment at any time within the port of New York district in this State and that employers shall have an adequate opportunity to fill their requirements of registered longshoremen and port watchmen at all times.

e. Every employer of longshoremen or port watchmen within the port of New York district in this State shall furnish information as may be required by the rules and regulations prescribed by the division 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.

C.53:2-22 Telecommunication hiring system.

17. a. The division may designate one of the employment information centers it is authorized to establish and maintain under section 16 of P.L.2017, c.324 (C.53:2-21) for the implementation of a telecommunications hiring system through which longshoremen and checkers may be hired and accept employment without any personal appearance at the center. The telecommunications hiring system shall incorporate hiring and seniority agreements between the employers of longshoremen and checkers and the labor organizations representing longshoremen and checkers in the port of New York district in this State, provided the agreements are not in conflict with the provisions of P.L.2017, c.324 (C.32:23-229 et al.).

b. The division shall permit employees of the management organizations representing employers of longshoremen and checkers in the port of New York district in this State, and of the labor organizations representing longshoremen and checkers in the port of New York district in this State, or of a joint board of these management and labor organizations, to participate in the operation of the telecommunications hiring system, if these employees are registered by the division as "telecommunications system controllers," with respect to the registration of checkers. A person shall not act as a "telecommunications system controller" unless that person is registered. An application for registration and a registration made or issued may be

denied, revoked, cancelled, or suspended, as the case may be, only in the manner prescribed in section 11 of P.L.2017, c.324 (C.53:2-16). Participation in the operation of the telecommunications hiring system shall be monitored by the division.

c. The records, documents, tapes, discs, and other data compiled, collected or maintained by a management organization, a labor organization, and a joint board of these management and labor organizations pertaining to the telecommunications hiring system shall be available for inspection, investigation, and duplication by the division.

C.53:2-23 Additional grounds for denial of application, registration.

18. In addition to the grounds elsewhere established in P.L.2017, c.324 (C.32:23-229 et al.), the division may deny an application for a license or registration for any of the following:

a. Conviction by a court of the United States or any State or territory thereof of coercion;

b. Conviction by a court described in subsection a. of this section, after having been previously convicted by that court of any crime or of the offenses hereinafter set forth, or any of the following offenses: assault, malicious injury to property, malicious mischief, unlawful taking of a motor vehicle, corruption of employees or possession of illegal betting number slips;

c. Fraud, deceit or misrepresentation in connection with any application or petition submitted to, or any interview, hearing or proceeding conducted by the division or commission;

d. Violation of any provision of P.L.2017, c.324 (C.32:23-229 et al.) or commission of any offense thereunder;

e. Refusal on the part of any applicant, or prospective licensee, or of any member, officer or stockholder required by section 7 of P.L.2017, c.324 (C.53:2-12) to sign or be identified in an application for a stevedore license, to answer any material question or produce any material evidence in connection with the person's application or any application made on the person's behalf for a license or registration pursuant to section 7 of P.L.2017, c.324 (C.53:2-12);

f. Association with a person who has been identified by a federal, State, or local law enforcement agency as a member or associate of an organized crime group, a terrorist group, or a career offender cartel, or who is a career offender, under circumstances where that association creates a reasonable belief that the participation of the applicant in any activity required to be licensed or registered under P.L.2017, c.324 (C.32:23-229 et al.) would be inimical to the purposes of P.L.2017, c.324 (C.32:23-229 et al.); or

g. Conviction of a racketeering activity or knowing association with a person who has been convicted of a racketeering activity by a court of the United States, or any State or territory thereof under circumstances where that association creates a reasonable belief that the participation of the applicant in any activity required to be licensed or registered under P.L.2017, c.324 (C.32:23-229 et al.) would be inimical to the purposes of P.L.2017, c.324 (C.32:23-229 et al.).

C.53:2-24 Additional grounds for revocation, suspension of license, registration.

19. In addition to the grounds elsewhere set forth in P.L.2017, c.324 (C.32:23-229 et al.), any license or registration issued or made pursuant thereto may be revoked or suspended for a period as the division deems in the public interest or the licensee or registrant may be reprimanded, for:

a. Conviction of any crime or offense in relation to illegal gambling, bookmaking, or similar crimes or offenses if the crime or offense was committed at or on a pier or other waterfront terminal or within 500 feet thereof;

b. Willful authority of, or willful attempt to commit at or on a waterfront terminal or adjacent highway, any act of physical injury to any other person or of willful damage to or misappropriation of any other person's property, unless justified or excused by law;

c. Receipt or solicitation of anything of value from any person other than a licensee's or registrant's employer as consideration for the selection or retention for employment of a licensee or registrant;

d. Coercion of a licensee or registrant by threat of discrimination or violence or economic reprisal, to make purchases from or to utilize the services of any person;

e. Refusal to answer any material question or produce any evidence lawfully required to be answered or produced at any investigation, interview, hearing, or other proceeding conducted by the division pursuant to section 14 of P.L.2017, c.324 (C.53:2-19), or, if the refusal is accompanied by a valid plea of privilege against self-incrimination, refusal to obey an order to answer the question or produce any evidence made by the division pursuant to section 14 of P.L.2017, c.324 (C.53:2-19); or

f. Association with a person who has been identified by a federal, State, or local law enforcement agency as a member or associate of an organized crime group, a terrorist group, or a career offender cartel, or who is a career offender, under circumstances where that association creates a reasonable belief that the participation of the licensee or registrant in any activity required to be licensed or registered under P.L.2017, c.324 (C.32:23-

229 et al.) would be inimical to the purposes of P.L.2017, c.324 (C.32:23-229 et al.); or

g. Conviction of a racketeering activity or knowing association with a person who has been convicted of a racketeering activity by a court of the United States, or any State, or territory thereof under circumstances where that association creates a reasonable belief that the participation of the licensee or registrant in any activity required to be licensed or registered under P.L.2017, c.324 (C.32:23-229 et al.) would be inimical to the purposes of P.L.2017, c.324 (C.32:23-229 et al.).

C.53:2-25 Refusal to answer question; immunity; prosecution.

20. a. In any investigation, interview, or other proceeding conducted under oath by the division or any duly authorized officer, employee, or agent thereof, if a person refuses to answer a question or produce evidence of any other kind on the ground that the person may be incriminated thereby, and notwithstanding the refusal, an order is made upon 24 hours' prior written notice to the Attorney General of the State of New Jersey, and to the appropriate district attorney or prosecutor having an official interest therein, by the Superintendent of the division or the superintendent's designee, that the person answer the question or produce the evidence, the person shall comply with the order. If the person complies with the order, and if, but for this section, would have been privileged to withhold the answer given or the evidence produced by the person, then immunity shall be conferred upon the person, as provided for herein. Immunity shall not be conferred upon any person except in accordance with the provisions of this section. If, after compliance with the provisions of this section, a person is ordered to answer a question or produce evidence of any other kind and complies with the order, and it is thereafter determined that the Attorney General or appropriate district attorney or prosecutor having an official interest therein was not notified, that failure or neglect shall not deprive that person of any immunity otherwise properly conferred upon the person. But the person may nevertheless be prosecuted or subjected to penalty or forfeiture for any perjury or contempt committed in answering, or failing to answer, or in producing or failing to produce evidence, in accordance with the order, and any answer given or evidence produced shall be admissible against the person upon any criminal proceeding concerning such perjury or contempt.

b. If a person, in obedience to a subpoena directing the person to attend and testify, is in this State or comes into this State from the State of New York, the person shall not, while in this State pursuant to such subpoena, be subject to arrest or the service of process, civil or criminal, in

connection with matters which arose before the person's entrance into this State under the subpoena.

C.53:2-26 Temporary suspension.

21. a. The division may temporarily suspend a temporary permit or a permanent license or a temporary or permanent registration issued pursuant to the provisions of P.L.2017, c.324 (C.32:23-229 et al.) until further order of the division or final disposition of the underlying case, only where the permittee, licensee, or registrant has been indicted for, or otherwise charged with, a crime which is equivalent to a crime of the third, second, or first degree in this State or only where the permittee or licensee is a port watchman who is charged by the division pursuant to section 13 of P.L.2017, c.324 (C.53:2-18) with misappropriating any other person's property at or on a pier or other waterfront terminal.

b. In the case of a permittee, licensee, or registrant who has been indicted for, or otherwise charged with, a crime, the temporary suspension shall terminate immediately upon acquittal or upon dismissal of the criminal charge. A person whose permit, license, or registration has been temporarily suspended may, at any time, demand that the division conduct a hearing as provided for in section 14 of P.L.2017, c.324 (C.53:2-19). Within 60 days of the demand, the division shall commence the hearing and, within 30 days of receipt of the administrative law judge's report and recommendation, the division shall render a final determination thereon; provided, however, that these time requirements, shall not apply for any period of delay caused or requested by the permittee, licensee, or registrant. Upon failure of the division to commence a hearing or render a determination within the time limits prescribed herein, the temporary suspension of the permittee, licensee, or registrant shall immediately terminate. Notwithstanding any other provision of this subsection, if a federal, State, or local law enforcement agency or prosecutor's office shall request the suspension or deferment of any hearing on the ground that the hearing would obstruct or prejudice an investigation or prosecution, the division may in its discretion, postpone or defer the hearing for a time certain or indefinitely. Any action by the division to postpone a hearing shall be subject to immediate judicial review as provided in subsection b. of this section.

c. The division may, within its discretion, bar any permittee, licensee, or registrant who has been suspended pursuant to the provisions of subsection a. of this section, from any employment by a licensed stevedore or a carrier of freight by water, if that individual has been indicted or otherwise charged in any federal, State, or territorial proceeding with any crime in-

volving the possession with intent to distribute, sale, or distribution of a controlled dangerous substance or controlled dangerous substance analog, racketeering, or theft from a pier or waterfront terminal.

C.53:2-27 Division authorized to co-operate with commission, other public entity.

22. The division is authorized to co-operate with the commission, a similar authority, or other public entity of the State of New York, to exchange information on any matter pertinent to the purposes of P.L.2017, c.324 (C.32:23-229 et al.), and to enter into reciprocal agreements for the accomplishment of those purposes, including, but not limited to, the following objectives:

a. To provide for the reciprocal recognition of any license issued or registration made by the commission;

b. To give reciprocal effect to any revocation, suspension, or reprimand with respect to any licensee, and any reprimand or removal from a longshoremen's register;

c. To provide that any act or omission by a licensee or registrant in either State which would be a basis for disciplinary action against the licensee or registrant if it occurred in the state in which the license was issued or the person registered shall be the basis for disciplinary action in either state; and

d. To provide that longshoremen registered in either state, who perform work or who apply for work at an employment information center within the other State shall be deemed to have performed work or to have applied for work in the State in which they are registered.

C.53:2-28 Construction of act.

23. a. The provisions of P.L.2017, c.324 (C.32:23-229 et al.) are not designed and shall not be construed to limit in any way any rights granted or derived from any other statute or any rule of law for employees to organize in labor organizations, to bargain collectively and to act in any other way individually, collectively, and through labor organizations or other representatives of their own choosing. Without limiting the generality of the foregoing, nothing contained in P.L.2017, c.324 (C.32:23-229 et al.) shall be construed to limit in any way the right of employees to strike.

b. The provisions of P.L.2017, c.324 (C.32:23-229 et al.) are not designed and shall not be construed to limit in any way any rights of longshoremen, hiring agents, pier superintendents, or port watchmen or their employers to bargain collectively and agree upon any method for the selection of those employees by way of seniority, experience, regular gangs, or otherwise; provided, that those employees shall be licensed or registered

hereunder and longshoremen and port watchmen shall be hired only through the employment information centers established hereunder and that all other provisions of P.L.2017, c.324 (C.32:23-229 et al.) be observed.

C.53:2-29 Transfer of officers, employees.

24. a. Any officer or employee in the State, county, or municipal civil service in either State who shall transfer to service with the division may be given one or more leaves of absence without pay and may, before the expiration of the leave or leaves of absence, and without further examination or qualification, return to the person's former position or be certified by the appropriate civil service agency for retransfer to a comparable position in the State, county, or municipal civil service if a comparable position is then available.

b. The division may, by agreement with any federal agency from which any officer or employee may transfer to service with the division to undertake any of the duties or responsibilities established pursuant to P.L.2017, c.324 (C.32:23-229 et al.), make similar provision for the retransfer of the officer or employee to that federal agency.

c. Notwithstanding the provisions of any other law, rule, or regulation, any officer or employee in the State, county, or municipal service in either State who shall transfer to service with the division and who is a member of any existing State, county, or municipal pension or retirement system in New Jersey or New York, shall continue to have all rights, privileges, obligations, and status with respect to that fund, system, or systems as if the person had continued in State, county, or municipal office or employment, but during the period of service as a member, officer, or employee of the division, all contributions to any pension or retirement fund or system to be paid by the employer on account of the member, officer, or employee, shall be paid by the State Treasurer. The division may, by agreement with the appropriate federal agency, make similar provisions relating to continuance of retirement system membership for any federal officer or employee so transferred.

C.53:2-30 Annual adoption of budget.

25. a. The division shall annually adopt a budget of its expenses for each year for the purposes of its duties and responsibilities under P.L.2017, c.324 (C.32:23-229 et al.). Each budget shall be submitted to the Governor and the budget shall be adjusted accordingly.

b. After taking into account funds as may be available to the division from reserves, federal grants or otherwise, the balance of the division's budgeted expenses for the performance of its functions and duties under

P.L.2017, c.324 (C.32:23-229 et al.) shall be assessed upon employers of persons registered or licensed pursuant to P.L.2017, c.324 (C.32:23-229 et al.). Each employer shall pay to the State Treasurer, for placement within the General Fund, an assessment computed upon the gross payroll payments made by that employer to longshoremen, pier superintendents, hiring agents, and port watchmen for work or labor performed within the port of New York district in this State, at a rate, not in excess of two percent, computed by the division in the following manner: the division shall annually estimate the gross payroll payments to be made by employers subject to assessment and shall compute a rate thereon which will yield revenues sufficient to finance the division's budget for the performance of those functions and duties under P.L.2017, c.324 (C.32:23-229 et al.) for each year. That budget may include a reasonable amount for a reserve, but the amount shall not exceed 10 percent of the total of all other items of expenditure contained therein. The reserve shall be used for the stabilization of annual assessments, the payment of operating deficits, and for the repayment of advances made by the State, if any.

c. The amount required to balance the division's budgeted expenses for the performance of its functions and duties under P.L.2017, c.324 (C.32:23-229 et al.), in excess of the estimated yield of the maximum assessment, shall be certified by the division, with the approval of the Governor, in proportion to the gross annual wage payments made to longshoremen for work within the port of New York district in this State. The Legislature shall annually appropriate to the division the amount so certified.

d. The division may provide by regulation for the collection and auditing of assessments. In addition to any other sanction provided by law, the division may revoke or suspend any license held by any person under P.L.2017, c.324 (C.32:23-229 et al.), or the person's privilege of employing persons registered or licensed hereunder, for non-payment of any assessment when due.

e. The assessment hereunder shall be in lieu of any other charge for the issuance of licenses to stevedores, pier superintendents, hiring agents, and port watchmen or for the registration of longshoremen or use of an employment information center. The division shall establish reasonable procedures for the consideration of protests by affected employees concerning the estimates and computation of the rate of assessment.

C.53:2-31 Payment of assessment.

26. a. (1) Every person subject to the payment of any assessment under the provisions of section 25 of P.L.2017, c.324 (C.53:2-30) shall file on or

before the 15th 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 payroll payments were made to longshoremen, pier superintendents, hiring agents, or port watchmen for work performed by those employees within the port of New York district in this State. Returns covering the amount of assessment payable shall be filed with the division on forms to be furnished for that purpose and shall contain data, information, or matter as the division may require to be included therein. The division 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 that person's employment of longshoremen, pier superintendents, hiring agents, or port watchmen, which shall show the amount of compensation paid and other information as the division may require. Those records shall be preserved for a period of three years and be open for inspection at reasonable times. The division may consent to the destruction of the 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 division 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 division shall give notice of the determination to the person liable therefor. The determination shall finally and conclusively fix the amount due, unless the person against whom the assessment is assessed shall, within 30 days after the giving of notice of the determination, apply in writing to the division for a hearing, or unless the division on its own motion shall reduce the assessment. After the hearing, the division shall give notice of its decision to the person liable therefor. A determination of the division under this section shall be subject to judicial review, if application for that review is made within 30 days after the giving of notice of the 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, the determination may be made at any time.

(b) Any notice authorized or required under this section may be given by mailing the notice to the person for whom it is intended at the last address that the person shall have given to the division, or in the last return filed with the division under this section, or, if a return has not been filed, then to an address as may be obtainable. The mailing of the notice shall be presumptive evidence of the receipt of it by the person to whom the notice

is addressed. Any period of time, which is determined for the giving of notice shall commence to run from the date of mailing of the 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 division under the provisions of this section, the division may enforce payment of the assessment by civil action for the amount of the 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 this State or the designation by a nonresident of a longshoreman, pier superintendent, hiring agent, or port watchman to perform work in this State shall be deemed equivalent to an appointment by the nonresident of the Secretary of 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 process against the nonresident which is served shall be of the same legal force and validity as if served personally within the State and within the territorial jurisdiction of the court from which the process issues. Service of process within the State shall be made by either:

(a) personally delivering to and leaving with the Secretary of State duplicate copies thereof at the office of the Department of State, in which event the Secretary of State shall forthwith send by registered mail one of the copies to the person at the last address designated by the person to the division for any purpose under this section or in the last return filed by the person under this section with the division or as shown on the records of the division, or if no return has been filed, at the person's last known office address within or outside of the State; or

(b) personally delivering to and leaving with the Secretary of State a copy thereof at the office of the Department of State and by delivering a copy thereof to the person, personally outside of the State. Proof of personal service outside of the State shall be filed with the clerk of the court in which the process is pending within 30 days after that service and the service shall be deemed complete 10 days after proof thereof is filed.

(6) Whenever the division shall determine that any monies received as assessments were paid in error, it may cause the same to be refunded, provided an application therefor is filed with the division within two years from the time the erroneous payment was made.

(7) In addition to any other powers authorized hereunder, the division shall have power to make reasonable rules and regulations, pursuant to the

provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of this section.

(8) Any person who shall willfully fail to pay any assessment due hereunder shall be assessed interest at a rate of one percent per month on the amount due and unpaid and penalties of five percent of the amount due for each 30 days or part thereof that the assessment remains unpaid. The division may, for good cause shown, abate all or part of that penalty.

(9) Any person who shall willfully furnish false or fraudulent information or shall willfully fail to furnish pertinent information, as required, with respect to the amount of assessment due, shall be guilty of a disorderly persons offense.

(10) All funds of the division received as payment of any assessment or penalty under this section shall be deposited with the State Treasurer. The State Treasurer may require that all deposits be secured by obligations of the United States or of the State of New Jersey of a market value equal at all times to the amount of the deposits, and all banks and trust companies are authorized to give security for the deposits.

(11) The accounts, books, and records of the division related to the purposes established pursuant to P.L.2017, c.324 (C.32:23-229 et al.), 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 division.

b. The division shall reimburse the State Treasurer for any funds advanced to the division exclusive of sums appropriated pursuant to section 25 of P.L.2017, c.324 (C.53:2-30).

C.53:2-32 Unlawful actions.

27. It shall be unlawful for any person to load or unload waterborne freight onto or from vehicles other than railroad cars at piers or at other waterfront terminals within the port of New York district, for a fee or other compensation, other than the following persons and their employees:

a. Carriers of freight by water, but only at piers at which their vessels are berthed;

b. Other carriers of freight, including but not limited to, railroads and truckers, but only in connection with freight transported or to be transported by those other carriers;

c. Operators of piers or other waterfront terminals, including railroads, truck terminal operators, warehousemen and other persons, but only at piers or other waterfront terminals operated by them;

d. Shippers or consignees of freight, but only in connection with freight shipped by the shipper or consigned to the consignee; and

e. Stevedores licensed under section 7 of P.L.2017, c.324 (C.53:2-12), whether or not waterborne freight has been or is to be transported by a carrier of freight by water with which the stevedore shall have a contract of the type prescribed by paragraph (4) of subsection e. of this section.

Nothing herein contained shall be deemed to permit any loading or unloading of any waterborne freight at any place by any person by means of any independent contractor, or any other agent other than an employee, unless the independent contractor is a person permitted by section 7 of P.L.2017, c.324 (C.53:2-12) to load or unload freight at a place in the person's own right.

C.53:2-33 Certain solicitations prohibited.

28. a. A person shall not solicit, collect, or receive any dues, assessments, levies, fines, or contributions, or other charges within the State of New Jersey for or on behalf of any labor organization, which represents employees registered or licensed pursuant to the provisions of P.L.2017, c.324 (C.32:23-229 et al.) in their capacities as registered or licensed employees or which derives its charter from a labor organization representing 100 or more of its registered or licensed employees, if any officer, agent, or employee of the labor organization for which dues, assessments, levies, fines, or contributions, or other charges are solicited, collected, or received, or of a welfare fund or trust administered partially or entirely by the labor organization or by trustees or other persons designated by the labor organization, has been convicted by a court of the United States, or any State or territory thereof, of treason, murder, manslaughter, or any felony, crime involving moral turpitude, or any crime or offense enumerated subsection g. of section 6 of P.L.2017, c.324 (C.53:2-11), unless that person has been subsequently pardoned therefor by the Governor or other appropriate authority of the State in which the conviction was had or has received a certificate of good conduct or other relief from disabilities arising from the fact of conviction from a parole board or similar authority.

b. Any person who shall violate this section shall be guilty of a petty disorderly persons offense.

c. Any person who shall violate, aid and abet the violation, or conspire or attempt to violate this subsection shall be guilty of a petty disorderly persons offense.

d. If upon application to the division by an employee who has been convicted of a crime or offense specified in subsection b. of this section, the

authority, in its discretion, determines in an order that it would not be contrary to the purposes and objectives of P.L.2017, c.324 (C.32:23-229 et al.) for that employee to work in a particular employment for a labor organization, welfare fund, or trust, the provisions of subsection b. of this section shall not apply to the particular employment of the employee with respect to that conviction or convictions as are specified in the division's order. This subsection is applicable only to those employees, who for wages or salary, perform manual, mechanical, or physical work of a routine or clerical nature at the premises of the labor organization, welfare fund, or trust by which they are employed.

e. A person who has been convicted of a crime or offense specified in subsection b. of this section shall not directly or indirectly serve as an officer, agent, or employee of a labor organization, welfare fund, or trust, unless the person has been subsequently pardoned for that crime or offense by the Governor or other appropriate authority of the State in which the conviction was had or has received a certificate of good conduct or other relief from disabilities arising from the fact of conviction from a parole board or similar authority or has received an order of exception from the division. A person, including a labor organization, welfare fund, or trust, shall not knowingly permit any other person to assume or hold any office, agency, or employment in violation of this section.

f. The division may maintain a civil action against any person, labor organization, welfare fund, or trust, or officers thereof to compel compliance with this section, or to prevent any violations, the aiding and abetting thereof, or any attempt or conspiracy to violate this section, either by mandamus, injunction, or action or proceeding in lieu of prerogative writ and upon a proper showing a temporary restraining order or other appropriate temporary order shall be granted ex parte and without bond pending final hearing and determination. Nothing in this subsection shall be construed to modify, limit, or restrict in any way the provisions of subsection a. of this section.

C.53:2-34 Violations, penalties.

29. a. Any person who, having been duly sworn or affirmed as a witness in any investigation, interview, hearing or other proceeding conducted by the division pursuant to section 15 of P.L.2017, c.324 (C.53:2-20), shall willfully give false testimony shall be guilty of a disorderly persons offense.

b. The division may maintain a civil action on behalf of the State against any person who violates or attempts or conspires to violate P.L.2017, c.324 (C.32:23-229 et al.) or who fails, omits, or neglects to obey, observe, or comply with any order or direction of the division, to recover a judgment

for a money penalty not exceeding $500 for each and every offense. Every violation of any provision of P.L.2017, c.324 (C.32:23-229 et al.), or any division order or direction, shall be a separate and distinct offense, and, in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct offense. Any civil action may be compromised or discontinued on application of the division upon the terms as the court may approve and a judgment may be rendered for an amount less than the amount demanded in the complaint as justice may require.

c. The division may maintain a civil action against any person to compel compliance with any of the provisions of P.L.2017, c.324 (C.32:23-229 et al.), or to prevent violations, attempts, or conspiracies to violate any provisions of P.L.2017, c.324 (C.32:23-229 et al.), or interference, attempts, or conspiracies to interfere with or impede the enforcement of any provisions of P.L.2017, c.324 (C.32:23-229 et al.) or the exercise or performance of any power or duty thereunder, either by mandamus, injunction, or action or proceeding in lieu of prerogative writ.

d. Any person who shall violate any of the provisions of P.L.2017, c.324 (C.32:23-229 et al.), for which no other penalty is prescribed, shall be guilty of a petty disorderly persons offense.

e. Any person who shall, without a satisfactory explanation, loiter upon any vessel, dock, wharf, pier, bulkhead, terminal, warehouse, or other waterfront facility or within 500 feet thereof in that portion of the port of New York district in this State, shall be guilty of a petty disorderly persons offense.

f. Any person who, without justification or excuse in law, directly or indirectly, intimidates or inflicts any injury, damage, harm, loss, or economic reprisal upon any person licensed or registered by the division, or any other person, or attempts, conspires, or threatens so to do, in order to interfere with, impede, or influence the licensed or registered person in the performance or discharge of the licensed or registered person's duties or obligations shall be punishable as provided in this section.

C.53:2-35 Witnesses, other violations.

30. a. The failure of any witness, when duly subpoenaed to attend, give testimony, or produce other evidence in connection with any matter arising under the provisions of P.L.2017, c.324 (C.32:23-229 et al.), whether or not at a hearing, shall be punishable by the Superior Court in New Jersey in the same manner as that failure is punishable by the court in a case therein pending.

b. Any person who, having been sworn or affirmed as a witness in any hearing pursuant to subsection a. of this section, shall willfully give false testimony or who shall willfully make or file any false or fraudulent

report or statement required by P.L.2017, c.324 (C.32:23-229 et al.) to be made or filed under oath, shall be guilty of a disorderly persons offense.

c. Any person who violates or attempts or conspires to violate any other provision of P.L.2017, c.324 (C.32:23-229 et al.) shall be punishable as may be provided by section 28 of P.L.2017, c.324 (C.53:2-33).

d. Any person who interferes with or impedes the orderly registration of longshoremen pursuant to P.L.2017, c.324 (C.32:23-229 et al.) or who conspires to or attempts to interfere with or impede such registration shall be punishable as may be provided by section 28 of P.L.2017, c.324 (C.53:2-33).

e. Any person who, directly or indirectly, inflicts or threatens to inflict any injury, damage, harm, or loss or in any other manner practices intimidation upon or against any person in order to induce or compel such person or any other person to refrain from registering pursuant to section 8 of P.L.2017, c.324 (C.53:2-13) shall be punishable as may be provided by section 28 of P.L.2017, c.324 (C.53:2-33).

f. In any prosecution under this section, it shall be sufficient to prove only a single act, or a single holding out or attempt, prohibited by law, without having to prove a general course of conduct, in order to prove a violation.

C.53:2-36 Compacts dissolved.

31. As of the transfer date, the waterfront commission compact, entered into by the State of New Jersey pursuant to its agreement thereto under P.L.1953, c.202 (C.32:23-1 et seq.) and by the State of New York pursuant to its agreement thereto under P.L.1953, c.882 (NY Unconsol. Ch.307, s.1), as amended and supplemented, the airport commission compact, entered into by the State of New Jersey pursuant to its agreement thereto under P.L.1970, c.58 (C.32:23-150 et seq.) and by the State of New York pursuant to its agreement thereto under P.L.1970, c.951 (NY Unconsol. Ch.307, s.10), and the commission, are dissolved.

32. R.S.52:14-7 is amended to read as follows:

Residency requirements for State officers, employees; exceptions.

52:14-7. a. Every person holding an office, employment, or position

(1) in the Executive, Legislative, or Judicial Branch of this State, or

(2) with an authority, board, body, agency, commission, or instrumentality of the State including any State college, university, or other higher educational institution, and, to the extent consistent with law, any interstate agency to which New Jersey is a party, or

(3) with a county, municipality, or other political subdivision of the State or an authority, board, body, agency, district, commission, or instrumentality of the county, municipality, or subdivision, or

(4) with a school district or an authority, board, body, agency, commission, or instrumentality of the district,

shall have his or her principal residence in this State and shall execute such office, employment, or position.

This residency requirement shall not apply to any person: (a) who is employed on a temporary or per-semester basis as a visiting professor, teacher, lecturer, or researcher by any State college, university, or other higher educational institution, or county or community college, or in a full or part-time position as a member of the faculty, the research staff, or the administrative staff by any State college, university, or other higher educational institution, or county or community college, that the college, university, or institution has included in the report required to be filed pursuant to this subsection; (b) who is employed full-time by the State who serves in an office, employment, or position that requires the person to spend the majority of the person's working hours in a location outside of this State; or (c) an officer of the waterfront commission of New York harbor, employed by the commission on the effective date of P.L.2017, c.324 (C.32:23-229 et al.), who seeks to be transferred to the Division of State Police in the Department of Law and Public Safety pursuant to section 4 of P.L.2017, c.324 (C.53:2-9).

For the purposes of this subsection, a person may have at most one principal residence, and the state of a person's principal residence means the state (1) where the person spends the majority of the person's nonworking time, and (2) which is most clearly the center of the person's domestic life, and (3) which is designated as the person's legal address and legal residence for voting. The fact that a person is domiciled in this State shall not by itself satisfy the requirement of principal residency hereunder.

A person, regardless of the office, employment, or position, who holds an office, employment, or position in this State on the effective date of P.L.2011, c.70 but does not have principal residence in this State on that effective date shall not be subject to the residency requirement of this subsection while the person continues to hold office, employment, or position without a break in public service of greater than seven days.

Any person may request an exemption from the provisions of this subsection on the basis of critical need or hardship from a five-member committee hereby established to consider applications for exemptions. The committee shall be composed of three persons appointed by the Governor, a person appointed by the Speaker of the General Assembly, and a person

appointed by the President of the Senate, each of whom shall serve at the pleasure of the person making the appointment and shall have a term not to exceed five years. A vacancy on the committee shall be filled in the same manner as the original appointment was made. The Governor shall make provision to provide such clerical, secretarial, and administrative support to the committee as may be necessary for it to conduct its responsibilities pursuant to this subsection.

The decision on whether to approve an application from any person shall be made by a majority vote of the members of the committee, and those voting in the affirmative shall so sign the approved application. If the committee fails to act on an application within 30 days after the receipt thereof, no exemption shall be granted and the residency requirement of this subsection shall be operative. The head of a principal department of the Executive Branch of the State government, a Justice of the Supreme Court, judge of the Superior Court, and judge of any inferior court established under the laws of this State shall not be eligible to request from the committee an exemption from the provisions of this subsection.

The exemption provided in this subsection for certain persons employed by a State college, university, or other higher educational institution, or a county or community college, other than those employed on a temporary or per-semester basis as a visiting professor, teacher, lecturer, or researcher, shall apply only to those persons holding positions that the college, university, or institution has included in a report of those full or part-time positions as a member of the faculty, the research staff, or the administrative staff requiring special expertise or extraordinary qualifications in an academic, scientific, technical, professional, or medical field or in administration, that, if not exempt from the residency requirement, would seriously impede the ability of the college, university, or institution to compete successfully with similar colleges, universities, or institutions in other states. The report shall be compiled annually and shall also contain the reasons why the positions were selected for inclusion in the report. The report shall be compiled and filed within 60 days following the effective date of P.L.2011, c.70. The report shall be reviewed, revised as necessary, and filed by January 1 of each year thereafter. Each report shall be filed with the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), with the Legislature, and a report may be revised at any time by filing an amendment to the report with the Governor and Legislature.

As used in this section, "school district" means any local or regional school district established pursuant to chapter 8 or chapter 13 of Title 18A of the New Jersey Statutes and any jointure commission, county vocational

school, county special services district, educational services commission, educational research and demonstration center, environmental education center, and educational information and resource center.

b. If any person holding any office, employment, or other position in this State shall attempt to let, farm out, or transfer office, employment, or position or any part thereof to any person, the person shall forfeit the sum of $1,500, to be recovered with costs by any person who shall sue for the same, one-half to the prosecutor and the other half to the State Treasurer for the use of the State.

c. No person shall be appointed to or hold any position in this State who has not the requisite qualifications for personally performing the duties of such position in cases where scientific engineering skill is necessary to the performance of the duties thereof.

d. Any person holding or attempting to hold an office, employment, or position in violation of this section shall be considered as illegally holding or attempting to hold the same; provided that a person holding an office, employment, or position in this State shall have one year from the time of taking the office, employment, or position to satisfy the requirement of principal residency, and if thereafter the person fails to satisfy the requirement of principal residency as defined herein with respect to any 365-day period, that person shall be deemed unqualified for holding the office, employment, or position. The Superior Court shall, in a civil action in lieu of prerogative writ, give judgment of ouster against the person, upon the complaint of any officer or citizen of the State, provided that any complaint shall be brought within one year of the alleged 365-day period of failure to have the person's principal residence in this State.

Repealer.

33. The following are repealed:

P.L.1953, c.202 (C.32:23-1 et seq.);

P.L.1991, c.248 (C.32:23-23.1);

P.L.1985, c.32 (C.32:23-43.1 and 32:23-44.1);

Section 2 of P.L.1956, c.20 (C.32:23-75.1);

P.L.1954, c.3 (C.32:23-77.1 et seq.);

Sections 4 and 5 of P.L.1962, c.5 (C.32:23-80.1 and 32:23-80.2);

P.L.1954, c.14 (C.32:23-85 et seq.);

P.L.1956, c.19 (C.32:23-99 et seq.);

Sections 6, 8, 9, and 10 of P.L.1956, c.194 (C.32:23-105 through 32:23-108);

P.L.1990, c.59 (C.32:23-105.1 through 32:23-105.3);

Sections 2 and 6 through 9 of P.L.1962, c.5 (C.32:23-109 through 32:23-113);

Sections 2 through 5 of P.L.1966, c.18 (C.32:23-114 through 32:23-117);

P.L.1976, c.102 (C.32:23-118 through 32:23-121); and

Sections 4 through 17 and section 19 of P.L.1970, c.58 (C.32:23-150 through 32:23-225).

34. This act shall take effect immediately, but sections 3 through 32 shall be inoperative until the transfer date has occurred pursuant to section 31 of P.L.2017, c.324 (C.53:2-36).

Approved January 16, 2018.

CHAPTER 325

AN ACT concerning the use of recycled asphalt pavement, and supplementing P.L.1987, c.102 (C.13:1E-99.11 et seq.).

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

C.13:1E-99.28a Use of recycled asphalt pavement.

1. a. Notwithstanding the provisions of any law, or any rule or regulation adopted pursuant thereto, to the contrary, a person may use recycled asphalt pavement, subject to the limitations in this section as follows:

(1) unbound in bedrock quarry reclamation;

(2) unbound underneath a guardrail of a public road or highway;

(3) unbound or mixed with other materials for use as a base or subbase material in accordance with applicable engineering designs;

(4) unbound as a surface material for a parking lot, farm road, or pathway, or in any other location as authorized by the Department of Environmental Protection; or

(5) in any other use authorized by the Department of Environmental Protection.

b. A person shall not use recycled asphalt pavement as authorized in subsection a. of this section in an environment in which the pH is less than or equal to four, unless the person demonstrates to the Department of Environmental Protection that the level of any contaminant in the material is at or below a concentration such that, if leaching occurs, the dissolved concentration of the contaminant in the leachate is:

(1) at or below applicable drinking water quality standards established by the Department of Environmental Protection and the United States Environmental Protection Agency; and

(2) at or below all applicable groundwater quality standards established by the Department of Environmental Protection.

c. If a person fails to demonstrate to the Department of Environmental Protection pursuant to subsection b. of this section that the dissolved concentration of any contaminant in the leachate of recycled asphalt pavement proposed for use in an environment in which the pH is less than or equal to four, is at or below the drinking water quality standards established by the Department of Environmental Protection and the United States Environmental Protection Agency and the applicable groundwater quality standards established by the Department of Environmental Protection, as a condition for the use of the recycled asphalt pavement, the department shall require the installation of a soil layer between the recycled asphalt pavement and the groundwater aquifer at a depth to be determined by the department.

d. The Department of Environmental Protection, in consultation with the Department of Transportation, 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.

2. This act shall take effect on the first day of the ninth month next following the date of enactment, except the Commissioner of Environmental Protection may take any anticipatory action in advance thereof as shall be necessary for the implementation of this act.

Approved January 16, 2018.

CHAPTER 326

AN ACT concerning the financing of environmental infrastructure projects in Fiscal Year 2018 and amending P.L.2017, c.143.

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

1. Section 1 of P.L.2017, c.143 is amended to read as follows:

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 P.L.2017, c.143, as amended by P.L.2017, c.326, and for the purpose of implementing and administering the provisions of P.L.2017, c.143, as amended by P.L.2017, c.326, 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 P.L.2017, c.143, as amended by P.L.2017, c.326, for clean water projects, up to the individual 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 P.L.2017, c.143, as amended by P.L.2017, c.326, or by the Commissioner of Environmental Protection pursuant to section 7 of P.L.2017, c.143, as amended by P.L.2017, c.326, 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 P.L.2017, c.143, as amended by P.L.2017, c.326, 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 P.L.2017, c.143, as amended by P.L.2017, c.326;

(3) to the extent funds are available, principal forgiveness loans shall be issued as provided in subsection a. of section 3 of P.L.2017, c.143, as amended by P.L.2017, c.326, 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 P.L.2017, c.143, as amended by P.L.2017, c.326, 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 P.L.2017, c.143, as amended by P.L.2017, c.326, 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 P.L.2017, c.143, as amended by P.L.2017, c.326, and subsection a. of section 3 of P.L.2017, c.143, as amended by P.L.2017, c.326, 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 P.L.2017, c.143, as amended by P.L.2017, c.326, 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 P.L.2017, c.143, as amended by P.L.2017, c.326, 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 P.L.2017, c.143, as amended by P.L.2017, c.326, or if a project fails to meet the requirements of section 4 or 5 of P.L.2017, c.143, as amended by P.L.2017, c.326.

(2) Those projects listed in subsection a. of section 3 of P.L.2017, c.143, as amended by P.L.2017, c.326, and subsection b. of section 3 of P.L.2017, c.143, as amended by P.L.2017, c.326, 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 P.L.2017, c.143, as amended by P.L.2017, c.326, 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, sections 1 and 2 of P.L.2016, c.32, as amended by P.L.2017, c.14, and sections 1 and 2 of P.L.2017, c.143, as amended by P.L.2017, c.326, 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, section 6 of P.L.2016, c.32, as amended by P.L.2017, c.14, and section 6 of P.L.2017, c.143, as amended by P.L.2017, c.326, 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 P.L.2017, c.143, as amended by P.L.2017, c.326, for clean water projects and subsection b. of section 3 of P.L.2017, c.143, as amended by P.L.2017, c.326, 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 P.L.2017, c.143, as amended by P.L.2017, c.326, or if a project fails to meet the requirements of section 4, 5, or 7 of P.L.2017, c.143, as amended by P.L.2017, c.326, 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 P.L.2017, c.143, as amended by P.L.2017, c.326:

"Base financing" means zero interest loans provided by the Department of Environmental Protection from moneys made available for the purposes of P.L.2017, c.143, as amended by P.L.2017, c.326, 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. Section 2 of P.L.2017, c.143 is amended to read as follows:

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
Manasquan Borough	S340450-01-1	$1,582,500	$2,110,000
Mendham Township	S340477-01-1	$1,615,500	$2,154,000
North Hudson SA	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
Total projects:	**6**	**$8,373,000**	**$11,164,000**

(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 P.L.2017, c.143, as amended by P.L.2017, c.326, 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 P.L.2017, c.143, as amended by P.L.2017, c.326.

(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 P.L.2017, c.143, as amended by P.L.2017, c.326.

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 P.L.2017, c.143, as amended by P.L.2017, c.326, and the loan amount certified by the Commissioner of Environmental Protection in State fiscal year 2017 and for increased allow-

able 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 P.L.2017, c.143, as amended by P.L.2017, c.326.

(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 P.L.2017, c.143, as amended by P.L.2017, c.326.

3. Section 3 of P.L.2017, c.143 is amended to read as follows:

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**
Aberdeen Township	S340869-02	$6,750,000	$9,000,000
Atlantic County UA	S340809-23	$11,040,000	$11,040,000
Atlantic County UA	S340809-24	$800,000	$800,000
Atlantic County UA	S340809-25	$17,520,000	$17,520,000
Atlantic County UA	S340809-26	$1,500,000	$1,500,000
Atlantic County UA	S340809-27	$3,200,000	$3,200,000
Atlantic County UA	S340809-28	$3,075,000	$4,100,000
Bayshore RSA	S340697-05	$21,150,000	$28,200,000
Bayshore RSA	S340697-06	$11,325,000	$15,100,000
Bradley Beach Borough	S340472-01	$2,025,000	$2,700,000
Bradley Beach Borough	S340472-02	$1,942,538	$2,590,050
Burlington City	S340140-01	$1,275,000	$1,700,000
Burlington Township	S340712-15	$825,000	$1,100,000
Carteret Borough	S340939-09	$11,257,500	$15,010,000
Cinnaminson SA	S340170-07	$6,750,000	$9,000,000
Cinnaminson SA	S340170-08	$870,000	$1,160,000
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
Elizabeth City	S340942-19	$5,775,000	$7,700,000
Gloucester City	S340958-07	$900,000	$1,200,000
Gloucester City	S340958-08	$1,575,000	$2,100,000
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	S340635-07	$3,750,000	$5,000,000
Jersey City MUA	S340928-15	$30,300,000	$40,400,000
Jersey City MUA	S340928-19	$5,625,000	$7,500,000
Jersey City MUA	S340928-20	$5,400,000	$7,200,000
Jersey City MUA	S340928-22	$562,500	$750,000
Jersey City	S340928-30	$2,033,250	$2,711,000
Kearny MUA	S340259-07	$4,875,000	$6,500,000
Little Egg Harbor MUA	S340579-02	$2,475,000	$3,300,000
Long Beach Township	S340023-06	$3,750,000	$5,000,000
Manasquan River RSA	S340911-03	$495,000	$660,000
Mendham Township	S340477-01	$1,875,000	$2,500,000
Millville City	S340921-07	$9,000,000	$12,000,000
Montclair Township	S340837-04	$1,275,000	$1,700,000
Newark City	S340815-22	$7,875,000	$10,500,000
North Bergen MUA	S340652-14	$17,250,000	$23,000,000
North Hudson SA	S340952-22	$13,500,000	$18,000,000
North Hudson SA	S340952-23	$2,325,000	$3,100,000
North Hudson SA	S340952-28	$1,275,000	$1,700,000
Northwest Bergen County UA	S340700-13	$3,900,000	$5,200,000
Ocean County	S344080-09	$975,000	$1,300,000
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
Ocean Township SA	S340750-13	$412,500	$550,000
Ocean Township SA	S340750-14	$1,875,000	$2,500,000
Passaic Valley SC	S340689-25	$6,825,000	$9,100,000
Passaic Valley SC	S340689-30	$2,775,000	$3,700,000
Passaic Valley SC	S340689-31	$3,000,000	$4,000,000
Passaic Valley SC	S340689-32	$7,500,000	$10,000,000
Passaic Valley SC	S340689-34	$2,175,000	$2,900,000
Passaic Valley SC	S340689-38	$15,750,000	$21,000,000
Passaic Valley SC	S340689-39	$3,612,000	$4,816,000
Perth Amboy City	S340435-11	$4,844,513	$6,459,351
Perth Amboy City	S340435-13	$637,500	$850,000
Pine Hill MUA	S340274-05	$1,350,000	$1,800,000
Plumsted Township	S340607-03	$20,250,000	$27,000,000
Rahway Valley SA	S340547-14	$7,125,000	$9,500,000
Riverdale Borough	S340729-02	$217,342	$289,789
Riverside SA	S340490-01	$630,000	$840,000
Rockaway Valley RSA	S340821-06	$6,000,000	$8,000,000

Rockaway Valley RSA	S340821-07	$6,150,000	$8,200,000
Roxbury Township	S340381-07	$5,625,000	$7,500,000
Ship Bottom Borough	S340311-03	$3,525,000	$4,700,000
Somerset Raritan Valley SA	S340801-08	$12,375,000	$16,500,000
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
Stony Brook RSA	S340400-10	$3,825,000	$5,100,000
Sussex County MUA	S342008-05	$9,750,000	$13,000,000
Ventnor City	S340667-03	$1,500,000	$2,000,000
Total Projects:	**77**	**$429,299,643**	**$561,046,190**

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**
Aberdeen Township	1330004-001	$2,925,000	$3,900,000
Berkeley Township MUA	1505004-007	$525,000	$700,000
Bordentown City	0303001-006	$1,125,000	$1,500,000
Bordentown City	0303001-008	$1,650,000	$2,200,000
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
Elmer Borough	1702001-001	$600,000	$800,000
Gloucester City	0414001-020A	$975,000	$1,300,000
Gloucester City	0414001-022	$900,000	$1,200,000
Hoboken City	0905001-001	$6,375,000	$8,500,000
Jackson Township MUA	1511001-010	$6,150,000	$8,200,000
Lavallette Borough	1515001-001	$998,250	$1,331,000
Little Egg Harbor MUA	1516001-004	$2,250,000	$3,000,000
Long Beach Township	1517001-500	$6,900,000	$9,200,000
Long Beach Township	1517001-501	$1,725,000	$2,300,000
Manchester Township	1518005-002	$4,125,000	$5,500,000
Mantua Township MUA	0810004-002	$1,350,000	$1,800,000
Mantua Township MUA	0810004-003	$1,050,000	$1,400,000
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
Middlesex Water Company	1225001-026	$9,750,000	$13,000,000

Netcong Borough	1428001-008	$825,000	$1,100,000
Netcong Borough	1428001-009	$300,000	$400,000
Newark City	0714001-016	$9,750,000	$13,000,000
Newark City	0714001-500	$3,825,000	$5,100,000
NJ American Water Company, Inc.	1345001-016	$10,125,000	$13,500,000
NJ American Water Co.-Raritan	2004002-500	$27,000,000	$36,000,000
NJ American Water Company, Inc.	2004002-011	$9,600,000	$12,800,000
North Jersey District Water Supply Comm.	1613001-022	$12,750,000	$17,000,000
North Jersey District Water Supply Comm.	1613001-025	$5,475,000	$7,300,000
North Jersey District Water Supply Comm.	1613001-033	$3,075,000	$4,100,000
Ocean Township	1520001-007	$1,050,000	$1,400,000
Old Bridge MUA	1209002-013	$2,671,500	$3,562,000
Pennington Borough	1108001-002	$937,500	$1,250,000
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
Ship Bottom Borough	1528001-002	$2,812,500	$3,750,000
Stafford Township	1530004-018	$1,800,000	$2,400,000
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:	**46**	**$192,969,750**	**$257,293,000**

4. Section 4 of P.L.2017, c.143 is amended to read as follows:

4. Any financing loan made by the Department of Environmental Protection pursuant to P.L.2017, c.143, as amended by P.L.2017, c.326, 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 P.L.2017, c.143, as amended by P.L.2017, c.326, 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 and subsections a. and b. of section 3 of P.L.2017, c.143, as amended by P.L.2017, c.326, 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, as amended by P.L.2017, c.326, 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 P.L.2017, c.143, as amended by P.L.2017, c.326, to loans made by the New Jersey Environmental Infrastructure Trust pursuant to P.L.2017, c.142, as amended by P.L.2017, c.326, 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. Section 5 of P.L.2017, c.143 is amended to read as follows:

5. a. Any Sandy financing loan made by the Department of Environmental Protection pursuant to P.L.2017, c.143, as amended by P.L.2017, c.326, 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 P.L.2017, c.143, as amended by P.L.2017, c.326, 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, as amended by P.L.2017, c.327, 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 P.L.2017, c.143, as amended by P.L.2017, c.326, to loans made by the trust pursuant to P.L.2017, c.142, as amended by P.L.2017, c.327, 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. Section 6 of P.L.2017, c.143 is amended to read as follows:

6. The eligibility lists and authorization for the making of loans pursuant to sections 2 and 3 of P.L.2017, c.143, as amended by P.L.2017, c.326, 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 P.L.2017, c.143, as amended by P.L.2017, c.326, shall no longer be entitled to that loan.

7. Section 7 of P.L.2017, c.143 is amended to read as follows:

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 P.L.2017, c.143, as amended by P.L.2017, c.326, 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 P.L.2017, c.143, as amended by P.L.2017, c.326, 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. Section 8 of P.L.2017, c.143 is amended to read as follows:

8. The expenditure of the funds appropriated by P.L.2017, c.143, as amended by P.L.2017, c.326, 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. Section 10 of P.L.2017, c.143 is amended to read as follows:

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 provi-

sions 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, as amended by P.L.2017, c.327, 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, as amended by P.L.2017, c.14, or P.L.2017, c.143, as amended by P.L.2017, c.326, 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, as amended by P.L.2017, c.13, or P.L.2017, c.142, as amended by P.L.2017, c.327, 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.

10. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 327

AN ACT authorizing the expenditure of additional 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 amending P.L.2017, c.142, and allocating funds to the New Jersey Environmental Infrastructure Trust for operating and administrative expenses for the funding of transportation infrastructure projects.

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

1. Section 1 of P.L.2017, c.142 is amended to read as follows:

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 $833.10 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, as amended by P.L.2017, c.13, for the purpose of making loans, to the extent sufficient funds are available, to or on behalf of local government units or public water utilities (hereinafter referred to as "project sponsors") to finance all or a portion of the cost of construction of environmental infrastructure projects listed in sections 2 and 4 of P.L.2017, c.142, as amended by P.L.2017, c.327.

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 P.L.2017, c.142, as amended by P.L.2017, c.327;

(2) the amounts of reserve capacity expenses and debt service reserve fund requirements as provided in subsection c. of section 7 of P.L.2017, c.142, as amended by P.L.2017, c.327;

(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 P.L.2017, c.142, as amended by P.L.2017, c.327;

(4) the amounts of the loan origination fee as provided in subsection e. of section 7 of P.L.2017, c.142, as amended by P.L.2017, c.327; 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, as amended by P.L.2017, c.326, 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 P.L.2017, c.142, as amended by P.L.2017, c.327.

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 es-

tablished 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 P.L.2017, c.142, as amended by P.L.2017, c.327:

(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, as amended by P.L.2017, c.13, and P.L.2017, c.142, as amended by P.L.2017, c.327.

2. Section 2 of P.L.2017, c.142 is amended to read as follows:

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
Manasquan Borough	S340450-01-1	$1,582,500	$2,110,000
Mendham Township	S340477-01-1	$1,615,500	$2,154,000
North Hudson SA	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
Total projects:	**6**	**$8,373,000**	**$11,164,000**

(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 P.L.2017, c.142, as amended by P.L.2017, c.327, 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 P.L.2017, c.142, as amended by P.L.2017, c.327.

(3) The loans authorized in this subsection shall have priority over the environmental infrastructure projects listed in subsection a. of section 4 of P.L.2017, c.142, as amended by P.L.2017, c.327.

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 P.L.2017, c.142, as amended by P.L.2017, c.327, 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 P.L.2017, c.142, as amended by P.L.2017, c.327.

(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 P.L.2017, c.142, as amended by P.L.2017, c.327.

c. The trust is authorized to adjust the allowable trust loan amount for projects authorized in this section to between 25 percent and 75 percent 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 P.L.2017, c.142, as amended by P.L.2017, c.327.

3. Section 3 of P.L.2017, c.142 is amended to read as follows:

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 P.L.2017, c.142, as amended by P.L.2017, c.327, 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 P.L.2017, c.142, as amended by P.L.2017, c.327, or if a project fails to meet the requirements of section 6 of P.L.2017, c.142, as amended by P.L.2017, c.327. The trust is authorized to increase any such amount pursuant to subsection b., c., d., e. or f. of section 7 or 8 of P.L.2017, c.142, as amended by P.L.2017, c.327.

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 P.L.2017, c.142, as amended by P.L.2017, c.327, 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 P.L.2017, c.142, as amended by P.L.2017, c.327, or if a project fails to meet the requirements of section 6 of P.L.2017, c.142, as amended by P.L.2017, c.327. The trust is authorized to increase any such amount pursuant to subsection b., c., d., e. or f. of section 7 or 8 of P.L.2017, c.142, as amended by P.L.2017, c.327.

4. Section 4 of P.L.2017, c.142 is amended to read as follows:

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**
Aberdeen Township	S340869-02	$6,750,000	$9,000,000
Atlantic County UA	S340809-23	$11,040,000	$11,040,000
Atlantic County UA	S340809-24	$800,000	$800,000
Atlantic County UA	S340809-25	$17,520,000	$17,520,000
Atlantic County UA	S340809-26	$1,500,000	$1,500,000

Atlantic County UA	S340809-27	$3,200,000	$3,200,000
Atlantic County UA	S340809-28	$3,075,000	$4,100,000
Bayshore RSA	S340697-05	$21,150,000	$28,200,000
Bayshore RSA	S340697-06	$11,325,000	$15,100,000
Bradley Beach Borough	S340472-01	$2,025,000	$2,700,000
Bradley Beach Borough	S340472-02	$1,942,538	$2,590,050
Burlington City	S340140-01	$1,275,000	$1,700,000
Burlington Township	S340712-15	$825,000	$1,100,000
Carteret Borough	S340939-09	$11,257,500	$15,010,000
Cinnaminson SA	S340170-07	$6,750,000	$9,000,000
Cinnaminson SA	S340170-08	$870,000	$1,160,000
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
Elizabeth City	S340942-19	$5,775,000	$7,700,000
Gloucester City	S340958-07	$900,000	$1,200,000
Gloucester City	S340958-08	$1,575,000	$2,100,000
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	S340635-07	$3,750,000	$5,000,000
Jersey City MUA	S340928-15	$30,300,000	$40,400,000
Jersey City MUA	S340928-19	$5,625,000	$7,500,000
Jersey City MUA	S340928-20	$5,400,000	$7,200,000
Jersey City MUA	S340928-22	$562,500	$750,000
Jersey City	S340928-30	$2,033,250	$2,711,000
Kearny MUA	S340259-07	$4,875,000	$6,500,000
Little Egg Harbor MUA	S340579-02	$2,475,000	$3,300,000
Long Beach Township	S340023-06	$3,750,000	$5,000,000
Manasquan River RSA	S340911-03	$495,000	$660,000
Mendham Township	S340477-01	$1,875,000	$2,500,000
Millville City	S340921-07	$9,000,000	$12,000,000
Montclair Township	S340837-04	$1,275,000	$1,700,000
Newark City	S340815-22	$7,875,000	$10,500,000
North Bergen MUA	S340652-14	$17,250,000	$23,000,000
North Hudson SA	S340952-22	$13,500,000	$18,000,000
North Hudson SA	S340952-23	$2,325,000	$3,100,000
North Hudson SA	S340952-28	$1,275,000	$1,700,000
Northwest Bergen County UA	S340700-13	$3,900,000	$5,200,000
Ocean County	S344080-09	$975,000	$1,300,000
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
Ocean Township SA	S340750-13	$412,500	$550,000
Ocean Township SA	S340750-14	$1,875,000	$2,500,000
Passaic Valley SC	S340689-25	$6,825,000	$9,100,000
Passaic Valley SC	S340689-30	$2,775,000	$3,700,000
Passaic Valley SC	S340689-31	$3,000,000	$4,000,000
Passaic Valley SC	S340689-32	$7,500,000	$10,000,000
Passaic Valley SC	S340689-34	$2,175,000	$2,900,000
Passaic Valley SC	S340689-38	$15,750,000	$21,000,000
Passaic Valley SC	S340689-39	$3,612,000	$4,816,000
Perth Amboy City	S340435-11	$4,844,513	$6,459,351
Perth Amboy City	S340435-13	$637,500	$850,000
Pine Hill MUA	S340274-05	$1,350,000	$1,800,000
Plumsted Township	S340607-03	$20,250,000	$27,000,000
Rahway Valley SA	S340547-14	$7,125,000	$9,500,000
Riverdale Borough	S340729-02	$217,342	$289,789
Riverside SA	S340490-01	$630,000	$840,000
Rockaway Valley RSA	S340821-06	$6,000,000	$8,000,000
Rockaway Valley RSA	S340821-07	$6,150,000	$8,200,000
Roxbury Township	S340381-07	$5,625,000	$7,500,000
Ship Bottom Borough	S340311-03	$3,525,000	$4,700,000
Somerset Raritan Valley SA	S340801-08	$12,375,000	$16,500,000
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
Stony Brook RSA	S340400-10	$3,825,000	$5,100,000
Sussex County MUA	S342008-05	$9,750,000	$13,000,000
Ventnor City	S340667-03	$1,500,000	$2,000,000
Total Projects:	**77**	**$429,299,643**	**$561,046,190**

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**
Aberdeen Township	1330004-001	$2,925,000	$3,900,000
Berkeley Township MUA	1505004-007	$525,000	$700,000
Bordentown City	0303001-006	$1,125,000	$1,500,000
Bordentown City	0303001-008	$1,650,000	$2,200,000
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
Elmer Borough	1702001-001	$600,000	$800,000
Gloucester City	0414001-020A	$975,000	$1,300,000
Gloucester City	0414001-022	$900,000	$1,200,000
Hoboken City	0905001-001	$6,375,000	$8,500,000
Jackson Township MUA	1511001-010	$6,150,000	$8,200,000
Lavallette Borough	1515001-001	$998,250	$1,331,000
Little Egg Harbor MUA	1516001-004	$2,250,000	$3,000,000
Long Beach Township	1517001-500	$6,900,000	$9,200,000
Long Beach Township	1517001-501	$1,725,000	$2,300,000
Manchester Township	1518005-002	$4,125,000	$5,500,000
Mantua Township MUA	0810004-002	$1,350,000	$1,800,000
Mantua Township MUA	0810004-003	$1,050,000	$1,400,000
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
Middlesex Water Company	1225001-026	$9,750,000	$13,000,000
Netcong Borough	1428001-008	$825,000	$1,100,000
Netcong Borough	1428001-009	$300,000	$400,000
Newark City	0714001-016	$9,750,000	$13,000,000
Newark City	0714001-500	$3,825,000	$5,100,000
NJ American Water Company, Inc.	1345001-016	$10,125,000	$13,500,000
NJ American Water Co.-Raritan	2004002-500	$27,000,000	$36,000,000
NJ American Water Company, Inc.	2004002-011	$9,600,000	$12,800,000
North Jersey District Water Supply Comm.	1613001-022	$12,750,000	$17,000,000
North Jersey District Water Supply Comm.	1613001-025	$5,475,000	$7,300,000
North Jersey District Water Supply Comm.	1613001-033	$3,075,000	$4,100,000
Ocean Township	1520001-007	$1,050,000	$1,400,000
Old Bridge MUA	1209002-013	$2,671,500	$3,562,000
Pennington Borough	1108001-002	$937,500	$1,250,000
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
Ship Bottom Borough	1528001-002	$2,812,500	$3,750,000
Stafford Township	1530004-018	$1,800,000	$2,400,000
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: 46		**$192,969,750**	**$257,293,000**

c. The trust is authorized to adjust the allowable trust loan amount for projects authorized in this section to between 0 percent and 75 percent 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 P.L.2017, c.142, as amended by P.L.2017, c.327, and up to 100 percent 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. Section 5 of P.L.2017, c.142 is amended to read as follows:

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 P.L.2017, c.142, as amended by P.L.2017, c.327, 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 P.L.2017, c.142, as amended by P.L.2017, c.327, 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. Section 6 of P.L.2017, c.142 is amended to read as follows:

6. Any loan made by the New Jersey Environmental Infrastructure Trust pursuant to P.L.2017, c.142, as amended by P.L.2017, c.327, 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 P.L.2017, c.142, as amended by P.L.2017, c.327, 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 P.L.2017, c.142, as amended by P.L.2017, c.327, reserve capacity expenses and the debt service reserve fund expenses as provided in subsection c. of section 7 of P.L.2017, c.142, as amended by P.L.2017, c.327, interest earned on project costs as provided in subsection d. of section 7 of P.L.2017, c.142, as amended by P.L.2017, c.327, the amounts of the loan origination fee as provided in subsection e. of section 7 of P.L.2017, c.142, as amended by P.L.2017, c.327, refunding increases as provided in section 8 of P.L.2017, c.142, as amended by P.L.2017, c.327, 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 P.L.2017, c.142, as amended by P.L.2017, c.327, 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 P.L.2017, c.142, as amended by P.L.2017, c.327, 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 P.L.2017, c.142, as amended by P.L.2017, c.327, shall no longer be entitled to that loan.

7. Section 7 of P.L.2017, c.142 is amended to read as follows:

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 P.L.2017, c.142, as amended by P.L.2017, c.327, 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 P.L.2017, c.142, as amended by P.L.2017, c.327, by the amount of capitalized interest and issuance expenses allocable to each loan made by the trust pursuant to P.L.2017, c.142, as amended by P.L.2017, c.327; 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 percent of the principal amount of trust bonds issued to make loans authorized by P.L.2017, c.142, as amended by P.L.2017, c.327.

c. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of P.L.2017, c.142, as amended by P.L.2017, c.327, 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 P.L.2017, c.142, as amended by P.L.2017, c.327.

d. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of P.L.2017, c.142, as amended by P.L.2017, c.327, 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 P.L.2017, c.142, as amended by P.L.2017, c.327, by the loan origination fee.

f. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of P.L.2017, c.142, as amended by P.L.2017, c.327, 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, as amended by P.L.2017, c.326, 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 and for lead abatement projects ineligible for department loans under the Federal Clean Water Act and Federal Safe Drinking Water Act or to the extent the priority ranking and an insufficiency of funding prevents the department from making the loan.

8. Section 8 of P.L.2017, c.142 is amended to read as follows:

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, as amended by P.L.2017, c.13, or P.L.2017, c.142, as amended by P.L.2017, c.327, provided that adequate savings are achieved, to compensate for a refunding of trust bonds issued to make loans authorized by the aforementioned acts.

9. Section 9 of P.L.2017, c.142 is amended to read as follows:

9. The expenditure of funds authorized pursuant to P.L.2017, c.142, as amended by P.L.2017, c.327, 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. Section 10 of P.L.2017, c.142 is amended to read as follows:

10. a. There is appropriated to the New Jersey Environmental Infrastructure Trust as needed to make short-term or temporary loans from funds deposited in any account, including the "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the "2003 Water Resources and Wastewater Treatment Trust Fund," the "Stormwater Management and Combined Sewer Overflow Abatement Fund," the "Clean Water State Revolving Fund," 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. Notwithstanding section 1 of P.L.2017, c.99, the annual State appropriations act for Fiscal Year 2018, of the amount appropriated from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for the capital purpose for "Local Aid, Infrastructure Fund," $2,600,000 shall be allocated therefrom to the New Jersey Environmental Infrastructure Trust for the purpose of providing funding for operating and administrative expenses to fund transportation infrastructure projects pursuant to the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.).

12. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 328

AN ACT concerning background checks and licensing of certain entities, amending P.L.1999, c.358, and supplementing Title 30 of the Revised Statutes.

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

1. Section 1 of P.L.1999, c.358 (C.30:6D-63) is amended to read as follows:

C.30:6D-63 Definitions relative to criminal history background checks for community agency employees.

1. As used in this act:

a. "Commissioner" means the Commissioner of Human Services.

b. "Community agency employee" means any individual 18 years of age or older who is employed by a public or private agency under contract with or licensed by the department to provide services to department clients who have developmental disabilities or brain injuries and includes all personnel working or residing at an agency who may come into direct contact with clients.

c. "Community agency head" means the person responsible for the overall operation of the agency under contract with or licensed by the department.

d. "Department" means the Department of Human Services.

e. "Community agency" means a public or private agency under contract with or licensed by the department to provide services to department clients who have developmental disabilities or brain injuries.

f. "Community agency board" means the board of directors of a community agency.

g. "Community care residence" means a private house or apartment in which a person 18 years or older is under contract with or licensed by the department to provide individuals with developmental disabilities or persons with brain injury with care and a level of training and supervision that is based upon the documented needs of the individuals.

h. "Community care residence applicant" means a person age 18 or older who satisfactorily initiates and completes the application process in order to obtain a license to operate a community care residence.

i. "Community care residence alternate" means a person 18 years of age or older who has been selected by the applicant to provide care and supervision for individuals who require supervision at the community care residence.

j. "Community care residence household member" means a person 18 years of age or older who resides in a community care residence, but does not include the individual who is receiving services from the department.

k. "Under contract" means a provider under a written agreement with the department or a provider approved by the department to provide disability services to individuals that are eligible to receive services from the department.

2. Section 2 of P.L.1999, c.358 (C.30:6D-64) is amended to read as follows:

C.30:6D-64 Contract with community agency.

2. a. Any community agency under contract with or licensed by the Department of Human Services shall not pay or contract for any employee or agency head for the provision of services unless it has first been determined, consistent with the requirement and standards of P.L.1999, c.358 (C.30:6D-63 et seq.), that no criminal history record information exists on file in the Federal Bureau of Investigation, Identification Division, or in the State Bureau of Identification in the Division of State Police, which would disqualify the community agency head or the community agency employees from such employment. The determination shall be made by the department.

A community care residence shall not be qualified to house individuals unless it has first been determined, consistent with the requirements and standards of P.L.1999, c.358 (C.30:6D-63 et seq.), that no criminal history record information exists on file in the Federal Bureau of Investigation, Identification Division, or in the State Bureau of Identification in the Division of State Police, which would disqualify the community care residence applicant, community care residence alternate, or community care residence household member. The determination shall be made by the department.

A criminal history record background check shall be conducted at least once every two years for a community agency head, community care residence applicant, community care residence alternate, community care residence household member, and community agency employees; except that the department, in lieu of conducting criminal history record background checks every two years, may determine whether an individual has been convicted of a crime or disorderly persons offense which would disqualify that person by an alternative means, including, but not limited to, a match of a person's Social Security number or other identifying information with records of criminal proceedings in this and other states. If the department elects to implement an alternative means of determining whether an individual has been convicted of a crime or disorderly persons offense which would disqualify that individual, the department shall report to the Governor and the Legislature prior to its implementation on the projected costs and procedures to be followed with respect to its implementation and setting forth the rationale therefor. The department shall notify the community agency or the community care residence if an individual has been determined qualified or disqualified as provided pursuant to P.L.1999, c.358 (C.30:6D-63 et seq.). The department's determination of qualification shall

not require the community agency or community care residence to employ the individual. The department's determination of disqualification shall require the community agency or community care residence to terminate employment or not offer employment to the individual.

b. An individual shall be disqualified from employment under P.L.1999, c.358 (C.30:6D-63 et seq.) or the community care residence with whom the individual is associated shall not be qualified to house individuals who receive department services if that individual's criminal history record background check reveals a record of conviction of any of the following crimes and offenses:

(1) In New Jersey, any crime or disorderly persons offense:

(a) Involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.2C:11-1 et seq., N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq. or N.J.S.2C:15-1 et seq.; or

(b) Against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et seq.; or

(c) A crime or offense involving the manufacture, transportation, sale, possession, or habitual use of a controlled dangerous substance as defined in the "New Jersey Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1 et seq.).

(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.

c. If a prospective community agency employee or community agency head refuses to consent to, or cooperate in, securing of a criminal history record background check, the person shall not be considered for employment. If a prospective community care residence applicant, alternate, or household member refuses to consent to, or cooperate in, securing of a criminal history record background check, the community care residence shall not be qualified to house individuals who receive department services.

d. If an individual who is required pursuant to this section to undergo a criminal history record background check refuses to consent to, or cooperate in, the securing of a criminal history record background check, the person shall be immediately removed from the person's position and the person's employment shall be terminated or, if the individual is affiliated with a community care residence, the community care residence shall not be qualified to house individuals who receive department services.

e. Notwithstanding the provisions of subsection b. of this section to the contrary, provisional employment of an individual is authorized for a period not to exceed six months if the individual submits to the appointing

authority a sworn statement attesting that the individual has not been convicted of any crime or disorderly persons offense as described in this act, pending a determination that no criminal history record background information which would disqualify the individual exists on file in the State Bureau of Identification in the Division of State Police or in the Federal Bureau of Investigation, Identification Division. An individual who is provisionally employed pursuant to this subsection shall perform his duties under the supervision of a superior who acts in a supervisory capacity over that individual until the determination concerning the federal and State information is complete, where possible.

A community care residence shall not be qualified to house an individual with developmental disabilities while a community care residence applicant, alternate, or household member's criminal history records background check is pending.

f. Notwithstanding the provisions of subsection b. of this section to the contrary, no individual shall be disqualified from employment or from being qualified as a community care residence applicant, alternate, or household member on the basis of any conviction disclosed by a criminal history record background check performed pursuant to sections 2 through 7 of P.L.1999, c.358 (C.30:6D-64 through C.30:6D-69) if the individual has affirmatively demonstrated to the department, clear and convincing evidence of the individual's rehabilitation. In determining whether an individual has affirmatively demonstrated rehabilitation, the following factors shall be considered:

(1) the nature and responsibility of the position which the convicted individual would hold, has held or currently holds, as the case may be;

(2) the nature and seriousness of the offense;

(3) the circumstances under which the offense occurred;

(4) the date of the offense;

(5) the age of the individual when the offense was committed;

(6) whether the offense was an isolated or repeated incident;

(7) any social conditions which may have contributed to the offense; and

(8) any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the individual under their supervision.

g. A conviction of a crime or disorderly persons offense against children as set forth in N.J.S.2C:24-4 adversely relates to a position in a community agency that involves or would involve working directly with a per-

son under 18 years of age. Individuals convicted of such crimes or disorderly persons offenses are permanently disqualified from such employment at a community agency and from being qualified to be a community care residence applicant, alternate, or household member.

h. The individual shall have no longer than 14 days from the date of the written notice of disqualification pursuant to section 4 of P.L.1999, c. 358 (C.30:6D-66) to provide evidence of affirmatively demonstrated rehabilitation to the department as provided pursuant to this section.

i. The department shall have no longer than 60 days from the date of receipt of evidence of the individual's affirmatively developed rehabilitation to make a determination on the individual's qualification. The department shall notify the individual and the community agency or community care residence in writing of the determination of the individual's qualification or disqualification no longer than 60 days from the date of receipt of evidence of the individual's affirmatively developed rehabilitation. The written notice may be transmitted electronically if the individual authorizes the department to transmit the information electronically.

3. Section 3 of P.L.1999, c.358 (C.30:6D-65) is amended to read as follows:

C.30:6D-65 Authorization to exchange data.

3. An individual who is a current, or prospective, community agency head, community agency employee, community care residence applicant, community care residence alternate, or community care residence household member shall submit to the Commissioner of Human Services his or her name, address, and fingerprints taken in accordance with procedures established by the commissioner. The commissioner is authorized to exchange fingerprint data with and receive criminal history record information from the Federal Bureau of Investigation and the Division of State Police for use in making the determinations required by this act. The Division of State Police shall also promptly notify the department in the event an individual who was the subject of a criminal history record background check conducted pursuant to sections 2 through 7 of P.L.1999, c.358 (C.30:6D-64 through C.30:6D-69), is convicted of a crime or offense in this State after the date that the criminal history record background check was performed. No later than 14 days from receipt of such notification, the department shall make a determination regarding the employment or qualification of the individual, and shall notify the individual and the community agency or the community care residence in writing of the determination.

The written notice may be transmitted electronically if the individual authorizes the department to transmit the information electronically. No criminal history record check shall be performed pursuant to this act unless the individual shall have furnished his written consent to the check. All individuals shall have their fingerprints taken on standard fingerprint cards by a State or municipal law enforcement agency, a personnel unit of the department, or a community agency designated by the department.

4. Section 4 of P.L.1999, c.358 (C.30:6D-66) is amended to read as follows:

C.30:6D-66 Written notice to applicant, employer of record information.

4. No longer than 14 days from receipt of the criminal history record information from the Federal Bureau of Investigation and the Division of State Police, the department shall notify the individual and the community agency or the community care residence in writing of qualification or disqualification. If the individual is disqualified, the State conviction or convictions which constitute the basis for the disqualification shall be identified in the written notice. The written notice may be transmitted electronically if the individual authorizes the department to transmit the information electronically.

5. Section 5 of P.L.1999, c.358 (C.30:6D-67) is amended to read as follows:

C.30:6D-67 Petition for hearing.

5. The individual may petition for a hearing on the accuracy of the criminal history record information with the appropriate State or federal agency or court.

6. Section 6 of P.L.1999, c.358 (C.30:6D-68) is amended to read as follows:

C.30:6D-68 Maintenance of information.

6. The department shall maintain all criminal history record information submitted under this act in accordance with rules and regulations which the commissioner shall adopt to implement the provisions of this act.

7. Section 7 of P.L.1999, c.358 (C.30:6D-69) is amended to read as follows:

C.30:6D-69 Initiation of background check.

7. In accordance with this act, the department shall initiate a criminal history record background check on all community agency heads, community agency employees, community care residence applicants, community care residence alternates, or community care residence household members who have not had a criminal history record background check completed in the previous two years from the date of enactment of P.L.2017, c.328 (C.30:11B-4.3 et al.)

C.30:11B-4.3 On-site inspection prior to issuance of license, corrective action plan.

8. a. The department that is responsible for licensing the residences as provided in section 4 of P.L.1977, c.448 (C.30:11B-4) shall require that all residences are subject to an on-site inspection prior to the issuance of an initial license, and an on-site annual inspection shall be performed at a minimum of one time per year in each year the residence is licensed.

b. If deficiencies are identified in the annual inspection, the department shall require that a corrective action plan is developed by the residence to explain the steps that will be taken to correct the deficiencies. If the identified deficiencies pose a risk to the life and safety of the residents, then the department shall conduct an on-site subsequent inspection to verify that corrective action has been taken by the residence to correct the deficiencies.

c. The department shall not provide the residence or the ownership of the residence prior notice of any subsequent inspection to verify that corrective action has been taken regarding identified deficiencies that pose a risk to the life and safety of the residents.

d. The department shall identify the type of deficiencies that pose a risk to the life and safety of the residents and require a subsequent on-site inspection.

e. The department may adopt a system to address multiple inspections which may be necessary to address multiple deficiencies noted in the annual inspection.

C.30:11B-4.4 Rules, regulations.

9. The Commissioners of Children and Families and Human Services, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations as the commissioners determine necessary to effectuate the purposes of this act.

10. This act shall take effect immediately, except that the provisions of section 2 of P.L.1999, c.358 (C.30.6D-64) shall not apply to individuals who are: under contract or licensed by the department to operate a community care residence; a community care residence alternate; or a community care residence household member, until the first day of the sixth month next following the date of enactment.

Approved January 16, 2018.

CHAPTER 329

AN ACT concerning the registration fee for certain motor vehicles and amending R.S.39:3-27.

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

1. R.S.39:3-27 is amended to read as follows:

Registration fee not charged for certain vehicles.

39:3-27. A fee shall not be charged for the registration of motor vehicles not used for pleasure or hire, owned by the United States, the State of New Jersey, a municipality, county, the Regional Air Pollution Control Agency, the Passaic Valley Sewerage Commissioners, the North Jersey District Water Supply Commission, a county improvement authority created under the "county improvement authorities law," P.L.1960, c.183 (C.40:37A-44 et seq.), a local school district, a regional school district, a county vocational or technical school, a duly authorized volunteer fire department, a duly authorized volunteer first aid, rescue or emergency squad, any duly recognized auxiliary or reserve police organization of any municipality, hospital, humane society, and anticruelty society in this State, the New Jersey wing of the Civil Air Patrol incorporated by the Act of July 1946 (Public Law 476-79th Congress), the American Red Cross, chartered local councils in New Jersey of the Boy Scouts of America or the Girl Scouts of the United States of America, chartered local councils in New Jersey of the Boys and Girls Clubs of America, or chartered local organizations of the Police Athletic League, any nonprofit organization in this State that provides transportation services exclusively to persons with developmental disabilities, or for the registration of ambulances owned by any

nonprofit organization. These vehicles shall be registered and display number plates as provided in this Title or the chief administrator may, in the chief administrator's discretion, issue special registration certificates and special number plates for any of these motor vehicles which shall be valid for such motor vehicle for a period fixed by the chief administrator which may correspond with the inspection expiration date applicable to such vehicles, which date shall not be later than 26 months after the date of issuance of such certificates. Upon the expiration or nonrenewal of any special registration the registration certificate and special number marker shall be returned to the chief administrator; provided, however, upon proper application to the chief administrator the special registration and special number marker may be transferred to another motor vehicle acquired by the owner to whom the special registration and marker were issued.

2. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 330

AN ACT dedesignating a portion of State Highway Route No. 324 and amending P.L.1997, c.143.

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

1. Section 2 of P.L.1997, c.143 (C.27:6-1.1) is amended to read as follows:

2. Notwithstanding any other provision of law to the contrary, any sale or conveyance by the Department of Transportation of the State's interest in any of the following parcels of land affected by P.L.1997, c.143 (C.27:6-1.1 et al.) , P.L.2014, c.56, and P.L.2017, c.330 shall require the prior approval of the State House Commission, established pursuant to R.S.52:20-1 et seq. The parcels of land affected by P.L.1997, c.143 (C.27:6-1.1 et al.), P.L.2014, c.56, and P.L.2017, c.330 are as follows:

a. Approximately 4 acres of land located in the City of Newark in the County of Essex, previously allocated for the Route 75 Freeway pursuant to P.L.1967, c.87;

b. Approximately 120 acres of land located in the townships of Lawrence, Ewing, and Hopewell in the County of Mercer, previously allocated for the Route 69 or the Route 31 Freeway pursuant to P.L.1955, c.255;

c. Approximately 23 acres of land located in the municipalities of Hanover and Morris in the County of Morris, previously allocated for the Route 178 Freeway pursuant to P.L.1967, c.142 and P.L.1971, c.287;

d. Approximately 76 acres of land located in Moorestown and Cinnaminson in the County of Burlington, previously allocated for the Route 90 Freeway pursuant to P.L.1965, c.60, which has had its end limit changed to eliminate an unbuilt portion pursuant to P.L.1997, c.143 (C.27:6-1.1 et al.);

e. That portion of the approximately 670 acres of land previously allocated for the Route 24 freeway that is not needed for transportation purposes located in the Township of Millburn in the County of Essex; the boroughs of Chatham, Florham Park, Madison, and Morris Plains, the townships of Hanover, Mendham, Montville, and Morris, and the Town of Morristown in the County of Morris; and the townships of Springfield and Union, and the City of Summit in the County of Union; and

f. Approximately 11 acres of land located in the Township of Logan in the County of Gloucester, previously allocated for Route 324, extending from the Delaware River to milepost 0.95.

In addition, the Department of Transportation shall notify in writing the governing body of each municipality in which these parcels of land are located of any proposed action by the department for the sale or conveyance of the State's interest and the requirement that the State House Commission render its approval prior to such action. The notice shall be sent sufficiently prior in time to any action taken by the State House Commission to permit a municipal review and formulation of a response, if any.

2. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 331

AN ACT concerning the enforcement of animal cruelty laws, and amending, supplementing, and repealing 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.2003, c.67 (C.2B:12-17.1) is amended to read as follows:

C.2B:12-17.1 Responsibility for notification.

4. As required pursuant to section 3 of P.L.2003, c.67 (C.4:22-57), a court adjudging guilt or liability for a violation of any provision of chapter 22 of Title 4 of the Revised Statutes, shall charge the prosecutor or other appropriate person, other than a certified animal control officer, with the responsibility to notify within 30 days the Commissioner of Health, in writing, of the full name of the person found guilty of, or liable for, an applicable violation, and the violation for which or of which that person was found guilty or liable, and the person charged with the responsibility shall provide such notice.

2. Section 1 of P.L.2015, c.85 (C.2C:33-31) is amended to read as follows:

C.2C:33-31 Crime of dog fighting, penalties.

1. a. A person is guilty of dog fighting if that person knowingly:

(1) keeps, uses, is connected with or interested in the management of, or receives money for the admission of a person to, a place kept or used for the purpose of fighting or baiting a dog;

(2) owns, possesses, keeps, trains, promotes, purchases, breeds or sells a dog for the purpose of fighting or baiting that dog;

(3) for amusement or gain, causes, allows, or permits the fighting or baiting of a dog;

(4) permits or suffers a place owned or controlled by that person to be used for the purpose of fighting or baiting a dog;

(5) is present and witnesses, pays admission to, encourages or assists in the fighting or baiting of a dog; or

(6) gambles on the outcome of a fight involving a dog.

Dog fighting is a crime of the third degree.

b. (1) In addition to any other penalty imposed, the court shall order:

(a) the seizure and forfeiture of any dogs or other animals used for fighting or baiting, and may upon request of the prosecutor or on its own motion, order any person convicted of a violation under this section to forfeit possession of: (i) any other dogs or other animals in the person's custody or possession; and (ii) any other property involved in or related to a violation of this section; and

(b) restitution, concerning the dogs or other animals seized and forfeited pursuant to subparagraph (a) of this paragraph, in the form of reimbursing

any costs for all the animals' food, drink, shelter, or veterinary care or treatment, or other costs, incurred by any person, agency, entity, or organization, including but not limited to a county society for the prevention of cruelty to animals, any other recognized organization concerned with the prevention of cruelty to animals or the humane treatment and care of animals, a State or local governmental entity, or a kennel, shelter, pound, or other facility.

(2) The court may prohibit any convicted person from having future possession or custody of any animal for any period of time the court deems reasonable, including a permanent prohibition.

c. For the purposes of this section "bait" means to attack with violence, to provoke, or to harass a dog with one or more animals for the purpose of training the dog for, or to cause a dog to engage in, a fight with or among other dogs.

3. Section 2 of P.L.2015, c.85 (C.2C:33-32) is amended to read as follows:

C.2C:33-32 Leader, financier of dog fighting network; penalties.

2. a. A person is a leader of a dog fighting network if he conspires with others in a scheme or course of conduct to unlawfully engage in dog fighting, as defined in section 1 of P.L.2015, c.85 (C.2C:33-31), as an organizer, supervisor, financier or manager of at least one other person. Leader of a dog fighting network is a crime of the second degree.

"Financier" means a person who, with the intent to derive a profit, provides money or credit or other thing of value in order to finance the operations of dog fighting.

b. (1) In addition to any other penalty imposed, the court shall order:

(a) The seizure and forfeiture of any dogs or other animals used for fighting or baiting, and may upon request of the prosecutor or on its own motion, order any person convicted of a violation under this section to forfeit possession of: (i) any other dogs or other animals in the person's custody or possession; and (ii) any other property involved in or related to a violation of this section; and

(b) restitution, concerning the dogs or other animals seized and forfeited pursuant to subparagraph (a) of this paragraph, in the form of reimbursing any costs for all the animals' food, drink, shelter, or veterinary care or treatment, or other costs, incurred by any person, agency, entity, or organization, including but not limited to a county society for the prevention of cruelty to animals, any other recognized organization concerned with the prevention of

cruelty to animals or the humane treatment and care of animals, a State or local governmental entity, or a kennel, shelter, pound, or other facility.

(2) The court may prohibit any convicted person from having future possession or custody of any animal for any period of time the court deems reasonable, including a permanent prohibition.

c. Notwithstanding the provisions of N.J.S.2C:1-8, a conviction of leader of a dog fighting network shall not merge with the conviction for any offense, nor shall such other conviction merge with a conviction under this section, which is the object of the conspiracy. Nothing contained in this section shall prohibit the court from imposing an extended term pursuant to N.J.S.2C:43-7; nor shall this section be construed in any way to preclude or limit the prosecution or conviction of any person for conspiracy under N.J.S.2C:5-2, or any prosecution or conviction under N.J.S.2C:41-1 et seq. (racketeering activities) or subsection g. of N.J.S.2C:5-2 (leader of organized crime) or any prosecution or conviction for any such offense.

d. It shall not be necessary in any prosecution under this section for the State to prove that any intended profit was actually realized. The trier of fact may infer that a particular scheme or course of conduct was undertaken for profit from all of the attendant circumstances, including but not limited to the number of persons involved in the scheme or course of conduct, the actor's net worth and his expenditures in relation to his legitimate sources of income, or the amount of cash or currency involved.

e. It shall not be a defense to a prosecution under this section that the dog intended to be used for fighting was brought into or transported in this State solely for ultimate distribution or sale in another jurisdiction.

f. It shall not be a defense that the defendant was subject to the supervision or management of another, nor that another person or persons were also leaders of a dog fighting network.

4. 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 State correctional police officer, or 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 municipal humane law enforcement officer, authorized pursuant to subsection d. of section 25 of P.L.2017, c.331 (C.4:22-14.1), or humane law enforcement officer of a county society for the prevention of cruelty to animals authorized pursuant to subsection c. of section 29 of P.L.2017, c.331 (C.4:22-14.5), while in the actual performance of the officer's duties;

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

(9) A railway policeman, except a transit police officer of the New Jersey Transit Police Department, at all times while in the State of New Jersey, provided that 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 Po-

lice 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 correctional police officer 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 pur-

suant 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.

5. Section 3 of P.L.1983, c.525 (C.4:19-15.16a) is amended to read as follows:

C.4:19-15.16a Rules, regulations concerning training, educational qualifications for animal control officers.

3. a. The Commissioner of Health shall, within 120 days after the effective date of P.L.1983, c.525, and pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations concerning the training and educational qualifications for the certification of animal control officers, including, but not limited to, a course of study approved by the commissioner and the Police Training Commission, in consultation with the New Jersey Certified Animal Control Officers Association, which acquaints a person with:

(1) The law as it affects animal control, animal welfare, and animal cruelty;

(2) Animal behavior and the handling of stray or diseased animals; and

(3) Community safety as it relates to animal control.

(4) (Deleted by amendment, P.L.2017, c.331)

Any person 18 years of age or older may satisfy the courses of study established pursuant to this subsection at that person's own time and expense; however, nothing in this section shall be construed as authorizing a person to exercise the powers and duties of an animal control officer absent municipal appointment or authorization pursuant to section 4 of P.L.1983, c.525 (C.4:19-15.16b).

b. (1) The commissioner shall provide for the issuance of a certificate to a person who possesses, or acquires, the training and education required to qualify as a certified animal control officer pursuant to paragraphs (1) through (3) of subsection a. of this section and to a person who has been employed in the State of New Jersey in the capacity of, and with similar responsibilities to those required of, a certified animal control officer pursuant to the provisions of P.L.1983, c.525, for a period of three years before January 17, 1987. The commissioner shall not issue a certificate to any person convicted of, or found civilly liable for, a violation of any provision of chapter 22 of Title 4 of the Revised Statutes.

(2) The commissioner shall revoke the certificate of any person convicted of, or found civilly liable for, a violation of any provision of chapter 22 of Title 4 of the Revised Statutes, and shall place the name of the person on the list established pursuant to subsection c. of this section.

c. (1) The commissioner shall establish a list of all persons issued a certificate pursuant to subsection b. of this section (a) for whom that certificate has been revoked, or (b) who have been convicted of, or found civilly liable for, a violation of any provision of chapter 22 of Title 4 of the Revised Statutes. The commissioner shall provide each municipality in the State with a copy of this list within 30 days after the list is established and not less often than annually thereafter if no revised list required pursuant to paragraph (2) of this subsection has been issued in the interim.

(2) Upon receipt of a notice required pursuant to section 3 or 4 of P.L.2003, c.67 (C.4:22-57 or C.2B:12-17.1) involving a person who has been issued a certificate pursuant to subsection b. of this section, the commissioner shall add to the list the name of the person convicted of, or found civilly liable for, a violation of any provision of chapter 22 of Title 4 of the Revised Statutes according to the notice, and shall issue a copy of the revised list to each municipality within 30 days after receipt of any notice.

6. Section 4 of P.L.1983, c.525 (C.4:19-15.16b) is amended to read as follows:

C.4:19-15.16b Appointment of certified animal control officer.

4. The governing body of a municipality shall, within three years of the effective date of P.L.1983, c.525, appoint a certified animal control officer who shall be responsible for animal control within the jurisdiction of the municipality and who shall enforce and abide by the provisions of section 16 of P.L.1941, c.151 (C.4:19-15.16). The governing body shall not appoint a certified animal control officer, shall not contract for animal con-

trol services with any company that employs a certified animal control officer, and shall revoke the appointment of a certified animal control officer, who has been convicted of, or found civilly liable for, a violation of any provision of chapter 22 of Title 4 of the Revised Statutes or whose name is on the list or any revision thereto established and provided by the Commissioner of Health pursuant to subsection c. of section 3 of P.L.1983, c.525 (C.4:19-15.16a). The governing body shall, within 30 days after receipt thereof, review any such list or revision thereto received by the municipality and shall, within that 30-day period, take action accordingly as required pursuant to this section.

The governing body may authorize the certified animal control officer to serve concurrently as a municipal humane law enforcement officer pursuant to subsection c. of section 25 or subsection e. of section 26 of P.L.2017, c.331 (C.4:22-14.1 or C.4:22-14.2).

7. Section 1 of P.L.1995, c.145 (C.4:19A-16) is amended to read as follows:

C.4:19A-16 Domestic Companion Animal Council.

1. a. There shall be established in, but not of, the Department of Health, a Domestic Companion Animal Council, which shall consist of 12 members, each of whom shall be chosen with due regard to the individual's knowledge of and interest in animal welfare, animal population control and the public health and well-being as they relate to the breeding, raising and nurturing of animals as domestic companion animals.

Each member shall be appointed by the Governor, with the advice and consent of the Senate, as follows: two members shall be appointed from persons recommended by the New Jersey Veterinary Medical Association; one member shall be appointed from persons recommended by the New Jersey Health Officers Association; one member shall be appointed from persons recommended by the New Jersey Certified Animal Control Officers Association; one member shall be appointed from persons recommended by the New Jersey Federation of Dog Clubs, Inc.; one member shall be appointed from persons recommended by People for Animals, Inc.; one member shall be appointed from persons recommended by the county societies for the prevention of cruelty to animals in northern New Jersey; one member shall be appointed from persons recommended by the county societies for the prevention of cruelty to animals in southern New Jersey; one member who shall be a volunteer at any county animal shelter within the State; one member shall be a representative of a volunteer animal rescue and wel-

fare organization; and two members shall be appointed from persons recommended by the Humane Society of the United States. Each member shall be appointed for a term of four years and until the member's successor is appointed and qualified.

Any member of the Domestic Companion Animal Council shall be eligible for reappointment, but may be removed from office by the Governor for cause.

Any vacancy occurring in the membership of the council for any cause shall be filled in the same manner as the original appointment but for the unexpired term only, except that, upon expiration of the term of the member recommended by the Cat Fanciers' Association, a replacement shall be appointed from persons recommended by People for Animals, Inc., upon expiration of the term of the member recommended by the New Jersey Society for Prevention of Cruelty to Animals, a replacement shall be appointed from persons recommended by the county societies for the prevention of cruelty to animals in northern New Jersey, and upon expiration of the term of the member recommended by the Associated Humane Societies, a replacement shall be appointed from persons recommended by the county societies for the prevention of cruelty to animals in southern New Jersey.

For the purposes of this section, "northern New Jersey" means Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union, and Warren counties; and "southern New Jersey" means Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean, and Salem counties.

b. A majority of the membership of the council shall constitute a quorum for the transaction of council business. Action may be taken and motions and resolutions adopted by the council at any meeting thereof by the affirmative vote of a majority of the full membership of the council.

c. The Governor shall appoint a chairman and the council may appoint other officers as may be necessary. The council may appoint staff or hire experts as it may require within the limits of appropriations made for these purposes.

d. Members of the council shall serve without compensation, but may be reimbursed for expenses necessarily incurred in the discharge of their official duties.

e. The council may call to its assistance any employees as are necessary and made available to it from any agency or department of the State or its political subdivisions.

f. For the purposes of this act, "domestic companion animal" means any animal commonly referred to as a pet or one that has been 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.

8. Section 11 of P.L.2005, c.372 (C.4:22-11.11) is amended to read as follows:

C.4:22-11.11 Training course for animal protection law enforcement.

11. a. The Police Training Commission, in collaboration with the Attorney General, shall develop or approve a training course for animal protection law enforcement, which shall include but need not be limited to instruction in:

(1) the law, procedures, and enforcement methods and techniques of investigation, arrest, and search and seizure, specifically in connection with violations of State and local animal cruelty laws and ordinances;

(2) information and procedures related to animals, including animal behavior and traits and evaluation of animals at a crime scene;

(3) methods to identify and document animal abuse, neglect, and distress; and

(4) investigation of animal fighting.

b. Every municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, and chief humane law enforcement officer or other officer designated pursuant to subparagraph (a) of paragraph (2) of subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4) shall satisfactorily complete the animal protection law enforcement training course as soon as practicable, but no later than one year after the date of the officer's designation.

c. (1) The chief law enforcement officer of a municipality, or of a county, as applicable, may request from the Police Training Commission an exemption from applicable law enforcement parts of the animal protection law enforcement training course on behalf of a current or prospective municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, or chief humane law enforcement officer or other officer designated pursuant to subparagraph (a) of paragraph (2) of subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4) who demonstrates successful completion of a police training course conducted by a federal, state, or other public or private agency, the requirements of which are substantially equivalent to or which exceed the corresponding requirements of the animal protection law en-

forcement training course curriculum established through the Police Training Commission.

(2) The chief law enforcement officer of a municipality, or of a county, as applicable, may request from the Police Training Commission an exemption from applicable animal control parts of the animal protection law enforcement training course on behalf of a current or prospective municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, or chief humane law enforcement officer or other officer designated pursuant to subparagraph (a) of paragraph (2) of subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4) who demonstrates successful completion of an animal control course pursuant to section 3 of P.L.1983, c.525 (C.4:19-15.16a).

d. The Police Training Commission shall provide for the issuance of a certificate to a person who possesses, or acquires, the training and education required to qualify as a municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, or chief humane law enforcement officer or other officer designated pursuant to subparagraph (a) of paragraph (2) of subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4) and shall provide a copy of the certificate to, as applicable, the municipal humane law enforcement officer and the chief law enforcement officer of the municipality or county, or to the humane law enforcement officer and the county society for the prevention of cruelty to animals, or to the chief humane law enforcement officer or other officer designated pursuant to subparagraph (a) of paragraph (2) of subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4) and the county prosecutor.

9. Section 12 of P.L.2005, c.372 (C.4:22-11.12) is amended to read as follows:

C.4:22-11.12 Assistance from governmental entities.

12. All State, county, and municipal law enforcement agencies and all county and municipal health agencies shall, upon request, make every reasonable effort to assist any municipal humane law enforcement officer or humane law enforcement officer of a county society for the prevention of cruelty to animals in the enforcement of all laws and ordinances enacted for the protection of animals.

10. R.S.4:22-17 is amended to read as follows:

Cruelty; certain acts, crime; degrees.

4:22-17. a. It shall be unlawful to:

(1) Overdrive, overload, drive when overloaded, overwork, abuse, or needlessly kill a living animal or creature;

(2) Cause or procure, by any direct or indirect means, including but not limited to through the use of another living animal or creature, any of the acts described in paragraph (1) of this subsection to be done;

(3) Inflict unnecessary cruelty upon a living animal or creature, by any direct or indirect means, including but not limited to through the use of another living animal or creature; or leave the living animal or creature unattended in a vehicle under inhumane conditions adverse to the health or welfare of the living animal or creature; or

(4) Fail, as the owner or as a person otherwise charged with the care of a living animal or creature, to provide the living animal or creature with necessary care.

b. (1) A person who violates subsection a. of this section shall be guilty of a disorderly persons offense. Notwithstanding the provisions of N.J.S.2C:43-3 to the contrary, for every conviction of an offense pursuant to paragraph (1) or (2) of subsection a. of this section, the person shall be fined not less than $250 nor more than $1,000, or be imprisoned for a term of not more than six months, or both, in the discretion of the court; and for every conviction of an offense pursuant to paragraph (3) or (4) of subsection a. of this section, the person shall be fined not less than $500 nor more than $2,000, or be imprisoned for a term of not more than six months, or both, in the discretion of the court.

(2) If the person who violates subsection a. of this section has a prior conviction for an offense that would constitute a violation of subsection a. of this section, the person shall be guilty of a crime of the fourth degree.

(3) A person who violates subsection a. of this section shall also be subject to the provisions of subsections e. and f. and, if appropriate, subsection g., of this section.

(4) The action for the penalty prescribed in this subsection shall be brought in the municipal court of the municipality wherein the defendant resides or where the offense was committed, except that the municipality may elect to refer the offense to the county prosecutor to determine if the offense should be handled in the Superior Court or in municipal court.

c. It shall be unlawful to purposely, knowingly, or recklessly:

(1) Torment, torture, maim, hang, poison, unnecessarily or cruelly beat, cruelly abuse, or needlessly mutilate a living animal or creature;

(2) Cause bodily injury to a living animal or creature by failing to provide the living animal or creature with necessary care, whether as the owner or as a person otherwise charged with the care of the living animal or creature;

(3) Cause or procure an act described in paragraph (1) or (2) of this subsection to be done, by any direct or indirect means, including but not limited to through the use of another living animal or creature; or

(4) Use, or cause or procure the use of, an animal or creature in any kind of sexual manner or initiate any kind of sexual contact with the animal or creature, including, but not limited to, sodomizing the animal or creature. As used in this paragraph, "sexual contact" means any contact between a person and an animal by penetration of the penis or a foreign object into the vagina or anus, contact between the mouth and genitalia, or by contact between the genitalia of one and the genitalia or anus of the other. This term does not include any medical procedure performed by a licensed veterinarian practicing veterinary medicine or an accepted animal husbandry practice.

d. (1) A person who violates paragraph (1), (2), (3) or (4) of subsection c. of this section shall be guilty of a crime of the fourth degree, except that the person shall be guilty of a crime of the third degree if:

(a) the animal or creature dies as a result of the violation;

(b) the animal or creature suffers serious bodily injury as a result of the violation; or

(c) the person has a prior conviction for an offense that would constitute a violation of paragraph (1), (2), (3) or (4) of subsection c. of this section.

(2) A person who violates any provision of subsection c. of this section shall also be subject to the provisions of subsections e. and f. and, if appropriate, subsection g., of this section.

(3) The action for the penalty prescribed in this subsection shall be brought in the Superior Court.

e. For a violation of this section, in addition to imposing any other appropriate penalties established for a crime of the third degree, crime of the fourth degree, or disorderly persons offense, as the case may be, pursuant to Title 2C of the New Jersey Statutes, the court shall impose a term of community service of up to 30 days, and may direct that the term of community service be served in providing assistance to a county society for the prevention of cruelty to animals or any other recognized organization concerned with the prevention of cruelty to animals or the humane treatment and care of animals, or to a municipality's animal control or animal population control program.

f. The court also shall require any violator of this section to pay restitution, including but not limited to, the monetary cost of replacing the animal if the animal died or had to be euthanized because of the extent of the animal's injuries, or otherwise reimburse any costs for food, drink, shelter, or veterinary care or treatment, or other costs, incurred by the owner of the animal, if the owner is not the person committing the act of cruelty, or incurred by any agency, entity, or organization investigating the violation, or providing shelter or care for the animal or animals, including but not limited to a county society for the prevention of cruelty to animals, any other recognized organization concerned with the prevention of cruelty to animals or the humane treatment and care of animals, a local or State governmental entity, or a kennel, shelter, pound, or other facility providing for the shelter and care of the animal or animals involved in the violation.

g. If a juvenile is adjudicated delinquent for an act which, if committed by an adult, would constitute a disorderly persons offense, crime of the fourth degree, or crime of the third degree pursuant to this section, the court also shall order the juvenile to receive mental health counseling by a licensed psychologist or therapist named by the court for a period of time to be prescribed by the licensed psychologist or therapist.

11. Section 7 of P.L.2017, c.189 (C.4:22-17.7) is amended to read as follows:

C.4:22-17.7 Violations, remedies, required actions.

7. a. Upon a showing of probable cause that there has been a violation of P.L.2017, c.189 (C.4:22-17.1 et seq.) and submission of proof of issuance of a summons, a court of competent jurisdiction may issue, upon request, an order to any municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, 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 municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, or other State or local law enforcement officer may immediately enter onto private property where a dog, domestic companion animal, or service animal is located and take physical custody of the animal, if the officer has

reasonable suspicion to believe that the animal is at risk of imminent harm due to a violation of P.L.2017, c.189 (C.4:22-17.1 et seq.).

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 P.L.2017, c.189 (C.4:22-17.1 et seq.) 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 P.L.2017, c.189 (C.4:22-17.1 et seq.) 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 issuing the summons or investigating the alleged violation.

h. Any municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, or other State or local law enforcement officer issuing a summons for a violation of P.L.2017, c.189 (C.4:22-17.1 et seq.) 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 municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, 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 P.L.2017, c.189 (C.4:22-17.1 et seq.). 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 P.L.2017, c.189 (C.4:22-17.1 et seq.) 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.

12. Section 1 of P.L.1939, c.315 (C.4:22-25.1) is amended to read as follows:

C.4:22-25.1 Motorist hitting domestic animal to stop; report.

1. Each person operating a motor vehicle who shall knowingly hit, run over, or cause injury to a cat, dog, horse, or cattle shall stop at once, ascertain the extent of injury, report to the nearest police station, police officer, municipal humane law enforcement officer, chief humane law enforcement officer, or humane law enforcement officer of a county society for the prevention of cruelty to animals and give his name, address, operator's license and registration number, and also give the location of the injured animal.

13. R.S.4:22-26 is amended to read as follows:

Penalties for various acts constituting cruelty.

4:22-26. A person who shall:

a. (1) Overdrive, overload, drive when overloaded, overwork, abuse, or needlessly kill a living animal or creature, or cause or procure, by any direct or indirect means, including but not limited to through the use of another living animal or creature, any such acts to be done;

(2) Torment, torture, maim, hang, poison, unnecessarily or cruelly beat, cruelly abuse, or needlessly mutilate a living animal or creature, or cause or procure, by any direct or indirect means, including but not limited to through the use of another living animal or creature, any such acts to be done;

(3) Cause the death of, or serious bodily injury to, a living animal or creature from commission of any act described in paragraph (2), (4), or (5) of this subsection, by any direct or indirect means, including but not limited to through the use of another living animal or creature, or otherwise cause or procure any such acts to be done;

(4) Fail, as the owner or a person otherwise charged with the care of a living animal or creature, to provide the living animal or creature with necessary care, or otherwise cause or procure such an act to be done; or

(5) Cause bodily injury to a living animal or creature from commission of the act described in paragraph (4) of this subsection;

b. (Deleted by amendment, P.L.2003, c.232)

c. Inflict unnecessary cruelty upon a living animal or creature, by any direct or indirect means, including but not limited to through the use of another living animal or creature; or leave the living animal or creature unattended in a vehicle under inhumane conditions adverse to the health or welfare of the living animal or creature;

d. Receive or offer for sale a horse that is suffering from abuse or neglect, or which by reason of disability, disease, abuse or lameness, or any other cause, could not be worked, ridden or otherwise used for show, exhibition or recreational purposes, or kept as a domestic pet without violating the provisions of article 2 of chapter 22 of Title 4 of the Revised Statutes;

e. Keep, use, be connected with or interested in the management of, or receive money or other consideration for the admission of a person to, a place kept or used for the purpose of fighting or baiting a living animal or creature;

f. Be present and witness, pay admission to, encourage, aid or assist in an activity enumerated in subsection e. of this section;

g. Permit or suffer a place owned or controlled by him to be used as provided in subsection e. of this section;

h. Carry, or cause to be carried, a living animal or creature in or upon a vehicle or otherwise, in a cruel or inhumane manner;

i. Use a dog or dogs for the purpose of drawing or helping to draw a vehicle for business purposes;

j. Impound or confine or cause to be impounded or confined in a pound or other place a living animal or creature, and shall fail to supply the living animal or creature during such confinement with a sufficient quantity of good and wholesome food and water;

k. Abandon a maimed, sick, infirm or disabled animal or creature to die in a public place;

l. Willfully sell, or offer to sell, use, expose, or cause or permit to be sold or offered for sale, used or exposed, a horse or other animal having the disease known as glanders or farcy, or other contagious or infectious disease dangerous to the health or life of human beings or animals, or who shall, when any such disease is beyond recovery, refuse, upon demand, to deprive the animal of life;

m. Own, operate, manage or conduct a roadside stand or market for the sale of merchandise along a public street or highway; or a shopping mall, or a part of the premises thereof; and keep a living animal or creature confined, or allowed to roam in an area whether or not the area is enclosed, on these premises as an exhibit; except that this subsection shall not be applicable to: a pet shop licensed pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who keeps an animal, in a humane manner, for the purpose of the protection of the premises; or a recognized breeders' association, a 4-H club, an educational agricultural program, an equestrian team, a humane society or other similar charitable or nonprofit organization conducting an exhibition, show or performance;

n. Keep or exhibit a wild animal at a roadside stand or market located along a public street or highway of this State; a gasoline station; or a shopping mall, or a part of the premises thereof;

o. Sell, offer for sale, barter or give away or display live baby chicks, ducklings or other fowl or rabbits, turtles or chameleons which have been dyed or artificially colored or otherwise treated so as to impart to them an artificial color;

p. Use any animal, reptile, or fowl for the purpose of soliciting any alms, collections, contributions, subscriptions, donations, or payment of money except in connection with exhibitions, shows or performances conducted in a bona fide manner by recognized breeders' associations, 4-H clubs or other similar bona fide organizations;

q. Sell or offer for sale, barter, or give away living rabbits, turtles, baby chicks, ducklings or other fowl under two months of age, for use as household or domestic pets;

r. Sell, offer for sale, barter or give away living baby chicks, ducklings or other fowl, or rabbits, turtles or chameleons under two months of age for any purpose not prohibited by subsection q. of this section and who shall fail to provide proper facilities for the care of such animals;

s. Artificially mark sheep or cattle, or cause them to be marked, by cropping or cutting off both ears, cropping or cutting either ear more than one inch from the tip end thereof, or half cropping or cutting both ears or either ear more than one inch from the tip end thereof, or who shall have or keep in the person's possession sheep or cattle, which the person claims to own, marked contrary to this subsection unless they were bought in market or of a stranger;

t. Abandon a domesticated animal;

u. For amusement or gain, cause, allow, or permit the fighting or baiting of a living animal or creature;

v. Own, possess, keep, train, promote, purchase, or knowingly sell a living animal or creature for the purpose of fighting or baiting that animal or creature;

w. Gamble on the outcome of a fight involving a living animal or creature;

x. Knowingly sell or barter or offer for sale or barter, at wholesale or retail, the fur or hair of a domestic dog or cat or any product made in whole or in part from the fur or hair of a domestic dog or cat, unless such fur or hair for sale or barter is from a commercial grooming establishment or a veterinary office or clinic or is for use for scientific research;

y. (1) Knowingly sell or barter, or offer for sale or barter, at wholesale or retail, for human consumption, the flesh of a domestic dog or cat, or any product made in whole or in part from the flesh of a domestic dog or cat;

(2) Knowingly slaughter a horse for human consumption;

(3) Knowingly sell or barter, or offer for sale or barter, at wholesale or retail, for human consumption, the flesh of a horse, or any product made in whole or in part from the flesh of a horse, or knowingly accept or publish newspaper advertising that includes the offering for sale, trade, or distribution of any such item for human consumption;

(4) Knowingly transport a horse for the purpose of slaughter for human consumption;

(5) Knowingly transport horsemeat, or any product made in whole or in part from the flesh of a horse, for the purpose of human consumption;

z. Surgically debark or silence a dog in violation of section 1 or 2 of P.L.2002, c.102 (C.4:19-38 or C.4:19-39);

aa. Use a live pigeon, fowl or other bird for the purpose of a target, or to be shot at either for amusement or as a test of skill in marksmanship, except that this subsection and subsections bb. and cc. shall not apply to the shooting of game;

bb. Shoot at a bird used as described in subsection aa. of this section, or is a party to such shooting; or

cc. Lease a building, room, field or premises, or knowingly permit the use thereof for the purposes of subsection aa. or bb. of this section --

Shall forfeit and pay a sum according to the following schedule, to be sued for and recovered, with costs, in a civil action by any person in the name of the municipality or county wherein the defendant resides or where the offense was committed:

For a violation of subsection e., f., g., u., v., w., or z. of this section or of paragraph (3) of subsection a. of this section, or for a second or subse-

quent violation of paragraph (2) or (5) of subsection a. of this section, a sum of not less than $3,000 nor more than $5,000;

For a violation of subsection l. of this section, for a first violation of paragraph (2) or (5) of subsection a. of this section, a sum of not less than $1,000 nor more than $3,000;

For a violation of paragraph (4) of subsection a. of this section, or subsection c. of this section, a sum of not less than $500 nor more than $2,000;

For a violation of subsection x. or paragraph (1) of subsection y. of this section, a sum of not less than $500 nor more than $1,000 for each domestic dog or cat fur or fur or hair product or domestic dog or cat carcass or meat product sold, bartered, or offered for sale or barter;

For a violation of paragraph (2), (3), (4), or (5) of subsection y. of this section, a sum of not less than $500 nor more than $1,000 for each horse slaughtered or transported for the purpose of slaughter for human consumption, or for each horse carcass or meat product transported, sold or bartered, or offered or advertised for sale or barter;

For a violation of subsection t. of this section, a sum of not less than $500 nor more than $1,000, but if the violation occurs on or near a highway, a mandatory sum of $1,000;

For a violation of subsection d., h., j., k., aa., bb., or cc. of this section or of paragraph (1) of subsection a. of this section, a sum of not less than $250 nor more than $1,000; and

For a violation of subsection i., m., n., o., p., q., r., or s. of this section, a sum of not less than $250 nor more than $500.

14. Section 1 of P.L.1995, c.255 (C.4:22-26.1) is amended to read as follows:

C.4:22-26.1 Confiscation, forfeiture of animal.

1. A certified animal control officer, municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, chief humane law enforcement officer, or animal cruelty prosecutor designated pursuant to paragraph (1) of subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4) may petition a court of competent jurisdiction to have any animal confiscated and forfeited that is owned or possessed by a person at the time the person is found to be guilty of violating R.S.4:22-17, R.S.4:22-18, R.S.4:22-19, R.S.4:22-20 or R.S.4:22-23. Upon a finding that the continued possession by that person poses a threat to the animal's welfare, the court may, in addition to any other penalty that may be imposed for a violation of R.S.4:22-17, R.S.4:22-18,

R.S.4:22-19, R.S.4:22-20 or R.S.4:22-23, adjudge an animal forfeited for such disposition as the court deems appropriate.

15. R.S.4:22-44 is amended to read as follows:

Arrests with, without warrant.

4:22-44. Any municipal humane law enforcement officer, chief humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, sheriff, undersheriff, constable, or police officer may:

a. Make arrests for violations of article 2 of chapter 22 of Title 4 of the Revised Statutes; and

b. Arrest without warrant any person found violating the provisions of article 2 of chapter 22 of Title 4 of the Revised Statutes in the presence of such humane law enforcement officer, sheriff, undersheriff, constable, or police officer.

16. R.S.4:22-45 is amended to read as follows:

Notice to county prosecutor, designee.

4:22-45. Where an arrest is made for a violation of subsection c. of R.S.4:22-17 by a constable, sheriff, undersheriff, police officer, municipal humane law enforcement officer, chief humane law enforcement officer, or humane law enforcement officer of a county society for the prevention of cruelty to animals, the officer shall give notice to the county prosecutor, or designee of the county prosecutor, at once, whereupon the county prosecutor, or designee of the county prosecutor, shall determine whether the offense should be handled in the Superior Court or in municipal court.

17. R.S.4:22-47 is amended to read as follows:

Warrantless arrest for fighting or baiting offenses.

4:22-47. A sheriff, undersheriff, constable, police officer, municipal humane law enforcement officer, chief humane law enforcement officer, or humane law enforcement officer of a county society for the prevention of cruelty to animals may enter any building or place where there is an exhibition of the fighting or baiting of a living animal or creature, where preparations are being made for such an exhibition, or where a violation otherwise of R.S.4:22-24 is occurring, arrest without warrant all persons there present, and take possession of all living animals or creatures engaged in fighting or there found and all implements or appliances used or to be used in such exhibition.

18. Section 1 of P.L.1997, c.121 (C.4:22-48.2) is amended to read as follows:

C.4:22-48.2 Owner of confiscated animal responsible for certain costs.

1. The costs of sheltering, caring for, or treating any animal that has been confiscated from a person arrested pursuant to the provisions of R.S.4:22-47 by a municipal humane law enforcement officer, a chief humane law enforcement officer, a humane law enforcement officer of a county society for the prevention of cruelty to animals, or any other person authorized to make an arrest pursuant to article 2 of chapter 22 of Title 4 of the Revised Statutes, until the animal is adjudged forfeited or until the animal is returned to the owner, shall be borne by the owner of the animal.

19. Section 1 of P.L.1986, c.89 (C.4:22-50.1) is amended to read as follows:

C.4:22-50.1 Petition for animal pound receivership.

1. When the owner or operator of an animal pound or shelter is arrested pursuant to the provisions of article 2 of chapter 22 of Title 4 of the Revised Statutes by a municipal humane law enforcement officer, a chief humane law enforcement officer, a humane law enforcement officer of a county society for the prevention of cruelty to animals, or any other person authorized to make the arrest under that article, or when the warrant is issued for the arrest, the person making the arrest may petition the Chancery Division of Superior Court to remove the owner or operator as custodian of the animals and appoint a receiver to operate the pound or shelter. The petitioner shall serve a copy of the petition on the Department of Health, the local board of health, and the owner or operator. If a county society for the prevention of cruelty to animals has been designated by the county prosecutor pursuant to subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4), the county society shall, to the extent practicable, be appointed as receiver to operate the pound or shelter unless the county society is the owner or operator of the pound or shelter subject to arrest pursuant to this section.

20. R.S.4:22-53 is amended to read as follows:

Sale of animals abandoned in disabled condition.

4:22-53. An animal or creature abandoned in a maimed, sick, infirm, or disabled condition, if fit for further use, may be advertised and sold in the manner directed by a court of competent jurisdiction or animal cruelty

prosecutor designated pursuant to paragraph (1) of subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4).

The proceeds, after deducting expenses, shall be paid to the county to be used for the purpose of protecting animals in the county.

21. R.S.4:22-54 is amended to read as follows:

Destruction of animals found in disabled condition.

4:22-54. When an animal or creature is found on the highway or elsewhere, whether abandoned or not, in a maimed, sick, infirm, or disabled condition, a court of competent jurisdiction, sheriff of the county, chief humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, or municipal humane law enforcement officer may appoint a suitable person to examine and destroy such animal or creature if unfit for further use.

22. R.S.4:22-55 is amended to read as follows:

Payment, disposition of fines, penalties, moneys, imposed and collected.

4:22-55. a. Except as provided pursuant to subsection b. of this section, all fines, penalties and moneys imposed and collected under the provisions of article 2 of chapter 22 of Title 4 of the Revised Statutes, shall be paid by the court or by the clerk or court officer receiving the fines, penalties or moneys, within 30 days and without demand, to the county to be used for the purpose of protecting animals in the county.

b. If an enforcement action for a violation of article 2 of chapter 22 of Title 4 of the Revised Statutes is brought:

(1) in Superior Court primarily as a result of the reporting of the violation to the county prosecutor by a certified animal control officer or a municipal humane law enforcement officer, the fines, penalties, or moneys collected shall be paid as follows: one half to the municipality in which the violation occurred; and one half to the county to be used for the purpose of protecting animals in the county.

(2) in a municipal court of a municipality in which a municipal humane law enforcement officer has been designated pursuant to section 25 of P.L.2017, c.331 (C.4:22-14.1), the fines, penalties, or moneys collected shall be paid without demand, to the municipality in which the violation occurred.

(3) in a municipal court of a municipality in which a municipal humane law enforcement officer has not been designated pursuant to section 25 of P.L.2017, c.331 (C.4:22-14.1), the fines, penalties, or moneys collect-

ed shall be paid as follows: one half to the municipality in which the violation occurred; and one half to the county to be used for the purpose of protecting animals in the county.

c. Any fines, penalties, or moneys paid to a municipality pursuant to subsection b. of this section shall be allocated by the municipality to defray the cost of:

(1) enforcement of animal control, animal welfare, and animal cruelty laws and ordinances within the municipality; and

(2) the training therefor required of certified animal control officers and municipal humane law enforcement officers pursuant to law or other animal enforcement related training authorized by law for municipal employees.

23. Section 10 of P.L.1997, c.247 (C.4:22-56) is amended to read as follows:

C.4:22-56 Immunity from liability.

10. Although a municipality and a county may share in the receipt of fines, penalties, or moneys collected with regard to violations occurring in the municipality pursuant to the provisions of R.S.4:22-55:

a. a municipality or any official or officer thereof, municipal prosecutor, municipal humane law enforcement officer, or certified animal control officer shall not be liable for any civil damages as a result of any act or omission of a county or any official or officer thereof, county prosecutor, county animal cruelty prosecutor, chief humane law enforcement officer, or county society for the prevention of cruelty to animals or any humane law enforcement officer thereof with regard to any investigation, arrest, or prosecution of a violator with which the municipality or any official or officer thereof, municipal prosecutor, municipal humane law enforcement officer, or certified animal control officer was not involved; and

b. a county or any official or officer thereof, county prosecutor, county animal cruelty prosecutor, chief humane law enforcement officer, or county society for the prevention of cruelty to animals or any humane law enforcement officer thereof shall not be liable for any civil damages as a result of any act or omission of a municipality or any official or officer thereof, municipal prosecutor, municipal humane law enforcement officer, or certified animal control officer with regard to any investigation, arrest, or prosecution of a violator with which the county or any official or officer thereof, county prosecutor, county animal cruelty prosecutor, chief humane

law enforcement officer, or county society for the prevention of cruelty to animals or any humane law enforcement officer thereof was not involved.

24. Section 3 of P.L.2003, c.67 (C.4:22-57) is amended to read as follows:

C.4:22-57 Notice of persons ineligible to be certified animal control officers.

3. a. (Deleted by amendment, P.L.2017, c.331)

b. For the purposes of maintaining the list of persons not eligible to be a certified animal control officer, municipal humane law enforcement officer, humane law enforcement officer of a county society for the prevention of cruelty to animals, or designee pursuant to subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4), as established pursuant to subsections b. and c. of section 3 of P.L.1983, c.525 (C.4:19-15.16a), the court or other official adjudging the guilt or liability for a violation of any provision of article 2 of chapter 22 of Title 4 of the Revised Statutes, shall charge the prosecutor or other appropriate person, other than a certified animal control officer, with the responsibility to notify within 30 days the commissioner, in writing, of the full name of the person found guilty of, or liable for, an applicable violation, and the violation for which or of which that person was found guilty or liable, and the person charged with the responsibility shall provide such notice.

C.4:22-14.1 Responsibilities of municipal governing body.

25. a. Except as provided in subsection e. of this section, each governing body of a municipality shall:

(1) submit at least one applicant for designation as a municipal humane law enforcement officer pursuant to section 26 of P.L.2017, c.331 (C.4:22-14.2) who shall be responsible for animal welfare within the jurisdiction of the municipality, and who shall enforce and abide by the provisions of chapter 22 of Title 4 of the Revised Statutes and shall be authorized to investigate and sign complaints, arrest violators, and otherwise act as an officer for detection, apprehension, and arrest of offenders against the animal welfare and animal cruelty laws of the State and ordinances of the municipality; and

(2) publicize a telephone number for reporting violations of any provision of article 2 of chapter 22 of Title 4 of the Revised Statutes, which may be the same number publicized pursuant to section 14 of P.L.1989, c.307 (C.4:19-30).

b. The governing body of a municipality shall not submit an applicant for designation as, and shall terminate the designation of, a municipal humane law enforcement officer who has been convicted of, or found civilly liable for, a violation of any provision of article 2 of chapter 22 of Title 4 of the Revised Statutes or whose name is on the list or any revision thereto established and provided by the Commissioner of Health pursuant to subsection c. of section 3 of P.L.1983, c.525 (C.4:19-15.16a).

c. The governing body of a municipality may designate as a municipal humane law enforcement officer any qualified individual. An animal control officer or a police officer may serve concurrently as a municipal humane law enforcement officer, so long as the officer is able to effectively carry out the duties and responsibilities required of each position held.

d. (1) The governing body of a municipality with a full time municipal police department may authorize a municipal humane law enforcement officer to possess, carry, and use a firearm while enforcing the laws and ordinances enacted for the protection of animals, if the officer:

(a) has satisfactorily completed a firearms training course as defined in subsection j. of N.J.S.2C:39-6 and approved by the Police Training Commission; and

(b) twice annually qualifies in the use of a revolver or similar weapon.

(2) A municipal humane law enforcement officer authorized to possess, carry, and use a firearm pursuant to this subsection shall be subject to the supervision of the chief law enforcement officer of the municipality.

e. A municipality that does not have a municipal police department shall not be required to comply with the provisions of paragraph (1) of subsection a. of this section; however, the municipality shall make every reasonable effort to designate a municipal humane law enforcement officer pursuant to this section.

f. In a municipality without a designated municipal humane law enforcement officer pursuant to this section, animal cruelty law enforcement shall be the responsibility of the chief humane law enforcement officer of the county, or the county society for the prevention of cruelty to animals if authorized to conduct law enforcement activity pursuant to subparagraph (b) of paragraph (2) of subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4).

C.4:22-14.2 Application for designation as municipal human law enforcement officer.

26. a. (1) An application for designation as a municipal humane law enforcement officer shall be submitted by the governing body of a municipality to the chief law enforcement officer of the municipality, or, if the municipali-

ty does not have a chief law enforcement officer, the Superintendent of State Police. Upon receipt of the application, the chief law enforcement officer of the municipality or the superintendent, as applicable, shall examine the character, competency, and fitness of the applicant for the position, including initiating a criminal background check at the expense of the applicant.

(2) Upon completion of an examination of an applicant, the chief law enforcement officer of the municipality or the superintendent, as applicable, shall approve or reject the applicant and provide a written determination to the applicant and to the governing body of the municipality which, if applicable, shall state any reasons for rejecting the applicant.

b. A municipal humane law enforcement officer shall have the power and authority within the municipality in which the officer is designated, or otherwise authorized to act, as a municipal humane law enforcement officer to:

(1) enforce all animal welfare and animal cruelty laws of the State and ordinances of the municipality;

(2) investigate and sign complaints concerning any violation of an animal welfare or animal cruelty law of the State or ordinance of the municipality; and

(3) act as an officer for the detection, apprehension, and arrest of offenders against the animal welfare and animal cruelty laws of the State and ordinances of the municipality.

c. A municipal humane law enforcement officer shall:

(1) abide by the provisions of chapter 22 of Title 4 of the Revised Statutes;

(2) satisfactorily complete the training course developed pursuant to subsection a. of section 11 of P.L.2005, c.372 (C.4:22-11.11), subject to the provisions of subsection c. of section 11 of P.L.2005, c.372 (C.4:22-11.11) as applicable, as soon as practicable, but no later than one year after the date on which the officer's designation is approved by the chief law enforcement officer in the municipality or the superintendent, as applicable;

(3) refer all complaints for violations of the provisions of subsection c. of R.S.4:22-17 to the county prosecutor for investigation and prosecution, or any other appropriate legal action, except that a municipal humane law enforcement officer may take any action necessary, within the authority granted pursuant to chapter 22 of Title 4 of the Revised Statutes, to respond to an emergency situation;

(4) provide notice to the county animal cruelty prosecutor designated pursuant to paragraph (1) of subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4) within five businesses days after the receipt of any complaint of a violation of any provision of article 2 of chapter 22 of Title 4 of the Revised Statutes, regardless of whether the violation is referred to the coun-

ty prosecutor pursuant to paragraph (3) of this subsection. The notice shall contain, at minimum, a brief description of the offense alleged; and

(5) submit, by October 1 of each year, a report to the animal cruelty prosecutor designated pursuant to subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4), which shall include, for the most recently concluded State fiscal year, the number of complaints received for each offense under article 2 of chapter 22 of Title 4 of the Revised Statutes and the number of cases referred to the county prosecutor, and may contain any policy recommendations or concerns of the municipal humane law enforcement officer related to animal cruelty law enforcement in the municipality. The animal cruelty prosecutor shall compile these reports and submit them to the Attorney General as part of the annual report required pursuant to subsection d. of section 31 of P.L.2017, c.331 (C.4:22-14.7).

d. A municipal humane law enforcement officer may, upon receipt of a request for assistance by a municipality, county, or other entity that did not designate the municipal humane law enforcement officer pursuant to this section, exercise the powers and authority granted pursuant to this section within the jurisdiction of the municipality, county, or other entity making the request.

e. A municipal humane law enforcement officer may be so designated concurrently by more than one municipality, provided the officer is able to effectively carry out the duties and responsibilities required of each designation, except that a municipal humane law enforcement officer who serves concurrently as a police officer shall not be designated as a municipal humane law enforcement officer in more than one municipality at any one time.

f. Any rule or regulation concerning animal cruelty investigators, in effect on the date of enactment of P.L.2017, c.331 (C.4:22-14.1 et al.), shall be applicable to municipal humane law enforcement officers until otherwise revised or repealed by the Department of Health.

C.4:22-14.3 Eligibility.

27. Any humane law enforcement officer or agent appointed by a county society for the prevention of cruelty to animals, prior to the date of enactment of P.L.2017, c.331 (C.4:22-14.1 et al.), or the New Jersey Society for the Prevention of Cruelty to Animals shall be eligible for designation as a municipal humane law enforcement officer pursuant to section 26 of P.L.2017, c.331 (C.4:22-14.2) or as a humane law enforcement officer of a county society for the prevention of cruelty to animals pursuant to section 29 of P.L.2017, c.331 (C.4:22-14.5).

C.4:22-14.4 Actions of county prosecutor.

28. a. Each county prosecutor shall:

(1) designate any municipal or county prosecutor as the animal cruelty prosecutor of the county, and may designate any assistant animal cruelty prosecutor as needed, who shall investigate, prosecute, and take other legal action as appropriate for violations of any provision of article 2 of chapter 22 of Title 4 of the Revised Statutes, and who may serve in such capacity on a part-time basis if the responsibilities of the position allow;

(2) (a) designate, in consultation with the county sheriff, a county law enforcement officer to serve as the chief humane law enforcement officer of the county, and may designate any other law enforcement officer under the supervision of the chief humane law enforcement officer, who shall assist with investigations, arrest violators, and otherwise act as an officer for detection, apprehension, and arrest of offenders against the provisions of article 2 of chapter 22 of Title 4 of the Revised Statutes; or

(b) enter into a memorandum of understanding with the county society for the prevention of cruelty to animals designated pursuant to section 32 of P.L.2017, c.331 (C.4:22-14.8), which authorizes the county society, under the supervision of the county prosecutor, to assist with enforcement of article 2 of chapter 22 of Title 4 of the Revised Statutes, and to designate humane law enforcement officers, subject to the provisions of section 29 of P.L.2017, c.331 (C.4:22-14.5), to assist with investigations, arrest violators, and otherwise act as an officer for detection, apprehension, and arrest of offenders against the provisions of article 2 of chapter 22 of Title 4 of the Revised Statutes; and

(3) designate a county society for the prevention of cruelty to animals pursuant to the provisions of section 32 of P.L.2017, c.331 (C.4:22-14.8) with which, to the extent practicable and as needed, the county prosecutor and county sheriff shall coordinate shelter and care for animals.

b. A person who has been convicted of, or found civilly liable for, a violation of any provision of article 2 of chapter 22 of Title 4 of the Revised Statutes or whose name is on the list or any revision thereto established and provided by the Commissioner of Health pursuant to subsection c. of section 3 of P.L.1983, c.525 (C.4:19-15.16a) shall not be designated by the county prosecutor for any position provided in subsection a. of this section.

C.4:22-14.5 Submission of application.

29. a. (1) An application for designation as a humane law enforcement officer of a county society for the prevention of cruelty to animals pursuant to subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4) shall be sub-

mitted by the governing body of the county society to the county prosecutor. Upon receipt of the application, the county prosecutor shall examine the character, competency, and fitness of the applicant for the position, including initiating a criminal background check at the expense of the applicant.

(2) Upon completion of an examination of an applicant, the county prosecutor shall approve or reject the applicant and provide a written determination, to the applicant and to the county society for the prevention of cruelty to animals, which, if applicable, shall state any reasons for rejecting the applicant.

b. The governing body of a county society for the prevention of cruelty to animals shall not submit an applicant for designation as, and shall terminate the designation of, a humane law enforcement officer who has been convicted of, or found civilly liable for, a violation of any provision of article 2 of chapter 22 of Title 4 of the Revised Statutes or whose name is on the list or any revision thereto established and provided by the Commissioner of Health pursuant to subsection c. of section 3 of P.L.1983, c.525 (C.4:19-15.16a).

c. A county prosecutor may authorize a humane law enforcement officer to possess, carry, and use a firearm while enforcing the laws and ordinances enacted for the protection of animals, if the officer:

(1) has satisfactorily completed a firearms training course as defined in subsection j. of N.J.S.2C:39-6 and approved by the Police Training Commission; and

(2) twice annually qualifies in the use of a revolver or similar weapon.

d. A county society for the prevention of cruelty to animals that has entered into a memorandum of agreement with the county prosecutor pursuant to subparagraph (b) of paragraph (2) of subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4) shall submit by October 1 of each year, a report to the animal cruelty prosecutor designated pursuant to subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4) which shall include, for the most recently concluded State fiscal year, the number of complaints received for each offense under article 2 of chapter 22 of Title 4 of the Revised Statutes and the number of cases referred to the county prosecutor, and may contain any policy recommendations or concerns of the county society related to animal cruelty law enforcement in the county. The animal cruelty prosecutor shall compile these reports and submit them to the Attorney General as part of the annual report required pursuant to subsection d. of section 31 of P.L.2017, c.331 (C.4:22-14.7).

C.4:22-14.6 Power, authority of designated officer.

30. a. Any law enforcement officer designated pursuant to paragraph (2) of subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4), or humane law enforcement officer of a county society for the prevention of cruelty to animals designated pursuant to section 29 of P.L.2017, c.331 (C.4:22-14.5) shall have the power and authority within the jurisdiction in which the officer is designated, or otherwise authorized to act, to:

(1) enforce all animal welfare and animal cruelty laws of the State;

(2) investigate and sign complaints concerning any violation of an animal welfare or animal cruelty law of the State; and

(3) act as an officer for the detection, apprehension, and arrest of offenders against the animal welfare and animal cruelty laws of the State and ordinances of any municipality.

b. Every law enforcement officer designated pursuant to paragraph (2) of subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4), or humane law enforcement officer of a county society for the prevention of cruelty to animals designated pursuant to section 29 of P.L.2017, c.331 (C.4:22-14.5), shall:

(1) abide by the provisions of chapter 22 of Title 4 of the Revised Statutes; and

(2) satisfactorily complete the training course developed pursuant to subsection a. of section 11 of P.L.2005, c.372 (C.4:22-11.11), subject to the provisions of subsection c. of section 11 of P.L.2005, c.372 (C.4:22-11.11) as applicable, as soon as practicable, but no later than one year after the date of the officer's designation.

c. Upon request for assistance by a municipality, county, or other entity that did not designate the humane law enforcement officer of a county society for the prevention of cruelty to animals pursuant to section 29 of P.L.2017, c.331 (C.4:22-14.5), or other law enforcement officer pursuant to paragraph (2) of subsection a. of section 28 of P.L.2017, c.331 (C.4:22-14.4), the humane law enforcement officer or other law enforcement officer may, within the jurisdiction of the municipality, county, or other entity making the request, exercise the powers and authority granted pursuant to this section.

C.4:22-14.7 Duties of animal cruelty prosecutor.

31. An animal cruelty prosecutor shall:

a. promote the interests of, and protect and care for, animals within the county;

b. investigate and prosecute violations of article 2 of chapter 22 of Title 4 of the Revised Statutes;

c. request the assistance of the Department of Agriculture in the investigation of any violation concerning livestock; and

d. submit, by January 1 of each year, a report to the Attorney General which shall include the following information pertaining to animal cruelty law enforcement in the county for the most recently concluded State fiscal year:

(1) the number of complaints received from each municipality and from the county society for the prevention of cruelty to animals, as applicable, for each violation of any provision of article 2 of chapter 22 of Title 4 of the Revised Statutes;

(2) the number of complaints investigated;

(3) the number of complaints prosecuted or otherwise litigated;

(4) the number of animals adjudged forfeited;

(5) the number of animals returned to the owner;

(6) proceeds from fines collected for violations of any provision of article 2 of chapter 22 of Title 4 of the Revised Statutes; and

(7) as applicable, any policy recommendations or concerns related to animal cruelty law enforcement in the county, or as described by a municipal humane law enforcement officer in the annual report required pursuant to paragraph (5) of subsection c. of section 26 of P.L.2017, c.331 (C.4:22-14.2) or by a humane law enforcement officer of a county society for the prevention of cruelty to animals in the annual report required pursuant to subsection d. of section 29 of P.L.2017, c.331 (C.4:22-14.5).

C.4:22-14.8 Designation as county society for the prevention of cruelty to animals.

32. A county society for the prevention of cruelty to animals which is chartered as such as of the day prior to the date of enactment of P.L.2017, c.331 (C.4:22-14.1 et al.) shall, if the county society so desires, be designated as the county society for the prevention of cruelty to animals upon enactment of P.L.2017, c.331 (C.4:22-14.1 et al.). If a chartered county society elects not to be so designated, or no county society is chartered in the county, the county prosecutor shall select a non-profit corporation that is organized to promote the interests of, and protect and care for, animals to be designated as the county society for the prevention of cruelty to animals. The county society shall be responsible for efficiently providing or locating humane shelter and care for any animals at the request of the county prosecutor, the county sheriff, or a municipal humane law enforcement officer.

C.4:22-14.9 Construction of act.

33. a. The New Jersey Society for the Prevention of Cruelty to Animals shall not grant, revoke, cancel, or suspend any charter for a county society for the prevention of cruelty to animals.

b. Nothing in P.L.2017, c.331 (C.4:22-14.1 et al.) shall be construed so as to require a county society for the prevention of cruelty to animals chartered as such as of the day prior to the date of enactment of P.L.2017, c.331 (C.4:22-14.1 et al.) to surrender any assets to the State, or any political subdivision or other entity thereof.

C.4:22-14.10 Actions by Attorney General.

34. a. The Attorney General shall take any action necessary to facilitate the reincorporation of the New Jersey Society for the Prevention of Cruelty to Animals as a non-profit corporation independent of the State. Notwithstanding any State law, rule, or regulation to the contrary, the State shall not assume responsibility for any debts, liabilities, or other obligations of the New Jersey Society for the Prevention of Cruelty to Animals.

b. Any assets of a county society for the prevention of cruelty to animals held in escrow by the New Jersey Society for the Prevention of Cruelty to Animals pursuant to subsection j. of section 4 of P.L.2005, c.372 (C.4:22-11.4) shall be transferred to the Attorney General to hold in escrow until such time as the assets may be transferred back to the county society from whom they were originally transferred, the status of the county society's charter notwithstanding. Should the Attorney General find the transfer to be inappropriate or impossible, the assets shall be used for the purpose of protecting animals in the county from which the assets were originally transferred.

Repealer.

35. Sections 8 and 9 of P.L.1997, c.247 (C.4:19-15.16c and C.4:19-15.16d), sections 1 through 10 and 13 of P.L.2005, c.372 (C.4:22-11.1 through C.4:22-11.10 and C.4:22-11.13), R.S.4:22-12, and R.S.4:22-13 are repealed.

36. This act shall take effect on the first day of the seventh month following the date of enactment, except that sections 25, 26, 27, and 28 of this act shall take effect on the first day of the fourth month following the date of enactment, sections 33, 34, and 36 of this act shall take effect immediately, and the Attorney General and any county prosecutor or governing body

of a municipality may take any administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved January 16, 2018.

CHAPTER 332

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 General Assembly of the State of New Jersey:*

1. The following language provision in section 1 of P.L.2017, c.99, the annual appropriations act for the fiscal year ending June 30, 2018, is amended to read as follows:

74 DEPARTMENT OF STATE
30 Educational, Cultural, and Intellectual Support
36 Higher Educational Services
GRANTS-IN-AID
82-2480 Institutional Support

For the purpose of implementing the appropriations act for the current fiscal year, the number of State-funded positions at Stockton University shall be 1,069.

2. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 333

AN ACT concerning the sentencing of certain child pornography offenders and amending P.L.1994, c.130.

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

1. 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 subsubparagraph (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 subparagraph (a) or subsubparagraph (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 or the conditions set forth in subsection g. of this section concerning the operation as defined in section 1 of P.L.2017, c.315 (C.2C:40-27) of an unmanned aircraft system as defined in section 1 of P.L.2017, c.315 (C.2C:40-27). 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 calculating 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 re-

lease 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 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.

g. The special sentence of parole supervision for life required by this section may include reasonable conditions prohibiting or restricting the person's operation of an unmanned aircraft system in order to reduce the likelihood of a recurrence of criminal or delinquent behavior.

2. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 334

AN ACT appropriating $19,266,145 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 $15,470,085 in the following subtotal amounts, listed in paragraphs (1) through (5) 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 percent 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 percent 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 "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204, 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) $9,668,038 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.2017, c.99;

(2) $772,768 of unappropriated balances 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;

(3) $3,082,636 of unappropriated balances 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;

(4) $1,551,434 of unappropriated balances from the "Garden State Farmland Preservation Fund," established pursuant to section 20 of P.L.1999, c.152 (C.13:8C-20); and

(5) $395,209 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.

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 $696,060 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 sum of $3,100,000 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.).

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), the sum of $10,822,098 to implement the provisions of this act.

6. Of the monies appropriated pursuant to section 5 of P.L.1999, c.35 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, the sum of $383,224 is made available for the purposes of section 1 of this act due to the reallocation of previously appropriated funds.

7. 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.

8. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 335

AN ACT appropriating $1,737,902 from constitutionally dedicated corporation business tax revenues to the State Agriculture Development Committee 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 $1,737,902 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), for the purpose of providing grants to qualifying tax-exempt non-profit organizations listed in subsection b. of this section for up to 50 percent of the cost of acquisition of development easements on farmland or for up to 50 percent of the cost of acquisition of fee simple titles to farm-

land for resale or lease with agricultural deed restrictions approved by the committee.

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
D&R Greenway Land Trust	Manno	Salem	Quinton Twp	$312,000
Monmouth Conservation Foundation	DeGroot	Monmouth	Colts Neck Twp	$961,500
New Jersey Conservation Foundation	DiTullio	Cumberland	Fairfield Twp	$212,500
	Wentzell	Salem	Pilesgrove Twp	
The Land Conservancy of New Jersey	Santini	Warren	Harmony Twp	$251,902
	Hensler	Warren	White Twp	

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), the sum of $1,737,902 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.1999, c.152 (C.13:8C-1 et seq.), and P.L.1983, c.32 (C.4:1C-11 et seq.), as appropriate.

4. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 336

AN ACT appropriating $7,500,000 from constitutionally dedicated corporation business tax revenues to the State Agriculture Development Com-

mittee 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 $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), 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 percent of the cost of acquisition of development easements on farmland for projects approved as eligible for such funding pursuant to this section.

b. Each applicant identified in this subsection shall be eligible, as described in subsection c. of this section, to receive a grant from the monies appropriated pursuant to subsection a. of this section for eligible projects located in an agricultural development area approved pursuant to section 11 of P.L.1983, c.32 (C.4:1C-18).

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
Bergen County	Allendale Boro
	Closter Boro
	Emerson Boro
	Franklin Lakes Boro
	Hillsdale Boro
	Mahwah Twp
	Montvale Boro
	Norwood Boro
	Oakland Boro
	Old Tappan Boro

	Paramus Boro
	Saddle River Boro
	Woodcliff Lake Boro
	Wyckoff Twp
Burlington County	Bass River Twp
	Bordentown 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
	Westampton Twp
	Woodland Twp
	Wrightstown Boro
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

Cumberland County	Commercial Twp
	Deerfield Twp
	Downe Twp
	Fairfield Twp
	Greenwich Twp
	Hopewell Twp
	Lawrence Twp
	Maurice River Twp
	Millville City
	Shiloh Boro
	Stow Creek Twp
	Upper Deerfield Twp
	Vineland City
Gloucester County	Clayton Boro
	East Greenwich Twp
	Elk Twp
	Franklin Twp
	Glassboro Boro
	Greenwich Twp
	Harrison Twp
	Logan Twp
	Mantua Twp
	Monroe Twp
	Newfield Boro
	South Harrison Twp
	Swedesboro Boro
	Washington Twp
	West Deptford Twp
	Woolwich Twp
Hunterdon County	Alexandria Twp
	Bethlehem Twp
	Califon Boro
	Clinton Twp
	Delaware Twp
	East Amwell Twp
	Franklin Twp
	Hampton Boro
	Holland Twp
	Kingwood Twp
	Lebanon Boro
	Lebanon Twp
	Raritan Twp
	Readington Twp
	Tewksbury Twp

	Union Twp
	West Amwell Twp
Mercer County	East Windsor Twp
	Hamilton Twp
	Hopewell Boro
	Hopewell Twp
	Lawrence Twp
	Princeton Boro
	Robbinsville Twp
	West Windsor Twp
Middlesex County	Cranbury Twp
	East Brunswick Twp
	Monroe Twp
	North Brunswick Twp
	Old Bridge Twp
	Plainsboro Twp
	Sayreville Boro
	South Brunswick Twp
Monmouth County	Colts Neck Twp
	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
	Chester Boro
	Chester Twp
	Denville Twp
	Harding Twp
	Kinnelon Boro
	Lincoln Park Boro
	Long Hill Twp
	Mendham Boro
	Mendham Twp
	Mine Hill Twp
	Montville Twp
	Morris Twp

	Mount Olive Twp
	Pequannock Twp
	Randolph Twp
	Rockaway Twp
	Roxbury Twp
	Washington Twp
Ocean County	Jackson Twp
	Lakewood Twp
	Manchester 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
Salem County	Alloway Twp
	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
	Bernards Twp
	Bernardsville Boro
	Branchburg Twp
	Far Hills Boro
	Franklin Twp
	Hillsborough Twp
	Millstone Boro
	Montgomery Twp
	Peapack-Gladstone Boro
	Rocky Hill Boro
	Warren Twp

Sussex County	Andover Boro	
	Andover Twp	
	Frankford Twp	
	Fredon Twp	
	Green Twp	
	Hampton Twp	
	Hardyston Twp	
	Lafayette Twp	
	Montague Twp	
	Sandyston Twp	
	Sparta Twp	
	Stillwater Twp	
	Vernon Twp	
	Wantage Twp	
Warren County	Allamuchy Twp	
	Alpha Boro	
	Blairstown Twp	
	Franklin Twp	
	Frelinghuysen Twp	
	Greenwich Twp	
	Hardwick Twp	
	Harmony Twp	
	Hope Twp	
	Independence Twp	
	Knowlton Twp	
	Liberty Twp	
	Lopatcong Twp	
	Mansfield Twp	
	Oxford Twp	
	Pohatcong Twp	
	Washington Twp	
	White Twp	
TOTAL		**$7,500,000**

c. (1) 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 $2,000,000 from the monies appropriated pursuant to subsection a. of this section.

(2) The total expenditure by the State Agriculture Development Committee pursuant to this subsection shall not exceed $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), the sum of $7,500,000 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 January 16, 2018.

CHAPTER 337

AN ACT appropriating $4,990,934 from constitutionally dedicated corporation business tax revenues for the purpose of providing grants, as awarded by the New Jersey Historic Trust, for certain historic preservation projects.

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 and historic site management grants as listed in subsection c. of this section as awarded by the New Jersey Historic Trust, for historic preservation projects approved as eligible for such funding:

(1) $2,016,934 from dedicated corporation business tax revenues pursuant to Article VIII, Section II, paragraph 6 of the State Constitution in the "Preserve New Jersey Historic Preservation Fund," established pursuant to section 9 of the "Preserve New Jersey Act," P.L.2016, c.12 (C.13:8C-51); and

(2) $2,974,000 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.2017, c.99.

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
Bergen	Oakland Boro	Oakland Borough	Van Allen House	$118,765
Bergen	Rutherford Boro	Rutherford Borough	Rutherford World War I Monument	61,800
Burlington	Bordentown City	Bordentown Historical Society	Bordentown Friends Meeting House	88,110
Burlington	Bordentown City	Christ Episcopal Church	Christ Episcopal Church Cemetery	18,000
Burlington	Medford Lakes Boro	Protestant Community Church of Medford Lakes	Protestant Community Church of Medford Lakes	113,640
Burlington	Medford Lakes Boro	Protestant Community Church of Medford Lakes	Protestant Community Church of Medford Lakes	113,640
Burlington	Mount Holly Twp	Mount Holly Monthly Meeting Religious Society of Friends	Friends Meeting House, Mount Holly	90,000
Camden	Camden City	Cooper's Ferry Partnership	Joseph Cooper House	72,000
Cape May	Lower Twp	Historic Cold Spring Village	Historic Cold Spring Village Historic District	68,040
Cape May	Lower Twp	Naval Air Station Wildwood	Hangar #1 (Naval Air Station Wildwood)	38,820
Cape May	Lower Twp	Cape May Maritime Museum	USCG Motor Lifeboat CG-36538	54,315
Cumberland	Bridgeton City	Center for Historic American Building Arts	Cumberland Nail and Iron Works Site	93,666
Essex	Newark City	Newark Public Library	Free Public Library of the City of Newark	86,184
Essex	Newark City	House of Prayer Episcopal Church	House of Prayer Episcopal Church and Rectory (Plume House)	150,000
Essex	South Orange Village Twp	Township of South Orange Village	Connett Memorial Library	500,000
Hudson	Jersey City	Grace Church Van Vorst	Grace Church Van Vorst	87,269
Hunterdon	Clinton Town	Red Mill Museum Village	M.C. Mulligan & Sons' Quarry (The Red Mill)	107,400

Hunterdon	Lambertville City	Lambertville City	A.H. Holcombe House (Lambertville City Hall)	76,119
Mercer	Hopewell Twp	Hopewell Township Historic Preservation Commission	Mount Rose Distillery Site	14,910
Mercer	Trenton City	Trenton City	Jackson Street Bridge	150,000
Middlesex	Plainsboro Twp	Plainsboro Township	John Van Buren Wicoff House	150,000
Monmouth	Allentown Boro	Allentown Boro	Allentown Public Library Association	12,078
Monmouth	Long Branch City	Long Branch Historical Museum Association	Church of the Presidents	150,000
Monmouth	Manasquan Boro	Manasquan Borough	Squan Beach Life Saving Station	75,000
Monmouth	Shrewsbury Boro	Christ Church of Shrewsbury	Christ Church, Shrewsbury	117,213
Morris	Morristown Town	Morris County Historical Society	Acorn Hall	139,020
Morris	Morristown Town	Church of the Redeemer	Church of the Redeemer, Morristown	386,300
Morris	Roxbury Twp	Lake Hopatcong Foundation	Landing Railroad Station	259,775
Passaic	Paterson City	Passaic County	Courthouse & Annex Gaetano Frederici Monuments	16,200
Passaic	Wayne Twp	Wayne Township	Van Duyne House	39,000
Salem	Salem City	Stand Up For Salem Inc.	J.C. Penney Building, Salem	361,323
Somerset	Franklin Twp	Six Mile Run Reformed Church	Six Mile Run ReformedChurch, Franklin Township	83,598
Somerset	Branchburg Twp	Neshanic Reformed Church	Neshanic Reformed Church, Branchburg	92,630
Union	Scotch Plains Twp	Fanwood-Scotch Plains Rotary-Frazee House Inc.	Elizabeth and Gershom Frazee House	257,000
Warren	Franklin Twp	Musconetcong Watershed Association	Hoffman Grist Mill	370,000
TOTAL				**$4,498,175**

c. The following historic preservation projects are eligible for funding in the form of historic site management grants, as awarded by the New Jer-

sey Historic Trust, using moneys appropriated pursuant to subsection a. of this section:

County	Municipality	Name of Organization	Project Name	Grant Award
Burlington	Chesterfield Twp	Fernbrook Environmental Education Center	Fernbrook Farm Historic District	$12,375
Burlington	Mount Holly Twp	St. Andrew's Episcopal Church	St. Andrew's Episcopal Church, Mount Holly	50,000
Camden	Camden City	Camden County Historical Society	Pomona Hall	21,563
Camden	Camden City	St. Bartholomew Roman Catholic Church	St. Bartholomew Roman Catholic Church, Camden	5,000
Camden	Gloucester Twp	Gloucester Historical & Scenic Preservation Fund	Upton Log Cabin	6,750
Camden	Haddonfield Boro	First Presbyterian Church	First Presbyterian Church of Haddonfield	26,843
Essex	Caldwell Boro	Borough of Caldwell	Caldwell Historic Resources Survey	15,000
Gloucester	Washington Twp	Washington Township Historic Preservation Commission	George Morgan Stone House Old Stone Church	16,500
Hunterdon	Kingwood Twp	First Unitarian Universalist Fellowship		25,500
Hunterdon	Raritan Twp	Hunterdon Land Trust	Case-Dvoor Farmstead	15,192
Mercer	Princeton Boro	Historic Morven Inc.	Morven	37,500
Mercer	Princeton Boro	Princeton Theological Seminary	Stuart Hall	50,000
Mercer	Trenton City	Community Loan Fund of NJ	East Trenton Public Library	17,635
Morris	Morristown Town	Morris County Historical Society	Acorn Hall-Carriage House	18,525
Passaic	Paterson City	NJ Community Development Corporation	First Presbyterian Church of Paterson	50,000
Somerset	Franklin Twp	Meadows Foundation	Symen Van Wicklev House	48,126
Union	Berkeley Heights Twp	Union County Office of Cultural & Heritage Affairs	Feltville Historic District (Deserted Village of Feltville)	50,000
Union	Plainfield City	Plainfield Fire Dept.	Fire House Number 4, Plainfield	26,250
TOTAL				**$492,759**

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

e. To the extent that moneys remain available after the projects listed in subsection b. or c. 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.

f. The expenditure of moneys appropriated pursuant to this section is subject to the provisions of the "Preserve New Jersey Act," P.L.2016, c.12 (C.13:8C-43 et seq.).

2. There is appropriated from the General Fund to the "Preserve New Jersey Historic Preservation Fund," established pursuant to section 9 of the "Preserve New Jersey Act," P.L.2016, c.12 (C.13:8C-51), the sum of $2,016,934 to implement the provisions of this act.

3. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 338

AN ACT concerning electronic prescribing requirements and amending P.L.2003, c.280.

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

1. Section 19 of P.L.2003, c.280 (C.45:14-58) is amended to read as follows:

C.45:14-58 Transmission of prescription by telephone, electronic means; requirements.

19. a. Nothing contained in this act shall preclude a practitioner from transmitting to a pharmacist by telephone or electronic means a prescription, as otherwise authorized by law, if that practitioner provides the practitioner's Drug Enforcement Administration registration number and the practitioner's license number, or any other federally identified number, as appropriate, to the pharmacist at the time the practitioner transmits the prescription.

b. Except as may be otherwise permitted by law, no prescription for any Schedule II controlled dangerous substance shall be given or transmitted to pharmacists, in any other manner, than in writing signed by the practitioner giving or transmitting the same, nor shall such prescription be renewed or refilled. The requirement in this subsection that a prescription for any controlled dangerous substance be given or transmitted to pharmacists in writing signed by the practitioner shall not apply to a prescription for a Schedule II drug if that prescription is transmitted or prepared in compliance with federal and State regulations.

c. (1) Each vendor that sells, leases, or licenses for use an electronic health records system that is used to electronically transmit prescriptions in this State on the effective date of P.L.2017, c.338 shall ensure that the system meets all federal requirements for the system to accept, process, and transmit prescriptions for Schedule II controlled dangerous substances no later than one year after the effective date of P.L.2017, c.338 as a condition of continuing to sell, lease, or license for use the electronic health records system in this State. Each vendor that commences selling, leasing, or licensing for use an electronic health records system that is used to electronically transmit prescriptions in this State after the effective date of P.L.2017, c.338 shall ensure that the system meets all federal requirements for the system to accept, process, and transmit prescriptions for Schedule II controlled dangerous substances as a condition of selling, leasing, or licensing for use the electronic health records system in this State.

(2) The requirements of paragraph (1) of this subsection shall not apply to a telemedicine or telehealth organization, as that term is defined in section 1 of P.L.2017, c.117 (C.45:1-61), that exclusively provides telehealth and telemedicine services.

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

Approved January 16, 2018.

CHAPTER 339

AN ACT appropriating $500,000 from constitutionally dedicated corporation business tax revenues to the State Agriculture Development Committee for a municipal planning incentive grant 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 $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), for the purpose of providing a municipal planning incentive grant 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 project is eligible for funding with the monies appropriated pursuant to subsection a. of this section:

Municipality	**County**	**Amount of Grant Not to Exceed**
Mannington Twp	Salem	$500,000
TOTAL		**$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), the sum of $500,000 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.1999, c.180 (C.4:1C-43.1), P.L.1999, c.152 (C.13:8C-1 et seq.), and P.L.1983, c.32 (C.4:1C-11 et seq.), as appropriate.

4. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 340

AN ACT concerning property transactions of certain telecommunications companies and amending R.S.48:3-7.

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

1. R.S.48:3-7 is amended to read as follows:

Utility property transactions.

48:3-7. a. Except as otherwise provided by subsections g. and h. of this section, a public utility shall not, without the approval of the board, sell, lease, mortgage, or otherwise dispose of or encumber its property, franchises, privileges, or rights, or any part thereof; or merge or consolidate its property, franchises, privileges, or rights, or any part thereof, with that of any other public utility.

Where, by the proposed sale, lease, or other disposition of all or a substantial portion of its property, any franchise or franchises, privileges, or rights, or any part thereof or merger or consolidation thereof as set forth herein, it appears that the public utility, or a wholly owned subsidiary thereof, may be unable to fulfill its obligation to any employees thereof with respect to pension benefits previously enjoyed, whether vested or contingent, the board shall not grant its approval unless the public utility seeking the board's approval for a sale, lease, or other disposition assumes the responsibility as will be sufficient to provide that all such obligations to those employees will be satisfied as they become due.

A sale, mortgage, lease, disposition, encumbrance, merger, or consolidation made in violation of this section shall be void.

Nothing herein shall prevent the sale, lease, or other disposition by any public utility of any of its property in the ordinary course of business, nor require the approval of the board to any grant, conveyance, or release of any property or interest therein heretofore made or hereafter to be made by any public utility to the United States, State, or any county or municipality or any agency, authority, or subdivision thereof, for public use.

The approval of the board shall not be required to validate the title of the United States, State, or any county or municipality or any agency, authority, or subdivision thereof, to any lands or interest therein heretofore condemned or hereafter to be condemned by the United States, State, or any

county or municipality or any agency, authority, or subdivision thereof, for public use.

b. Notwithstanding any law, rule, regulation, or order to the contrary, an autobus public utility regulated by and subject to the provisions of Title 48 of the Revised Statutes may, without the approval of the Department of Transportation, sell, lease, mortgage, or otherwise dispose of or encumber its property, or any part thereof, except that approval of the Department of Transportation shall be required for the following:

(1) the sale of 60 percent or more of its property within a 12-month period;

(2) a merger or consolidation of its property, franchises, privileges, or rights; or

(3) the sale of any of its franchises, privileges, or rights.

Notice of the sale, purchase, or lease of any autobus or other vehicle subject to regulation under Title 48 of the Revised Statutes shall be provided to the Department of Transportation as the department shall require.

c. Except as otherwise provided in subsection e. of this section, a solid waste collector as defined in section 3 of P.L.1970, c.40 (C.48:13A-3) shall not, without the approval of the Department of Environmental Protection:

(1) sell, lease, mortgage, or otherwise dispose of or encumber its property, including customer lists; or

(2) merge or consolidate its property, including customer lists, with that of any other person or business concern, whether or not that person or business concern is engaged in the business of solid waste collection or solid waste disposal pursuant to the provisions of P.L.1970 c.39 (C.13:1E-1 et seq.), P.L.1970, c.40 (C.48:13A-1 et al.), P.L.1991, c.381 (C.48:13A-7.1 et al.) or any other act.

d. Any solid waste collector seeking approval for any transaction enumerated in subsection c. of this section shall file with the Department of Environmental Protection, on forms and in a manner prescribed by the department, a notice of intent at least 30 days prior to the completion of the transaction.

(1) The Department of Environmental Protection shall promptly review all notices filed pursuant to this subsection. The department may, within 30 days of receipt of a notice of intent, request that the solid waste collector submit additional information to assist in its review if the department deems that the information is necessary. If no request is made, the transaction shall be deemed to have been approved. In the event that additional information is requested, the department shall outline, in writing,

why it deems such information necessary to make an informed decision on the impact of the transaction on effective competition.

(2) The Department of Environmental Protection shall approve or deny a transaction within 60 days of receipt of all requested information. In the event that the department fails to take action on a transaction within the 60-day period specified herein, then the transaction shall be deemed to have been approved.

(3) The Department of Environmental Protection shall approve a transaction unless it makes a determination pursuant to the provisions of section 19 of P.L.1991, c.381 (C.48:13A-7.19) that the proposed sale, lease, mortgage, disposition, encumbrance, merger, or consolidation would result in a lack of effective competition.

The Department of Environmental Protection shall prescribe and provide upon request all necessary forms for the implementation of the notification requirements of this subsection.

e. (1) Any solid waste collector may, without the approval of the Department of Environmental Protection, purchase, finance, or lease any equipment, including collection or haulage vehicles.

(2) Any solid waste collector may, without the approval of the Department of Environmental Protection, sell or otherwise dispose of its collection or haulage vehicles; except that a solid waste collector shall not, without the approval of the department in the manner provided in subsection d. of this section, sell or dispose of 33 percent or more of its collection or haulage vehicles within a 12-month period.

f. (1) The owner or operator of a privately-owned sanitary landfill facility may, without the approval of the Department of Environmental Protection, sell or otherwise dispose of its assets except that the prior approval of the department shall be required: (a) to sell all assets associated with the sanitary landfill facility or a portion thereof sufficient to transfer the operation of the sanitary landfill facility to a new owner or operator; (b) to sell a controlling ownership interest in the sanitary landfill facility; or (c) to merge or consolidate its property with that of any other person or business concern, whether or not that person or business concern is engaged in the business of solid waste disposal pursuant to the provisions of P.L.1970, c.39 (C.13:1E-1 et seq.), P.L.1970, c.40 (C.48:13A-1 et al.) or any other act.

(2) Any owner or operator seeking approval for any transaction enumerated in this subsection shall file with the Department of Environmental Protection an application therefor, on forms and in a manner prescribed by the department. The department shall promptly review all applications filed pursuant to this subsection and shall serve requests for information

regarding any transaction within 30 days following the filing of an application if the department deems that the information is necessary. The department shall approve or deny the transaction within 60 days of receipt of all requested information. In the event that the department fails to take action on a transaction within the 60-day period specified herein, then the transaction shall be deemed to have been approved.

As used in this section, "business concern" means any corporation, association, firm, partnership, sole proprietorship, trust, or other form of commercial organization; and "privately-owned sanitary landfill facility" means a commercial sanitary landfill facility which is owned and operated by a private person, corporation, or other organization and includes all appurtenances and related improvements used at the site for the transfer, processing, or disposal of solid waste.

g. Nothing herein shall require the review or approval by the board of any parent or affiliate corporation of a telecommunications company if the parent or affiliate corporation does not itself provide regulated telecommunications service or the provision of telephone access line service, in this State, and the parent or affiliate corporation seeks to sell, lease, mortgage, or otherwise to dispose of or to permit the encumbrance of any of its property, franchises, privileges or rights, or any part thereof; or to merge, or consolidate its property, franchises, privileges or rights, or any part thereof, with that or those of another corporation or other organization which:

(1) does not directly provide regulated telecommunications services or telephone access line service, in this State; and

(2) does not directly or through one or more affiliates, own a controlling interest in another corporation or other organization which provides regulated telecommunications service or telephone access line service, in this State.

h. Nothing herein shall authorize the board to require any company that provides competitive telecommunications services as determined by the board and operating under an alternative form of regulation pursuant to P.L.1991, c.428 (C.48:2-21.16 et seq.) to submit for the board's review and approval any sale, conveyance, or lease by the corporation of any real or personal property, or any grant of an easement or like interest therein in this State. Notwithstanding anything to the contrary in this section, the board's authority, pursuant to P.L.1972, c.186 (C.48:5A-1 et seq.), to review and approve a sale, conveyance, or lease by the company of its facilities and rights-of-way, including poles, conduits, other equipment, and easements, shall continue and, pursuant to P.L.1972, c.186 (C.48:5A-1 et seq.), the board's jurisdiction over such facilities and rights of way shall continue.

2. This act shall take effect on the 30th day after the date of enactment, but the Board of Public Utilities may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved January 16, 2018.

CHAPTER 341

AN ACT concerning controlled dangerous substances and prescription monitoring, amending various parts of the statutory law , and supplementing Title 45 of the Revised Statutes.

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

1. Section 11 of P.L.2017, c.28 (C.24:21-15.2) is amended to read as follows:

C.24:21-15.2 Limitation on amount of opioid initially prescribed under certain circumstances.

11. a. A practitioner shall not issue an initial prescription for an opioid drug which is a prescription drug as defined in section 2 of P.L.2003, c.280 (C.45:14-41) in a quantity exceeding a five-day supply for treatment of acute pain. Any prescription for acute pain pursuant to this subsection shall be for the lowest effective dose of immediate-release opioid drug.

b. Prior to issuing an initial prescription of a Schedule II controlled dangerous substance or any other opioid drug which is a prescription drug as defined in section 2 of P.L.2003, c.280 (C.45:14-41) in a course of treatment for acute or chronic pain, a practitioner shall:

(1) take and document the results of a thorough medical history, including the patient's experience with non-opioid medication and non-pharmacological pain management approaches and substance abuse history;

(2) conduct, as appropriate, and document the results of a physical examination;

(3) develop a treatment plan, with particular attention focused on determining the cause of the patient's pain;

(4) access relevant prescription monitoring information under the Prescription Monitoring Program pursuant to section 8 of P.L.2015, c.74 (C. 45:1-46.1); and

(5) limit the supply of any opioid drug prescribed for acute pain to a duration of no more than five days as determined by the directed dosage and frequency of dosage.

c. No less than four days after issuing the initial prescription pursuant to subsection a. of this subsection, the practitioner, after consultation with the patient, may issue a subsequent prescription for the drug to the patient in any quantity that complies with applicable State and federal laws, provided that:

(1) the subsequent prescription would not be deemed an initial prescription under this section;

(2) the practitioner determines the prescription is necessary and appropriate to the patient's treatment needs and documents the rationale for the issuance of the subsequent prescription; and

(3) the practitioner determines that issuance of the subsequent prescription does not present an undue risk of abuse, addiction, or diversion and documents that determination.

d. Prior to issuing the initial prescription of a Schedule II controlled dangerous substance or any other opioid drug which is a prescription drug as defined in section 2 of P.L.2003, c.280 (C.45:14-41) in a course of treatment for acute pain and prior to issuing a prescription at the outset of a course of treatment for chronic pain, a practitioner shall discuss with the patient, or the patient's parent or guardian if the patient is under 18 years of age and is not an emancipated minor, the risks associated with the drugs being prescribed, including but not limited to:

(1) the risks of addiction and overdose associated with opioid drugs and the dangers of taking opioid drugs with alcohol, benzodiazepines and other central nervous system depressants;

(2) the reasons why the prescription is necessary;

(3) alternative treatments that may be available; and

(4) risks associated with the use of the drugs being prescribed, specifically that opioids are highly addictive, even when taken as prescribed, that there is a risk of developing a physical or psychological dependence on the controlled dangerous substance, and that the risks of taking more opioids than prescribed, or mixing sedatives, benzodiazepines or alcohol with opioids, can result in fatal respiratory depression.

The practitioner shall include a note in the patient's medical record that the patient or the patient's parent or guardian, as applicable, has discussed with the practitioner the risks of developing a physical or psychological dependence on the controlled dangerous substance and alternative treatments that may be available. The Division of Consumer Affairs shall de-

velop and make available to practitioners guidelines for the discussion required pursuant to this subsection.

e. Prior to the commencement of an ongoing course of treatment for chronic pain with a Schedule II controlled dangerous substance or any opioid, the practitioner shall enter into a pain management agreement with the patient.

f. When a Schedule II controlled dangerous substance or any other prescription opioid drug is continuously prescribed for three months or more for chronic pain, the practitioner shall:

(1) review, at a minimum of every three months, the course of treatment, any new information about the etiology of the pain, and the patient's progress toward treatment objectives and document the results of that review;

(2) assess the patient prior to every renewal to determine whether the patient is experiencing problems associated with physical and psychological dependence and document the results of that assessment;

(3) periodically make reasonable efforts, unless clinically contraindicated, to either stop the use of the controlled substance, decrease the dosage, try other drugs or treatment modalities in an effort to reduce the potential for abuse or the development of physical or psychological dependence and document with specificity the efforts undertaken;

(4) review the Prescription Drug Monitoring information in accordance with section 8 of P.L.2015, c.74 (C. 45:1-46.1); and

(5) monitor compliance with the pain management agreement and any recommendations that the patient seek a referral.

g. As used in this section:

"Acute pain" means pain, whether resulting from disease, accidental or intentional trauma, or other cause, that the practitioner reasonably expects to last only a short period of time. "Acute pain" does not include chronic pain, pain being treated as part of cancer care, hospice or other end of life care, or pain being treated as part of palliative care.

"Chronic pain" means pain that persists or recurs for more than three months.

"Initial prescription" means a prescription issued to a patient who:

(1) has never previously been issued a prescription for the drug or its pharmaceutical equivalent; or

(2) was previously issued a prescription for, or used or was administered the drug or its pharmaceutical equivalent, but the date on which the current prescription is being issued is more than one year after the date the patient last used or was administered the drug or its equivalent.

When determining whether a patient was previously issued a prescription for, or used or was administered a drug or its pharmaceutical equivalent, the practitioner shall consult with the patient and review the patient's medical record and prescription monitoring information.

"Pain management agreement" means a written contract or agreement that is executed between a practitioner and a patient, prior to the commencement of treatment for chronic pain using a Schedule II controlled dangerous substance or any other opioid drug which is a prescription drug as defined in section 2 of P.L.2003, c.280 (C.45:14-41), as a means to:

(1) prevent the possible development of physical or psychological dependence in the patient;

(2) document the understanding of both the practitioner and the patient regarding the patient's pain management plan;

(3) establish the patient's rights in association with treatment, and the patient's obligations in relation to the responsible use, discontinuation of use, and storage of Schedule II controlled dangerous substances, including any restrictions on the refill of prescriptions or the acceptance of Schedule II prescriptions from practitioners;

(4) identify the specific medications and other modes of treatment, including physical therapy or exercise, relaxation, or psychological counseling, that are included as a part of the pain management plan;

(5) specify the measures the practitioner may employ to monitor the patient's compliance, including but not limited to random specimen screens and pill counts; and

(6) delineate the process for terminating the agreement, including the consequences if the practitioner has reason to believe that the patient is not complying with the terms of the agreement.

"Practitioner" means a medical doctor, doctor of osteopathy, dentist, optometrist, podiatrist, physician assistant, certified nurse midwife, or advanced practice nurse, acting within the scope of practice of their professional license pursuant to Title 45 of the Revised Statutes.

h. This section shall not apply to a prescription for a patient who is currently in active treatment for cancer, receiving hospice care from a licensed hospice or palliative care, or is a resident of a long term care facility, or to any medications that are being prescribed for use in the treatment of substance abuse or opioid dependence.

i. Every policy, contract or plan delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, and every contract purchased by the School Employees' Health Benefits Commission or State Health Bene-

fits Commission, on or after the effective date of this act, that provides coverage for prescription drugs subject to a co-payment, coinsurance or deductible shall charge a co-payment, coinsurance or deductible for an initial prescription of an opioid drug prescribed pursuant to this section that is either:

(1) proportional between the cost sharing for a 30-day supply and the amount of drugs the patient was prescribed; or

(2) equivalent to the cost sharing for a full 30-day supply of the opioid drug, provided that no additional cost sharing may be charged for any additional prescriptions for the remainder of the 30-day supply.

2. Section 24 of P.L.2007, c.244 (C.45:1-44) is amended to read as follows:

C.45:1-44 Definitions.

24. Definitions. As used in sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50):

"CDS registration" means registration with the Division of Consumer Affairs to manufacture, distribute, dispense, or conduct research with controlled dangerous substances issued pursuant to section 11 of P.L.1970, c.226 (C.24:21-11).

"Certified medical assistant" means a person who is a graduate of a post-secondary medical assisting educational program accredited by the Commission on Allied Health Education and Accreditation (CAHEA), or its successor, the Accrediting Bureau of Health Education Schools (ABHES), or its successor, or any accrediting agency recognized by the U.S. Department of Education, which educational program includes, at a minimum, 330 clock hours of instruction, and encompasses training in the administration of intramuscular and subcutaneous injections, as well as instruction and demonstration in: pertinent anatomy and physiology appropriate to injection procedures; choice of equipment; proper technique, including sterile technique; hazards and complications; and emergency procedures; and who maintains current certification or registration, as appropriate, from the Certifying Board of the American Association of Medical Assistants (AAMA), the National Center for Competency Testing (NCCT), the National Healthcareer Association (NHA), the American Medical Certification Association (AMCA), the National Association for Health Professionals (NAHP), the National Certification Medical Association (NCMA), the American Medical Technologists (AMT), or any other recognized certifying body approved by the State Board of Medical Examiners.

"Controlled dangerous substance" means any substance that is listed in Schedules II, III, and IV of the schedules provided under the "New Jersey Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1 et seq.). Controlled dangerous substance also means any substance that is listed in Schedule V under the "New Jersey Controlled Dangerous Substances Act" when the director has determined that reporting Schedule V substances is required by federal law, regulation, or funding eligibility.

"Dental resident" means a person who practices dentistry as a resident pursuant to R.S.45:6-20 and, pursuant to N.J.A.C.13:30-1.3, is a graduate of a dental school approved by the Commission on Dental Accreditation and has passed Part I and Part II of the National Board Dental examination and obtained a resident permit from the New Jersey Board of Dentistry.

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

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

"Licensed athletic trainer" means an individual who is licensed by the State Board of Medical Examiners to practice athletic training, pursuant to the "Athletic Training Licensure Act," P.L.1984, c.203 (C.45:9-37.35 et seq.).

"Licensed health care professional" means a registered nurse, licensed practical nurse, advanced practice nurse, physician assistant, or dental hygienist licensed pursuant to Title 45 of the Revised Statutes.

"Licensed pharmacist" means a pharmacist licensed pursuant to P.L.2003, c.280 (C.45:14-40 et seq.).

"Medical resident" means a graduate physician who is authorized to practice medicine and surgery by means of a valid permit issued by the State Board of Medical Examiners to a person authorized to engage in the practice of medicine and surgery while in the second year or beyond of a graduate medical education program pursuant to N.J.A.C.13:35-1.5.

"Medical scribe" means an individual trained in medical documentation who assists a physician or other licensed health care professional by documenting the patient's encounter with the professional in the patient's medical record and gathering data for the professional, including, but not limited to, nursing notes, patient medical records, laboratory work, and radiology tests.

"Mental health practitioner" means a clinical social worker, marriage and family therapist, alcohol and drug counselor, professional counselor, psychologist, or psychoanalyst licensed or otherwise authorized to practice pursuant to Title 45 of the Revised Statutes.

"Pharmacy permit holder" means an individual or business entity that holds a permit to operate a pharmacy practice site pursuant to P.L.2003, c.280 (C.45:14-40 et seq.).

"Practitioner" means an individual currently licensed, registered, or otherwise authorized by this State or another state to prescribe drugs in the course of professional practice.

"Registered dental assistant" is a person who has fulfilled the requirements for registration established by "The Dental Auxiliaries Act," P.L.1979, c.46 (C.45:6-48 et al.) and works under the direct supervision of a licensed dentist.

"Ultimate user" means a person who has obtained from a dispenser and possesses for the person's own use, or for the use of a member of the person's household or an animal owned by the person or by a member of the person's household, a controlled dangerous substance.

3. Section 26 of P.L.2007, c.244 (C.45:1-46) is amended to read as follows:

C.45:1-46 Access to prescription information.

26. Access to prescription information.

a. The division shall maintain procedures to ensure privacy and confidentiality of patients and that patient information collected, recorded, transmitted, and maintained is not disclosed, except as permitted in this section, including, but not limited to, the use of a password-protected system for maintaining this information and permitting access thereto as authorized under sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50), and a requirement that a person as listed in subsection h. or i. of this section provide affirmation of the person's intent to comply with the provisions of sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50) as a condition of accessing the information.

b. The prescription monitoring information submitted to the division shall be confidential and not be subject to public disclosure under P.L.1963, c.73 (C.47:1A-1 et seq.), or P.L.2001, c.404 (C.47:1A-5 et al.).

c. The division shall review the prescription monitoring information provided by a pharmacy permit holder pursuant to sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50). The review shall include, but not be limited to:

(1) a review to identify whether any person is obtaining a prescription in a manner that may be indicative of misuse, abuse, or diversion of a controlled dangerous substance. The director shall establish guidelines regard-

ing the terms "misuse," "abuse," and "diversion" for the purposes of this review. When an evaluation of the information indicates that a person may be obtaining a prescription for the same or a similar controlled dangerous substance from multiple practitioners or pharmacists during the same time period, the division may provide prescription monitoring information about the person to practitioners and pharmacists; and

(2) a review to identify whether a violation of law or regulation or a breach of the applicable standards of practice by any person may have occurred, including, but not limited to, diversion of a controlled dangerous substance. If the division determines that such a violation or breach may have occurred, the division shall notify the appropriate law enforcement agency or professional licensing board, and provide the prescription monitoring information required for an investigation.

d. (Deleted by amendment, P.L.2015, c.74)

e. (Deleted by amendment, P.L.2015, c.74)

f. (Deleted by amendment, P.L.2015, c.74)

g. (Deleted by amendment, P.L.2015, c.74)

h. (1) A practitioner shall register to access prescription monitoring information upon initial application for, or renewal of , the practitioner's CDS registration.

(2) The division shall provide to a pharmacist who is employed by a current pharmacy permit holder online access to prescription monitoring information for the purpose of providing health care to a current patient or verifying information with respect to a patient or a prescriber.

(3) The division shall provide to a practitioner who has a current CDS registration online access to prescription monitoring information for the purpose of providing health care to a current patient or verifying information with respect to a patient or a prescriber. The division shall also grant online access to prescription monitoring information to as many licensed health care professionals as are authorized by a practitioner to access that information and for whom the practitioner is responsible for the use or misuse of that information, subject to a limit on the number of such health care professionals as deemed appropriate by the division for that particular type and size of professional practice, in order to minimize the burden to practitioners to the extent practicable while protecting the confidentiality of the prescription monitoring information obtained. The director shall establish, by regulation, the terms and conditions under which a practitioner may delegate that authorization, including procedures for authorization and termination of authorization, provisions for maintaining confidentiality, and such other matters as the division may deem appropriate.

(4) The division shall provide online access to prescription monitoring information to as many medical or dental residents as are authorized by a faculty member of a medical or dental teaching facility to access that information and for whom the practitioner is responsible for the use or misuse of that information. The director shall establish, by regulation, the terms and conditions under which a faculty member of a medical or dental teaching facility may delegate that authorization, including procedures for authorization and termination of authorization, provisions for maintaining confidentiality, provisions regarding the duration of a medical or dental resident's authorization to access prescription monitoring information, and such other matters as the division may deem appropriate.

(5) (a) The division shall provide online access to prescription monitoring information to :

(i) as many certified medical assistants as are authorized by a practitioner to access that information and for whom the practitioner is responsible for the use or misuse of that information ;

(ii) as many medical scribes working in a hospital's emergency department as are authorized by a practitioner to access that information and for whom the practitioner is responsible for the use or misuse of that information; and

(iii) as many licensed athletic trainers working in a clinical setting as are authorized by a practitioner to access that information and for whom the practitioner is responsible for the use or misuse of that information.

(b) The director shall establish, by regulation, the terms and conditions under which a practitioner may delegate authorization pursuant to subparagraph (a) of this paragraph , including procedures for authorization and termination of authorization, provisions for maintaining confidentiality, provisions regarding the duration of a certified medical assistant's , medical scribe's, or licensed athletic trainer's authorization to access prescription monitoring information, and provisions addressing such other matters as the division may deem appropriate.

(6) The division shall provide online access to prescription monitoring information to as many registered dental assistants as are authorized by a licensed dentist to access that information and for whom the licensed dentist is responsible for the use or misuse of that information. The director shall establish, by regulation, the terms and conditions under which a licensed dentist may delegate that authorization, including procedures for authorization and termination of authorization, provisions for maintaining confidentiality, provisions regarding the duration of a registered dental as-

sistant's authorization to access prescription monitoring information, and such other matters as the division may deem appropriate.

(7) A person listed in this subsection, as a condition of accessing prescription monitoring information pursuant thereto, shall certify that the request is for the purpose of providing health care to a current patient or verifying information with respect to a patient or practitioner. Such certification shall be furnished through means of an online statement or alternate means authorized by the director, in a form and manner prescribed by rule or regulation adopted by the director. If the information is being accessed by an authorized person using an electronic system authorized pursuant to subsection q. of this section, the certification may be furnished through the electronic system.

i. The division may provide online access to prescription monitoring information, or may provide access to prescription monitoring information through any other means deemed appropriate by the director, to the following persons:

(1) authorized personnel of the division or a vendor or contractor responsible for maintaining the Prescription Monitoring Program;

(2) authorized personnel of the division responsible for administration of the provisions of P.L.1970, c.226 (C.24:21-1 et seq.);

(3) the State Medical Examiner, a county medical examiner, a deputy or assistant county medical examiner, or a qualified designated assistant thereof, who certifies that the request is for the purpose of investigating a death pursuant to P.L.1967, c.234 (C.52:17B-78 et seq.);

(4) a controlled dangerous substance monitoring program in another state with which the division has established an interoperability agreement, or which participates with the division in a system that facilitates the secure sharing of information between states;

(5) a designated representative of the State Board of Medical Examiners, New Jersey State Board of Dentistry, State Board of Nursing, New Jersey State Board of Optometrists, State Board of Pharmacy, State Board of Veterinary Medical Examiners, or any other board in this State or another state that regulates the practice of persons who are authorized to prescribe or dispense controlled dangerous substances, as applicable, who certifies that the representative is engaged in a bona fide specific investigation of a designated practitioner or pharmacist whose professional practice was or is regulated by that board;

(6) a State, federal, or municipal law enforcement officer who is acting pursuant to a court order and certifies that the officer is engaged in a bona fide specific investigation of a designated practitioner, pharmacist, or pa-

tient. A law enforcement agency that obtains prescription monitoring information shall comply with security protocols established by the director by regulation;

(7) a designated representative of a state Medicaid or other program who certifies that the representative is engaged in a bona fide investigation of a designated practitioner, pharmacist, or patient;

(8) a properly convened grand jury pursuant to a subpoena properly issued for the records; and

(9) a licensed mental health practitioner providing treatment for substance abuse to patients at a residential or outpatient substance abuse treatment center licensed by the Division of Mental Health and Addiction Services in the Department of Human Services, who certifies that the request is for the purpose of providing health care to a current patient or verifying information with respect to a patient or practitioner, and who furnishes the division with the written consent of the patient for the mental health practitioner to obtain prescription monitoring information about the patient. The director shall establish, by regulation, the terms and conditions under which a mental health practitioner may request and receive prescription monitoring information. Nothing in sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50) shall be construed to require or obligate a mental health practitioner to access or check the prescription monitoring information in the course of treatment beyond that which may be required as part of the mental health practitioner's professional practice.

j. A person listed in subsection i. of this section, as a condition of obtaining prescription monitoring information pursuant thereto, shall certify the reasons for seeking to obtain that information. Such certification shall be furnished through means of an online statement or alternate means authorized by the director, in a form and manner prescribed by rule or regulation adopted by the director.

k. The division shall offer an online tutorial for those persons listed in subsections h. and i. of this section, which shall, at a minimum, include: how to access prescription monitoring information; the rights of persons who are the subject of this information; the responsibilities of persons who access this information; a summary of the other provisions of sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50) and the regulations adopted pursuant thereto, regarding the permitted uses of that information and penalties for violations thereof; and a summary of the requirements of the federal health privacy rule set forth at 45 CFR Parts 160 and 164 and a hypertext link to the federal Department of Health and Hu-

man Services website for further information about the specific provisions of the privacy rule.

l. The division may request and receive prescription monitoring information from prescription monitoring programs in other states and may use that information for the purposes of sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50). When sharing data with programs in another state, the division shall not be required to obtain a memorandum of understanding unless required by the other state.

m. The director may provide nonidentifying prescription drug monitoring information to public or private entities for statistical, research, or educational purposes, in accordance with the provisions of sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50).

n. Nothing shall be construed to prohibit the division from obtaining unsolicited automated reports from the program or disseminating such reports to pharmacists, practitioners, mental health care practitioners, and other licensed health care professionals.

o. (1) A current patient of a practitioner may request from that practitioner that patient's own prescription monitoring information that has been submitted to the division pursuant to sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50). A parent or legal guardian of a child who is a current patient of a practitioner may request from that practitioner the child's prescription monitoring information that has been submitted to the division pursuant to sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50).

(2) Upon receipt of a request pursuant to paragraph (1) of this subsection, a practitioner or health care professional authorized by that practitioner may provide the current patient or parent or legal guardian, as the case may be, with access to or a copy of the prescription monitoring information pertaining to that patient or child.

(3) The division shall establish a process by which a patient, or the parent or legal guardian of a child who is a patient, may request a pharmacy permit holder that submitted prescription monitoring information concerning a prescription for controlled dangerous substances for that patient or child to the division pursuant to sections 25 through 30 of P.L.2007, c.244 (C.45:1-45 through C.45:1-50) to correct information that the person believes to have been inaccurately entered into that patient's or child's prescription profile. Upon confirmation of the inaccuracy of any such entry into a patient's or child's prescription profile, the pharmacy permit holder shall be authorized to correct any such inaccuracies by submitting corrected information to the division pursuant to sections 25 through 30 of P.L.2007,

c.244 (C.45:1-45 through C.45:1-50). The process shall provide for review by the Board of Pharmacy of any disputed request for correction, which determination shall be appealable to the director.

p. The division shall take steps to ensure that appropriate channels of communication exist to enable any licensed health care professional, licensed pharmacist, mental health practitioner, pharmacy permit holder, or other practitioner who has online access to the Prescription Monitoring Program pursuant to this section to seek or provide information to the division related to the provisions of this section.

q. (1) The division may make prescription monitoring information available on electronic systems that collect and display health information, such as an electronic system that connects hospital emergency departments for the purpose of transmitting and obtaining patient health data from multiple sources , or an electronic system that notifies practitioners of information pertaining to the treatment of overdoses ; provided that the division determines that any such electronic system has appropriate security protections in place.

(2) Practitioners who are required to access prescription monitoring information pursuant to section 8 of P.L.2015, c.74 (C.45:1-46.1) may discharge that responsibility by accessing one or more authorized electronic systems into which the prescription monitoring information maintained by the division has been integrated.

4. Section 8 of P.L.2015, c.74 (C.45:1-46.1) is amended to read as follows:

C.45:1-46.1 Proper time to access prescription monitoring information; restrictions in dispensing certain controlled dangerous substances; exceptions.

8. a. (1) Except as provided in subsection b. of this section, a practitioner or other person who is authorized by a practitioner to access prescription monitoring information pursuant to subsection h. of section 26 of P.L.2007, c.244 (C.45:1-46) shall access prescription monitoring information:

(a) the first time the practitioner or other person prescribes a Schedule II controlled dangerous substance or any opioid to a new patient for acute or chronic pain;

(b) the first time a practitioner or other person prescribes a benzodiazepine drug that is a Schedule III or Schedule IV controlled dangerous substance;

(c) if the practitioner or other person has a reasonable belief that the person may be seeking a controlled dangerous substance, in whole or in part, for any purpose other than the treatment of an existing medical condition, such as for purposes of misuse, abuse, or diversion, the first time the practitioner or other person prescribes a non-opioid drug other than a benzodiazepine drug that is a Schedule III or IV controlled dangerous substance; and

(d) on or after the date that the division first makes prescription monitoring information available on an electronic system that collects and displays health information, pursuant to subsection q. of section 26 of P.L.2007, c.244 (C.45:1-46), any time the practitioner or other person prescribes a Schedule II controlled dangerous substance for acute or chronic pain to a patient receiving care or treatment in the emergency department of a general hospital.

In addition, in any case in which a prescription is issued to a new patient, either on or after the effective date of P.L.2017, c.341 (C.45:16-9.4c et al.), for a Schedule II controlled dangerous substance or opioid drug that has been prescribed for acute or chronic pain, or for a benzodiazepine drug that is a Schedule III or IV controlled dangerous substance, the practitioner or other authorized person shall access prescription monitoring information on a quarterly basis during the period of time the patient continues to receive such prescription.

(2) (a) A pharmacist shall not dispense a Schedule II controlled dangerous substance, any opioid, or a benzodiazepine drug that is a Schedule III or IV controlled dangerous substance to any person without first accessing the prescription monitoring information, as authorized pursuant to subsection h. of section 26 of P.L.2007, c.244 (C.45:1-46), to determine if the person has received other prescriptions that indicate misuse, abuse, or diversion, if the pharmacist has a reasonable belief that the person may be seeking a controlled dangerous substance, in whole or in part, for any purpose other than the treatment of an existing medical condition, such as for purposes of misuse, abuse, or diversion.

(b) A pharmacist shall not dispense a prescription to a person other than the patient for whom the prescription is intended, unless the person picking up the prescription provides personal identification to the pharmacist, and the pharmacist, as required by subsection b. of section 25 of P.L.2007, c.244 (C.45:1-45), inputs that identifying information into the Prescription Monitoring Program if the pharmacist has a reasonable belief that the person may be seeking a controlled dangerous substance, in whole or in part, for any reason other than delivering the substance to the patient

for the treatment of an existing medical condition. The provisions of this subparagraph shall not take effect until the director determines that the Prescription Monitoring Program has the technical capacity to accept such information.

b. The provisions of subsection a. of this section shall not apply to:

(1) a veterinarian;

(2) a practitioner or the practitioner's agent administering methadone, or another controlled dangerous substance designated by the director as appropriate for treatment of a patient with a substance abuse disorder, as interim treatment for a patient on a waiting list for admission to an authorized substance abuse treatment program;

(3) a practitioner administering a controlled dangerous substance directly to a patient;

(4) a practitioner prescribing a controlled dangerous substance to be dispensed by an institutional pharmacy, as defined in N.J.A.C.13:39-9.2;

(5) a practitioner prescribing a controlled dangerous substance in the emergency department of a general hospital, provided that the quantity prescribed does not exceed a five-day supply of the substance; however, the exemption provided by this paragraph shall have no force or effect on or after the date on which the division first makes prescription monitoring information available on an electronic system that collects and displays health information, pursuant to subsection q. of section 26 of P.L.2007, c.244 (C.45:1-46);

(6) a practitioner prescribing a controlled dangerous substance to a patient under the care of a hospice;

(7) a situation in which it is not reasonably possible for the practitioner or pharmacist to access the Prescription Monitoring Program in a timely manner, no other individual authorized to access the Prescription Monitoring Program is reasonably available, and the quantity of controlled dangerous substance prescribed or dispensed does not exceed a five-day supply of the substance;

(8) a practitioner or pharmacist acting in compliance with regulations promulgated by the director as to circumstances under which consultation of the Prescription Monitoring Program would result in a patient's inability to obtain a prescription in a timely manner, thereby adversely impacting the medical condition of the patient;

(9) a situation in which the Prescription Monitoring Program is not operational as determined by the division or where it cannot be accessed by the practitioner due to a temporary technological or electrical failure, as set forth in regulation;

(10) a practitioner or pharmacist who has been granted a waiver due to technological limitations that are not reasonably within the control of the practitioner or pharmacist, or other exceptional circumstances demonstrated by the practitioner or pharmacist, pursuant to a process established in regulation, and in the discretion of the director; or

(11) a practitioner who is prescribing a controlled dangerous substance to a patient immediately after the patient has undergone an operation in a general hospital or a licensed ambulatory care facility or treatment for acute trauma in a general hospital or a licensed ambulatory care facility, so long as that operation or treatment was not part of care or treatment in the emergency department of a general hospital as provided in subsection a. of this section, when no more than a five-day supply is prescribed.

5. Section 27 of P.L.2007, c.244 (C.45:1-47) is amended to read as follows:

C.45:1-47 Prescription monitoring program; provisions for expansion.

27. Prescription Monitoring Program; provisions for expansion.

a. Notwithstanding the provisions of section 25 of P.L.2007, c.244 (C.45:1-45) to the contrary, the director may adopt a regulation to expand the program to require pharmacies to include information about each prescription dispensed for a prescription drug that is not a controlled dangerous substance. In determining whether pharmacies should be required to submit to the program information about a prescription drug other than a controlled dangerous substance, the director shall consider: the actual or relative potential for abuse; scientific evidence of its pharmacological effect, if known; the state of current scientific knowledge regarding the drug; its history and current pattern of abuse, including its use to potentiate or enhance the effects of controlled dangerous substances that are subject to abuse; the scope, duration and significance of abuse; what, if any, risk to the public health; and its psychic or physiological dependence liability.

b. At the time the notice to expand the program pursuant to subsection a. is published in the New Jersey Register, the director shall provide a copy of the notice of proposed rule making to the chairpersons of the standing legislative reference committees on health of the Senate and General Assembly.

6. Section 1 of P.L.2000, c.119 (C.45:8B-24.1) is amended to read as follows:

C.45:8B-24.1 Continuing education requirements for marriage and family therapists.

1. a. The State Board of Marriage and Family Therapy Examiners shall require each marriage and family therapist, 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, and the number and type of continuing education credits required of a licensee as a condition of biennial license renewal;

(3) Recognize the American Association for Marriage and Family Therapy, the New Jersey Division of the American Association for Marriage and Family Therapy and other organizations as providers of continuing education, and accredit educational programs, including, but not limited to, meetings of constituents and components of marriage and family therapy associations recognized by the board, examinations, papers, publications, presentations, 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; and

(4) Approve only those continuing education programs as are available to all marriage and family therapists in this State on a reasonable nondiscriminatory basis.

c. The continuing education required pursuant to this section shall include at least one credit of educational programs or topics concerning prescription opioid drugs, including the risks and signs of opioid abuse, addiction, and diversion.

7. Section 1 of P.L.2015, c.131 (C.45:14B-47) is amended to read as follows:

C.45:14B-47 Continuing education for certain practicing psychologists.

1. a. The State Board of Psychological Examiners shall require each person licensed as a practicing psychologist, as a condition for biennial license renewal pursuant to section 1 of P.L.1972, c.108 (C.45:1-7), to com-

plete 40 credits of continuing psychology education, four credits of which shall be educational programs or topics related to domestic violence.

b. The board shall:

(1) Establish standards for continuing psychology education, including the nature of qualifying experience and amount of applicable credits for such qualifying experience, and the subject matter and content of courses of study; and

(2) Accredit education programs offering credit toward continuing psychology education requirements or recognize national or State organizations that may accredit education programs.

c. The board may, in its discretion, waive requirements for continuing education as set forth in subsection a. of this section on an individual basis for reasons of hardship such as illness or disability, retirement of license, or other good cause. A waiver shall apply only to the current biennial renewal period at the time of board issuance.

d. The board shall only approve programs that are provided on a nondiscriminatory basis.

e. Prior to license renewal, each licensee shall submit to the board proof of completion of the required number of hours of continuing psychology education.

f. The continuing education required pursuant to this section shall include at least one credit of educational programs or topics concerning prescription opioid drugs, including the risks and signs of opioid abuse, addiction, and diversion.

C.45:16-9.4c Continuing veterinary education.

8. The State Board of Veterinary Medical Examiners shall require that the number of credits of continuing veterinary education required of each person licensed as a veterinarian, as a condition of biennial license renewal, include at least one credit of educational programs or topics concerning prescription opioid drugs, including the risks and signs of opioid abuse, addiction, and diversion. The continuing veterinary education requirement in this section shall be subject to the provisions of section 3 of P.L.2010, c.89 (C.45:16-9.4a), including, but not limited to, the authority of the board to waive the provisions of this section for a specific individual if the board deems it is appropriate to do so.

C.45:9-37.48b Continuing education for athletic trainers.

9. The State Board of Medical Examiners shall require that the number of credits of continuing athletic trainer education required of each per-

son licensed as an athletic trainer, as a condition of biennial renewal pursuant to section 14 of P.L.1984, c.203 (C.45:9-37.48), include at least one credit of educational programs or topics concerning prescription opioid drugs, including the risks and signs of opioid abuse, addiction, and diversion. The continuing athletic trainer education requirement in this subsection shall be subject to the provisions of section 6 of P.L.2010, c.94 (C.45:9-37.48a), including, but not limited to, the authority of the board to waive the provisions of this section for a specific individual if the board deems it is appropriate to do so.

C.45:15BB-11.1 Continuing education for social workers.

10. The State Board of Social Work Examiners shall require that the number of credits of continuing education required of each person licensed or certified by the board as a condition of renewal include at least one credit of educational programs or topics concerning prescription opioid drugs, including the risks and signs of opioid abuse, addiction, and diversion.

C.45:8B-45.1 Continuing education for certain professional counselors.

11. The Professional Counselor Examiners Committee shall require that the number of credits of continuing education required of each person licensed by the board as a condition of renewal include at least one credit of educational programs or topics concerning prescription opioid drugs, including the risks and signs of opioid abuse, addiction, and diversion.

C.45:9-27.19b Regulations relative to physician assistants dispensing certain controlled dangerous substances.

12. a. Notwithstanding any other provision of law to the contrary, a physician assistant who is otherwise authorized to order, prescribe, and dispense controlled dangerous substances pursuant to P.L.1991, c.378 (C.45:9-27.10 et seq.) may dispense narcotic drugs for maintenance treatment or detoxification treatment if the physician assistant has met the training and registration requirements set forth in subsection (g) of 21 U.S.C. s.823. A physician assistant who is authorized to dispense such drugs may do so regardless of whether the physician assistant's supervising physician has met the training and registration requirements set forth in subsection (g) of 21 U.S.C. s.823, provided that the written delegation agreement between the supervising physician and the physician assistant executed pursuant to subsection d. of section 8 of P.L.1991, c.378 (C.45:9-27.17) included the supervising physician's written approval for the physician assistant to dispense the drugs.

b. Notwithstanding any other provision of law to the contrary, a physician assistant under the direct supervision of a licensed physician may make the determination as to the medical necessity for services for the treatment of substance use disorder, as provided in P.L.2017, c.28 (C.17:48-6nn et al.), and may prescribe such services.

C.45:11-49.3 Advanced practice nurse may dispense certain narcotics.

13. a. Notwithstanding any other provision of law to the contrary, an advanced practice nurse may dispense narcotic drugs for maintenance treatment or detoxification treatment if the advanced practice nurse has met the training and registration requirements set forth in subsection (g) of 21 U.S.C. s.823. An advanced practice nurse who is authorized to dispense such drugs may do so regardless of whether the advanced practice nurse's collaborating physician has met the training and registration requirements set forth in subsection (g) of 21 U.S.C. s.823, provided that the joint protocol established by the advanced practice nurse and the collaborating physician include the collaborating physician's written approval for the advanced practice nurse to dispense the drugs.

b. Notwithstanding any other provision of law to the contrary, an advanced practice nurse, under the joint protocol established by the advanced practice nurse and the collaborating physician, may make the determination as to the medical necessity for services for the treatment of substance use disorder, as provided in P.L.2017, c.28 (C.17:48-6nn et al.), and may prescribe such services.

14. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 342

AN ACT concerning aphasia and amending P.L.2017, c.55.

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

1. Section 2 of P.L.2017, c.55 (C.26:2ZZ-2) is amended to read as follows:

C.26:2ZZ-2 "Mike Adler Aphasia Task Force."

2. a. There is established, in the Department of Health, the "Mike Adler Aphasia Task Force."

b. The task force shall consist of 13 members as follows:

(1) the Commissioners of Health and Human Services, who shall serve ex officio;

(2) five representatives from the State's aphasia support and treatment programs, including one representative from the non-profit Adler Aphasia Center; one representative from the Kean University Institute for Adults Living with Communication Disabilities; one representative from the Comprehensive Stroke Center at Hackensack University Medical Center; one representative from the medically-based support group, JFK-Johnson Rehabilitation Institute; and one representative from the private aphasia practice, Lingraphica; and

(3) six public members to be appointed as follows: two public members to be appointed by the Senate President, one of whom shall be a person with aphasia, and one of whom shall be a professional who provides caregiving services to persons with aphasia; two public members to be appointed by the Speaker of the General Assembly, one of whom shall be a person with aphasia, and one of whom shall be a professional who provides speech-language pathology services to persons with aphasia; and two public members to be appointed by the Governor, one of whom shall be a professional who provides caregiving services to persons with aphasia, and one of whom shall be a professional who provides speech-language pathology services to persons with aphasia.

c. Each public member of the task force shall serve for a term of five years, except that, of the members first appointed, the first two appointees shall serve for terms of five years, the second two appointees shall serve for terms of four years, and the third two appointees shall serve for terms of three years. Each member shall hold office for the term of appointment, and until their successor is appointed and qualified.

d. Any vacancy in the task force membership shall be filled for the unexpired term, in the same manner provided for the original appointment. Members are eligible for reappointment to the task force.

e. The purpose of the task force shall be to: monitor the prevalence of aphasia in New Jersey; assess the unmet needs of persons with aphasia, and their families; identify, and facilitate the establishment of, aphasia support groups and other support and informational resources designed to assist in satisfying the unmet needs of residents with aphasia, and their families; and provide recommendations to the Governor and Legislature, in accordance

with the provisions of subsection k. of this section, for legislation or other governmental action that would further facilitate the support of persons with aphasia, and their families. In effectuating its purposes under this act, the task force shall:

(1) establish, or encourage and facilitate the establishment of, new aphasia support groups in senior centers, Federally Qualified Health Centers, county offices for the disabled, county offices on aging, and libraries throughout the State, with a focus on improving access to aphasia support services in areas of the State that have significant senior and minority populations;

(2) provide orientation programs for speech language pathologists and caregivers who are interested in volunteering to facilitate the operation of new aphasia support groups established under paragraph (1) of this subsection;

(3) encourage all universities in the State with graduate-level programs in speech-language pathology to offer aphasia support groups to members of the public;

(4) coordinate the operations of aphasia support groups in the State, in order to facilitate the Statewide sharing of data and resources, and the adoption of collaborative efforts designed to provide support and treatment to persons with aphasia, and their families;

(5) create various focus groups that engage persons with aphasia, aphasia support group staff, and aphasia caregivers and speech-language pathologists, for the purposes of assessing and highlighting the region-by-region needs of persons with aphasia, and their families;

(6) encourage hospitals in the State to distribute information about aphasia, upon patient discharge, to patients who have had a stroke or head injury, and provide hospitals with appropriate pamphlets or other documentation, such as the informational materials that are available from the National Aphasia Association (NAA), the American Stroke Association (ASA), or the American Speech-Language-Hearing Association (ASHA), for the purposes of distribution to such patients;

(7) establish, at a publicly accessible location on the Internet website of the Department of Health, a webpage dedicated to aphasia, which shall include relevant information on aphasia, and contact information for the available aphasia support groups in the State;

(8) compile, and post on the aphasia webpage established under paragraph (7) of this subsection, a registry of counselors and psychologists in the State who are available to work with persons with aphasia, and their families;

(9) explore, document, and list on the aphasia webpage established under paragraph (7) of this subsection, any funding sources that are available for post-acute services provided to persons with aphasia in the chronic phase;

(10) create an aphasia-friendly newsletter, which shall be designed to provide persons with aphasia, caregivers, and professionals with updated information about new developments in the treatment of aphasia, and which shall be posted on the aphasia webpage established under paragraph (7) of this subsection, and disseminated to appropriate support, treatment, and educational groups, and to persons with aphasia, on a quarterly basis;

(11) coordinate with the State's county agencies on aging and county agencies for the disabled; supply each county agency with listings and descriptions of aphasia services and support groups available in their area; and encourage each agency to provide information about these services and support groups to their clients; and

(12) enlist persons with aphasia in the chronic phase to instruct first responders, medical personnel, vendors, and others in their respective communities about the needs and abilities of persons with aphasia, and the needs of their families and caregivers; and provide appropriate assistance to these instructors.

f. The task force shall organize as soon as practicable after the appointment of a majority of its members, and may meet and hold hearings at such places and times as it shall designate.

g. The members of the task force shall serve without compensation, but may be reimbursed for travel and other necessary expenses incurred in the performance of their duties, within the limits of funds appropriated or otherwise made available to the task force for its purposes.

h. The Department of Health shall provide professional and clerical staff to the task force as may be necessary for the task force's purposes, and the task force shall also be entitled to call upon the services of any State, county, or municipal department, board, commission, or agency, as may be available to it for its purposes.

i. In executing its duties under this act, the task force shall consult with associations, organizations, and individuals who are knowledgeable about the needs of persons with aphasia, and their families.

j. The task force may solicit and receive grants and other funds that are made available for the task force's purposes by any governmental, public, private, not-for-profit, or for-profit agency, including funds that are made available under any federal or State law, regulation, or program.

k. Within 12 months after the task force's organizational meeting, and at least biennially thereafter, the task force shall submit a written report to the Governor, and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature. Each report submitted pursuant to this subsection shall contain the task force's findings on the prevalence of aphasia in the State, information as to the status and success of existing aphasia support services in the State, and any recommendations for legislative or other action that may be necessary to address the unmet needs of persons with aphasia and their families.

2. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 343

AN ACT concerning weight limits for natural gas vehicles and amending P.L.1950, c.142.

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

1. Section 3 of P.L.1950, c.142 (C.39:3-84.1) is amended to read as follows:

C.39:3-84.1 Application of weight limitations.

3. a. The axle weight limitations as provided in subsection b. of R.S.39:3-84 shall apply to all vehicles registered in New Jersey subsequent to March 1, 1950, which have not been registered therein or contracted for purchase by New Jersey residents prior to that date. The weight limitations provided in paragraphs (1), (2), and (3) of subsection b. of R.S.39:3-84 relative to maximum gross axle weights shall not apply to vehicles registered as "constructor" or "solid waste" vehicles or to a combination of vehicles of which the "constructor" or "solid waste" vehicle is the drawing vehicle as provided in R.S.39:3-20, except that those limitations shall apply to vehicles registered as "solid waste" when operated on any highway which is part of the National System of Interstate and Defense Highways, as provided in 23 U.S.C. s.103. Except as otherwise provided in this section, the provisions of paragraph 5 of subsection b. of R.S.39:3-84 shall apply to

vehicles registered as "constructor" or "solid waste" or to a combination of vehicles of which the "constructor" or "solid waste" vehicle is the drawing vehicle as provided in R.S.39:3-20, except that for any vehicle registered as a "constructor" or any combination of vehicles of which the drawing vehicle is registered as a "constructor," the provisions of paragraph 5 of subsection b. of R.S.39:3-84 shall not apply; provided the vehicle or combination of vehicles is operated within an area that is 30 miles or less from the point established as a headquarters for the particular construction operation. Vehicles registered as "constructor" or "solid waste" or a combination of vehicles of which the "constructor" or "solid waste" vehicle is the drawing vehicle shall be limited to a maximum gross vehicle weight, including load or contents, as shown on the registration certificate of that vehicle.

b. The Commissioner of Transportation is authorized to adopt rules and regulations providing for exemptions from the provisions of paragraph 5 of subsection b. of R.S.39:3-84 for the following:

(1) Vehicles registered as "solid waste" or combinations of vehicles of which the "solid waste" vehicle is the drawing vehicle as provided in R.S.39:3-20; and

(2) Vehicles not in excess of 73,280 pounds.

The commissioner is also authorized to adopt rules and regulations providing for any time limits, distinctions among classes of vehicles, or other conditions with respect to these exemptions.

c. In addition to any exemptions provided for by regulations adopted pursuant to subsection b. of this section, the commissioner is authorized to adopt rules and regulations providing for exemptions for a transitional period from the provisions of paragraph 5 of subsection b. of R.S.39:3-84 for the following:

(1) Tandem-axle dump trucks;
(2) Five-axle dump trailers;
(3) Two-axle dump trucks;
(4) Tri-axle dump trucks;
(5) Four-axle dump trucks;
(6) Three-axle and four-axle ready-mix transit trucks;
(7) Four-axle and five-axle flatbed tractor trailers;
(8) Five-axle bulk carriers;
(9) Two-axle, three-axle, four-axle, and five-axle liquid bulk carriers;
(10) Two-axle and three-axle emergency equipment wreckers;
(11) Solid waste rear-end loaders;
(12) Solid waste front-end loaders;
(13) Solid waste four-axle roll-offs;

(14) Four-axle and five-axle waste transfer tractor trailers;

(15) Two-axle, three-axle, four-axle, and five-axle general freight carriers; and

(16) Intermodal ocean containers.

d. Notwithstanding the provisions of any State law, rule, or regulation to the contrary, but consistent with federal law, a vehicle, if operated by an engine fueled primarily by natural gas, may exceed any vehicle weight limit, up to a maximum gross vehicle weight of 82,000 pounds, under 23 U.S.C. s.127, R.S.39:3-84, or any other applicable law regarding vehicle weight limits, by an amount that is equal to the difference between the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle and the weight of a comparable diesel tank and fueling system.

2. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 344

AN ACT concerning the pension benefits of certain elected public officials, and amending various parts of the statutory law and supplementing P.L.1954, c.84.

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

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

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

7. There is hereby established the Public Employees' Retirement System of New Jersey in the Division of Pensions and Benefits of the Department of the Treasury. The membership of the retirement system shall include:

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

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

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

d. Membership in the retirement system shall be optional for elected officials other than veterans, and for school crossing guards, who having become eligible for benefits under other pension systems are so employed on a part-time basis. Elected officials commencing service on or after the effective date of sections 1 through 19 of P.L.2007, c.92 (C.43:15C-1 through C.43:15C-15, C.43:3C-9, C.43:15A-7, C.43:15A-75 and C.43:15A-135) shall not be eligible for membership in the retirement system based on service in the elective public office, except that an elected official enrolled in the retirement system as of that effective date who continues to hold that elective public office or, for an elected official specified in section 5 of P.L.2017, c.344 (C.43:15A-7.5), another elective public office, without a break in service shall be eligible to continue membership in the retirement system under the terms and conditions of enrollment. Service in the Legislature shall be considered a single elective public office. Any part-time school crossing guard who is eligible for benefits under any other pension system and who was hired as a part-time school crossing guard prior to March 4, 1976, may at any time terminate his membership in the retirement system by making an application in writing to the board of trustees of the retirement system. Upon receiving such application, the board of trustees shall terminate his enrollment in the system and direct the employer to cease accepting contributions from the member or deducting from the compensation paid to the member. State employees who become members of any other retirement system supported wholly or partly by the State as a condition of employment shall not be eligible for membership in this retirement system. Notwithstanding any other law to the contrary, all

other persons accepting employment in the service of the State shall be required to enroll in the retirement system as a condition of their employment, regardless of age.

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

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

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

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

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

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

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

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

i. Membership in the retirement system shall be optional for a special service employee who is employed under the federal Older American Community Service Employment Act, Pub.L.94-135 (42 U.S.C.s.3056). Any special service employee employed under the federal Older American Community Service Employment Act, Pub.L.94-135 (42 U.S.C.s.3056), who is in the retirement system on the effective date of P.L.1996, c.139 may terminate membership in the retirement system by making an application in writing to the board of trustees of the retirement system. Upon receiving the application, the board shall terminate enrollment in the system

and the member shall receive a refund of accumulated deductions as of the date of commencement of employment in a federal Older American Community Service Employment Act program. This refund of contributions shall serve as a waiver of all benefits payable to the employee, to any dependent or dependents, or to any beneficiary under the retirement system.

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

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

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

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

board of education or municipality prior to the date this act so becomes effective, or July 1, 1966, whichever is earlier.

(b) Notwithstanding the provisions of section 74 of this act and subsection (a) of this section, every person, other than a non-veteran elected official, becoming an employee of a county, board of education, municipality or school district after June 30, 1966, who is not eligible to become a member of another retirement system, shall be required to become a member of the Public Employees' Retirement System. Notwithstanding the provisions of section 74 of this act and subsection (a) of this section, membership in the retirement system shall be optional with any elected official who is not a veteran, regardless of the date he assumes office, and with any other person in the employ of any county, board of education, municipality or school district on June 30, 1966, provided such elected official or other person is not then a member and is not required to be a member of the retirement system pursuant to another provision of this act, and provided further that such person is not eligible to be a member of another retirement system. Elected officials commencing service on or after the effective date of sections 1 through 19 of P.L.2007, c.92 (C.43:15C-1 through C.43:15C-15, C.43:3C-9, C.43:15A-7, C.43:15A-75 and C.43:15A-135) shall not be eligible for membership in the retirement system based on service in the elective public office, except that an elected official enrolled in the retirement system as of that effective date who continues to hold that elective public office or, for an elected official specified in section 5 of P.L.2017, c.344 (C.43:15A-7.5), another elective public office, without a break in service shall be eligible to continue membership in the retirement system under the terms and conditions of enrollment.

The provisions of this subsection shall not apply to any person whose position is temporary or seasonal, nor to any person in office, position or employment for which the annual salary or remuneration, or the number of hours of work, is fixed at less than that which is required for membership pursuant to section 7 of P.L.1954, c.84 (C.43:15A-7) as applicable to the member, nor to any person whose position is not covered by the old age and survivors' insurance provisions of the federal Social Security Act. After the effective date of P.L.2010, c.1, the provisions of this subsection shall not apply to any person in office, position or employment for which the hours of work are fewer per week than those required for membership pursuant to subsection d. of section 7 of P.L.1954, c.84 (C.43:15A-7), unless the person shall have been a member since that effective date continuously. No credit shall be allowed to any person becoming a member of the retirement system pursuant to this subsection for service rendered to the employer prior to July

1, 1966, until the provisions of section 74 of this act have been complied with, in which event such credit shall be allowed in accordance with the provisions of subsection (a) of this section; except that the governing body of any county, board of education or municipality may, by resolution, consent to the allowance of such credit and file a certified copy of such resolution with the board of trustees of the Public Employees' Retirement System.

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

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

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

(1) A person who commences service on or after the effective date of this section of P.L.2007, c.92 (C.43:15C-1 et al.) in an elective public office of this State or of a political subdivision thereof, except that it shall not include a person who holds elective public office on the effective date of this section and is enrolled in the Public Employees' Retirement System while that person continues to hold that elective public office or, for an elected official specified in section 5 of P.L.2017, c.344 (C.43:15A-7.5), another elective public office, without a break in service. Service in the Legislature shall be considered a single elective public office.

(2) A person who commences service on or after the effective date of this section in an employment, office or position of the State or of a political subdivision thereof, or an agency, board, commission, authority or instrumentality of the State or of a subdivision, pursuant to an appointment by the Governor that requires the advice and consent of the Senate, or pursuant to an appointment by the Governor to serve at the pleasure of the Governor only during his or her term of office. This paragraph shall not be deemed to include a person otherwise eligible for membership in the State Police Retirement System or the Judicial Retirement System.

(3) A person who commences service on or after the effective date of this section in an employment, office or position in a political subdivision of the State, or an agency, board, commission, authority or instrumentality of a subdivision, pursuant to an appointment by an elected public official or elected governing body, that requires the specific consent or approval of the elected governing body of the political subdivision that is substantially similar in nature to the advice and consent of the Senate for appointments by the Governor of the State as that similarity is determined by the elected govern-

ing body and set forth in an adopted ordinance or resolution, pursuant to guidelines or policy that shall be established by the Local Finance Board in the Department of Community Affairs or the Department of Education, as appropriate to the elected governing body. This paragraph shall not be deemed to include a person otherwise eligible for membership in the Teachers' Pension and Annuity Fund or the Police and Firemen's Retirement System, or a person who is employed or appointed in the regular or normal course of employment or appointment procedures and consented to or approved in a general or routine manner appropriate for and followed by the political subdivision, or the agency, board, commission, authority or instrumentality of a subdivision, or a person who holds a professional license or certificate to perform and is performing as a certified health officer, tax assessor, tax collector, municipal planner, chief financial officer, registered municipal clerk, construction code official, licensed uniform subcode inspector, qualified purchasing agent, or certified public works manager.

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

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

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

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

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

(2) the person is, on the basis of service in that employment, office, or position, eligible for membership or enrolled as a member of another State or locally-administered pension fund or retirement system established under

the laws of this State including the Alternate Benefit Program, except as otherwise specifically provided in subsection a. of this section;

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

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

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

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

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

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

1. Members of the Legislature commencing service on or after the effective date of sections 1 through 19 of P.L.2007, c.92 (C.43:15C-1 through C.43:15C-15, C.43:3C-9, C.43:15A-7, C.43:15A-75 and C.43:15A-135) shall not be eligible for membership in the retirement system based on service in that elective office. An elected official specified in section 5 of P.L.2017, c.344 (C.43:15A-7.5) who was enrolled in the retirement system as of that effective date as an elected public official and who continued to hold elective public office shall be eligible to continue

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

C.43:15A-7.5 Reenrollment in PERS for certain persons holding elective public office.

5. a. The Division of Pensions and Benefits in the Department of the Treasury shall reenroll in the Public Employees' Retirement System, established pursuant to P.L.1954, c.84 (C.43:15A-1 et seq.), any person holding elective public office on the effective date of this act, P.L.2017, c.344, who was a member of the retirement system as of the effective date of sections 1 through 19 of P.L.2007, c.92 (C.43:15C-1 through C.43:15C-15, C.43:3C-9, C.43:15A-7, C.43:15A-75 and C.43:15A-135) on the basis of holding an elective public office and who was elected to another elective public office after that effective date, provided the person has at least 15 years of continuous service in elective public offices of this State. The person shall be eligible for membership in the retirement system based on service in another elective office pursuant to sections 7 and 75 of P.L.1954, c.84 (C.43:15A-7 and C.43:15A-75), or section 1 of P.L.1972, c.167 (C.43:15A-135), as amended by P.L.2017, c.344. This reenrollment provision shall include any person holding elective public office on the effective date of this act, P.L.2017, c.344, who is receiving a retirement allowance from the retirement system on that effective date. For the purposes of this section, a person shall be deemed to have met the requirement for holding elective public office on the effective date of this act, P.L.2017, c.344, if the person's term of office expired within 30 days before that effective date.

As of the date of enrollment in the system, the elected official's participation, if any, in another State-administered retirement program on the basis of that elective public office shall be suspended. The elected public official may elect to waive enrollment in the Public Employees' Retirement System by signing a form prepared by the division.

b. An elected public official eligible for enrollment in the Public Employees' Retirement System pursuant to subsection a. of this section may

request, in writing, within 180 days of the effective date of this act, P.L.2017, c.344, that the official's enrollment in the system be made retroactive to the date of his or her assumption of another elective office without a break in service as required by sections 7 and 75 of P.L.1954, c.84 (C.43:15A-7 and 43:15A-75), or section 1 of P.L.1972, c. 167 (C.43:15A-135), as amended by P.L.2017, c.344. The division shall grant the request only if the elected official complies with such terms and conditions as may be imposed by the division to ensure compliance with federal law, to ensure that the elected official will not be eligible to receive a benefit from both the Public Employee's Retirement System and another State-administered retirement program for the same period of service in the elective public office, and to ensure that the employer is reimbursed for any contributions made to the other program by either the program or the elected official unless those contributions may be rolled over into the PERS. Before fulfilling the request, the division shall inform the elected official, in writing, of the terms and conditions for granting the request, and shall include an estimate of any resulting loss of contributions and earnings, penalties that may be imposed by federal or State law, and contributions to be paid to the system by the employee and employer or former employer for the period of retroactive enrollment.

6. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 345

AN ACT concerning unattended children in motor vehicles and supplementing Title 39 of the Revised Statutes.

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

C.39:3-76.2o Findings, declarations relative to unattended children in motor vehicles.

1. The Legislature finds and declares that:

a. Statistics show that, on average, 38 children die each year from heat-related deaths after being trapped inside motor vehicles, and even the most well intentioned parents or caregivers can unknowingly leave a sleeping baby in a car resulting in the child's injury or even death.

b. The temperature of a vehicle, even with an open window, can rise rapidly and a child may easily incur heat stroke, causing brain damage or death within minutes.

c. In addition to heat stroke, the consequences of leaving a child unattended in and around a motor vehicle include the dangers of abduction, strangulation, trunk entrapment, being run over, and personal injuries caused by accidental and uncontrolled movement of the vehicle.

d. While motor vehicle related injuries are a leading cause of death among children in the United States, the deaths and injuries caused by leaving children unattended in and around motor vehicles are predictable and preventable and can be greatly reduced with increased awareness of the risks associated with this dangerous practice.

e. A public awareness campaign to provide information to, and promote educational programs for, families, teachers, and community members regarding the dangers of children being left unattended in and around motor vehicles is in the public interest and will serve the interests of public safety in this State.

C.39:3-76.2p Public awareness campaign.

2. a. The Division of Highway Traffic Safety in the Department of Law and Public Safety, in consultation with the Department of Children and Families, shall establish a public awareness campaign to provide information to the general public concerning:

(1) the dangers of leaving a child unattended in and around a motor vehicle; and

(2) preventative measures that may be taken by parents or guardians to promote child safety and protect against injuries or death caused by leaving a child unattended in and around a motor vehicle.

b. The Director of the Division of Highway Traffic Safety shall provide printed and electronic educational materials concerning child safety in and around motor vehicles and shall disseminate those materials: to child care centers licensed pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.); at public venues throughout the State; and by any other means as the director may determine, in collaboration with, and with the assistance of, other State, county, and municipal governmental entities including, but not limited to, distribution on the premises of, or through mail or electronic communications by, any office that is open to members of the general public and is operated, administered, or used to provide services to the general public by the Department of Children and Families and the New Jersey Motor Vehicle Commission.

c. The Director of the Division of Highway Traffic Safety shall report to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), no later than 24 months after the effective date of this act, on the activities and accomplishments of the public awareness campaign.

3. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 346

AN ACT concerning certain employee inventions and supplementing P.L.1974, c.80 (C.34:1B-1 et seq.).

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

C.34:1B-265 Employee rights to certain inventions.

1. a. (1) Any provision in an employment contract between an employee and employer, which provides that the employee shall assign or offer to assign any of the employee's rights to an invention to that employer, shall not apply to an invention that the employee develops entirely on the employee's own time, and without using the employer's equipment, supplies, facilities or information, including any trade secret information, except for those inventions that:

(a) relate to the employer's business or actual or demonstrably anticipated research or development; or

(b) result from any work performed by the employee on behalf of the employer.

(2) To the extent any provision in an employment contract applies, or intends to apply, to an employee invention subject to this subsection, the provision shall be deemed against the public policy of this State and shall be unenforceable.

b. No employer shall require a provision made void and unenforceable by this act as a condition of employment or continued employment. Nothing in this act shall be construed to forbid or restrict the right of an employer to provide in contracts of employment for:

(1) disclosure, provided that any disclosure shall be received in confidence, of all of an employee's inventions made solely or jointly with others during the term of the employee's employment;

(2) a review process by the employer to determine any issues that may arise; and

(3) full title to certain patents and inventions to be in the United States, as required by contracts between the employer and the United States or any of its agencies.

c. Nothing in this act shall be deemed to impede or otherwise diminish the rights of alienation of inventors or patent-owners.

2. This act shall take effect on the first day of the third month next following enactment, and shall apply to any employment contract entered into on or after that effective date.

Approved January 16, 2018.

CHAPTER 347

AN ACT concerning school bus operators, supplementing Title 2C and Title 18A of the New Jersey Statutes, and amending P.L.1989, c.104.

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

C.2C:40-26.1 "School bus" defined, certain driver violations, third degree crime.

1. a. For the purposes of this section, "school bus" shall have the meaning set forth in R.S.39:1-1.

b. A person, knowingly operating a school bus transporting one or more students, while that person's driving privileges have been suspended or revoked shall be guilty of a crime of the fourth degree.

c. A person, knowingly operating a school bus while that person's driving privileges have been suspended or revoked, who is involved in an accident resulting in bodily injury to another person shall be guilty of a crime of the third degree.

C.18A:39-19.5 Revocation of passenger endorsement, special license.

2. a. The Chief Administrator of the New Jersey Motor Vehicle Commission shall revoke for life the passenger endorsement on the commercial

driver's license of a person convicted of a violation of subsection b. or subsection c. of section 1 of P.L.2017, c.347 (C.2C:40-26.1).

b. The chief administrator shall revoke for life the special license issued pursuant to R.S.39:3-10.1 to a person convicted of a violation of subsection b. or subsection c. of section 1 of P.L.2017, c.347 (C.2C:40-26.1).

3. Section 6 of P.L.1989, c.104 (C.18A:39-19.1) is amended to read as follows:

C.18A:39-19.1 Bus drivers required to submit certain information to commissioner; notice of pending charges.

6. a. Prior to employment as a school bus driver, and upon application for renewal of a school bus driver's license, a bus driver shall submit to the Commissioner of Education the driver's name, address, and fingerprints in accordance with procedures established by the commissioner. No criminal history record check or check for alcohol and drug-related motor vehicle violations shall be furnished without the driver's written consent to such a check. The applicant shall bear the cost for the checks, including all costs for administering and processing the checks.

Upon receipt of the criminal history record information for an applicant from the Federal Bureau of Investigation and the Division of State Police, and information on the check for alcohol and drug-related motor vehicle violations from the New Jersey Motor Vehicle Commission, the Commissioner of Education shall notify the applicant, in writing, of the applicant's qualification or disqualification as a school bus driver. If the applicant is disqualified, the convictions which constitute the basis for the disqualification shall be identified in the written notice to the applicant. A school bus driver, except as provided in subsection e. of this section, shall be permanently disqualified from employment or service if the individual's criminal history record reveals a record of conviction for which public school employment candidates are disqualified pursuant to section 1 of P.L.1986, c.116 (C.18A:6-7.1) or if the driver has been convicted at least two times within the last 10 years for a violation of R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-50.4a), section 5 of P.L.1990, c.103 (C.39:3-10.13), or section 16 of P.L.1990, c.103 (C.39:3-10.24); once for a violation of section 5 of P.L.1990, c.103 (C.39:3-10.13) or section 16 of P.L.1990, c.103 (C.39:3-10.24) while transporting school children; or once for a violation of subsection b. or subsection c. of section 1 of P.L.2017, c.347 (C.2C:40-26.1).

Following qualification for employment as a school bus driver pursuant to this section, the State Bureau of Identification shall immediately forward to the Commissioner of Education any information which the bureau receives on a charge pending against the school bus driver. If the charge is for one of the crimes or offenses enumerated in section 1 of P.L.1986, c.116 (C.18A:6-7.1), the commissioner shall notify the employing board of education or contractor, and the board or contractor shall take appropriate action. If the pending charge results in conviction, the school bus driver shall not be eligible for continued employment.

A school bus driver shall not be eligible to operate a school bus if the individual's bus driver's license is currently revoked or suspended by the New Jersey Motor Vehicle Commission in accordance with R.S.39:3-10.1 or if the individual's passenger endorsement or special license issued pursuant to R.S.39:3-10.1 is revoked by the New Jersey Motor Vehicle Commission for life in accordance with section 2 of P.L.2017, c.347 (C.18A:39-19.5).

Following qualification for employment as a school bus driver, the New Jersey Motor Vehicle Commission shall immediately forward to the Commissioner of Education any information which the division receives on a conviction for an alcohol or drug-related motor vehicle violation that would disqualify the driver from employment pursuant to the provisions of this subsection. The commissioner shall notify the employing board of education or contractor that the driver is no longer eligible for employment.

b. Notwithstanding the provisions of this section, an individual shall not be disqualified from employment or service under this act on the basis of any conviction disclosed by a criminal history record check or a check for alcohol and drug-related motor vehicle violations performed pursuant to this section without an opportunity to challenge the accuracy of the disqualifying records.

c. When charges are pending for a crime or any other offense enumerated in section 1 of P.L.1986, c.116 (C.18A:6-7.1), the employing board of education or contractor shall be notified that the candidate shall not be eligible for employment until the commissioner has made a determination regarding qualification or disqualification upon adjudication of the pending charges.

d. The applicant shall have 30 days from the date of the written notice of disqualification to challenge the accuracy of the criminal history record information or the record of convictions for an alcohol or drug-related motor vehicle violation. If no challenge is filed or if the determination of the accuracy of the criminal history record information or the record of convictions for an alcohol or drug-related motor vehicle violation upholds the disqualification, notification of the applicant's disqualification for employment

shall be forwarded to the New Jersey Motor Vehicle Commission. The local board of education or the school bus contractor and the County Superintendent of Schools shall also be notified of the disqualification. Notwithstanding the provisions of any law to the contrary, the Chief Administrator of the New Jersey Motor Vehicle Commission shall, upon notice of disqualification from the Commissioner of Education, immediately revoke the applicant's special license issued pursuant to R.S.39:3-10.1 without necessity of a further hearing. Candidates' records shall be maintained in accordance with the provisions of section 4 of P.L.1986, c.116 (C.18A:6-7.4).

e. This section shall first apply to criminal history record checks conducted on or after the effective date of P.L.1998, c.31 (C.18A:6-7.1c et al.); except that in the case of a school bus driver employed by a board of education or a contracted service provider who is required to undergo a check upon application for renewal of a school bus driver's license, the individual shall be disqualified only for the following offenses:

(1) any offense enumerated in this section prior to the effective date of P.L.1998, c.31 (C.18A:6-7.1c et al.); and

(2) any offense enumerated in this section which had not been enumerated in this section prior to the effective date of P.L.1998, c.31 (C.18A:6-7.1c et al.), if the person was convicted of that offense on or after the effective date of that act.

f. (1) Notwithstanding any provision of this section to the contrary, the check for alcohol and drug-related motor vehicle violations shall be conducted in accordance with the provisions of this section prior to initial employment as a school bus driver and upon application for renewal of a school bus driver's license until such time as the provisions of the "Motor Carrier Safety Improvement Act of 1999," Pub. L. 106-159, are effective and implemented by the State.

(2) Notwithstanding any provision of this section to the contrary, upon the implementation by the State of the "Motor Carrier Safety Improvement Act of 1999," Pub. L. 106-159, a check for alcohol and drug-related motor vehicle violations shall be conducted in accordance with the provisions of this section prior to initial employment as a school bus driver. A check for alcohol and drug-related motor vehicle violations conducted for any subsequent renewal of a school bus driver's license shall be subject to the provisions of the "Motor Carrier Safety Improvement Act of 1999," Pub. L.106-159.

(3) Upon the implementation by the State of the "Motor Carrier Safety Improvement Act of 1999," Pub. L. 106-159, following qualification for employment as a school bus driver, the New Jersey Motor Vehicle Commission shall immediately notify the Commissioner of Education of the

suspension or revocation of a school bus driver's commercial driver's license. The commissioner shall notify the employing board of education or contractor of the suspension or revocation, and the employment of the school bus driver shall be immediately terminated. In the case of a school bus driver whose commercial driver's license has been suspended, the driver may apply for re-employment at the end of the period of suspension.

4. This act shall take effect on the first day of the seventh month after the date of enactment.

Approved January 16, 2018.

CHAPTER 348

AN ACT concerning professional licensure exam passage rates and supplementing chapter 1 of Title 45 of the Revised Statutes.

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

C.45:1-43.1 Report of passage and failure rates of examinations for licensure.

1. Any professional or occupational board, agency, or committee located in the Division of Consumer Affairs in the Department of Law and Public Safety or in the Department of Environmental Protection that administers examinations that determine, or that are otherwise related to, licensure in that profession or occupation shall report annually to the Legislature the passage and failure rates, as well as any additional information relevant to interpreting examination results, for each examination the board, agency, or committee administers.

2. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 349

AN ACT concerning wheelchair securement on school buses, supplementing Title 39 of the Revised Statutes, and amending P.L.1992, c.92.

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

C.39:3B-10.1 Securement systems for wheelchairs in school buses.

1. In addition to the requirements established pursuant to the Federal Motor Vehicle Safety Standards, a school bus, as defined in R.S.39:1-1, that provides transportation for passengers using wheelchairs shall be equipped with appropriate four-point securement systems for each passenger using a wheelchair that is being transported on the school bus.

For the purposes of this act, "four-point securement system" means a complete four-point system that includes four wheelchair restraints to secure a wheelchair to the vehicle floor; a lap and shoulder belt that integrates to the rear wheelchair restraints; and floor anchorages installed in the vehicle floor.

2. Section 2 of P.L.1992, c.92 (C.39:3B-11) is amended to read as follows:

C.39:3B-11 Seat belts, child restraint systems, wheelchair securement systems, use required; liability.

2. a. Beginning on September 1 of the second year next following the year of enactment of P.L.1992, c.92 (C.39:3B-10 et seq.), each passenger on a school bus which is equipped with seat belts shall wear a properly adjusted and fastened seat belt or other child restraint system that is in conformity with applicable federal standards at all times while the bus is in operation.

b. Beginning on September 1 of the second year next following the year of enactment of P.L.2017, c.349 (C.39:3B-10.1 et al.), a school bus operator shall secure or cause to be secured a passenger using a wheelchair on a school bus equipped to transport passengers using wheelchairs using a properly adjusted and fastened four-point securement system in conformity with applicable federal standards and section 1 of P P.L.2017, c.349 (C.39:3B-10.1) at all times while the bus is in operation.

c. Nothing in this section shall make the owner or operator of a school bus liable for failure to properly adjust and fasten a seat belt or other child restraint system or four-point securement system that is in conformity with applicable federal standards for a passenger who sustains injury as a direct result of the passenger's failure to comply with the requirement established by this section.

3. This act shall take effect immediately, but shall remain inoperable until September 1 of the second year next following enactment. The Chief Administrator of the New Jersey Motor Vehicle Commission, in consultation with the Commissioner of Education, may take anticipatory acts in advance of the operative date as may be necessary for the timely implementation of this act.

Approved January 16, 2018.

CHAPTER 350

AN ACT concerning marriage and family therapists, amending P.L.2000, c.119, and amending and supplementing P.L.1968, c.401.

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

1. Section 2 of P.L.1968, c.401 (C.45:8B-2) is amended to read as follows:

C.45:8B-2 Definitions.

2. As used in this act, unless the context clearly requires otherwise and except as in this act expressly otherwise provided:

(a) "Licensed marriage and family therapist" means an individual who holds a current, valid license as a licensed marriage and family therapist pursuant to the provisions of this act.

(b) The "practice of marriage and family therapy" means the rendering of professional marriage and family therapy services to individuals, couples and families, singly or in groups, whether in the general public or in organizations, either public or private, for a fee, monetary or otherwise. "Marriage and family therapy" is a specialized field of therapy which includes premarital counseling and therapy, pre- and post-divorce counseling and therapy, and family therapy. The practice of marriage and family therapy consists of the application of principles, methods and techniques of counseling and psychotherapy for the purpose of resolving psychological conflict, modifying perception and behavior, altering old attitudes and establishing new ones in the area of marriage and family life. In its concern with the antecedents of marriage, with the vicissitudes of marriage, and with the consequences of the failure of marriage, marriage and family therapy keeps in sight its objective of enabling clients to achieve the optimal adjustment

consistent with their welfare as individuals, as members of a family, and as citizens in society.

(c) "Board" means the State Board of Marriage and Family Therapy Examiners acting as such under the provisions of this act.

(d) "Recognized educational institution" means any educational institution which grants the bachelor's, master's and doctor's degrees, or any one or more thereof, and which is recognized by the Commission on Higher Education or by any accrediting body acceptable to the State Board of Marriage and Family Therapy Examiners.

(e) "Licensed associate marriage and family therapist" means an individual who holds a current, valid license as a licensed associate marriage and family therapist pursuant to the provisions of P.L.1968, c.401 (C.45:8B-1 et seq.) and P.L.2017, c.350 (C.45:8B-18.1 et al.).

2. Section 5 of P.L.1968, c.401 (C.45:8B-5) is amended to read as follows:

C.45:8B-5 Licensure required for advertising, use of titles.

5. Except as provided in sections 6 and 8 of P.L.1968, c.401 (C.45:8B-6 and 8), a person who is not licensed under this act, shall not advertise the performance of marriage and family therapy services or represent himself to be a licensed practicing marriage and family therapist, use a title or description, including the following titles: marriage and family therapist, counselor, advisor or consultant; an associate marriage and family therapist, counselor, advisor or consultant; a family counselor, therapist, advisor or consultant; a family guidance counselor, therapist, advisor or consultant; a marriage guidance counselor, therapist, advisor or consultant; a family relations counselor, therapist, advisor or consultant; a marriage relations counselor, therapist, advisor or consultant; a marriage counselor, therapist, advisor or consultant; or any other name, style or description denoting that the person so engages in marriage and family therapy. Except as otherwise specifically provided in sections 6 and 8 of P.L.1968, c.401 (C.45:8B-6 and 8), only a person licensed under this act shall advertise the performance of marriage and family therapy or counseling services; use a title or description such as marriage and family therapist, counselor, advisor or consultant; an associate marriage and family therapist, counselor, advisor or consultant; a family guidance counselor, therapist, advisor, or consultant; a family relations counselor, therapist, advisor, or consultant; a marriage counselor, therapist, advisor or consultant; or any other name, style or description denoting that the person is a licensed marriage and family thera-

pist; or licensed to practice marriage and family therapy. The use by a person who is not licensed under this act of such terms, whether in titles or descriptions or otherwise, is not prohibited by this act except when in connection with the offer to practice or the practice of marriage and family therapy as defined in subsection (b) of section 2 of P.L.1968, c.401 (C.45:8B-2). Use of such terms in connection with professional activities other than the rendering of professional marriage and family therapy services to individuals for a fee, monetary or otherwise, shall not be construed as implying that a person is licensed under this act or as an offer to practice or as the practice of marriage and family therapy.

3. Section 6 of P.L.1968, c.401 (C.45:8B-6) is amended to read as follows:

C.45:8B-6 Unlicensed persons, certain activities permitted.

6. An individual who is not a licensed practicing marriage and family therapist or a licensed associate marriage and family therapist shall not be limited in his activities:

(a) As part of his duties as an employee of:

(1) an accredited academic institution, a federal, State, county or local governmental institution or agency, or a research facility while performing those duties for which he was employed by the institution, agency or facility;

(2) an organization which is nonprofit and which is, in the opinion of the board, a bona fide community agency, while performing those duties for which he was employed by the agency;

(3) a proprietary organization while performing those duties for which he was employed by the organization, provided his marriage and family therapy duties are under the direct supervision of a licensed practicing marriage and family therapist.

(b) As a student of marriage and family therapy, marriage and family therapy intern or person preparing for the practice of marriage and family therapy under qualified supervision in a training institution or facility recognized by the board, provided he is designated by such titles as "marriage and family therapy intern," or others, clearly indicating the training status.

(c) As a practicing marriage and family therapist for a period not to exceed 10 consecutive business days or 15 business days in any 90-day period, if he resides outside and his major practice is outside of the State of New Jersey, and gives the board a summary of his qualifications and a minimum of 10 days' written notice of his intention to practice in the State of New Jersey under this subsection, provided he (1) is certified or licensed in another

state under requirements the board considers to be the equivalent of requirements for licensing as a marriage and family therapist under this act, or (2) resides in a state which does not certify or license marriage and family therapists and the board considers his professional qualifications to be the equivalent of requirements for licensing under this act; and is not adjudged and notified by the board that he is ineligible for licensing under this act.

(d) (Deleted by amendment, P.L.2005, c.49.)

(e) (Deleted by amendment, P.L.2017, c.350)

4. Section 7 of P.L.1968, c.401 (C.45:8B-7) is amended to read as follows:

C.45:8B-7 Persons not entitled to assert exceptions.

7. The exceptions specified in subsection (c) of section 6 of P.L.1968, c.401 (C.45:8B-6) shall not be available to any person who has been found by a court of this or any State of the United States to have been convicted of, or engaged in acts constituting, any crime or offense involving moral turpitude or relating adversely to the activity regulated by the board. For the purposes of this section, a judgment of conviction or a plea of guilty, non vult, nolo contendere or any other such disposition of alleged criminal activity shall be deemed a conviction. An action to determine whether any person asserting an exception under subsection (c) of section 6 of P.L.1968, c.401 (C.45:8B-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.

5. Section 14 of P.L.1968, c.401 (C.45:8B-14) is amended to read as follows:

C.45:8B-14 Application for license.

14. A person desiring to obtain a license as a practicing marriage and family therapist or as an associate marriage and family therapist shall make application therefor to the board upon such form and in such manner as the board shall prescribe and shall furnish evidence satisfactory to the board that he:

(a) Is at least 21 years of age;

(b) Is of good moral character;

(c) Is not engaged in any practice or conduct which would be a ground for refusing to issue, suspending or revoking a license issued pursuant to this act; and

(d) Qualifies for licensing by an examination of credentials or for admission to an assembled examination to be conducted by the board.

6. Section 18 of P.L.1968, c.401 (C.45:8B-18) is amended to read as follows:

C.45:8B-18 Qualifications for admission to examination.

18. A person applying to the board to obtain a license as a practicing marriage and family therapist may be admitted to an examination if he meets the qualifications set forth in subsections (a), (b) and (c) of section 14 of P.L.1968, c.401 (C.45:8B-14) and provides evidence satisfactory to the board that he has met educational and experiential qualifications as follows:

(a) Educational Requirement:

To meet the educational requirements, an applicant shall have a minimum of a master's degree in marriage and family therapy, a master's degree in social work, or a graduate degree in a related field and shall demonstrate that he has completed course work content and training substantially equivalent to a master's degree in marriage and family therapy; and the degree shall have been obtained from an accredited institution so recognized at the time of granting of the degrees.

Pursuant to regulations adopted by the board, an applicant with a graduate degree in a related field which does not provide training and course work substantially equivalent in content to a master's degree in marriage and family therapy, shall be deemed to meet the educational requirements set forth in this section upon satisfactory completion of either a post graduate degree recognized by the board, or a program of training and course work at an institute or training program accredited by the Commission on Accreditation for Marriage and Family Therapy Education.

(b) Experience Requirements:

To meet the experience requirements, an applicant shall have three years of full-time counseling experience, or its equivalent, of a character approved by the board, two years of which shall have been in marriage and family therapy; two of the three required years shall have been under the supervision of a person holding a degree specified in subsection (a) of this section and who has himself had no less than five full-time years of professional experience or the equivalent. For those with a master's degree, two of the three required years shall occur after the applicant has earned the master's degree, and for those with a post-master's or doctoral degree, one of the three required years shall occur after the applicant has earned the post-master's or doctoral degree.

7. Section 1 of P.L.2000, c.119 (C.45:8B-24.1) is amended to read as follows:

C.45:8B-24.1 Continuing education requirements.

1. a. The State Board of Marriage and Family Therapy Examiners shall require each marriage and family therapist, as a condition of biennial license renewal pursuant to section 1 of P.L.1972, c.108 (C.45:1-7) and each associate marriage and family therapist, as a condition of biennial license renewal pursuant to section 9 of P.L.2017, c.350 (C.45:8B-18.1), 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, and the number and type of continuing education credits required of a licensee as a condition of biennial license renewal;

(3) Recognize the American Association for Marriage and Family Therapy, the New Jersey Division of the American Association for Marriage and Family Therapy and other organizations as providers of continuing education, and accredit educational programs, including, but not limited to, meetings of constituents and components of marriage and family therapy associations recognized by the board, examinations, papers, publications, presentations, 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; and

(4) Approve only those continuing education programs as are available to all marriage and family therapists in this State on a reasonable nondiscriminatory basis.

c. The continuing education required pursuant to this section shall include at least one credit of educational programs or topics concerning prescription opioid drugs, including the risks and signs of opioid abuse, addiction, and diversion.

8. Section 29 of P.L.1968, c.401 (C.45:8B-29) is amended to read as follows:

C.45:8B-29 Communication privileged, waiver.

29. A communication between a marriage and family therapist, or an associate marriage and family therapist, and the person or persons in thera-

py shall be confidential and its secrecy preserved. This privilege shall not be subject to waiver, except where the marriage and family therapist is a party defendant to a civil, criminal or disciplinary action arising from the therapy, in which case, the waiver shall be limited to that action.

C.45:8B-18.1 License; fee.

9. All associate marriage and family therapist licenses shall be issued for a two-year period upon the payment of the prescribed fee, and shall be renewed upon filing of a renewal application, the payment of the fee, and presentation of satisfactory evidence to the board that in the period since the license was issued or last renewed any continuing education requirements have been completed as specified by the board. An associate marriage and family therapist license shall be renewed no more than two times.

C.45:8B-18.2 Direct supervision for associate marriage and family therapist.

10. No licensed associate marriage and family therapist shall practice without direct supervision by a licensed marriage and family therapist or a supervisor acceptable to the board. The plan for supervision of the licensed associate marriage and family therapist shall be approved by the board prior to any actual performance of counseling by the licensed associate marriage and family therapist.

11. This act shall take effect on the 180th day after the date of enactment but the board may take such anticipatory action in advance thereof as shall be necessary for the implementation of this act.

Approved January 16, 2018.

CHAPTER 351

AN ACT concerning security officers and amending P.L.2004, c.134.

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

1. Section 4 of P.L.2004, c.134 (C.45:19A-4) is amended to read as follows:

C.45:19A-4 Registration required for security officers.

4. a. A person shall not be employed as a security officer by a security officer company or a company maintaining a proprietary or in-house security

function, or perform the functions and activities of a security officer, unless that person is registered with the superintendent as required in this section.

The requirements of this section shall not apply to:

(1) a loss prevention employee;

(2) an employee of a company whose business includes hosting sporting and entertainment events at an arena or stadium where a State, county, or municipal law enforcement agency is on the premises during the event and whose in-house security employees do not carry handguns or other licensed weapons;

(3) a security officer employed by a company maintaining a proprietary or in-house security function whose in-house security employees do not carry handguns or other licensed weapons; or

(4) a security employee regulated under federal law. Any person who violates the provisions of this section shall be guilty of a crime of the fourth degree.

b. An application for registration as a security officer shall be filed with the superintendent on a form and in a manner prescribed by the superintendent and shall set forth under oath:

(1) the applicant's full name, age, which shall be at least 18 years, and residence;

(2) the name and address of all employers or occupations engaged in for the immediately preceding five years;

(3) that the applicant has not been convicted of any disqualifying crime or offense as set forth in subsection c. of this section; and

(4) such further information as the superintendent may require to show the good character, competency and integrity of the applicant.

Any person who shall knowingly make a false statement in, or knowingly omit any material information from, an application as required by this subsection shall be guilty of a crime of the fourth degree in addition to any other crime or offense specified by law.

c. No person shall be issued a certificate of registration as a security officer under the provisions of this section if the person has been convicted, as indicated by a criminal history record background check performed pursuant to the provisions of this section, of: a crime of the first, second, third or fourth degree; any offense involving the unlawful use, possession or sale of a controlled dangerous substance as defined in N.J.S.2C:35-2; or any offense where the registration of the individual would be contrary to the public interest, as determined by the superintendent, except as provided in subsection h. of this section. Each applicant shall submit to the superintendent the applicant's fingerprints and written consent for a criminal history

record background check to be performed. The superintendent shall compare these to fingerprints on file with the State Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation, consistent with applicable State and federal laws, rules and regulations. The applicant shall bear the cost for the criminal history record background check, including all costs of administering and processing the check.

d. A person whose application has been approved by the superintendent shall complete the required education and training program established in section 5 of this act. Upon satisfactory completion of this program, and upon the payment of a fee in an amount established by the superintendent, the applicant shall be entitled to and the superintendent shall issue and deliver to the applicant a security officer certificate of registration.

e. The superintendent may revoke or suspend such certificate of registration for a violation of any of the provisions of this act or for other good cause. A certificate of registration shall be surrendered to the superintendent within 72 hours after its term has expired or after notice in writing to the holder that the certificate of registration has been revoked.

f. The certificate of registration shall be renewed every two years by an applicant for an unarmed security officer position and each year by an applicant for an armed security officer position upon forms prescribed by the superintendent. The applicant shall pay a fee in an amount established by the superintendent by rule and regulation and shall complete an eight-hour refresher course of classroom instruction taught by a certified security officer instructor. The certificate of registration may be renewed without further investigation unless it is deemed by the superintendent that the applicant no longer qualifies or verified objections to the renewal are received by the superintendent prior to issuance.

g. The revocation or suspension of any certificate of registration by the superintendent shall be subject to notice and a hearing.

h. Notwithstanding subsection c. of this section, a veteran who has been convicted of a crime of the third or fourth degree, or a lesser offense involving the unlawful use, possession, or sale of a controlled dangerous substance as defined in N.J.S.2C:35-2, prior to service in the armed forces may be issued a certificate of registration as a security officer under the provisions of this section if the individual meets all other statutory requirements for registration, submits documentary evidence required by the superintendent demonstrating that he or she is a veteran, has not been convicted of any criminal offense since enlistment and acceptance in the armed forces, and the superintendent determines that the registration of the individual would not be contrary to the public interest .

For purposes of this subsection, "veteran" means any person who has been honorably discharged or released under honorable circumstances from active service in any branch of the armed forces of the United States.

2. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 352

AN ACT concerning temporary registration certificates for automobiles and amending P.L.1969, c.301

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

1. Section 1 of P.L.1969, c.301 (C.39:3-4b) is amended to read as follows:

C.39:3-4b Temporary registration.

1. Any nonresident purchasing an automobile from a licensed dealer in New Jersey which is to be principally garaged, registered, and titled in another state, a federal district, or Canada, may register the automobile in New Jersey on a temporary basis.

A temporary 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 lawful agent, on forms prepared and supplied by the chief administrator, containing the name, address, and age of the owner, together with a description of the character of the automobile, including the name of the maker and the manufacturer's number or the motor number, or both, and any other statement that may be required by the chief administrator. A temporary registration certificate shall not be issued unless the licensed dealer has confirmed that the vehicle for which the temporary registration is to be issued is insured in accordance with the requirements of the "Motor Vehicle Security-Responsibility Law," P.L.1952, c.173 (C.39:6-23 et seq.), or the corresponding financial responsibility laws of the jurisdiction in which the vehicle is to be titled and registered.

In the event that the insurance is terminated, the insurer shall notify the chief administrator within 30 days, following the termination.

Thereupon the chief administrator or licensed dealer shall have the power to grant a temporary registration certificate and temporary plates to the owner of any automobile, if over 17 years of age, either directly or through any licensed motor vehicle dealer who is not within the geographical district, application for the temporary registration having been properly made and the required fee paid, and the vehicle being of a type that complies with the requirements of this subtitle. The form and contents of the temporary registration certificate to be issued shall be prescribed by the chief administrator. The chief administrator shall maintain a record of all temporary registration certificates issued, and of the contents thereof.

Every temporary registration shall expire and the certificate thereof shall become void on the 30th day following the date on which the certificate was issued; no temporary registration shall be renewed, except as a permanent registration pursuant to R.S.39:3-4, and after payment of the fees prescribed therein, or as a second temporary registration certificate issued pursuant to section 2 of P.L.1969, c.301 (C.39:3-4c). Each licensed dealer shall remit upon issuance of a second temporary registration certificate the amount due to the New Jersey Motor Vehicle Commission.

The chief administrator shall issue temporary registration certificates for the 30-day registration period, which shall be effective immediately.

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 by the chief administrator, the person making the misstatement shall be subject to the penalties provided in R.S.39:3-37.

2. Section 2 of P.L.1969, c.301 (C.39:3-4c) is amended to read as follows:

C.39:3-4c Rules, regulations relative to issuance of temporary registration certificates, plates.

2. The chief administrator may prescribe rules and regulations governing the issuance of temporary registration certificates and temporary plates by motor vehicle dealers, motorized bicycle dealers, and the New Jersey Motor Vehicle Commission and may require security in sufficient amount to guarantee payment of all fees and moneys to the State of New Jersey and, upon a finding that any abuse has been practiced by any licensed motor vehicle or motorized bicycle dealer, the chief administrator shall have the right to suspend the dealer's privilege or franchise from issuing temporary registration certificates and plates. Temporary registration certificates for vehicles to be permanently registered in New Jersey or any

other jurisdiction shall be valid for a period of 30 days. In the event permanent registration has been delayed by reason of a lost title certificate or failure of a lien holder to timely turn over a certificate of title, a second temporary registration certificate may be issued. A licensed motor vehicle or motorized bicycle dealer shall make a record in the form and manner prescribed by the chief administrator for any second temporary registration certificate issued and shall pay an enhanced fee to be determined by the chief administrator for each second temporary registration issued. Each licensed motor vehicle or motorized bicycle dealer shall annually determine the fees to be paid pursuant to this section and shall remit annually under certification the amount due to the New Jersey Motor Vehicle Commission.

No temporary registration certificate shall be issued by a licensed dealer hereunder unless the licensed dealer has confirmed that the vehicle for which the temporary registration is to be issued is covered by a policy of insurance in accordance with the requirements of the "Motor Vehicle Security-Responsibility Law," P.L.1952, c.173 (C.39:6-23 et seq.), whether by a policy in the name of the purchaser covering the vehicle or which would provide coverage for the purchaser while operating the vehicle or by an endorsement to a policy in the name of the licensed dealer; provided, however, no permanent registration shall be issued unless a policy in the name of the purchaser or someone in the purchaser's household is confirmed.

A temporary registration certificate issued hereunder may be issued by any employee authorized by a licensed dealer to do so; however, the licensee shall be liable for the acts of any authorized employee in issuing temporary registrations, whether the particular unlawful acts were authorized or unauthorized.

3. This act shall take effect on the first day of the seventh month following enactment and shall only apply to temporary registration certificates issued on or after the effective date.

Approved January 16, 2018.

CHAPTER 353

AN ACT concerning financial assistance and grants from the Hazardous Discharge Site Remediation Fund, and amending and supplementing P.L.1993, c.139.

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

1. Section 27 of P.L.1993, c.139 (C.58:10B-5) is amended to read as follows:

C.58:10B-5 Financial assistance from remediation fund.

27. a. (1) Except as provided in section 4 of P.L.2007, c.135 (C.52:27D-130.7), financial assistance from the remediation fund may only be rendered to persons who cannot establish a remediation funding source for the full amount of a remediation. Financial assistance pursuant to this act may be rendered only for that amount of the cost of a remediation for which the person cannot establish a remediation funding source. The limitations on receiving financial assistance established in this paragraph (1) shall not limit the ability of municipalities, counties, redevelopment entities authorized to exercise redevelopment powers pursuant to section 4 of P.L.1992, c.79 (C.40A:12A-4), persons who are not required to establish a remediation funding source for that part of the remediation involving an unrestricted use remedial action, persons performing a remediation in an environmental opportunity zone, or persons who voluntarily perform a remediation, from receiving financial assistance from the fund.

(2) Financial assistance rendered to persons who voluntarily perform a remediation or perform a remediation in an environmental opportunity zone may only be made for that amount of the cost of the remediation that the person cannot otherwise fund by any of the authorized methods to establish a remediation funding source.

(3) Financial assistance rendered to persons who do not have to provide a remediation funding source for the part of the remediation that involves an unrestricted use remedial action may only be made for that amount of the cost of the remediation that the person cannot otherwise fund by any of the authorized methods to establish a remediation funding source.

b. Financial assistance may be rendered from the remediation fund to (1) owners or operators of industrial establishments who are required to perform remediation activities pursuant to P.L.1983, c.330 (C.13:1K-6 et al.), upon closing operations or prior to the transfer of ownership or operations of an industrial establishment, (2) persons who are liable for the cleanup and removal costs of a hazardous substance pursuant to P.L.1976, c.141 (C.58:10-23.11 et seq.), and (3) persons who voluntarily perform a remediation of a discharge of a hazardous substance or hazardous waste.

c. Financial assistance and grants may be made from the remediation fund to a municipality, county, or redevelopment entity authorized to exercise redevelopment powers pursuant to section 4 of P.L.1992, c.79 (C.40A:12A-4), for real property: (1) on which it holds a tax sale certificate; (2) that it has acquired through foreclosure or other similar means; or (3) that it has acquired, or in the case of a county governed by a board of chosen freeholders, has passed a resolution or, in the case of a municipality or a county operating under the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), has passed an ordinance or other appropriate document to acquire, by voluntary conveyance for the purpose of redevelopment, for renewable energy generation or for recreation and conservation purposes. Financial assistance and grants may only be awarded for real property on which there has been a discharge or on which there is a suspected discharge of a hazardous substance or hazardous waste.

d. (Deleted by amendment, P.L.2017, c.353)

e. Grants may be made from the remediation fund to qualifying persons who propose to perform a remedial action that would result in an unrestricted use remedial action.

f. Grants may be made from the remediation fund to municipalities, counties, and redevelopment entities authorized to exercise redevelopment powers pursuant to section 4 of P.L.1992, c.79 (C.40A:12A-4), for the preliminary assessment, site investigation, remedial investigation, and remedial action for real property where there is a discharge or suspected discharge of a hazardous substance or hazardous waste within a brownfield development area. Grants may only be made for a remedial action pursuant to this subsection when there is a confirmed discharge of a hazardous substance or hazardous waste. Grants made pursuant to this subsection for a remedial action may not exceed 75 percent of the total costs of the remedial action. An ownership interest in the contaminated property shall not be required in order for a municipality, county, or redevelopment entity authorized to exercise redevelopment powers pursuant to section 4 of P.L.1992, c.79 (C.40A:12A-4) to receive a grant for a preliminary assessment, site investigation, and remedial investigation for real property where there is a discharge or suspected discharge of a hazardous substance or hazardous waste in a brownfield development area. Notwithstanding the limitation on the total amount of financial assistance and grants that may be awarded in any one year pursuant to subsection b. of section 28 of P.L.1993, c.139 (C.58:10B-6), the authority may award an additional amount of financial assistance and grants in any one year, of up to $1,000,000, to any one mu-

nicipality, county, or redevelopment entity for the remediation of property in a brownfield development area.

2. Section 28 of P.L.1993, c.139 (C.58:10B-6) is amended to read as follows:

C.58:10B-6 Financial assistance and grants from the fund; allocations; purposes.

28. a. Except for moneys deposited in the remediation fund for specific purposes, and as provided in section 4 of P.L.2007, c.135 (C.52:27D-130.7), financial assistance and grants from the remediation fund shall be rendered for the following purposes. A written report shall be sent to the Senate Environment and Energy Committee, and the Assembly Environment and Solid Waste Committee, or their successors at the end of each calendar quarter detailing the allocation and expenditures related to the financial assistance and grants from the fund.

(1) Moneys shall be allocated for financial assistance to persons, for remediation of real property located in a qualifying municipality as defined in section 1 of P.L.1978, c.14 (C.52:27D-178);

(2) Moneys shall be allocated to: (a) municipalities, counties, or redevelopment entities authorized to exercise redevelopment powers pursuant to section 4 of P.L.1992, c.79 (C.40A:12A-4), for:

(i) projects in brownfield development areas pursuant to subsection f. of section 27 of P.L.1993, c.139 (C.58:10B-5),

(ii) matching grants up to a cumulative total amount from the fund of $2,500,000 per year of up to 75 percent of the costs of the remedial action for projects involving the redevelopment of contaminated property for recreation and conservation purposes, provided that the use of the property for recreation and conservation purposes is included in the comprehensive plan for the development or redevelopment of contaminated property, up to 75 percent of the costs of the remedial action for projects involving the redevelopment of contaminated property for renewable energy generation, or up to 50 percent of the costs of the remedial action for projects involving the redevelopment of contaminated property for affordable housing pursuant to P.L.1985, c.222 (C.52:27D-301 et al.),

(iii) grants for preliminary assessment, site investigation or remedial investigation of a contaminated site,

(iv) financial assistance or grants for the implementation of a remedial action, or

(v) financial assistance for remediation activities at sites that have been contaminated by a discharge of a hazardous substance or hazardous waste,

or at which there is an imminent and significant threat of a discharge of a hazardous substance or hazardous waste, and the discharge or threatened discharge poses or would pose an imminent and significant threat to a drinking water source, to human health, or to a sensitive or significant ecological area; or

(b) persons for financial assistance for remediation activities at sites that have been contaminated by a discharge of a hazardous substance or hazardous waste, or at which there is an imminent and significant threat of a discharge of a hazardous substance or hazardous waste, and the discharge or threatened discharge poses or would pose an imminent and significant threat to a drinking water source, to human health, or to a sensitive or significant ecological area.

Except as provided in subsection f. of section 27 of P.L.1993, c.139 (C.58:10B-5), financial assistance and grants to municipalities, counties, or redevelopment entities authorized to exercise redevelopment powers pursuant to section 4 of P.L.1992, c.79 (C.40A:12A-4) may be made for real property: (1) on which they hold a tax sale certificate; (2) that they have acquired through foreclosure or other similar means; or (3) that they have acquired, or, in the case of a county governed by a board of chosen freeholders, have passed a resolution or, in the case of a municipality or a county operating under the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), have passed an ordinance or other appropriate document to acquire, by voluntary conveyance for the purpose of redevelopment, or for recreation and conservation purposes. Financial assistance and grants may only be awarded for real property on which there has been or on which there is suspected of being a discharge of a hazardous substance or a hazardous waste. Grants and financial assistance provided pursuant to this paragraph shall be used for performing preliminary assessments, site investigations, remedial investigations, and remedial actions on real property in order to determine the existence or extent of any hazardous substance or hazardous waste contamination, and to remediate the site in compliance with the applicable health risk and environmental standards on those properties. No financial assistance or grants for a remedial action shall be awarded until the municipality, county, or redevelopment entity authorized to exercise redevelopment powers pursuant to section 4 of P.L.1992, c.79 (C.40A:12A-4), actually owns the real property, provided that a matching grant for 75 percent of the costs of a remedial action for a project involving the redevelopment of contaminated property for recreation and conservation purposes, or a matching grant for 50 percent of the costs of a remedial action for a project involving the redevelopment of contaminated property

for affordable housing pursuant to P.L.1985, c.222 (C.52:27D-301 et al.) may be made to a municipality, county, or redevelopment entity authorized to exercise redevelopment powers pursuant to section 4 of P.L.1992, c.79 (C.40A:12A-4) even if it does not own the real property and a grant may be made to a municipality, county, or redevelopment entity authorized to exercise redevelopment powers pursuant to section 4 of P.L.1992, c.79 (C.40A:12A-4) for a remediation in a brownfield development area pursuant to subsection f. of section 27 of P.L.1993, c.139 (C.58:10B-5) even if the entity does not own the real property. No grant shall be awarded for a remedial action for a project involving the redevelopment of contaminated property for recreation or conservation purposes unless the use of the property is preserved for recreation and conservation purposes by conveyance of a development easement, conservation restriction or easement, or other restriction or easement permanently restricting development, which shall be recorded and indexed with the deed in the registry of deeds for the county. No grant shall be awarded pursuant to this paragraph to a municipality, a county, or a redevelopment entity authorized to exercise redevelopment powers pursuant to section 4 of P.L.1992, c.79 (C.40A:12A-4) unless that entity has adopted by ordinance or resolution a comprehensive plan specifically for the development or redevelopment of contaminated or potentially contaminated real property in that municipality or the entity can demonstrate its commitment to the authority that the subject real property will be developed or redeveloped within a three-year period from the completion of the remediation. Until adoption of the criteria required pursuant to paragraph (8) of subsection a. of section 30 of P.L.1993, c.139 (C.58:10B-8), the authority shall use the criteria provided in this paragraph in determining the award of grants from the remediation fund;

(3) Moneys shall be allocated for financial assistance to persons who voluntarily perform a remediation of a hazardous substance or hazardous waste discharge;

(4) (Deleted by amendment, P.L.2017, c.353)

(5) Moneys shall be allocated for (a) financial assistance to persons who own and plan to remediate an environmental opportunity zone for which an exemption from real property taxes has been granted pursuant to section 5 of P.L.1995, c.413 (C.54:4-3.154), or (b) matching grants for up to 25 percent of the project costs to qualifying persons, municipalities, counties, and redevelopment entities authorized to exercise redevelopment powers pursuant to section 4 of P.L.1992, c.79 (C.40A:12A-4), who propose to perform a remedial action for the implementation of an unrestricted

use remedial action except that no grant awarded pursuant to this paragraph may exceed $250,000; and

(6) At least 30 percent of the moneys in the remediation fund shall be allocated for grants to a municipality, county, or redevelopment entity authorized to exercise redevelopment powers pursuant to section 4 of P.L.1992, c.79 (C.40A:12A-4) for the preliminary assessment, site investigation, remedial investigation, or remedial action of a site, not located in a brownfield development area, that has been contaminated by a discharge or a suspected discharge of a hazardous substance or hazardous waste as authorized in this subsection. The remainder of the moneys in the remediation fund shall be allocated for any of the purposes authorized in this section. For the purposes of paragraph (5) of this subsection, "qualifying persons" means any person who has a net worth of not more than $2,000,000 and "project costs" means that portion of the total costs of a remediation that is specifically to implement an unrestricted use remedial action.

b. Loans issued from the remediation fund shall be for a term not to exceed ten years, except that upon the transfer of ownership of any real property for which the loan was made, the unpaid balance of the loan shall become immediately payable in full. The unpaid balance of a loan for the remediation of real property that is transferred by devise or succession shall not become immediately payable in full, and loan repayments shall be made by the person who acquires the property. Loans to municipalities, counties, and redevelopment entities authorized to exercise redevelopment powers pursuant to section 4 of P.L.1992, c.79 (C.40A:12A-4), shall bear an interest rate equal to 2 points below the Federal Discount Rate at the time of approval or at the time of loan closing, whichever is lower, except that the rate shall be no lower than 3 percent. All other loans shall bear an interest rate equal to the Federal Discount Rate at the time of approval or at the time of the loan closing, whichever is lower, except that the rate on such loans shall be no lower than five percent. Financial assistance and grants may be issued for up to 100 percent of the estimated applicable remediation cost, except that the cumulative maximum amount of financial assistance which may be issued to a person, in any calendar year, for one or more properties, shall be $500,000. Financial assistance and grants to any one municipality, county, or redevelopment entity authorized to exercise redevelopment powers pursuant to section 4 of P.L.1992, c.79 (C.40A:12A-4) may not exceed $2,000,000 in any calendar year except as provided in subsection f. of section 27 of P.L.1993, c.139 (C.58:10B-5). Grants to a municipality, county, or redevelopment entity authorized to exercise redevelopment powers pursuant to section 4 of P.L.1992, c.79 (C.40A:12A-4) may be

for up to 100 percent of the total costs of the preliminary assessment, site investigation, or remedial investigation subject to the provisions of section 5 of P.L.2017, c.353 (C.58:10B-6.2). Grants to a municipality, a county, or a redevelopment entity authorized to exercise redevelopment powers pursuant to section 4 of P.L.1992, c.79 (C.40A:12A-4) may not exceed 75 percent of the total costs of the remedial action at any one site. Repayments of principal and interest on the loans issued from the remediation fund shall be paid to the authority and shall be deposited into the remediation fund.

c. No person, other than a qualified person planning to use an unrestricted use remedial action for the cost of the remedial action, a person performing a remediation in an environmental opportunity zone, or a person voluntarily performing a remediation, shall be eligible for financial assistance from the remediation fund to the extent that person is capable of establishing a remediation funding source for the remediation as required pursuant to section 25 of P.L.1993, c.139 (C.58:10B-3).

d. The authority may use a sum that represents up to 2 percent of the moneys issued as financial assistance or grants from the remediation fund each year for administrative expenses incurred in connection with the operation of the fund and the issuance of financial assistance and grants.

e. Prior to March 1 of each year, the authority shall submit to the Senate Environment and Energy Committee and the Assembly Environment and Solid Waste Committee, or their successors, a report detailing the amount of money that was available for financial assistance and grants from the remediation fund for the previous calendar year, the amount of money estimated to be available for financial assistance and grants for the current calendar year, the amount of financial assistance and grants issued for the previous calendar year and the category for which each financial assistance and grant was rendered, the amount of remediation costs expended for each site for the previous calendar year for which financial assistance or a grant has been approved and the balance remaining on each financial assistance or grant, and any suggestions for legislative action the authority deems advisable to further the legislative intent to facilitate remediation and promote the redevelopment and use of existing industrial sites.

3. Section 29 of P.L.1993, c.139 (C.58:10B-7) is amended to read as follows:

C.58:10B-7 Awarding of financial assistance, grants, priorities.

29. a. A qualified applicant for financial assistance or a grant from the remediation fund shall be awarded financial assistance or a grant by the

authority upon the availability of sufficient moneys in the remediation fund for the purpose of the financial assistance or grant. The authority shall award financial assistance and grants in the following order of priority:

(1) Sites on which there has been a discharge and the discharge poses an imminent and significant threat to a drinking water source, to human health, or to a sensitive or significant ecological area shall be given first priority;

(2) (Deleted by amendment, P.L.2017, c.353)

(3) Sites that are owned by a municipality in a brownfield development area shall be given second priority; and

(4) Sites in areas designated as Planning Area 1 (Metropolitan) and Planning Area 2 (Suburban) pursuant to the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et seq.), shall be given third priority.

The priority ranking of applicants within any priority category enumerated in this section for awarding financial assistance and grants from the remediation fund shall be based upon the date of receipt by the authority of an application from the applicant and on readiness to proceed with remediation as determined by the department and the authority. If an application is determined to be incomplete by the authority, an applicant shall have 30 days from receipt of written notice of incompleteness to file any additional information as may be required by the authority for a completed application. If an applicant fails to file the additional information within those 30 days, the filing date for that application for financial assistance or a grant for a site that is not within a priority category enumerated in this section, shall be the date that the additional information is received by the authority. An application shall be deemed complete when all the information required by the authority has been received in the required form.

b. Within 90 days, for a private entity, or 180 days for a municipality, county, or a redevelopment entity authorized to exercise redevelopment powers pursuant to section 4 of P.L.1992, c.79 (C.40A:12A-4), of notice of approval of a financial assistance or grant application, an applicant shall submit to the authority an executed contract for the remediation activities for which the financial assistance or grant application was made. The contract shall be consistent with the terms and conditions for which the financial assistance or grant was rendered. Failure to submit an executed contract within the time provided, without good cause, shall constitute grounds for the alteration of an applicant's priority ranking for the awarding of financial assistance or a grant.

4. Section 30 of P.L.1993, c.139 (C.58:10B-8) is amended to read as follows:

C.58:10B-8 Financial assistance, grant recipients' compliance, conditions.

30. a. The authority shall, by rule or regulation:

(1) require a financial assistance or grant recipient to provide to the authority, as necessary or upon request, evidence that financial assistance or grant moneys are being spent for the purposes for which the financial assistance or grant was made, and that the applicant is adhering to all of the terms and conditions of the financial assistance or grant agreement;

(2) require the financial assistance or grant recipient to provide access at reasonable times to the subject property to determine compliance with the terms and conditions of the financial assistance or grant;

(3) establish a priority system for rendering financial assistance or grants for remediations identified by the department as involving an imminent and significant threat to a public water source, human health, or to a sensitive or significant ecological area pursuant to subsection a. of section 28 of P.L.1993, c.139 (C.58:10B-6);

(4) (Deleted by amendment, P.L.2009, c.60);

(5) provide that an applicant for financial assistance or a grant pay a reasonable fee for the application which shall be used by the authority for the administration of the loan and grant program;

(6) provide that where financial assistance to a person other than a municipality, a county, or a redevelopment entity authorized to exercise redevelopment powers pursuant to section 4 of P.L.1992, c.79 (C.40A:12A-4), is for a portion of the remediation cost, that the proceeds thereof not be disbursed to the applicant until the costs of the remediation for which a remediation funding source has been established has been expended;

(7) provide that the amount of a grant for the costs of a remedial action shall not include the cost to remediate a site to meet residential soil remediation standards if the local zoning ordinances adopted pursuant to the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.) do not allow for residential use;

(8) adopt criteria, which must be met by a municipality, county, or redevelopment entity authorized to exercise redevelopment powers pursuant to section 4 of P.L.1992, c.79 (C.40A:12A-4) that applies for a grant pursuant to paragraph (2) of subsection a. of section 28 of P.L.1993, c.139 (C.58:10B-6), that the subject real property will be developed or redeveloped within a three-year period from the completion of the remediation; and

(9) adopt such other requirements as the authority shall deem necessary or appropriate in carrying out the purposes for which the Hazardous Discharge Site Remediation Fund was created.

b. An applicant for financial assistance or a grant shall be required to:

(1) provide proof, as determined sufficient by the authority, that the applicant, where applicable, cannot establish a remediation funding source for all or part of the remediation costs, as required by section 25 of P.L.1993, c.139 (C.58:10B-3). The provisions of this paragraph do not apply to grants to innocent persons, grants for the use of innovative technologies, or grants for the implementation of unrestricted use remedial actions or limited restricted use remedial actions or to financial assistance or grants to municipalities, counties, or redevelopment entities authorized to exercise redevelopment powers pursuant to section 4 of P.L.1992, c.79 (C.40A:12A-4); and

(2) demonstrate the ability to repay the amount of the financial assistance and interest, and, if necessary, to provide adequate collateral to secure the financial assistance amount.

c. Information submitted as part of a loan or grant application or agreement shall be deemed a public record subject to the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.).

d. In establishing requirements for financial assistance or grant applications and financial assistance or grant agreements, the authority:

(1) shall minimize the complexity and costs to applicants or recipients of complying with such requirements;

(2) may not require financial assistance or grant conditions that interfere with the everyday normal operations of the recipient's business activities, except to the extent necessary to ensure the recipient's ability to repay the financial assistance and to preserve the value of the loan collateral; and

(3) shall expeditiously process all financial assistance or grant applications in accordance with a schedule established by the authority for the review and the taking of final action on the application, which schedule shall reflect the degree of complexity of a financial assistance or grant application.

C.58:10B-6.2 Time limit for expending of grant awarded.

5. a. An award of financial assistance or a grant awarded pursuant to P.L.1993, c.139 (C.58:10B-1 et seq.) for a:

(1) preliminary assessment or site investigation of a contaminated site shall be expended within two years after the date of the award;

(2) remedial investigation of a contaminated site shall be expended within five years after the date of the award.

b. Failure to expend an award of financial assistance or a grant from the remediation fund within the time limits established in subsection a. of this section shall result in cancellation of the award.

c. No award of financial assistance or a grant shall be approved until the applicant demonstrates to the satisfaction of the authority that it has expended or will expend the full amount of any previous financial assistance or grant awarded under P.L.1993, c.139 (C.58:10B-1 et seq.) to that applicant for the same property.

6. This act shall take effect immediately and shall apply to any application for financial assistance or a grant from the Hazardous Discharge Site Remediation Fund pending before the Department of Environmental Protection on the effective date of this act, or submitted on or after the effective date of the act, but shall not apply to any application determined to be technically eligible and recommended for funding by the Department of Environmental Protection and pending before the New Jersey Economic Development Authority on the effective date of this act.

Approved January 16, 2018.

CHAPTER 354

AN ACT establishing the "Veterans Affordable Housing Section 8 Voucher Pilot Program."

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

1. a. As used in this section:

"Homeless" means an individual without permanent domicile who is living outside, or in a building not meant for human habitation or which the person has no legal right to occupy, or in an emergency shelter, or in a temporary housing program which may include a transitional and supportive housing program if habitation time limits exist, or temporarily in the home of another household, or in a motel.

"Veteran" means any citizen and resident of this State honorably discharged or released under honorable circumstances, including medical sep-

arations and general discharges under honorable conditions, from service in any branch of the Armed Forces of the United States.

b. The Commissioner of Community Affairs shall establish and operate a project-based voucher pilot program, to be known as the "Veterans Affordable Housing Section 8 Voucher Pilot Program," under the federal Housing Choice Voucher (Section 8) Program for veterans and their families who are confronting homelessness or are residing in unsafe housing.

c. The commissioner shall annually allocate to the pilot program at least 1.5 percent of the unencumbered amount of the budget authority allocated to the Department of Community Affairs' Housing Choice Voucher Program by the U.S. Department of Housing and Urban Development during each of the five years following the date of enactment of this act.

d. The commissioner shall annually announce the availability of project-based vouchers for veterans pursuant to the "Veterans Affordable Housing Section 8 Voucher Pilot Program" by publication of a request for proposals through an open competitive process.

e. The commissioner shall administer the pilot program in accordance with the provisions of this act and in compliance with the federal Housing Choice Voucher Program regulations and requirements.

f. The commissioner shall not award project-based vouchers under the pilot program for newly constructed or rehabilitated housing units unless at least 50 percent of the units at the premises are reserved for occupancy by veterans or households where a veteran is the head of the household and the veteran or household is currently homeless, at imminent risk of becoming homeless, or the veteran is disabled and in need of access to supportive services.

g. In awarding vouchers under the pilot program, the commissioner shall consider the following factors:

(1) geographic diversity, however, during each of the first two years of operation of the pilot program, the commissioner shall award vouchers representing at least half of the amount allocated to the pilot program in accordance with a preference targeting the location of projects within an eligible municipality, as defined in section 2 of the "Urban Transit Hub Tax Credit Act," P.L.2007, c.346 (C.34:1B-208),

(2) availability of supportive services on site, and

(3) proximity of supportive services to the proposed project location.

h. 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 pilot program within two years of its implementation and make any recommendations the commissioner deems appropriate.

2. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 355

AN ACT concerning corporate mergers and consolidations and amending N.J.S.14A:10-3 and N.J.S.14A:10-4.1.

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

1. N.J.S.14A:10-3 is amended to read as follows:

Approval by shareholders.

14A:10-3. Approval by shareholders.

(1) The board of each corporation, upon approving such plan of merger or plan of consolidation, shall direct that the plan be submitted to a vote at a meeting of shareholders. Written notice shall be given not less than 20 nor more than 60 days before such meeting to each shareholder of record, whether or not entitled to vote at such meeting, in the manner provided in this act for the giving of notice of meetings of shareholders. Such notice shall include, or shall be accompanied by

(a) A copy or a summary of the plan of merger or consolidation; and

(b) A statement informing shareholders who, under Chapter 11 of this act, are entitled to dissent, that they have the right to dissent and to be paid the fair value of their shares and outlining briefly, with particular reference to the time periods within which actions must be taken, the procedures set forth in Chapter 11 of this act with which they must comply in order to assert and enforce such right.

(2) At each such meeting, a vote of the shareholders shall be taken on the proposed plan of merger or consolidation. Such plan shall be approved upon receiving the affirmative vote of a majority of the votes cast by the holders of shares of each such corporation entitled to vote thereon, and, in addition, if any class or series is entitled to vote thereon as a class, the affirmative vote of a majority of the votes cast in each class vote; except that, in the case of a corporation organized prior to January 1, 1969, the plan of merger or consolidation shall be approved upon receiving the affirmative vote of two-thirds of the votes so cast. Any class or series of shares of any such corporation shall be entitled to vote as a class if the plan of merger or consolida-

tion, as the case may be, contains any provision which, if contained in a proposed amendment to the certificate of incorporation, would entitle such class or series of shares to vote as a class unless such provision is one which could be adopted by the board without shareholder approval as referred to in subsection 14A:9-2(2). The voting requirements of this section shall be subject to such greater requirements as are provided in this act for specific amendments or as may be provided in the certificate of incorporation.

(3) Subject to the provisions of section 14A:5-12, a corporation organized prior to January 1, 1969, may adopt the majority voting requirements prescribed in subsection 14A:10-3(2) by an amendment of its certificate of incorporation adopted by the affirmative vote of two-thirds of the votes cast by the holders of shares entitled to vote thereon.

(4) Notwithstanding the provisions set forth in subsections 14A:10-3(1) and 14A:10-3(2), the approval of the shareholders of a surviving corporation shall not be required to authorize a merger (unless its certificate of incorporation otherwise provides) if

(a) The plan of merger does not make an amendment of the certificate of incorporation of the surviving corporation which is required by the provisions of this act to be approved by the shareholders;

(b) Each shareholder of the surviving corporation whose shares were outstanding immediately before the effective date of the merger will hold the same number of shares, with identical designations, preferences, limitations, and rights, immediately after;

(c) The number of voting shares outstanding immediately after the merger, plus the number of voting shares issuable on conversion of other securities or on exercise of rights and warrants issued pursuant to the merger, will not exceed by more than 40% the total number of voting shares of the surviving corporation outstanding immediately before the merger; and

(d) The number of participating shares outstanding immediately after the merger, plus the number of participating shares issuable on conversion of other securities or on exercise of rights and warrants issued pursuant to the merger, will not exceed by more than 40% the total number of participating shares of the surviving corporation outstanding immediately before the merger.

(5) As used in subsection 14A:10-3(4):

(a) "Participating shares" means shares that entitle their holders to participate without limitation in distributions.

(b) "Voting shares" means shares that entitle their holders to vote unconditionally in elections of directors.

(6) Notwithstanding the provisions set forth in subsections 14A:10-3(1) and 14A:10-3(2), the approval of the shareholders of a corporation

shall not be required to authorize a merger with or into a single indirect wholly-owned subsidiary of that corporation (unless its certificate of incorporation otherwise provides) if:

(a) the corporation, the holding company and the indirect wholly-owned subsidiary of the corporation are the only parties to the merger; and

(b) each shareholder of the corporation will hold the same number of shares of the holding company, with identical designations, preferences, limitations and rights, immediately after the effective date of the merger; and

(c) the corporation, the indirect wholly-owned subsidiary and the holding company are domestic corporations; and

(d) the certificate of incorporation and bylaws of the holding company immediately after the effective date of the merger contain provisions identical to the certificate of incorporation and bylaws of the corporation immediately before the effective date of the merger, other than provisions, if any, regarding the incorporators, the corporate name, the registered office and agent, the initial board of directors, the initial subscribers for shares and the provisions necessary to effect a change, exchange, reclassification or cancellation of shares, if such change, exchange, reclassification or cancellation has become effective prior to the effective date of the merger; and

(e) the surviving corporation, as a result of the merger, remains or becomes a direct or indirect wholly-owned subsidiary of the holding company; and

(f) the directors of the corporation remain or become the directors of the holding company upon the effective date of the merger; and

(g) the certificate of incorporation of the surviving corporation immediately after the effective date of the merger is identical to the certificate of incorporation of the corporation immediately before the effective date of the merger, other than provisions, if any, regarding the incorporators, the corporate name, the registered office and agent, the initial board of directors, the initial subscribers for shares and the provisions necessary to effect a change, exchange, reclassification or cancellation of shares, if such change, exchange, reclassification or cancellation has become effective prior to the effective date of the merger; provided that: (i) the certificate of incorporation of the surviving corporation shall contain a provision requiring that any act or transaction by or involving the surviving corporation that requires for its adoption under N.J.S.14A:1-1 et seq., or its certificate of incorporation, approval by the shareholders of the surviving corporation, other than the election or removal of directors of the surviving corporation, shall require approval by the shareholders of the holding company (or any successor by merger), by the same vote as is required by N.J.S.14A:1-1 et

seq. or by the certificate of incorporation of the surviving corporation, until thereafter otherwise amended by approval of the shareholders of the surviving corporation and the holding company; and (ii) the certificate of incorporation of the surviving corporation may be amended to reduce the number of classes and shares of capital stock that the surviving corporation is authorized to issue; and

(h) the shareholders of the corporation do not recognize a gain or loss for United States federal income tax purposes as determined by the board of directors of the corporation.

(7) On and after the effective date of a merger authorized by action of the board of directors of a corporation and without any vote of the shareholders pursuant to subsection (6) of N.J.S.14A:10-3:

(a) to the extent that the restrictions of the "New Jersey Shareholders' Protection Act," P.L.1986, c.74 (C.14A:10A-1 et seq.), applied to the corporation and its shareholders at the effective date of the merger, the restrictions shall apply to the holding company and its shareholders immediately after the effective date of the merger in the same manner as if it were the corporation and all shares of the holding company acquired in the merger shall for purposes of the "New Jersey Shareholders' Protection Act," P.L.1986, c.74 (C.14A:10A-1 et seq.) be deemed to have been acquired at the time that the shares of the corporation converted in the merger were acquired, and provided further that any shareholder who, immediately prior to the effective date of the merger, was not an interested stockholder within the meaning of section 3 of the "New Jersey Shareholders' Protection Act," P.L.1986, c.74 (C.14A:10A-3) shall not solely by reason of the merger become an interested stockholder of the holding company; and

(b) if the corporate name of the holding company immediately after the effective date of the merger is the same as the corporate name of the corporation immediately prior to the effective date of the merger, the shares of the holding company into which the shares of the corporation are converted in the merger shall be represented by the stock certificates that previously represented shares of the corporation.

(8) As used in subsections (6) and (7) of N.J.S.14A:10-3, "holding company" means a corporation which, from its incorporation until consummation of a merger governed by subsections (6) and (7) of N.J.S.14A:10-3, was at all times a direct wholly-owned subsidiary of the corporation and shares of which are issued in the merger; and "indirect wholly-owned subsidiary of the corporation" means a corporation all the shares of which are owned, directly or indirectly, by the holding company.

(9) A corporation may agree to submit the plan of merger or consolidation to a vote of its shareholders regardless of whether the board of directors determines at any time subsequent to approving the plan that the plan is no longer advisable and recommends that the shareholders reject or vote against the plan.

(10) Any plan of merger or consolidation may contain a provision that the boards of directors of the corporations may amend the plan of merger or consolidation at any time prior to the time that the merger or consolidation contemplated by the plan of merger or consolidation becomes effective, provided that an amendment made subsequent to the adoption of the agreement by the shareholders of any corporation shall not, without further shareholder approval:

(a) alter or change the amount or kind of shares, securities, cash, property, or rights to be received in exchange for, or on conversion of, all or any of the shares of any class or series thereof of such corporation;

(b) alter or change any term of the certificate of incorporation of the surviving corporation to be effected by the merger or consolidation; or

(c) unless the plan of merger or consolidation expressly provides otherwise, alter or change any of the terms and conditions of the plan, if that alteration or change would materially and adversely affect the shareholders of either corporation who are or were entitled to vote on the plan. In the event the plan of merger or consolidation is amended after the filing of a certificate of merger or consolidation with the Secretary of State but prior to the time the merger or consolidation has become effective, a certificate of amendment of merger or consolidation shall be filed in accordance with subsection (3) of N.J.S.14A:10-4.1.

2. N.J.S.14A:10-4.1 is amended to read as follows:

Certificate of merger or consolidation.

14A:10-4.1. Certificate of merger or consolidation.

(1) After approval of the plan of merger or consolidation, a certificate of merger or a certificate of consolidation shall be executed on behalf of each corporation. The certificate shall set forth

(a) The name of the surviving or new corporation or new other business entity and the names of the merging or consolidating corporations or other business entities;

(b) The plan of merger or the plan of consolidation;

(c) The date or dates of approval by the shareholders of each corporation of the plan of merger or the plan of consolidation;

(d) As to each corporation whose shareholders are entitled to vote, the number of shares entitled to vote thereon, and, if the shares of any class or series are entitled to vote thereon as a class, the designation and number of shares entitled to vote thereon of each class or series;

(e) As to each corporation whose shareholders are entitled to vote, the number of shares voted for and against the plan, respectively, and, if the shares of any class are entitled to vote as a class, the number of shares of each class or series voted for and against the plan, respectively;

(f) In the case of a merger governed by subsection 14A:10-3 (4), that the plan of merger was approved by the board of directors of the surviving corporation and that no vote of the shareholders of the surviving corporation was required because of the applicability of that subsection;

(g) If, pursuant to subsection 14A:10-4.1(2), the merger is to become effective at a time subsequent to the date of filing with the Secretary of State, the date when the merger is to become effective; and

(h) In the case of a merger governed by subsection (6) of N.J.S.14A:10-3, that the plan of merger was approved by the board of directors of the surviving corporation, that no vote of the shareholders of the surviving corporation was required because of the applicability of that subsection, and that the conditions of paragraphs (a) through (h) of that subsection have been satisfied.

(2) The executed original and a copy of the certificate shall be filed in the office of the Secretary of State and the merger or consolidation shall become effective upon the date of the filing or at a later time, not to exceed 90 days after the date of filing, as may be set forth in the certificate. The Secretary of State shall, upon filing, forward the copy of the certificate to the Director of the Division of Taxation.

(3) Following the filing of a certificate of merger or consolidation with the Secretary of State but prior to the time when the merger or consolidation becomes effective, and upon the amendment of the plan of merger or consolidation in accordance with subsection (10) of N.J.S.14A:10-3, a certificate of amendment of merger or consolidation shall be filed in the office of the Secretary of State amending the plan of merger or consolidation. The certificate of amendment shall state that the plan of merger or consolidation has been amended and shall contain the amended plan of merger or consolidation.

3. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 356

AN ACT concerning corporate by-laws and amending N.J.S.14A:2-9.

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

1. N.J.S.14A:2-9 is amended to read as follows:

By-laws; making and altering.

14A:2-9 (1) The initial by-laws of a corporation shall be adopted by the board at its organization meeting. Thereafter, the board shall have the power to make, alter and repeal by-laws unless such power is reserved to the shareholders in the certificate of incorporation, but by-laws made by the board may be altered or repealed, and new by-laws made, by the shareholders. The shareholders may prescribe in the by-laws that any by-law made by them shall not be altered or repealed by the board.

(2) The initial by-laws of a corporation adopted by the board at its organization meeting shall be deemed to have been adopted by the shareholders for purposes of this act.

(3) Any provision which this act requires or permits to be set forth in the by-laws may be set forth in the certificate of incorporation with equal force and effect.

(4) The by-laws may contain any provision, not inconsistent with law or the certificate of incorporation, relating to the business of the corporation, the conduct of its affairs, and its rights or power or the rights or power of its shareholders, directors, officers or employees.

(5) (a) Without limiting subsection (4) of this section, the by-laws may provide that the federal and State courts in New Jersey shall be the sole and exclusive forum for:

(i) any derivative action or proceeding brought on behalf of the corporation;

(ii) any action by one or more shareholders asserting a claim of a breach of fiduciary duty owed by a director or officer, or former director or officer, to the corporation or its shareholders, or a breach of the certificate of incorporation or by-laws;

(iii) any action brought by one or more shareholders asserting a claim against the corporation or its directors or officers, or former directors or officers, arising under the certificate of incorporation or the "New Jersey Business Corporation Act," N.J.S.14A:1-1 et seq.;

(iv) any other State law claim, including a class action asserting a breach of a duty to disclose, or a similar claim, brought by one or more shareholders against the corporation, its directors or officers, or its former directors or officers; or

(v) any other claim brought by one or more shareholders which is governed by the internal affairs or an analogous doctrine.

(b) The by-laws may provide that one or more shareholders who file an action in breach of a forum selection requirement of the by-laws shall be liable for all reasonable costs incurred in enforcing the requirement, including, without limitation, reasonable attorney's fees of the defendants. If the by-laws contain an exclusive forum provision, the directors and officers, and former directors and officers, shall be deemed to have consented to the personal jurisdiction of that forum. If the provision is not contained in the original by-laws but is adopted by an amendment, the provisions and the personal jurisdiction over directors and officers, and former directors and officers, shall apply only to actions brought by one or more shareholders after the date of the amendment of the by-laws and which assert claims arising after the date of the amendment.

2. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 357

AN ACT concerning certain electric generation facilities, and supplementing P.L.1999, c.23 (C.48:3-49 et al).

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

C.48:3-110 Definitions relative to certain electric generation facilities.

1. As used in P.L.2017, c.357 (C.48:3-110 et seq.):

"Facility" means a small scale hydropower facility put into service after the effective date of P.L.2012, c.24 with a capacity of three megawatts or less or a resource recovery facility.

"Resource recovery facility" shall have the same meaning as provided in section 3 of P.L.1999, c.23 (C.48:3-51).

"Standby charge" means a charge imposed by an electric public utility upon a facility that delivers or sells power to an end-use customer, or upon an end-use customer of that power, for the recovery of costs necessary to make power available to the facility or the end-use customer during a facility power outage including, but not limited to, the allocation of reasonable capital investment costs and operating and maintenance expenses associated with the electric public utility's infrastructure needed to provide the standby power.

"Standby power" means power made available during a facility outage to a facility or to an end-use customer who uses power generated by the facility.

C.48:3-111 Connection with distribution network.

2. At the request of an owner of a facility, an electric public utility shall install distribution lines to connect the facility with the electric public utility's distribution network. The electric public utility may charge the owner of the facility for the entire amount of costs incurred to connect the facility.

C.48:3-112 Net metering, rate.

3. a. (1) An electric power supplier or a basic generation service provider shall offer a facility net metering at a non-discriminatory rate. If the amount of electricity generated by the facility, plus any kilowatt hour credits held over from 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 shall credit the facility for the excess kilowatt hours until the end of the annualized period. If any kilowatt hour credit remains at the end of the annualized period, the facility shall be compensated by the electric power supplier or basic generation service provider for any remaining credits or, if the facility chooses, have the electric power supplier or a basic generation service provider credit the facility 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.

(2) In the event that the facility elects not to receive a credit pursuant to paragraph (1) of this subsection, the facility may execute a bilateral agreement with an electric power supplier or basic generation service provider for the sale and purchase of the facility's excess generation. The facility may be credited on a real-time basis, if the facility 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.

b. A facility may deliver or sell power to up to 10 end-use customers, who are located within 10 miles of the facility and net-metered within the service territory of a single electric public utility, and designate the end-use customers to be credited by the electric power supplier or basic generation service provider with the excess generation of the facility. The facility may designate the proportionate share of the excess electricity generated to credit each of the designated end-use customers.

c. The owner of a facility who sells or delivers power to an end-use customer pursuant to the provisions of this section shall not be considered a public utility pursuant to R.S.48:2-13 or P.L.1999, c.23 (C.48:3-49 et al.).

C.48:3-113 Standby charge.

4. a. Upon request to an electric public utility, electric power supplier, or basic generation service provider for standby power by a facility that supplies power to an end-use customer pursuant to section 3 of P.L.2017, c.357 (C.48:3-112) or the end-use customer of that power, the electric public utility, electric power supplier, or basic generation provider, as applicable, shall impose and assess a standby charge.

b. The Board of Public Utilities shall, within 120 days after the effective date of P.L.2017, c.357 (C.48:3-110 et seq.), establish criteria for an electric public utility, electric power supplier, or basic generation provider to assess and impose a standby charge.

5. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 358

AN ACT requiring the Commissioner of Transportation to notify motorists of certain obligations and supplementing Title 27 of the Revised Statutes.

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

C.27:7-44.22 Public awareness program relative to lane change when approaching certain vehicles.

1. The Commissioner of Transportation, in consultation with the Director of the Division of Highway Traffic Safety in the Department of Law and Public Safety, shall develop public awareness programs and use variable message signs to inform motorists of their duty to change lanes when approaching a stationary authorized emergency vehicle, tow truck, highway maintenance or emergency service vehicle, or sanitation vehicle that is displaying flashing, blinking, or alternating lights or, in the alternative, to reduce the speed of their vehicles if it is impossible, prohibited by law, or unsafe to move over one lane, pursuant to section 1 of P.L.2009, c.5 (C.39:4-92.2).

2. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 359

AN ACT establishing a Military and Defense Economic Ombudsman in the Department of Military and Veterans' Affairs and supplementing Title 38A of the New Jersey Statutes.

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

C.38A:3-2j Short title.

1. This act shall be known and may be cited as the Military and Defense Economic Ombudsman Act.

C.38A:3-2k Military and Defense Economic Ombudsman.

2. There is hereby created in the Department of Military and Veterans' Affairs a Military and Defense Economic Ombudsman. The ombudsman shall be appointed by the Governor. The person appointed shall have expertise in the areas of defense, business, and governmental affairs, and shall have been a resident of this State for at least 36 consecutive months immediately preceding appointment. Once appointed, the ombudsman shall continue to maintain residency in New Jersey and shall serve at the pleasure of the Governor and shall report to the Adjutant General. The office of the Military and Defense Economic Ombudsman may request and shall avail itself and utilize the services of any officer or employee of the Department

of Military and Veterans' Affairs and of any other State department or agency, who shall render such assistance as the head of the principal department or agency may require without additional compensation.

C.38A:3-2l Purpose, duties of ombudsman.

3. The purpose of the Military and Defense Economic Ombudsman shall be to coordinate and implement a strategy to fortify and ensure the economic vitality of the United States military installations in this State and to improve the economic environment for the defense industry in this State, in the face of evolving defense needs, by fostering productive interactions between federal, State, and local governments and overseeing efforts to position the State's military installations as hubs of development, innovation, and economic growth. It shall be the duty of the ombudsman to:

a. identify the strengths and vulnerabilities of, and threats to, the current and future viability of the State's military installations in the context of changing defense plans and economic development needs;

b. evaluate, report on, and recommend strategies and best practices to improve economic outcomes for the State's military installations and defense industry;

c. promote and facilitate a coordinated approach to economic development related to the State's military installations and the industries that support them;

d. promote opportunities for defense industry investments, work to create defense industry clusters at each military installation, and recommend significant development projects that would support the State's defense industry;

e. develop productive relationships with the various governmental, industry, and community stakeholders involved in promoting the success of the State's military installations;

f. disseminate information on the attributes and benefits of the State's military installations which make them attractive to current and future defense planning, business investment, and economic growth; and

g. undertake any other duty consistent with the ombudsman's purpose and deemed appropriate by the Adjutant General.

C.38A:3-2m Efforts to eliminate barriers to investment, growth.

4. The Military and Defense Economic Ombudsman shall undertake specific efforts to eliminate barriers to investment and growth by businesses and the defense industry in this State. In this endeavor, the ombudsman shall:

a. act as the contact person for private businesses and industries for projects related to, supporting, and impacting the State's military installations, regardless of the size of the business or investment, during the permit approval and application process, to facilitate and advocate on behalf of the applicant with each appropriate State government department or agency, in a manner similar to the process established under P.L.2011, c.34 (C.52:14B-26 et seq.);

b. in collaboration with any governmental or non-profit entity, undertake a targeted marketing campaign highlighting the economic growth sectors in the State's defense industry, including, but not limited to, aerospace, information technology, cyber security, biotechnology, bioscience, and engineering;

c. make available information to federal contractors, improve access to that information, and foster relationships among the State, local, and federal stakeholders;

d. establish a New Jersey Procurement Partnership Program to facilitate mentorship relations between smaller and larger companies; conduct procurement seminars; identify federal resources and make them readily accessible; and take advantage of available opportunities to create industry clusters around the State's military installations;

e. promote the State's military installations by organizing Military Installation Resources for Growth events at each installation, thereby providing an opportunity for business, governmental, and community stakeholders and partners to meet and learn about current and emerging economic development and other opportunities at each installation; and

f. in collaboration with the Office of the Secretary of Higher Education, foster synergies between institutions of higher education and the defense industry in this State, which may include, but shall not be limited to, developing a centralized database of higher education faculty contacts, their research areas, patented technologies, research centers and their facilities and equipment, and published academic articles, provided the database shall not include any information of a sensitive or classified nature or other information that may compromise the security of any person or institution of higher education.

C.38A:3-2n Education and outreach efforts.

5. As part of its education and outreach efforts, and its purposes of promoting the State's military installations and developing productive relationships with the various governmental, industry, and community stakeholders, the Military and Defense Economic Ombudsman shall:

a. organize an annual tour of the State's military installations for the New Jersey Congressional Delegation to inform the delegation of issues pertaining to each installation and provide them with information relevant to their work of ensuring the current and future viability of the State's military installations;

b. provide accurate, current, and factual information about the State's military installations and their attributes to federal partners, including information to dispel misconceptions in the areas of air space, encroachment, and installation infrastructure, and to highlight the benefits and the current and future potential of each installation in the context of defense planning and economic growth; and

c. establish and convene Commander Council meetings on a regular basis to meet directly with the commanding officers of each military installation and hear from them and other high-ranking officials concerning the specific operations and needs at each installation.

C.38A:3-2o Annual report; rules, regulations.

6. a. The Military and Defense Economic Ombudsman shall submit an annual report to the Adjutant General detailing the activities undertaken during the previous year.

b. The Adjutant General, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may adopt such rules and regulations as may be necessary to implement the provisions of this act.

7. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 360

AN ACT concerning eligibility for the NJ STARS and NJ STARS II Programs and amending P.L.2008, c.124, P.L.2004, c.59, and P.L.2005, c.359.

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

1. Section 5 of P.L.2004, c.59 (C.18A:71B-85) is amended to read as follows:

C.18A:71B-85 NJ STARS scholarships; eligibility.

5. a. A scholarship under the NJ STARS Program shall cover the full cost of tuition, subject to the prior application of other grants and scholarships against those costs as provided under paragraph (2) of subsection c. of this section, for up to 18 credit hours in any semester, for an eligible student enrolled in a full-time course of study at the New Jersey county college serving the student's county of residence. An otherwise eligible student who demonstrates to the authority, in accordance with such criteria and by means of such documentation as the authority shall establish by regulation, that the county college serving the student's county of residence does not offer the curriculum that the student chooses to study shall be eligible for such scholarship at another New Jersey county college offering that curriculum. The amount of any scholarship allowed hereunder to a student at a county college serving a county other than the student's county of residence shall be computed as though the student were a resident of the county served by that college, and the college shall likewise compute the amount of any additional payment, required with respect to the enrollment of that student for credit hours of study during a semester in which the scholarship is awarded that are not covered by that scholarship, as though the student were a resident of the county.

b. A student shall be eligible for a scholarship under the NJ STARS Program for up to five semesters, including summer sessions. The scholarship shall be payable for the first year of enrollment in a county college to a student who:

(1) has graduated high school and, in the case of a student who graduates in the 2013-2014 school year and thereafter, whose class rank at the completion of the 11th grade or 12th grade was in the top 15.0% of the student's high school class, provided that in the case of students graduating from high schools that do not calculate the class rank of their students, the student's ranking at the completion of the 11th grade or 12th grade shall be determined by the high school in consultation with the authority; and

(2) completed a rigorous high school course of study in accordance with standards established by the Secretary of Higher Education in consultation with the Commissioner of Education.

During a student's enrollment in a county college after the first year of enrollment, the scholarship shall be payable to that student if the student attains a grade point average of at least 3.0 by the start of the student's second year of county college enrollment. A student who attains a grade point average of less than 3.0 at the start of the second semester of the student's first year of county college enrollment shall participate in an enrichment

program designed by the county college during the second semester of the student's first year of enrollment.

c. To be eligible to receive a scholarship under the NJ STARS Program a student shall:

(1) be a State resident pursuant to guidelines established by the authority. Notwithstanding the provisions of section 1 of P.L.1979, c.361 (C.18A:62-4) or any other section of law to the contrary, a dependent child of a parent or guardian who has been transferred to a military installation located in this State shall be considered a resident of this State for the purposes of qualifying for an NJ STARS scholarship;

(2) have applied for all other available forms of State and federal need-based grants and merit scholarships, exclusive of loans, the full amount of which grants and scholarships shall be applied to tuition to reduce the amount of any scholarship that the student shall receive under the provisions of this act;

(3) except as otherwise provided pursuant to subsection a. or subsection c. of section 3 of P.L.2008, c.124 (C.18A:71B-85.2), be enrolled in a full-time course of study at a New Jersey county college;

(4) have graduated from high school in 2004 or later, and not earlier than the calendar year two years prior to the first calendar year in which a scholarship payment is to be made; and

(5) except as otherwise provided pursuant to subsection a. of section 3 of P.L.2008, c.124 (C.18A:71B-85.2), maintain continuous enrollment in a full-time course of study, unless on medical leave due to the illness of the student or a member of the student's immediate family or emergency leave because of a family emergency, which medical or emergency leave shall have been approved by the county college, or unless called to partial or full mobilization for State or federal active duty as a member of the National Guard or a Reserve component of the Armed Forces of the United States.

d. A student who is dismissed for academic or disciplinary reasons from a county college shall no longer be eligible for a scholarship under this act. If a student participating in the program is dismissed for disciplinary reasons, the student shall repay in full all amounts received under the program. The county college shall be responsible for collecting the repayment, or the amount of any overpayment or other improper payment, of any State awards under the program, in accordance with the provisions of N.J.S.18A:71B-10.

e. A student scholarship under the NJ STARS Program may be renewed upon the student's filing of a renewal financial aid application and

providing evidence that the student has satisfied the requirements pursuant to subsection b. of this section.

2. Section 3 of P.L.2008, c.124 (C.18A:71B-85.2) is amended to read as follows:

C.18A:71B-85.2 Option to take fewer credits; eligibility for NJ STARS II scholarship.

3. a. A student who receives an NJ STARS scholarship shall be eligible to take less than 12 credits in the final semester if the county college determines that the student needs to complete less than 12 credits in that semester to complete the degree program.

b. In the case of a student who is enrolled in an associate degree program regularly requiring six semesters, the student shall not receive an NJ STARS scholarship for the sixth semester but shall maintain eligibility for the New Jersey Student Tuition Assistance Reward Scholarship II (NJ STARS II) Program established pursuant to P.L.2005, c.359 (C.18A:71B-86.1 et seq.), provided that the student meets the requirements for receipt of an NJ STARS II scholarship.

c. Beginning in the 2015-2016 academic year, a student who receives an NJ STARS scholarship or a student who is already in the NJ STARS program shall be eligible to take less than 12 credits in a semester if: the student provides to the county college a written note from a physician or other licensed health care professional indicating the student's need to take a reduced number of credits due to a physical or mental health condition; or the student provides to the county college, in such form as determined by the authority, verification of the recent death of the student's parent or spouse. To receive an NJ STARS payment for the semester, a student who receives a medical exemption or an exemption due to the recent death of the student's parent or spouse from the full-time course of study requirement pursuant to this subsection shall enroll for a minimum of six credits in the semester. A student shall receive an additional semester of NJ STARS eligibility for each semester the student receives an exemption from the full-time course of study requirement pursuant to this subsection, not to exceed five additional semesters.

3. Section 4 of P.L.2005, c.359 (C.18A:71B-86.4) is amended to read as follows:

C.18A:71B-86.4 Eligibility for NJ STARS II; scholarship amounts.

4. a. A scholarship under the NJ STARS II Program shall be applied toward the cost of tuition or in the case of a student who receives a Tuition

Aid Grant toward the cost of tuition and fees, subject to the prior application of other grants and scholarships against such costs as provided under paragraph (2) of subsection e. of this section, for an eligible student enrolled in a full-time course of study at a New Jersey four-year public or independent institution of higher education. A scholarship under the NJ STARS II Program shall be paid to the institution in the amount of $1,250 per semester. The cost of a scholarship shall be paid 100% by the State. Any cost of attendance that is not covered by the NJ STARS II scholarship or other available forms of grants and scholarships shall be paid by the student.

b. A student shall be eligible for a scholarship under the NJ STARS II Program for up to four semesters, excluding summer sessions, at a New Jersey four-year public or independent institution of higher education.

c. A student shall be eligible to receive a scholarship under the NJ STARS II Program for the student's third academic year of study if the student: has an annual family income, both taxable and non-taxable, as derived from the Free Application for Federal Student Aid (FAFSA) for the academic year, of less than $250,000; attained an associate's degree from a New Jersey county college; except as otherwise provided pursuant to subsection c. of section 2 and subsection b. of section 3 of P.L.2008, c.124 (C.18A:71B-85.2), received a scholarship under the "New Jersey Student Tuition Assistance Reward Scholarship (NJ STARS) Program Act," P.L.2004, c.59 (C.18A:71B-81 et seq.), for each semester of study in the county college, or was eligible for but did not receive a scholarship under NJ STARS because the student's tuition was fully covered by other State or federal need-based grants or merit scholarships, or was eligible for but did not receive a scholarship under NJ STARS because the student was enrolled while a high school student in county college courses and received an associate's degree in accordance with a joint program offered by the student's school district and a county college; attains a cumulative grade point average of at least 3.25 upon graduation from county college; enrolls in a baccalaureate degree program at a New Jersey four-year public or independent institution of higher education for the third academic year of study in the academic year immediately following the student's attainment of an associate's degree; and meets the criteria set forth in subsection e. of this section. A grade for credits earned during a summer semester shall for the purposes of this subsection be included in the calculation of the cumulative grade point average.

d. A student shall be eligible to receive a scholarship under the NJ STARS II Program for the student's fourth academic year of study if the student: received a scholarship under the NJ STARS II Program for the stu-

dent's third academic year of study pursuant to subsection c. of this section; based on the student's performance during the third academic year of study, attained a grade point average of at least 3.25; and meets the criteria set forth in subsection e. of this section. A grade for credits earned during a summer semester shall for the purposes of this subsection be included in the calculation of the grade point average for the preceding academic year.

e. To be eligible to receive a scholarship under the NJ STARS II Program, a student shall:

(1) be a State resident pursuant to guidelines established by the authority. Notwithstanding the provisions of section 1 of P.L.1979, c.361 (C.18A:62-4) or any other section of law to the contrary, a dependent child of a parent or guardian who has been transferred to a military installation located in this State shall be considered a resident of this State for the purposes of qualifying for an NJ STARS II scholarship;

(2) have applied for all other available forms of State and federal need-based grants and merit scholarships, exclusive of loans, the full amount of which grants and scholarships shall be applied to tuition, and fee charges if applicable, to reduce the amount of any scholarship that the student shall receive under the provisions of P.L.2005, c.359 (C.18A:71B-86.1 et seq.);

(3) except as otherwise provided pursuant to subsection h. of this section, be enrolled in a full-time course of study at a four-year public or independent institution of higher education; and

(4) maintain continuous enrollment in a full-time course of study, unless on medical leave due to the illness of the student or a member of the student's immediate family or emergency leave because of a family emergency, which medical or emergency leave shall have been approved by the four-year public or independent institution of higher education, or unless called to partial or full mobilization for State or federal active duty as a member of the National Guard or a Reserve component of the Armed Forces of the United States.

f. A student who is dismissed for academic or disciplinary reasons from a four-year public or independent institution of higher education shall no longer be eligible for a scholarship under this act. If a student participating in the program is dismissed for disciplinary reasons, the student shall repay in full all amounts received under the program. The four-year public or independent institution of higher education shall be responsible for collecting the repayment, or the amount of any overpayment or other improper payment, of any State awards under the program, in accordance with the provisions of N.J.S.18A:71B-10.

g. A student scholarship under the NJ STARS II Program may be renewed upon the student's filing of a renewal financial aid application and providing evidence that the student has satisfied the requirements pursuant to this section.

h. Beginning in the 2015-2016 academic year, a student who receives an NJ STARS II scholarship or a student who is already in the NJ STARS II program shall be eligible to take less than 12 credits in a semester if: the student provides to the four-year public or independent institution of higher education a written note from a physician or other licensed health care professional indicating the student's need to take a reduced number of credits due to a physical or mental health condition; or the student provides to the institution, in such form as determined by the authority, verification of the recent death of the student's parent or spouse. To receive an NJ STARS II payment for the semester, a student who receives a medical exemption or an exemption due to the recent death of the student's parent or spouse from the full-time course of study requirement pursuant to this subsection shall enroll for a minimum of six credits in the semester. A part-time NJ STARS II award shall be prorated against the full-time NJ STARS award as follows: an eligible student enrolled with six to eight credits shall receive one-half of the value of a full-time award, and an eligible student enrolled with nine to 11 credits shall receive three-quarters of a full-time award. A student shall receive an additional semester of NJ STARS II eligibility for each semester the student receives an exemption from the full-time course of study requirement pursuant to this subsection, not to exceed four additional semesters. Total NJ STARS II payments shall not exceed $5,000 for a student.

4. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 361

AN ACT extending the health benefits coverage of a newborn infant 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 6 of P.L.1938, c.366 (C.17:48-6) is amended to read as follows:

C.17:48-6 Contracts; certificates; contents.

6. Every individual contract made by a corporation subject to the provisions of this chapter to furnish services to a subscriber shall provide for the furnishing of services for a period of 12 months, and no contract shall be made providing for the inception of such services at a date later than 1 year after the actual date of the making of such contract. Any such contract may provide that it shall be automatically renewed from year to year unless there shall have been at least 30 days' prior written notice of termination by either the subscriber or the corporation. In the absence of fraud or material misrepresentation in the application for a contract or for reinstatement, no contract with an individual subscriber shall be terminated by the corporation unless all contracts of the same type, in the same group or covering the same classification of persons are terminated under the same conditions.

No contract between any such corporation and a subscriber shall entitle more than one person to services, except that a contract issued as a family contract may provide that services will be furnished to a husband and wife, or husband, wife and their dependent child or children, or the subscriber and his (or her) dependent child or children. Adult dependent(s) of a subscriber may also be included for coverage under the contract of such subscriber.

Whenever, pursuant to the provisions of a subscription certificate or group contract issued by a corporation, the former spouse of a named subscriber under such a certificate or contract is no longer entitled to coverage as an eligible dependent by reason of divorce, separate coverage for such former spouse shall be made available by the corporation on an individual non-group basis under the following conditions:

(a) Application for such non-group coverage shall be made to the corporation by or on behalf of such former spouse no later than 31 days following the date his or her coverage under the prior certificate or contract terminated.

(b) No new evidence of insurability shall be required in connection with the application for such non-group coverage but any health exception, limitation or exclusion applicable to said former spouse under the prior coverage may, at the option of the corporation, be carried over to the new non-group coverage.

(c) The effective date of the new coverage shall be the day following the date on which such former spouse's coverage under the prior certificate or contract terminated.

(d) The benefits provided under the non-group coverage issued to such former spouse shall be at least equal to the basic benefits provided in contracts then being issued by the corporation to new non-group applicants of the same age and family status.

Family type contracts shall provide that the services applicable for children shall be payable with respect to a newly-born child of the subscriber, or his or her spouse from the moment of birth. The services for newly-born children shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and abnormalities. If a subscription payment is required to provide services for a child, the contract may require that notification of birth of a newly-born child and the required payment must be furnished to the service corporation within 60 days after the date of birth in order to have the coverage continue beyond such 60-day period.

Nonfamily type contracts which provide for services to the subscriber but not to family members or dependents of that subscriber, shall also provide services to newly-born children of the subscriber which shall commence with the moment of birth of each child and shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and abnormalities, provided that application therefor and payment of the required subscription amount are made to include in said contract the coverage described in the preceding paragraph of this section within 60 days from the date of birth of a newborn child.

A contract under which coverage of a dependent of a subscriber terminates at a specified age shall, with respect to an unmarried child, covered by the contract prior to attainment of age 19, who is incapable of self-sustaining employment by reason of an intellectual disability or physical handicap and who became so incapable prior to attainment of age 19 and who is chiefly dependent upon such subscriber for support and maintenance, not so terminate while the contract remains in force and the dependent remains in such condition, if the subscriber has within 31 days of such dependent's attainment of the termination age submitted proof of such dependent's incapacity as described herein. The foregoing provisions of this paragraph shall not apply retrospectively or prospectively to require a hospital service corporation to insure as a covered dependent any child with an intellectual disability or physically handicapped child of the applicant where the contract is underwritten on evidence of insurability based on health factors required to be set forth in the application. In such cases any contract heretofore or hereafter issued may specifically exclude such child with an intellectual disability or physically handicapped child from coverage.

Every individual contract entered into by any such corporation with any subscriber thereto shall be in writing and a certificate stating the terms and conditions thereof shall be furnished to the subscriber to be kept by him. No such certificate form shall be made, issued or delivered in this State unless it contains the following provisions:

(a) A statement of the contract rate, or amount payable to the corporation by or on behalf of the subscriber for the original quarter-annual period of coverage and of the time or times at which, and the manner in which, such amount is to be paid; and a provision requiring 30 days' written notice to the subscriber before any change in the contract, including a change in the amount of subscription rate, shall take effect;

(b) A statement of the nature of the services to be furnished and the period during which they will be furnished; and if there are any services to be excepted, a detailed statement of such exceptions printed as hereinafter specified;

(c) A statement of the terms and conditions, if any, upon which the contract may be amended on approval of the commissioner or canceled or otherwise terminated at the option of either party. Any notice to the subscriber shall be effective if sent by mail to the subscriber's address as shown at the time on the plan's record, except that, in the case of persons for whom payment of the contract is made through a remitting agent, any such notice to the subscriber shall also be effective if a personalized notice is sent to the remitting agent for delivery to the subscriber, in which case it shall be the responsibility of the remitting agent to make such delivery. The notice to the subscriber as herein required shall be sent at least 30 days before the amendment, cancellation or termination of the contract takes effect. Any rider or endorsement accompanying such notice, and amending the rates or other provisions of the contract, shall be deemed to be a part of the contract as of the effective date of such rider or endorsement;

(d) A statement that the contract includes the endorsements thereon and attached papers, if any, and contains the entire contract for services;

(e) A statement that no statement by the subscriber in his application for a contract shall avoid the contract or be used in any legal proceeding thereunder, unless such application or an exact copy thereof is included in or attached to such contract, and that no agent or representative of such corporation, other than an officer or officers designated therein, is authorized to change the contract or waive any of its provisions;

(f) A statement that if the subscriber defaults in making any payment under the contract, the subsequent acceptance of a payment by the corporation or by one of its duly authorized agents shall reinstate the contract, but

with respect to sickness and injury may cover such sickness as may be first manifested more than 10 days after the date of such acceptance;

(g) A statement of the period of grace which will be allowed the subscriber for making any payment due under the contract. Such period shall be not less than 10 days.

In every such contract made, issued or delivered in this State:

(a) All printed portions shall be plainly printed in type of which the face is not smaller than 10 point;

(b) There shall be a brief description of the contract on its first page and on its filing back in type of which the face is not smaller than 14 point;

(c) The exceptions of the contract shall appear with the same prominence as the benefits to which they apply; and

(d) If the contract contains any provision purporting to make any portion of the articles, constitution or bylaws of the corporation a part of the contract, such portion shall be set forth in full.

2. Section 2 of P.L.1964, c.104 (C.17:48-6.1) is amended to read as follows:

C.17:48-6.1 Group contracts issued by hospital service corporation.

2. A hospital service corporation may issue to a policyholder a group contract, covering at least two employees or members at the date of issue, if it conforms to the following description:

(a) A contract issued to an employer or to the trustees of a fund established by one or more employers, or issued to a labor union, or issued to an association formed for purposes other than obtaining such contract, or issued to the trustees of a fund established by one or more labor unions, or by one or more employers and one or more labor unions, covering employees and members of associations or labor unions.

(b) A contract issued to cover any other group which the Commissioner of Banking and Insurance determines may be covered in accordance with sound underwriting principles.

Benefits may be provided for one or more members of the families or one or more dependents of persons who may be covered under a group contract referred to in (a) or (b) above.

Family type contracts shall provide that the services applicable for children shall be payable with respect to a newly-born child of the subscriber, or his or her spouse from the moment of birth. The services for newly-born children shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital de-

fects and abnormalities. If a subscription payment is required to provide services for a child, the contract may require that notification of birth of a newly-born child and the required payment must be furnished to the service corporation within 60 days after the date of birth in order to have the coverage continue beyond such 60-day period.

Group contracts which provide for services to the subscriber but not to family members or dependents of that subscriber, other than contracts which provide no dependent coverage whatsoever for the subscriber's class, shall also provide services to newly-born children of the subscriber which shall commence with the moment of birth of each child and shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and abnormalities, provided that application therefor and payment of the required subscription amount are made to include in said contract the coverage described in the preceding paragraph of this section within 60 days from the date of birth of a newborn child.

A contract under which coverage of such a dependent terminates at a specified age shall, with respect to an unmarried child, covered by the contract prior to attainment of age 19, who is incapable of self-sustaining employment by reason of intellectual disability or physical handicap and who became so incapable prior to attainment of age 19 and who is chiefly dependent upon the covered employee or member for support and maintenance, not so terminate while the coverage of the employee or member remains in force and the dependent remains in such conditions, if the employee or member has within 31 days of such dependent's attainment of the termination age submitted proof of such dependent's incapacity as described herein. The foregoing provisions of this paragraph shall not apply retrospectively or prospectively to require a hospital service corporation to insure as a covered dependent any child with an intellectual disability or physical handicap of the applicant where the contract is underwritten on evidence of insurability based on health factors required to be set forth in the application. In such cases any contract heretofore or hereafter issued may specifically exclude such child with an intellectual disability or physical handicap from coverage.

Any group contract which contains provisions for the payment by the insurer of benefits for members of the family or dependents of a person in the insured group shall provide that, subject to payment of the appropriate premium, such family members or dependents be permitted to have coverage continued for at least 180 days after the death of the person in the insured group.

The contract may provide that the term "employees" shall include as employees of a single employer the employees of one or more subsidiary corporations and the employees, individual proprietors and partners of affiliated corporations, proprietorships and partnerships if the business of the employer and such corporations, proprietorships or partnerships is under common control through stock ownership, contract or otherwise. The contract may provide that the term "employees" shall include the individual proprietor or partners of an individual proprietorship or a partnership. The contract may provide that the term "employees" shall include retired employees. A contract issued to trustees may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship. A contract issued to the trustees of a fund established by the members of an association of employers may provide that the term "employees" shall include the employees of the association.

3. Section 5 of P.L.1940, c.74 (C.17:48A-5) is amended to read as follows:

C.17:48A-5 Subscription contracts.

5. Every individual contract made by any corporation subject to the provisions of this chapter to provide payment for medical services shall provide for the payment of medical services for a period of 12 months from the date of issue of the subscription certificate. Any such contract may provide that it shall be automatically renewed from year to year unless there shall have been 1 month's prior written notice of termination by either the subscriber or the corporation. In the absence of fraud or material misrepresentation in the application for contract or for reinstatement, no contract with an individual subscriber shall be terminated by the corporation unless all contracts of the same type, in the same group or covering the same classification of persons are terminated under the same conditions. No contract between such corporation and subscriber shall allow for the payment for medical services for more than one person, except that a family contract may provide that payment will be made for medical services rendered to a subscriber and any of those dependents defined in section 1 of this act.

Whenever, pursuant to the provisions of a subscription certificate or group contract issued by a corporation, the former spouse of a named subscriber under such a certificate or contract is no longer entitled to coverage as an eligible dependent by reason of divorce, separate coverage for such

former spouse shall be made available by the corporation on an individual nongroup basis under the following conditions:

(a) Application for such nongroup coverage shall be made to the corporation by or on behalf of such former spouse no later than 31 days following the date his or her coverage under the prior certificate or contract terminated.

(b) No new evidence of insurability shall be required in connection with the application for such nongroup coverage but any health exception, limitation or exclusion applicable to said former spouse under the prior coverage may, at the option of the corporation, be carried over to the new nongroup coverage.

(c) The effective date of the new coverage shall be the day following the date on which such former spouse's coverage under the prior certificate or contract terminated.

(d) The benefits provided under the nongroup coverage issued to such former spouse shall be at least equal to the basic benefits provided in contracts then being issued by the corporation to new nongroup applicants of the same age and family status.

Family type contracts shall provide that the services applicable for children shall be payable with respect to a newly-born child of the subscriber, or his or her spouse from the moment of birth. The services for newly-born children shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and abnormalities. If a subscription payment is required to provide services for a child, the contract may require that notification of birth of a newly-born child and the required payment shall be furnished to the service corporation within 60 days after the date of birth in order to have the coverage continue beyond such 60-day period.

Nonfamily type contracts which provide for services to the subscriber but not to family members or dependents of that subscriber, shall also provide services to newly-born children of the subscriber which shall commence with the moment of birth of each child and shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and abnormalities, provided that application therefor and payment of the required subscription amount are made to include in said contract the coverage described in the preceding paragraph of this section within 60 days from the date of birth of a newborn child.

A contract under which coverage of a dependent of a subscriber terminates at a specified age shall, with respect to an unmarried child, covered by the contract prior to attainment of age 19, who is incapable of self-

sustaining employment by reason of intellectual disability or physical handicap and who became so incapable prior to attainment of age 19 and who is chiefly dependent upon such subscriber for support and maintenance, not so terminate while the contract remains in force and the dependent remains in such condition, if the subscriber has within 31 days of such dependent's attainment of the termination age submitted proof of such dependent's incapacity as described herein. The foregoing provisions of this paragraph shall not apply retrospectively or prospectively to require a medical service corporation to insure as a covered dependent any child with an intellectual disability or physical handicap of the applicant where the contract is underwritten on evidence of insurability based on health factors, required to be set forth in the application. In such cases any contract heretofore or hereafter issued may specifically exclude such child with an intellectual disability or physical handicap from coverage.

4. Section 1 of P.L.1964, c.105 (C.17:48A-7.1) is amended to read as follows:

C.17:48A-7.1 Group contracts; issuance; description; benefits; employees defined.

1. A medical service corporation may issue to a policyholder a group contract, covering at least 10 employees or members at the date of issue, if it conforms to the following description:

(a) A contract issued to an employer or to the trustees of a fund established by one or more employers, or issued to a labor union, or issued to an association formed for purposes other than obtaining such contract, or issued to the trustees of a fund established by one or more labor unions or by one or more employers and one or more labor unions, covering employees and members of associations or labor unions.

(b) A contract issued to cover any other group which the Commissioner of Banking and Insurance (hereinafter called the commissioner) determines may be covered in accordance with sound underwriting principles.

Benefits may be provided for one or more members of the families or one or more dependents of persons who may be covered under a group contract referred to in (a) or (b) above.

Family type contracts shall provide that the services applicable for children shall be payable with respect to a newly-born child of the subscriber, or his or her spouse from the moment of birth. The services for newly-born children shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and abnormalities. If a subscription payment is required to provide

services for a child, the contract may require that notification of birth of a newly-born child and the required payment must be furnished to the service corporation within 60 days after the date of birth in order to have the coverage continue beyond such 60-day period.

Group contracts which provide for services to the subscriber but not to family members or dependents of that subscriber, other than contracts which provide no dependent coverage whatsoever for the subscriber's class, shall also provide services to newly-born children of the subscriber which shall commence with the moment of birth of each child and shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and abnormalities, provided that application therefor and payment of the required subscription amount are made to include in said contract the coverage described in the preceding paragraph of this section within 60 days from the date of birth of a newborn child.

A contract under which coverage of such a dependent terminates at a specified age shall, with respect to an unmarried child, covered by the contract prior to attainment of age 19, who is incapable of self-sustaining employment by reason of intellectual disability or physical handicap and who became so incapable prior to attainment of age 19 and who is chiefly dependent upon the covered employee or member for support and maintenance, not so terminate while the coverage of the employee or member remains in force and the dependent remains in such condition, if the employee or member has within 31 days of such dependent's attainment of the termination age submitted proof of such dependent's incapacity as described herein. The foregoing provisions of this paragraph shall apply retrospectively or prospectively to require a medical service corporation to insure as a covered dependent any child with an intellectual disability or physical handicap of the applicant where the contract is underwritten on evidence of insurability based on health factors required to be set forth in the application. In such cases any contract heretofore or hereafter issued may specifically exclude such child with an intellectual disability or physical handicap from coverage.

Any group contract which contains provisions for the payment by the insurer of benefits for members of the family or dependents of a person in the insured group shall, subject to payment of the appropriate premium, provide that such family members or dependents be permitted to have coverage continued for at least 180 days after the death of the person in the insured group.

The contract may provide that the term "employees" shall include as employees of a single employer the employees of one or more subsidiary corporations and the employees, individual proprietors and partners of affiliated corporations, proprietorships and partnerships if the business of the employer and such corporations, proprietorships or partnerships is under common control through stock ownership, contract or otherwise. The contract may provide that the term "employees" shall include the individual proprietor or partners of an individual proprietorship or a partnership. The contract may provide that the term "employees" shall include retired employees. A contract issued to trustees may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship. A contract issued to the trustees of a fund established by the members of an association of employers may provide that the term "employees" shall include the employees of the association.

5. Section 20 of P.L.1985, c.236 (C.17:48E-20) is amended to read as follows:

C.17:48E-20 Coverage for newborn child.

20. a. Family type individual contracts shall provide that the coverage applicable for children shall be payable with respect to a newly-born child of the subscriber, or his or her spouse, from the moment of birth. Coverage for newly-born children shall consist of coverage of injury or sickness, including the necessary care and treatment of medically diagnosed congenital defects and abnormalities. If a subscription payment is required to provide coverage for a child, the contract may require that notification of birth of a newly-born child and the required payment must be furnished to the health service corporation within 60 days after the date of birth in order to have the coverage continue beyond such 60-day period.

b. Nonfamily type individual contracts which provide for coverage to the subscriber but not to family members or dependents of that subscriber shall also provide coverage to newly-born children of the subscriber, which shall commence with the moment of birth of each child and shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital abnormalities, if application therefor and payment of the required subscription amount are made to include in the contract the coverage described in subsection a. of this section within 60 days from the date of birth of a newborn child.

6. Section 28 of P.L.1985, c.236 (C.17:48E-28) is amended to read as follows:

C.17:48E-28 Group coverage for newborn child.

28. a. Family type group coverage shall provide that the coverage applicable for children shall be payable with respect to a newly-born child of the subscriber, or his or her spouse, from the moment of birth. The coverage for newly-born children shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and abnormalities. If a subscription payment is required to obtain coverage for a child, the contract may require that notification of birth of a newly-born child and the required payment shall be furnished to the health service corporation within 60 days after the date of birth in order to have the coverage continue beyond that 60-day period.

b. Non-family type group coverage, other than under contracts which provide no dependent coverage whatsoever for the subscriber's class, shall also provide coverage for newly-born children of the subscriber, which coverage shall commence with the moment of birth of each child and shall consist of coverage of injury or sickness, including the necessary care and treatment of medically diagnosed congenital defects and abnormalities, if application therefor and payment of the required subscription amount are made to include in the contract the coverage described in subsection a. of this section within 60 days from the date of birth of a newborn child.

7. N.J.S.17B:26-2 is amended to read as follows:

Form of policy; requirements.

17B:26-2. a. No such policy of insurance shall be delivered or issued for delivery to any person in this State unless:

(1) The entire money and other considerations therefor are expressed therein; and

(2) The time at which the insurance takes effect and terminates is expressed therein; and

(3) It purports to insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any two or more eligible members of that family, including husband, wife, dependent children or any children under a specified age which shall not exceed 19 years and any other person dependent upon the policyholder; and

(4) The style, arrangement and over-all appearance of the policy give no undue prominence to any portion of the text, and unless every printed portion of the text of the policy and of any endorsements or attached papers is plainly printed in light-faced type of a style in general use, the size of which shall be uniform and not less than 10-point with a lower-case unspaced alphabet length not less than 120-point (the "text" shall include all printed matter except the name and address of the insurer, name or title of the policy, the brief description if any, and captions and subcaptions); and

(5) The exceptions and reductions of indemnity are set forth in the policy and, except those which are set forth in sections 17B:26-3 to 17B:26-31 inclusive, are printed, at the insurer's option, either included with the benefit provision to which they apply, or under an appropriate caption such as "exceptions," or "exceptions and reductions," provided that if an exception or reduction specifically applies only to a particular benefit of the policy, a statement of such exception or reduction shall be included with the benefit provision to which it applies; and

(6) Each such form, including riders and endorsements, shall be identified by a form number in the lower left-hand corner of the first page thereof; and

(7) It contains no provision purporting to make any portion of the charter, rules, constitution, or bylaws of the insurer a part of the policy unless such portion is set forth in full in the policy, except in the case of the incorporation of, or reference to, a statement of rates or classification of risks, or short-rate table filed with the commissioner.

b. A policy under which coverage of a dependent of the policyholder terminates at a specified age shall, with respect to an unmarried child covered by the policy prior to the attainment of age 19, who is incapable of self-sustaining employment by reason of intellectual disability or physical handicap and who became so incapable prior to attainment of age 19 and who is chiefly dependent upon such policyholder for support and maintenance, not so terminate while the policy remains in force and the dependent remains in such condition, if the policyholder has within 31 days of such dependent's attainment of the limiting age submitted proof of such dependent's incapacity as described herein. The foregoing provisions of this paragraph shall not require an insurer to insure a dependent who is a child with an intellectual disability or physical handicap where the policy is underwritten on evidence of insurability based on health factors set forth in the application or where such dependent does not satisfy the conditions of the policy as to any requirement for evidence of insurability or other provisions of the policy, satisfaction of which is required for coverage thereunder

to take effect. In any such case the terms of the policy shall apply with regard to the coverage or exclusion from coverage of such dependent.

c. Notwithstanding any provision of a policy of health insurance, hereafter delivered or issued for delivery in this State, whenever such policy provides for reimbursement for any optometric service which is within the lawful scope of practice of a duly licensed optometrist, the insured under such policy shall be entitled to reimbursement for such service, whether the said service is performed by a physician or duly licensed optometrist.

d. If any policy is issued by an insurer domiciled in this State for delivery to a person residing in another state, and if the official having responsibility for the administration of the insurance laws of such other state shall have advised the commissioner that any such policy is not subject to approval or disapproval by such official, the commissioner may by ruling require that such policy meet the standards set forth in subsection a. of this section and in sections 17B:26-3 to 17B:26-31 inclusive.

e. Notwithstanding any provision of a policy of health insurance, hereafter delivered or issued for delivery in this State, whenever such policy provides for reimbursement for any psychological service which is within the lawful scope of practice of a duly licensed psychologist, the insured under such policy shall be entitled to reimbursement for such service, whether the said service is performed by a physician or duly licensed psychologist.

f. Notwithstanding any provision of a policy of health insurance, hereafter delivered or issued for delivery in this State, whenever such policy provides for reimbursement for any service which is within the lawful scope of practice of a duly licensed chiropractor, the insured under such policy or the chiropractor rendering such service shall be entitled to reimbursement for such service, when the said service is performed by a chiropractor. The foregoing provision shall be liberally construed in favor of reimbursement of chiropractors.

g. All individual health insurance policies which provide coverage for a family member or dependent of the insured on an expense incurred basis shall also provide that the health insurance benefits applicable for children shall be payable with respect to a newly born child of that insured from the moment of birth.

(1) The coverage for newly born children shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities.

(2) If payment of a specific premium is required to provide coverage for a child, the policy may require that notification of birth of a newly born

child and payment of the required premium must be furnished to the insurer within 60 days after the date of birth in order to have the coverage continue beyond such 60-day period.

h. All individual health insurance policies which provide coverage on an expense incurred basis but do not provide coverage for a family member or dependent of the insured on an expense incurred basis shall nevertheless provide for coverage of newborn children of the insured which shall commence with the moment of birth of each child and shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities, provided application therefor and payment of the required premium are made to the insurer to include in said policy coverage the same or similar to that of the insured, described in g. (1) above 60 days from the date of a newborn child.

i. Whenever, pursuant to the provisions of an individual or group contract issued by an insurer, the former spouse of a named insured is no longer entitled to coverage as an individual dependent by reason of divorce, separate coverage for such former spouse shall be made available by the insurer on an individual non-group basis under the following conditions:

(1) Application for such non-group coverage shall be made to the insurer by or on behalf of such former spouse no later than 31 days following the date his or her coverage under the prior certificate or contract terminated.

(2) No new evidence of insurability shall be required in connection with the application for such non-group coverage but any health exception, limitation or exclusion applicable to said former spouse under the prior coverage may, at the option of the insurer, be carried over to the new non-group coverage.

(3) The effective date of the new coverage shall be the day following the date on which such former spouse's coverage under the prior certificate or contract terminated.

(4) The benefits provided under the non-group coverage issued to such former spouse shall be at least equal to the basic benefits provided in contracts then being issued by the insurer to acceptable new non-group applicants of the same age and family status.

8. N.J.S.17B:27-30 is amended to read as follows:

Dependents.

17B:27-30. Benefits of group health insurance, except benefits for loss of time on account of disability, may be provided for one or more members

of the families or one or more dependents of persons who may be insured under a group policy referred to in section 17B:27-27, 17B:27-28 or 17B:27-29. Any group health insurance policy which contains provisions for the payment by the insurer of benefits for expenses incurred on account of hospital, nursing, medical, or surgical services for members of the family or dependents of a person in the insured group must, subject to payment of the appropriate premium, permit such family members or dependents to have coverage continued for at least 180 days after the death of the person in the insured group, subject to the policy provision as to termination of coverage with respect to family members or dependents for reasons other than the death of the person in the insured group.

All group health insurance policies which provide coverage for a family member or dependent of an insured on an expense incurred basis shall also provide that the benefits applicable for children shall be payable with respect to a newly-born child of that insured from the moment of birth. The coverage for newly-born children shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities. If payment of a specific premium is required to provide coverage for a child, the policy may require that notification of birth of a newly-born child and payment of the required premium must be furnished to the insurer within 60 days after the date of birth in order to have the coverage continue beyond such 60-day period.

All group health insurance policies which provide coverage on an expense incurred basis for the insured but do not provide coverage for a family member or dependent of the insured on an expense incurred basis, except such group policies as provide no dependent coverage whatsoever for the insured's class, shall nevertheless provide for coverage of newborn children of the insured which shall commence with the moment of birth of each child and shall consist of coverage of injury or sickness including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities, provided application and payment of the required premium are made to the insurer to include in said policy coverage for a newly-born child as described in the previous paragraph of this section within 60 days from the date of birth of a newborn child.

A policy under which coverage of a dependent of an employee or other member of the insured group terminates at a specified age shall, with respect to an unmarried child covered by the policy prior to the attainment of age 19, who is incapable of self-sustaining employment by reason of intellectual disability or physical handicap and who became so incapable prior to attainment of age 19 and who is chiefly dependent upon such employee

or member for support and maintenance, not so terminate while the insurance of the employee or member remains in force and the dependent remains in such condition, if the insured employee or member has within 31 days of such dependent's attainment of the termination age submitted proof of such dependent's incapacity as described herein. The foregoing provision of this paragraph shall not require an insurer to insure a dependent who is a child with an intellectual disability or physical handicap of an employee or other member of the insured group where such dependent does not satisfy the conditions of the group policy as to any requirements for evidence of insurability or other provisions as may be stated in the group policy required for coverage thereunder to take effect. In any such case the terms of the policy shall apply with regard to the coverage or exclusion from coverage of such dependent. (cf: P.L.2010, c.50, s.10)

9. Section 16 of P.L.1997, c.146 (C.17B:27-56) is amended to read as follows:

C.17B:27-56 Incidents, certain, no imposition of preexisting condition exclusion.

16. A health insurer which offers a group health plan shall not impose a preexisting condition exclusion for the following: a. on a newborn child who, as of the last day of the 60-day period beginning with the date of birth, is covered under creditable coverage; b. on a child who is adopted or placed for adoption before attaining 18 years of age and who, as of the last day of the 30-day period beginning on the date of adoption or placement for adoption, is covered under creditable coverage. These provisions shall not apply to a newborn child or child who is adopted or placed for adoption after the end of the first 63-day period, during all of which the newborn child or child who is adopted or placed for adoption was not covered under any creditable coverage; or c. pregnancy as a preexisting condition.

10. Section 6 of P.L.1992, c.162 (C.17B:27A-22) is amended to read as follows:

C.17B:27A-22 Preexisting condition provisions.

6. a. No health benefits plan subject to this act shall include any provision excluding coverage for a preexisting condition regardless of the cause of the condition, provided that a preexisting condition provision may apply to a late enrollee or to any group of two to five persons if such provision excludes coverage for a period of no more than 180 days following the effective date of coverage of such enrollee, and relates only to conditions, whether physical or mental, manifesting themselves during the six months

immediately preceding the enrollment date of such enrollee and for which medical advice, diagnosis, care, or treatment was recommended or received during the six months immediately preceding the effective date of coverage; provided that, if 10 or more late enrollees request enrollment during any 30-day enrollment period, then no preexisting condition provision shall apply to any such enrollee.

b. In determining whether a preexisting condition provision applies to an eligible employee or dependent, all health benefits plans shall credit the time that person was covered under creditable coverage if the creditable coverage was continuous to a date not more than 90 days prior to the effective date of the new coverage, exclusive of any applicable waiting period under such plan. A carrier shall provide credit pursuant to this provision in one of the following methods:

(1) A carrier shall count a period of creditable coverage without regard to the specific benefits covered during the period; or

(2) A carrier shall count a period of creditable coverage based on coverage of benefits within each of several classes or categories of benefits specified in federal regulation rather than the method provided in paragraph (1) of this subsection. This election shall be made on a uniform basis for all covered persons. Under this election, a carrier shall count a period of creditable coverage with respect to any class or category of benefits if any level of benefits is covered within that class or category. A carrier which elects to provide credit pursuant to this provision shall comply with all federal notice requirements.

c. A health benefits plan shall not impose a preexisting condition exclusion for the following:

(1) A newborn child who, as of the last date of the 60-day period beginning with the date of birth, is covered under creditable coverage;

(2) A child who is adopted or placed for adoption before attaining 18 years of age and who, as of the last day of the 30-day period beginning on the date of the adoption or placement for adoption, is covered under creditable coverage. This provision shall not apply to coverage before the date of the adoption or placement for adoption; or

(3) Pregnancy as a preexisting condition.

11. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 362

AN ACT concerning derivative proceedings and shareholder class actions and amending P.L.2013, c.42.

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

1. Section 9 of P.L.2013, c.42 (C.14A:3-6.9) is amended to read as follows:

C.14A:3-6.9 Applicability.

9. In any derivative proceeding or shareholder class action against a corporation organized under the provisions of the "New Jersey Business Corporation Act," N.J.S.14A:1-1 et seq.:

a. Except for sections 7 and 8 of P.L.2013, c.42 (C.14A:3-6.7 and 6.8), which must be expressly made applicable by the corporation's certificate of incorporation, the provisions of P.L.2013, c.42 (C.14A:3-6.1 et seq.) shall apply to actions brought in state or federal court both within and outside of the State of New Jersey; and

b. The provisions of the corporation's certificate of incorporation may vary the applicability or effect of the provisions of P.L.2013, c.42 (C.14A:3-6.1 et seq.) on that corporation.

2. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 363

AN ACT concerning actions of corporate directors and amending N.J.S.14A:6-7.1.

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

1. N.J.S.14A:6-7.1 is amended to read as follows:

Directors' voting; quorum of board of directors and committees; action of board and committees; action of directors without a meeting.

14A:6-7.1. Directors' voting; quorum of board of directors and committees; action of board and committees; action of directors without a meeting.

(1) Each director shall have one vote at meetings of the board or at meetings of board committees unless the certificate of incorporation provides the director is entitled to more than one vote pursuant to a provision in the certificate of incorporation consistent with subsection 14A:6-7.1(2).

(2) The certificate of incorporation may provide either that one or more directors elected by the holders of shares of a class or series shall have more than one vote or that the shareholders at an annual or special meeting shall have the right to designate one or more directors who shall have more than one vote. The certificate of incorporation shall also specify either the number of votes which those directors shall have or that the shareholders electing those directors shall have the right to specify the number of votes which the directors shall have. Any person appointed by the board to fill a vacancy of a directorship with more than one vote shall have only one vote unless otherwise provided by the certificate of incorporation. If a director has more than one vote as provided in this subsection, any reference in this act to the vote or act of a majority of the board, of the directors, or of the entire board, or similar language, means the vote or act of directors who are entitled to cast a majority of the votes.

(3) The participation of directors with a majority of the votes of the entire board, or of any committee thereof, shall constitute a quorum for the transaction of business, unless the certificate of incorporation or the bylaws provide that a greater or lesser proportion shall constitute a quorum, which in no case shall be less than one-third of the votes of the entire board or committee.

(4) Any action approved by a majority of the votes of directors present at a meeting at which a quorum is present shall be the act of the board or of the committee, unless this act, or the certificate of incorporation, or the bylaws require a greater proportion, including a unanimous vote.

(5) Unless otherwise provided by the certificate of incorporation or bylaws, any action required or permitted to be taken pursuant to authorization voted at a meeting of the board or any committee thereof, may be taken without a meeting if, prior or subsequent to the action, all members of the board or of such committee, as the case may be, consent thereto in writing or by electronic transmission and the written consents or electronic transmissions are filed with the minutes of the proceedings of the board or

committee. Such consent or electronic transmission shall have the same effect as a unanimous vote of the board or committee for all purposes, and may be stated as a unanimous vote in any certificate or other document filed with the Secretary of State. The filing of written consents or electronic transmissions shall be in paper form if the minutes are maintained in paper form and shall be in electronic form if the minutes are maintained in electronic form. "Electronic transmission" shall have the meaning contained in section 14A:1-8.1.

2. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 364

AN ACT concerning corporate books and records and amending N.J.S.14A:5-28.

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

1. N.J.S.14A:5-28 is amended to read as follows:

Books and records; right of inspection.

14A:5-28. Books and records; right of inspection.

(1) Each corporation shall keep books and records of account and minutes of the proceedings of its shareholders, board and executive committee, if any. Unless otherwise provided in the bylaws, such books, records and minutes may be kept outside this State. The corporation shall keep at its principal office, its registered office, or at the office of its transfer agent, a record or records containing the names and addresses of all shareholders, the number, class and series of shares held by each and the dates when they respectively became the owners of record thereof. Any of the foregoing books, minutes or records may be in written form or in any other form capable of being converted into readable form within a reasonable time. A corporation shall convert into readable form without charge any such records not in such form, upon the written request of any person entitled to inspect them.

(2) Upon the written request of any shareholder, the corporation shall mail to such shareholder its balance sheet as at the end of the preceding fiscal year, and its profit and loss and surplus statement for such fiscal year.

(3) Any person who shall have been a shareholder of record of a corporation for at least six months immediately preceding his demand, or any person holding, or so authorized in writing by the holders of, at least 5% of the outstanding shares of any class or series, upon at least five days' written demand shall have the right for any proper purpose to examine in person or by agent or attorney, during usual business hours, its minutes of the proceedings of its shareholders and record of shareholders and to make extracts therefrom, at the places where the same are kept pursuant to subsection 14A:5-28(1).

(4) Nothing herein contained shall impair the power of any court, upon proof by a shareholder of proper purpose, irrespective of the period of time during which the shareholder shall have been a shareholder of record, and irrespective of the number of shares held by him, to compel the production for examination by such shareholder of the books and records of account, minutes, and record of shareholders of a corporation. The court may, in its discretion prescribe any limitations or conditions with reference to the inspection, or award any other or further relief as the court may deem just and proper. The court may order books, documents and records, pertinent extracts therefrom, or duly authenticated copies thereof, to be brought within this State and kept in this State upon whatever terms and conditions as the order may prescribe. In any action for inspection the court may proceed summarily.

(5) Holders of voting trust certificates representing shares of the corporation shall be regarded as shareholders for the purpose of this section.

(6) A corporation may impose reasonable limitations or conditions on the use or distribution of requested materials provided to a demanding shareholder: (a) pursuant to either subsection 14A:5-28(2) or 14A:5-28(3); or (b) prior to the order of a court pursuant to subsection 14A:5-28(4).

2. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 365

AN ACT concerning foreign country money-judgments, supplementing Title 2A of the New Jersey Statutes, and repealing P.L.1997, c.96.

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

C.2A:49A-16.1 Short title.

1. This act shall be known and may be cited as the "Foreign Country Money-Judgments Recognition Act of 2015."

C.2A:49A-16.2 Definitions relative to foreign country money-judgments.

2. As used in this act:

"Foreign country" means a government other than:

(1) the United States;

(2) a state, district, commonwealth, territory, or insular possession of the United States; or

(3) any other government with regard to which the decision in this State as to whether to recognize a judgment of that government's courts is initially subject to determination under the Full Faith and Credit Clause of the U.S. Const., Art.IV, Sec.1.

"Foreign-country judgment" means a judgment of a court of a foreign country.

C.2A:49A-16.3 Applicability.

3. a. Except as otherwise provided in subsection b. of this section, this act shall apply to a foreign-country judgment to the extent that the judgment:

(1) grants or denies recovery of a sum of money; and

(2) under the law of the foreign country where rendered, is final, conclusive, and enforceable.

b. This act shall not apply to a foreign-country judgment, even if the judgment grants or denies recovery of a sum of money, to the extent that the judgment is:

(1) a judgment for taxes;

(2) a fine or other penalty; or

(3) a judgment for divorce, support, or maintenance, or other judgment rendered in connection with domestic relations.

c. A party seeking recognition of a foreign-country judgment shall have the burden of establishing that this act applies to the foreign-country judgment.

C.2A:49A-16.4 Recognition by courts; exceptions.

4. a. Except as otherwise provided in subsections b. and c. of this section, a court of this State shall recognize a foreign-country judgment to which this act applies.

b. A court of this State shall not recognize a foreign-country judgment if:

(1) the judgment was rendered under a judicial system that does not provide impartial tribunals or procedures compatible with the requirements of due process of law, as determined by the court using standards developed by the American Law Institute and the International Institute for the Unification of Private Law to govern resolution of transnational disputes;

(2) the foreign court did not have personal jurisdiction over the defendant; or

(3) the foreign court did not have jurisdiction over the subject matter.

c. A court of this State may determine, in its discretion, not to recognize a foreign-country judgment if:

(1) the defendant in the proceeding in the foreign court did not receive notice of the proceeding in sufficient time to enable the defendant to defend;

(2) the judgment was obtained by fraud that deprived the losing party of an adequate opportunity to present its case;

(3) the judgment or the cause of action on which the judgment is based is repugnant to the public policy of this State or of the United States;

(4) the judgment conflicts with another final and conclusive judgment;

(5) the proceeding in the foreign court was contrary to an agreement between the parties under which the dispute in question was to be determined otherwise than by proceedings in that foreign court;

(6) in the case of jurisdiction based only on personal service, the foreign court was a seriously inconvenient forum for the trial of the action;

(7) the judgment was rendered in circumstances that raise substantial doubt about the integrity of the rendering court with respect to the judgment; or

(8) the specific proceeding in the foreign court leading to the judgment was not compatible with the requirements of due process of law, as determined by the court using standards developed by the American Law Institute and the International Institute for the Unification of Private Law to govern resolution of transnational disputes.

d. A party resisting recognition of a foreign-country judgment shall have the burden of establishing that a ground for nonrecognition stated in subsection b. or c. of this section exists, except that where a foreign-country judgment has been rendered in default of appearance of the defendant, the party seeking recognition shall have the burden of establishing that:

(1) the rendering court had jurisdiction over the defendant in accordance with the law of the country of origin of judgment;

(2) the defendant was served with initiating process in accordance with the law of the country of origin; and

(3) the rendering court had jurisdiction over the defendant on a basis provided pursuant to section 5 of this act.

C.2A:49A-16.5 Conditions for non-refusal of recognition.

5. a. A foreign-country judgment shall not be refused recognition for lack of personal jurisdiction if:

(1) the defendant was served with process personally in the foreign country;

(2) the defendant, before the commencement of the proceeding, had agreed to submit to the jurisdiction of the foreign court with respect to the subject matter involved;

(3) the defendant was domiciled in the foreign country when the proceeding was instituted or was a corporation or other form of business organization that had its principal place of business in, or was organized under the laws of, the foreign country;

(4) the defendant had a business office in the foreign country and the proceeding in the foreign court involved a cause of action arising out of business done by the defendant through that office in the foreign country; or

(5) the defendant operated a motor vehicle or airplane in the foreign country and the proceeding involved a cause of action arising out of that operation.

b. The list of bases for personal jurisdiction in subsection a. of this section shall not be construed to be exclusive. The courts of this State may recognize bases for personal jurisdiction other than those listed in subsection a. of this section as sufficient to support a foreign-country judgment, as long as the exercise of personal jurisdiction in the foreign country is compatible with the Due Process Clause of the U.S. Const., Amend.V and Amend.XIV.

c. An appearance by the defendant in the country of origin, or an unsuccessful objection to the jurisdiction of the rendering court, shall not deprive the defendant of the right to resist recognition under this section, but factual determinations by the rendering court concerning jurisdiction shall be binding on the defendant.

C.2A:49A-16.6 Recognition as original matter, pending matter.

6. a. If recognition of a foreign-country judgment is sought as an original matter, the issue of recognition shall be raised by filing an action seeking recognition of the foreign-country judgment.

b. If recognition of a foreign-country judgment is sought in a pending action, the issue of recognition may be raised by counterclaim, cross-claim, or affirmative defense.

c. A party against whom a foreign-country judgment is entered may file an action for a declaration that the foreign-country judgment shall not be subject to recognition. For the purposes of this section, a foreign-country judgment shall not be subject to recognition if a ground for nonrecognition stated in subsection b. or c. of section 4 of this act exists. The party bringing an action under this section shall have the burden of establishing a ground for nonrecognition under subsection b. or c. of section 4 of this act.

C.2A:49A-16.7 Entitlement to recognition.

7. If the court in a proceeding finds that the foreign-country judgment is entitled to recognition under this act then, to the extent that the foreign-country judgment grants or denies recovery of a sum of money, the foreign-country judgment shall be:

a. conclusive between the parties to the same extent as the judgment of a sister state entitled to full faith and credit in this State would be conclusive; and

b. enforceable in the same manner and to the same extent as a judgment rendered in this State.

C.2A:49A-16.8 Appeal.

8. If a party establishes that an appeal from a foreign-country judgment is pending or will be taken, the court may stay any proceedings with regard to the foreign-country judgment until the appeal is concluded, the time for appeal expires, or the appellant has had sufficient time to prosecute the appeal and has failed to do so.

C.2A:49A-16.9 Commencement of action.

9. An action to recognize a foreign-country judgment shall not be commenced before the foreign-country judgment becomes effective in the foreign country, or after 15 years from the date that the foreign-country judgment became effective in the foreign country.

C.2A:49A-16.10 Application, construction.

10. In applying and construing this uniform act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

C.2A:49A-16.11 Recognition of judgment outside of scope of act.

11. This act shall not prevent the recognition under principles of comity or otherwise of a foreign-country judgment not within the scope of this act.

Repealer.

12. P.L.1997, c.96 (C.2A:49A-16 et seq.) is repealed.

13. This act shall take effect immediately, and shall apply to all actions commenced on or after the effective date of this act in which the issue of recognition of a foreign-country judgment is raised.

Approved January 16, 2018.

CHAPTER 366

AN ACT authorizing counties to issue promotional labeling for county agricultural products and supplementing Title 4 of the Revised Statutes.

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

C.4:10-18.1 Counties authorized to issue promotional labeling for agricultural products.

1. A county, after consulting with the Department of Agriculture, may create, adopt, and issue promotional labels to be used on agricultural products to identify agricultural products, either fresh or processed, that are produced in the county.

2. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 367

AN ACT concerning eligibility to receive the veteran's property tax exemption and amending P.L.1971, c.398.

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

1. Section 2 of P.L.1971, c.398 (C.54:4-3.33a) is amended to read as follows:

C.54:4-3.33a Active service in time of war defined.

2. a. Except as provided in subsection b. of this section, for the purposes of P.L.1948, c.259, as amended and supplemented by P.L.1971, c.398, "active service in time of war" means the periods of time set forth in subsection (a) of section 1 of P.L.1963, c.171 (C.54:4-8.10), except that "active service in time of war" for World War II means active service at some time during December 7, 1941 to December 31, 1946.

b. For the purpose of eligibility for the property tax exemption authorized in section 1 of P.L.1948, c.259 (C.54:4-3.30), "active service in time of war" shall mean active service during a time period specified in the definition of "active service in time of war" in section 1 of P.L.1963, c.171 (C.54:4-8.10), but shall not require a minimum length of continuous or aggregate service in any foreign country, on board any ship or naval vessel, or in any foreign airspace; and also shall not require that the service-connected disability suffered by a veteran shall have occurred during contiguous or aggregate service in any foreign country, on board any ship or naval vessel, or in any foreign airspace.

2. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 368

AN ACT concerning self-storage facilities and supplementing P.L.1983, c.136 (C.2A:44-187 et seq.).

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

C.2A:44-189.1 Charging of late fee.

1. In addition to any other remedy available under the "Self-Service Storage Facility Act," P.L.1983, c.136 (C.2A:44-187 et seq.), a reasonable late fee may be charged and collected by an owner for each month that the occupant's rental payment for a storage space is in default.

For purposes of this section, a late fee of up to $20.00 or 18 percent of the monthly rent, whichever is greater, is reasonable and shall not constitute a penalty.

C.2A:44-191.1 Public sale.

2. An online publicly accessible auction website is a suitable place for holding the public sale authorized pursuant to subsection g. of section 5 of P.L.1983, c.136 (C.2A:44-191), so long as the notice and other requirements of that section have been satisfied.

3. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 369

AN ACT concerning electronic submission of certain automobile insurance claims and supplementing P.L.1972, c.70 (C.39:6A-1 et seq.).

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

C.39:6A-5.3 Definitions relative to electronic submission of certain automobile insurance claims.

1. As used in this act:

"Complete electronic medical bill" means a medical bill that meets all of the following criteria: (1) it is submitted in the correct uniform billing format, with the correct uniform billing code sets, transmitted in compliance with the guidelines; (2) the bill and electronic attachments provide all information required under the guidelines established by this act; and (3) the health care provider or its billing representative has provided all information that the insurance carrier or its third party administrator requested.

"Electronic bill" means a communication between computerized data exchange systems that complies with the guidelines enumerated; or a mutually agreed upon electronic data exchange plan established between health care providers or their billing representatives and insurance companies or their third party administrators.

"Guidelines" means the current version of the ASC X12 005010 format.

"Insurance carrier" means any company underwriting personal injury protection coverage benefits payable under a standard automobile insurance policy pursuant to section 4 of P.L.1972, c.70 (C.34:6A-4); a basic automobile insurance policy pursuant to section 4 of P.L.1998, c.21 (C.39:6A-3.1); or emergency care medical expense benefits payable under a special automo-

bile insurance policy pursuant to section 45 of P.L.2003, c.89 (C.39:6A-3.3), and shall include any managed care organization associated with the carrier.

C.39:6A-5.4 Electronic bills.

2. a. All healthcare providers or their billing representative shall submit electronic bills for payment which shall be completed on standardized forms following the guidelines established pursuant to this act.

b. Insurance carriers, medical management companies, or their third-party administrators shall accept electronic bills and shall comply with the guidelines.

c. Confidentiality of medical information submitted on electronic bills for payment of medical services pursuant to this act shall be maintained.

d. Insurance carriers or their third-party administrators shall acknowledge receipt of a complete electronic medical bill to the party that sent the complete electronic medical bill in compliance with the guidelines.

e. Payment for a complete electronic medical bill deemed compensable by the insurance carrier shall be made in accordance with subsection g. of section 5 of P.L.1972, c.70 (C.39:6A-5), provided, however, that insurance carriers or their third party administrators may establish shorter payment deadlines through contracts or agreements with health care providers or their billing representatives in a non-prescribed format or timeline.

C.39:6A-5.5 Inapplicability.

3. This act shall not apply to any provider that:

a. submits less than 25 medical bills per month to insurance carriers or third-party administrators;

b. furnishes services only outside of the United States;

c. experiences a disruption in electricity and communication connections that are beyond its control; or

d. demonstrates that a specific and unusual circumstance exists that precludes submission of electronic bills.

4. This act shall take effect immediately, except that insurance carriers and third party administrators shall not be required to adopt electronic bill transmission before the first day of the 20th month next following the date of enactment. Nothing in this act shall prevent insurance carriers or their third-party administrators from earlier adoption of electronic bills transmission.

Approved January 16, 2018.

CHAPTER 370

AN ACT concerning the application deadline for the homestead property tax reimbursement and amending P.L.1997, c.348.

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

1. Section 3 of P.L.1997, c.348 (C.54:4-8.70) is amended to read as follows:

C.54:4-8.70 Application for homestead property tax reimbursement.

3. An application for a homestead property tax reimbursement hereunder shall be filed with the director annually beginning April 1 and ending October 31 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.

2. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 371

AN ACT prohibiting non-disclosure clauses in certain contracts, supplementing P.L.1981, c.454 (C.56:12-14 et seq.), and amending and supplementing P.L.1988, c.123.

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

C.56:12-16.1 Consumer contract relative to motor vehicle; right of consumer to make statements; violations, penalties.

1. a. Notwithstanding the provisions of P.L.1981, c.454 (C.56:12-14 et seq.) or any other law to the contrary, and in addition to any other remedy available under law, a consumer contract for the purchase, lease or repair of a motor vehicle shall not contain any provision which waives a consumer's right to make any statement, or penalizes a consumer for making any statement, including a statement posted on the Internet, regarding the manufacturer, seller or lessor of the motor vehicle, or its employees or agents, or concerning any goods or services rendered pursuant to the contract.

b. If the Attorney General determines that a manufacturer, seller or lessor is in violation of this section, the Attorney General may impose upon that manufacturer, seller or lessor a civil penalty in an amount up to $5,000 for the first violation and up to $10,000 for each and every subsequent violation, collectible in an action brought in the name of the Attorney General pursuant to the provisions of the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

c. In addition to the penalties described in subsection b. of this section, or any other remedy available under law, any person aggrieved by a violation of this section may bring an action in Superior Court to recover damages.

2. Section 20 of P.L.1988, c.123 (C.56:12-48) is amended to read as follows:

C.56:12-48 Agreements void.

20. Any agreement entered into by a consumer for the purchase or lease of a new motor vehicle , or subsequent repair of a nonconformity in relation thereto, which waives, limits or disclaims the rights set forth in P.L.1988, c.123 (C.56:12-29 et seq.), or which penalizes a consumer for making any statement, including a statement posted on the Internet, regarding the manufacturer, dealer or lessor of the new motor vehicle, or its employees or agents, or concerning any goods or services rendered pursuant to the agreement, shall be void as contrary to public policy.

C.56:12-49.1 Consumer's right to make certain statements; violations, penalties.

3. a. Notwithstanding the provisions of P.L.1988, c.123 (C.56:12-29 et seq.) or any other law to the contrary, and in addition to any other remedy available under law, an agreement for the purchase or lease of a new motor vehicle, or subsequent repair of a nonconformity in relation thereto, shall not contain any provision which waives a consumer's right to make any statement, or penalizes a consumer for making any statement, including a statement posted on the Internet, regarding the manufacturer, dealer or lessor of the motor vehicle, or its employees or agents, or concerning any goods or services rendered pursuant to the agreement.

b. If the Attorney General determines that a manufacturer, dealer or lessor is in violation of this section, the Attorney General may impose upon that manufacturer, dealer or lessor a civil penalty in an amount up to $5,000 for the first violation and up to $10,000 for each and every subsequent violation, collectible in an action brought in the name of the Attorney General pursuant to the provisions of the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

c. In addition to the penalties described in subsection b. of this section, or any other remedy available under law, any person aggrieved by a violation of this section may bring an action in Superior Court to recover damages.

4. This act shall take effect on the 90th day next following enactment and the provisions of this act shall not apply to any contract or agreement first entered into prior to the effective date of this act.

Approved January 16, 2018.

CHAPTER 372

AN ACT concerning reckless vehicular homicide, designated as Eileen's Law, and amending N.J.S.2C:11-5.

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

1. 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. Proof that the defendant failed to maintain a lane in violation of R.S.39:4-88 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 paragraphs (3) and (5) 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 juve-

niles 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.

(5) Reckless Vehicular homicide is a crime of the third degree if the defendant proves by a preponderance of the evidence that the defendant did not commit any conduct constituting driving a vehicle or vessel recklessly other than failing to maintain a lane in violation of R.S.39:4-88.

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.

2. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 373

AN ACT concerning persons who forcibly enter motor vehicles supplementing Title 2A of the Revised Statutes.

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

C.2A:62A-35 Immunity from liability for property damages for entering a motor vehicle to remove an unattended, unsupervised child.

1. a. Notwithstanding any provisions of law to the contrary, a person shall not be liable for any property damages arising out of and in the course of forcibly entering a motor vehicle for the purpose of removing a child left unattended and unsupervised in the vehicle. The immunity granted pursuant to this subsection shall not apply to any person causing damage to a motor vehicle as a result of recklessness or willful misconduct.

b. The provisions of subsection a. of this section shall apply if the person:

(1) determines that the motor vehicle is locked or there is no reasonable method to remove a child from the vehicle;

(2) has a reasonable good faith belief that forcible entry into the motor vehicle is necessary because the child is in imminent danger of death or serious bodily injury if not immediately removed from the vehicle;

(3) contacts the local law enforcement agency, the fire department, emergency medical services personnel, or 9-1-1 emergency telephone service for assistance prior to forcibly entering the motor vehicle for purposes of removing the child;

(4) places written notification on the motor vehicle's windshield with the person's contact information, reason why entry into the vehicle was made, the location of the child, and that law enforcement, the fire department, emergency medical services personnel, or 9-1-1 emergency telephone service has been contacted;

(5) remains with the child in a safe location reasonably close to the motor vehicle until local law enforcement, the fire department, or emergency medical personnel arrives;

(6) uses no more force than is necessary to enter and remove the child from the motor vehicle; and

(7) attempts to render aid to the child in addition to the assistance authorized pursuant to this act.

2. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 374

AN ACT concerning cyclist and pedestrian safety and amending R.S.39:3-10 and P.L.1998, c.108.

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

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

Licensing of drivers; 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 operating a motor vehicle in a manner that safely shares the roadway with pedestrians, cyclists, skaters, riders of motorized-scooters, and other non-motorized vehicles, which shall include, but not be limited to, passing a cyclist on the roadway, recognizing bicycle lanes, navigating intersections with pedestrians and cyclists, and exiting a vehicle without endangering pedestrians and cyclists; 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 installed 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 importance of operating a motor vehicle in a manner that safely shares the roadway with pedestrians, cyclists, skaters, riders of motorized-scooters, and other non-motorized vehicles, which shall include, but not be limited to, passing a cyclist on the roadway, recognizing bicycle lanes, navigating intersections with pedestrians and cyclists, and exiting a vehicle without endangering pedestrians and cyclists, and 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.

2. Section 8 of P.L.1998, c.108 (C.27:5F-41) is amended to read as follows:

C.27:5F-41 Development of curriculum guidelines for the safe operation, maintenance of motor vehicles.

8. a. The Director of the Division of Highway Traffic Safety in the Department of Law and Public Safety, after consultation with the Chief Administrator of the New Jersey Motor Vehicle Commission, shall develop curriculum guidelines for use by teachers of approved classroom driver education courses. The course of instruction for approved courses shall be no less than 30 hours in length and be designed to develop and instill the knowledge and attitudes necessary for the safe operation and driving of motor vehicles. Defensive driving; highway courtesy; dangers of driving a vehicle in an aggressive manner, which shall include, but not be limited to, unexpectedly altering the speed of a vehicle, making improper or erratic traffic lane changes, disregarding traffic control devices, failing to yield the right of way, and following another vehicle too closely; accident avoidance; understanding and respect for the State's motor vehicle laws; techniques for the safe operation and proper maintenance of a vehicle, which shall include, but not be limited to, safety tips to avoid carbon monoxide poisoning from motor vehicles; insurance fraud; operating a motor vehicle in a manner that safely shares the roadway with pedestrians, cyclists, skaters, riders of motorized-scooters, and other non-motorized vehicles, which shall include, but not be limited to, passing a cyclist on the roadway, recognizing bicycle lanes, navigating intersections with pedestrians and cyclists, and exiting a vehicle without endangering pedestrians and cyclists; and State requirements for and benefits of maintaining automobile insurance shall be emphasized. The incorporation of these curriculum guidelines in these class-

room courses and the use of related instructional materials shall be a requirement for approval of the course by the chief administrator.

b. The Director of the Division of Highway Traffic Safety, in consultation with the Chief Administrator of the New Jersey Motor Vehicle Commission, shall produce an informational brochure for parents and guardians of beginning drivers under the age of 18 years. The commission shall ensure that the parents or guardians of a permit holder receive these brochures at the time a permit is issued to a beginning driver. The brochures shall include, but not be limited to, the following information:

(1) Setting an example for the beginning driver;

(2) Accident and fatality statistics about beginning drivers;

(3) Causes of accidents among beginning drivers;

(4) The need to supervise vehicle operation by a beginning driver;

(5) Methods to coach a beginning driver on how to reduce accidents;

(6) A description of the graduated driver's license program;

(7) Benefits of classroom and behind-the-wheel driver education under the direction of State certified or licensed driving instructors, as the case may be;

(8) The dangers of driving a vehicle in an aggressive manner, which shall include, but not be limited to, unexpectedly altering the speed of a vehicle, making improper or erratic traffic lane changes, disregarding traffic control devices, failing to yield the right of way, and following another vehicle too closely;

(9) The dangers of carbon monoxide poisoning from motor vehicles and techniques for the safe operation and proper maintenance of a vehicle, which shall include, but not be limited to, safety tips to avoid carbon monoxide poisoning from motor vehicles; and

(10) Maintaining an awareness of operating a motor vehicle in a manner that safely shares the roadway with pedestrians, cyclists, skaters, riders of motorized-scooters, and other non-motorized vehicles, which shall include, but not be limited to, passing a cyclist on the roadway, recognizing bicycle lanes, navigating intersections with pedestrians and cyclists, and exiting a vehicle without endangering pedestrians and cyclists.

3. This act shall take effect on the first day of the seventh month after enactment.

Approved January 16, 2018.

CHAPTER 375

AN ACT establishing the New Jersey Commission on Veterans' Benefits in the Department of Military and Veterans' Affairs and supplementing chapter 3 of Title 38A of the New Jersey Statutes.

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

C.38A:3-56 New Jersey Commission on Veterans' Benefits.

1. a. There is hereby established in the New Jersey Department of Military and Veterans' Affairs the New Jersey Commission on Veterans' Benefits consisting of 13 members as follows:

(1) the Adjutant General of the Department of Military and Veterans' Affairs, or his or her designee, who shall serve as chairperson;

(2) the Commissioner of the Department of Human Services, or a designee;

(3) the Commissioner of the Department of Health, or a designee;

(4) the Commissioner of the Department of Community Affairs, or a designee;

(5) the Commissioner of the Department of Education, or a designee;

(6) the Commissioner of the Department of Labor and Workforce Development, or a designee;

(7) the Secretary of State, or a designee;

(8) the Attorney General, or a designee; and

(9) five public members who are residents of this State and who are veterans, as defined under section 2 of P.L.1987, c.444 (C.38A:3-1.2), one to be appointed by the Governor, and four to be appointed one each by the President of the Senate, the Senate Minority Leader, the Speaker of the General Assembly, and the Assembly Minority Leader. At least two of the five public members shall be women veterans.

The public members of the commission shall serve for terms of three years and until the appointment and qualification of their successors, except that of the initial appointment of public members, three shall be appointed for a term of three years, and two shall be appointed for a term of two years. Any vacancy in the membership of the commission shall be filled in the same manner as the original appointments are made.

b. The commission shall organize as soon as practicable after the appointment of a majority of its members and shall select from among its members a vice chairperson. The members shall select a secretary, who

need not be a member of the commission. Thereafter, the commission shall meet quarterly and at the call of the chairperson. A meeting of the commission may also be called upon at the request of seven of the commission members, and seven members of the commission shall constitute a quorum at any meeting thereof. The commission may conduct public hearings at such places and at such times as it shall designate, at which it may solicit the testimony of interested persons, groups and the general public.

c. The commission shall be entitled to call to its assistance and avail itself of the services of employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for its purposes. The Department of Military and Veterans' Affairs shall provide such organizational and personnel support as the commission may request. All departments and agencies of the State shall furnish such advice and information, documentation, and assistance to the commission as is deemed necessary or desirable by the commission to facilitate its purposes.

d. The members of the commission shall serve without compensation, but the public members may be reimbursed for necessary and reasonable expenses incurred in the performance of their duties within the limits of funds appropriated or otherwise made available to it for its purposes.

C.38A:3-57 Duties of commissioner.

2. a. It shall be the duty of the New Jersey Commission on Veterans' Benefits to develop, maintain and annually update a five-year Statewide veterans' benefits strategic plan that includes goals and measurable outcomes to ensure that all State departments and agencies are effectively delivering comprehensive services and support for veterans and their families in this State.

b. In developing and updating the strategic plan, the commission shall conduct an analysis to identify the various programs and benefits provided by the State to the veteran population, and to evaluate those programs to assess their status and effectiveness. Areas of analysis shall include, but need not be limited to, each existing program's status, successes, and challenges in addressing the veteran population's: (1) access to benefits; (2) educational, job skills, employment, and business opportunities; (3) physical and behavioral health and long-term healthcare options; (4) criminal justice issues; (5) housing opportunities and homelessness; and (6) special needs as determined by the commission. The strategic plan shall be based upon comprehensive data gained through open and transparent engagement with State departments and agencies and veterans' stakeholders.

c. The commission shall develop recommendations to be submitted to the Governor and the Legislature to address any deficiencies in the provision of benefits and services to veterans in this State. The recommendations shall specifically address whether the existing State programs, services, and resources are adequate to meet the veteran population's existing needs; are being used to fulfill objectives in a manner that complements and leverages State, federal, and private resources; and how they may more effectively deliver veterans' services to all current and future veterans in the State of New Jersey.

C.38A:3-58 Strategic plan, reports.

3. The commission shall prepare and submit an initial five-year strategic plan to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), within six months of the organization of the commission. Thereafter, the commission shall prepare and submit annual reports to the Governor and the Legislature containing its findings, activities and recommendations, including any recommendations for administrative and legislative action that it deems appropriate.

4. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 376

AN ACT concerning service medals for members of the military and veterans and amending N.J.S.38A:15-2.

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

1. N.J.S.38A:15-2 is amended to read as follows:

Distinguished service, meritorious service medals.

38A:15-2. The Governor may present in the name of the State of New Jersey a distinguished service medal of appropriate design, and ribbon to be worn in lieu thereof, to

any person who is a member of the organized militia or the Armed Forces of the United States or a Reserve component thereof, or who was honorably discharged therefrom, if the person was a resident upon entry into service or has been a resident of this State for at least 20 years in the

aggregate. To qualify for a distinguished service medal, the person, while serving in the organized militia, or while in federal service, shall have served in a combat theater of operations during a time of war or emergency as attested to by the awarding of an honorable discharge and DD 214 or WD 53 by the respective Armed Forces or shall have been officially listed as a prisoner of war or missing in action by the United States Department of Defense. The distinguished service medal may be awarded to a deceased person who would have qualified for the medal pursuant to this section.

The Governor may present in the name of the State of New Jersey a meritorious service medal of appropriate design, and ribbon to be worn in lieu thereof, to any person who is a member of the organized militia, or the Armed Forces of the United States, or a Reserve component thereof who was honorably discharged therefrom, if the person was a resident upon entry into service or if the person has been a resident of this State for at least five years in the aggregate. To qualify for a meritorious service medal, the person shall have served in the organized militia, or the Armed Forces of the United States or a Reserve component thereof. The meritorious service medal may be awarded to a deceased person who would have qualified for the medal pursuant to this section.

The meritorious service medal for a deceased person or a person absent as a prisoner of war or missing in action shall be issued to the parent, spouse, sibling or other relative who submits all of the required forms and documentation on behalf of that person.

2. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 377

AN ACT concerning organ donation 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.2008, c.50 (C.26:6-80) is amended to read as follows:

C.26:6-80 Anatomical gift by living donor.

4. Subject to the provisions of section 8 of P.L.2008, c.50 (C.26:6-84), an anatomical gift of a donor's body or part may be made during the life of the donor for the purpose of transplantation, therapy, research, or education in the manner provided in section 5 of P.L.2008, c.50 (C.26:6-81) by:

a. the donor, if the donor is an adult, or if the donor is a minor 14 years of age or older, whether or not the minor is emancipated;

b. an agent of the donor, unless the advance directive for health care or other record prohibits the agent from making an anatomical gift;

c. a parent of the donor, if the donor is an unemancipated minor; or

d. the donor's guardian.

An anatomical gift made by a minor donor shall remain valid when the minor reaches 18 years of age.

2. Section 1 of P.L.1978, c.181 (C.39:3-12.2) is amended to read as follows:

C.39:3-12.2 Licenses, permits, identification cards, designation as organ, tissue donor, education program, access to information.

1. a. The Chief Administrator of the New Jersey Motor Vehicle Commission shall provide with every examination permit, special learner's permit, motorcycle-only examination permit, motorized bicycle license, new license, renewal license, identification card, or renewal identification card the opportunity for each person pursuant to the provisions of the "Revised Uniform Anatomical Gift Act," P.L.2008, c.50 (C.26:6-77 et seq.), to designate that the person shall donate all or any organs or tissues for the purposes of transplantation or therapy.

b. The designation indicating that a person is a donor pursuant to subsection a. of this section shall be done in accordance with procedures prescribed by the chief administrator. The designation shall be displayed in print in a conspicuous form and manner on the permit, license, or identification card, and electronically, by substantially the following statement: "ORGAN DONOR" and shall constitute sufficient legal authority for the removal of organs or tissues for the purposes of transplantation or therapy upon the death of the permit holder, licensee, or identification cardholder. The designation shall be removed in accordance with procedures prescribed by the chief administrator.

c. (Deleted by amendment, P.L.1999, c.28)

d. (Deleted by amendment, P.L.2007, c.80)

e. The chief administrator, in consultation with those organ procurement organizations designated pursuant to 42 U.S.C. s.1320b-8 to serve in the State of New Jersey, shall establish and provide an annual education program for commission employees and personnel. The program shall focus on the benefits associated with organ and tissue donations, the scope and operation of New Jersey's donor program, and how the commission's employees and personnel can effectively inform the public about the donor program and can best assist those wishing to participate in the donor program, including use of the Donate Life NJ Registry, established pursuant to P.L.2008, c.48 (C.26:6-66 et al.).

f. The chief administrator shall electronically record and store all organ donor designations and identification information, and shall provide the organ procurement organizations designated pursuant to 42 U.S.C. s.1320b-8 to serve in the State of New Jersey with real-time electronic access to the organ donor designation information collected pursuant to subsection a. of this section. An organ procurement organization designated pursuant to 42 U.S.C. s.1320b-8 to serve in the State of New Jersey, or any donor registry established by any such organization, shall have real-time electronic access to those organ donor designations and identification at all times, without exception, for the purposes of verifying organ and tissue donation status and identity. For these purposes, the federally designated organ procurement organization shall have electronic access to each recorded donor's name, address, date of birth, gender, color of eyes, height, driver's license number, date of donor registration, and date of removal from the registry if applicable. Upon request, the chief administrator shall provide a copy of the donor's original driver's license application.

g. Those organ procurement organizations designated pursuant to 42 U.S.C. s.1320b-8 to serve in the State of New Jersey may contract with a third party, in consultation with the chief administrator, to assess, develop, and implement any system set-up necessary to support the initial and ongoing electronic access by those organizations to the donor designation and identification information required to be made available in accordance with the provisions of this section; however, the organ procurement organizations shall not be required to incur an aggregate cost in excess of $50,000 for the purposes of this subsection.

3. Section 7 of P.L.2008, c.48 (C.39:3-12.3) is amended to read as follows:

C.39:3-12.3 Promotion of organ, tissue donation by NJMVC, Donate Life NJ registry established.

7. a. (1) Within nine months after the effective date of P.L.2008, c.48 (C.26:6-66 et al.) and pursuant to P.L.2017, c.377, the Chief Administrator of the New Jersey Motor Vehicle Commission shall ensure access by residents to an Internet-based interface that promotes organ and tissue donation and enables residents 14 years of age or older to register as donors and have their decisions immediately integrated into the current database maintained by the commission. The database shall include only affirmative donation decisions.

(2) Within one year of the effective date of P.L.2008, c.48 (C.26:6-66 et al.) and pursuant to P.L.2017, c.377, the commission shall establish a system which allows New Jersey holders of examination permits, special learner's permits, motorcycle-only examination permits, driver's licenses, motorcycle licenses, motorized bicycle licenses, or personal identification cards who do not have access to the Internet-based interface to add their donor designation to the Donate Life NJ Registry by submitting a paper form to the commission.

Registration shall be provided at no cost to the registrant.

b. The database and Internet-based interface established in this section shall be known as the Donate Life NJ Registry.

c. The form and content of the Internet-based interface shall be designed in collaboration with the organ procurement organizations designated pursuant to 42 U.S.C. s.1320b-8 to serve in the State of New Jersey.

d. Donor information entered into the registry shall supersede any prior conflicting information provided to the registry or on the individual's examination permit, special learner's permit, motorcycle-only examination permit, driver's license, motorcycle license, motorized bicycle license, or identification card, and pursuant to P.L.2008, c.50 (C.26:6-77 et seq.) or any subsequent statute adopted pursuant thereto, registration by a donor shall constitute sufficient authorization to donate organ and tissues for transplantation and therapy and authorization of another person shall not be necessary to effectuate the gift.

e. Within one year of the effective date of P.L.2008, c.48 (C.26:6-66 et al.), the Donate Life NJ Registry and the official website of the commission shall provide links through which individuals may make voluntary contributions of $1 or more to the Organ and Tissue Donor Awareness Education Fund established by P.L.1999, c.386 (C.54A:9-25.17 et seq.). Such opportunities shall include both electronic and paper contributions. The links shall be provided in connection with the issuance of permits, licenses, personal identification cards, and the registration of motor vehicles.

4. Section 8 of P.L.2008, c.48 (C.39:3-12.4) is amended to read as follows:

C.39:3-12.4 Issuance, renewal, subject of organ, tissue donation addressed.

8. a. Beginning five years after the effective date of P.L.2008, c.48 (C.26:6-66 et al.) and pursuant to P.L.2017, c.377, an examination permit, special learner's permit, motorcycle-only examination permit, driver's license, motorcycle license, motorized bicycle license, or personal identification card shall not be issued or renewed unless the applicant first addresses the issue of donation through an on-line portal connected to the Donate Life NJ Registry or at New Jersey Motor Vehicle Commission agencies and regional service centers.

b. The portal shall be accessible to applicants seven days per week, 24 hours per day, and shall provide for adequate security to protect an individual's privacy. The form and content of the portal shall be designed in collaboration with the organ procurement organizations designated pursuant to 42 U.S.C. s.1320b-8 to serve in the State of New Jersey.

c. The portal shall require a resident who has not registered as an organ donor, and who seeks an examination permit, special learner's permit, motorcycle-only examination permit, driver's license, motorcycle license, motorized bicycle license, or identification card or seeks renewal thereof, to either: (1) register as an organ donor through the Donate Life NJ Registry; or (2) review information about the life-saving potential of organ and tissue donation, and the consequences when an individual does not make a decision to become an organ donor and does not register or otherwise record a designated decision-maker.

In addition to promoting organ and tissue donation, the portal shall provide information about the procedure for designating a decision-maker.

d. Any information technology system adopted by the commission after the effective date of P.L.2008, c.48 (C.26:6-66 et al.) shall accommodate the inclusion of donor information into the database and the on-going operation of the Donate Life NJ Registry.

5. This act shall take effect on the first day of the seventh month next following enactment, except the chief administrator may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act.

Approved January 16, 2018.

CHAPTER 378

AN ACT concerning television and telephone service contracts and supplementing Titles 48 and 56 of the Revised Statutes.

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

C.48:5A-11.12 Definitions relative to cable television, telecommunications service contracts.

1. As used in section 2 of P.L.2017, c.378 (C.48:5A-11.13):

"Bundle contract" means the provision of cable television service and telecommunications service to a residential customer in this State through a contract with a cable television company for those services.

"Cable television company," "CATV company," "cable television service," and "CATV service" shall have the same meaning as provided in section 3 of P.L.1972, c.186 (C.48:5A-3).

"Residential customer" or "customer" means a customer receiving cable television service from a cable television company.

"Telecommunications service" shall have the same meaning as provided in section 2 of P.L.1991, c.428 (C.48:2-21.17).

"Victim of domestic violence" shall have the same meaning as provided in section 3 of P.L.1991, c.261 (C.2C:25-19).

C.48:5A-11.13 Opting out of contract without penalties for victims of domestic violence.

2. A cable television company shall allow a residential customer who is under a contract with a CATV company, including but not limited to, a bundle contract or multi-year contract, to opt-out of the contract without paying an early termination fee or other similar charge when the customer is a victim of domestic violence and requests to opt-out of the contract in writing. The residential customer who is a victim of domestic violence shall provide to the CATV company, within one year of the customer's request, a copy of a permanent restraining order: issued by a court pursuant to section 13 of the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-29); or from another jurisdiction issued pursuant to the jurisdiction's laws concerning domestic violence. A request for opting-out of the contract without charge shall be made in good faith. The CATV company shall waive the otherwise applicable charges for the residential cus-

tomer requesting to opt-out of the contract as of the date the CATV company receives the request.

C.48:17-37 Definitions relative to telecommunications, cable television service.

3. As used in section 4 of P.L.2017, c.378 (C.48:17-38):

"Bundle contract" means the provision of telecommunications service and cable television service to a residential customer in this State through a contract with a local exchange telephone company for those services.

"Cable television service" shall have the same meaning as provided in section 3 of P.L.1972, c.186 (C.48:5A-3).

"Local exchange telephone company" and "telecommunications service" shall have the same meaning as provided in section 2 of P.L.1991, c.428 (C.48:2-21.17).

"Residential customer" or "customer" means a customer receiving telecommunications service from a local exchange telephone company.

"Victim of domestic violence" shall have the same meaning as provided in section 3 of P.L.1991, c.261 (C.2C:25-19).

C.48:17-38 Opting out of contracts without penalty for victims of domestic violence.

4. A local exchange telephone company shall allow a residential customer who is under contract with the local exchange telephone company, including but not limited to, a bundle contract or multi-year contract, to opt-out of the contract without paying an early termination fee or other similar charge when the customer is a victim of domestic violence and requests to opt-out of the contract in writing. The residential customer who is a victim of domestic violence shall provide to the local exchange telephone company, within one year of the customer's request, a copy of a permanent restraining order: issued by a court pursuant to section 13 of the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-29); or from another jurisdiction issued pursuant to the jurisdiction's laws concerning domestic violence. A request for opting-out of the contract without charge shall be made in good faith. The local exchange telephone company shall waive the otherwise applicable charges for the residential customer requesting to opt-out of the contract as of the date the local exchange telephone company receives the request.

C.56:12-97 Definitions relative to direct broadcast satellite and telecommunications service.

5. As used in section 6 of P.L.2017, c.378 (C.56:12-98):

"Bundle contract" means the provision of direct broadcast satellite service and telecommunications service to a residential customer in this State through a contract with a provider of direct broadcast satellite service for those services.

"Provider of direct broadcast satellite service" or "provider" shall have the same meaning as provided in 47 U.S.C. s.335.

"Residential customer" or "customer" means a customer receiving direct broadcast satellite service from a provider of direct broadcast satellite service.

"Telecommunications service" shall have the same meaning as provided in section 2 of P.L.1991, c.428 (C.48:2-21.17).

"Victim of domestic violence" shall have the same meaning as provided in section 3 of P.L.1991, c.261 (C.2C:25-19).

C.56:12-98 Opting out of contracts without penalty for victims of domestic violence.

6. A provider of direct broadcast satellite service shall allow a residential customer who is under contract with the provider, including but not limited to, a bundle contract or multi-year contract, to opt-out of the contract without paying an early termination fee or other similar charge when the customer is a victim of domestic violence and requests to opt-out of the contract in writing. The residential customer who is a victim of domestic violence shall provide to the provider, within one year of the customer's request a copy of a permanent restraining order: issued by a court pursuant to section 13 of the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-29); or from another jurisdiction issued pursuant to the jurisdiction's laws concerning domestic violence. A request for opting-out of the contract without charge shall be made in good faith. The provider shall waive the otherwise applicable charges for the residential customer requesting to opt-out of the contract as of the date the provider receives the request.

7. This act shall take effect immediately and apply to contracts entered into or renewed after the effective date of this act.

Approved January 16, 2018.

CHAPTER 379

AN ACT concerning controlled dangerous substances and amending P.L.1970, c.226.

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

1. Section 31 of P.L.1970, c.226 (C.24:21-31) is amended to read as follows:

C.24:21-31 Powers of enforcement personnel.

31. Powers of enforcement personnel. a. (1) It is hereby made the duty of the division, its officers, agents, inspectors, and representatives, and of all peace officers within the State, and of the Attorney General and all county prosecutors, to enforce all provisions of P.L.1970, c.226 (C.24:21-1 et seq.), as amended and supplemented, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this State, and of all other states, relating to narcotic drugs or controlled dangerous substances, and it shall be the duty of the New Jersey State Board of Pharmacy and other professional licensing boards in the Division of Consumer Affairs in the Department of Law and Public Safety, and their officers, agents, inspectors, and representatives also to assist the division, peace officers, and county prosecutors in the enforcement of all provisions of P.L.1970, c.226, as amended and supplemented, relating to the handling of controlled dangerous substances by pharmacy owners and pharmacists and other licensed professionals.

(2) The Attorney General shall coordinate and direct the Statewide efforts of law enforcement agencies, the Division of Consumer Affairs, and professional licensing boards to: identify, investigate, and prosecute the illegal sources and distribution of prescription opioid drugs; take appropriate steps to enhance the oversight by professional licensing boards relating to the administration and dispensing of controlled dangerous substances by regulated professionals; and provide training for law enforcement officials and recommend training for physicians, pharmacists, and other health care professionals in state-of-the-art methods to detect prescription drug diversion and related abuses. The Attorney General shall issue appropriate directives, establish such task forces, and implement such other measures as the Attorney General deems necessary to carry out the purposes of this paragraph, and may call to his assistance the services of employees of any State, county, or municipal department, board, bureau, commission, or agency as may be required and as may be available for these purposes.

The Attorney General shall report annually to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature, on the Attorney General's activities in implementing this subsection, including: the

coordination of the Statewide effort by various agencies to combat opioid abuse; and progress in efforts to investigate and prosecute the illegal sources and distribution of illegal opioid drugs.

b. Authority is hereby granted to the director:

(1) To promulgate all necessary rules and regulations for the efficient enforcement of P.L.1970, c.226, as amended and supplemented;

(2) To promulgate, insofar as applicable, regulations from time to time promulgated by the Attorney General of the United States;

(3) To promulgate an order relative to any controlled dangerous substance under P.L.1970, c.226, as amended and supplemented, when the delay occasioned by acting through promulgation of a regulation would constitute an imminent danger to the public health or safety.

(a) An order of the director shall take effect immediately and shall expire 270 days after promulgation thereof; except that the director may extend, with the approval of the Attorney General, the order for a maximum of two additional 270-day periods if the director determines that the imminent danger to the public health or safety warrants an extension. Rules and regulations pursuant to such order may be adopted and promulgated by the director, but they shall not take effect until the director has given due notice of his intention to take such action and has held a public hearing.

(b) Any person who denies that a drug or pharmaceutical preparation is properly subject to an order by the director which applies the provisions of P.L.1970, c.226, as amended and supplemented, to that drug or pharmaceutical preparation, may apply to the director for a hearing which shall be afforded, except where a drug or pharmaceutical preparation has been the subject of a prior hearing or determination by the director, in which case a hearing shall be discretionary with the director. In that case, a decision shall be rendered by the director or the director's designee within 48 hours of the request for a hearing. If the petitioning party is aggrieved by the decision, that party shall have the right to apply for injunctive relief against the order. Jurisdiction for that injunctive relief shall be in the Superior Court of New Jersey by way of summary proceedings.

c. In addition to the powers set forth in subsection a. of this section, any officer or employee of the division designated by the director may:

(1) Execute search warrants, arrest warrants, administrative inspection warrants, subpoenas, and summonses issued under the authority of this State;

(2) Make seizures of property pursuant to the provisions of P.L.1970, c.226, as amended and supplemented; and

(3) Perform such other law enforcement duties as may be designated by the director, with the approval of the Attorney General.

2. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 380

AN ACT concerning the types of raffle games permitted to be conducted by licensed organizations in this State and supplementing the "Raffles Licensing Law," P.L.1954, c.5 (C.5:8-50 et seq.).

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

C.5:8-51.5 "Punch-board" games authorized; rules, regulations.

1. The Legalized Games of Chance Control Commission shall adopt regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), authorizing licensees to hold and conduct punch-board games.

A "punch-board" means a board with a number of openings of uniform size in which the manufacturer placed, at random, slips of paper or other substances or punches imprinted with numbers or symbols; where a flare or face sheet covers the openings and sets out the winning numbers or symbols and which prizes a player may win; and the punches have specific serial numbers assigned and printed on them.

A punch-board game shall allow a player, after buying a punch, to select and remove the punch from the opening of the punch-board, and, if the number on the selected punch matches the flare, to win and be awarded the specified prize.

The control commission's regulations shall allow the punch-board games to be conducted under the same license issued for the conduct of pull-tab raffle games, and only one license shall be required for the conduct of pull-tab, punch-board, or both types of games. The control commission may specify any other requirements applicable to the conduct of punch-board games which the commission may deem necessary.

2. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 381

AN ACT concerning the administration of opioid antidotes, and amending P.L.2013, c.46.

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

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

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

3. As used in this act:

"Commissioner" means the Commissioner of Human Services.

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

"Emergency medical response entity" means an organization, company, governmental entity, community-based program, or healthcare system that provides pre-hospital emergency medical services and assistance to opioid or heroin addicts or abusers in the event of an overdose. "Emergency medical response entity" includes, but is not limited to, a first aid, rescue and ambulance squad or other basic life support (BLS) ambulance provider; a mobile intensive care provider or other advanced life support (ALS) ambulance provider; an air medical service provider; or a fire-fighting company or organization, which squad, provider, company, or organization is qualified to send paid or volunteer emergency medical responders to the scene of an emergency.

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

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

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

"Opioid antidote" means any drug, regardless of dosage amount or method of administration, which has been approved by the United States Food and Drug Administration (FDA) for the treatment of an opioid overdose. "Opioid antidote" includes, but is not limited to, naloxone hydrochloride, in any dosage amount, which is administered through nasal spray or any other FDA-approved means or methods.

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

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

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

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

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

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

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

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

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

(b) through a standing order, to any professional or emergency medical responder who is not acting in a professional or volunteer capacity for a professional entity, or an emergency medical response entity, but who is deemed by the health care practitioner to be capable of administering opioid antidotes to overdose victims, as part of the professional's regular course of business or volunteer activities;

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

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

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

(2) (a) For the purposes of this subsection, whenever the law expressly authorizes or requires a certain type of professional or professional entity to obtain a standing order for opioid antidotes pursuant to this section, such professional, or the professionals employed or engaged by such professional entity, as the case may be, shall be presumed by the prescribing or dis-

pensing health care practitioner to be capable of administering or dispensing the opioid antidote, consistent with the express statutory requirement.

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

(3) (a) Whenever a prescriber or other health care practitioner prescribes or dispenses an opioid antidote to a professional or professional entity pursuant to a standing order issued under paragraph (1) of this subsection, the standing order shall specify whether the professional or professional entity is authorized thereby to directly administer the opioid antidote to overdose victims; to dispense the opioid antidote to recipients, for their administration to third parties; or to both administer and dispense the opioid antidote. If a standing order does not include a specification in this regard, it shall be deemed to authorize the professional or professional entity only to administer the opioid antidote with immunity, as provided by subsection c. of this section, and it shall not be deemed to authorize the professional or professional entity to engage in the further dispensing of the antidote to recipients, unless such authority has been granted by law, as provided by subparagraph (b) of this paragraph.

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

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

b. (1) Any professional or professional entity that has obtained a standing order, pursuant to subsection a. of this section, for the dispensing

of opioid antidotes, may dispense an opioid antidote to any recipient who is deemed by the professional or professional entity to be capable of administering the opioid antidote to an overdose victim in an emergency.

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

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

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

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

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

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

f. Notwithstanding the provisions of any law, rule, regulation, ordinance, or institutional or organizational directive to the contrary, any person

or entity authorized to administer an opioid antidote, pursuant to this section, may administer to an overdose victim, with full immunity:

(1) a single dose of any type of opioid antidote that has been approved by the United States Food and Drug Administration for use in the treatment of opioid overdoses; and

(2) up to three doses of an opioid antidote that is administered through intranasal application, or through an intramuscular auto-injector, as may be necessary to revive the overdose victim. Prior consultation with, or approval by, a third-party physician or other medical personnel shall not be required before an authorized person or entity may administer up to three doses of an opioid antidote, as provided in this paragraph, to the same overdose victim.

g. No later than 45 days after the effective date of P.L.2017, c.381, the Commissioner of Health shall provide written notice to all emergency medical response entities affected by subsection f. of this section, notifying them of the provisions of subsection f. of this section.

3. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 382

AN ACT concerning emergency contact information and amending P.L.2011, c.47.

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

1. Section 1 of P.L.2011, c.47 (C.39:4-134.2) is amended to read as follows:

C.39:4-134.2 "Next-of-Kin Registry."

1. a. The Chief Administrator of the New Jersey Motor Vehicle Commission shall develop an emergency contact information registry program. Under the program, the chief administrator shall establish and maintain an automated Statewide registry to be known as the "Next-of-Kin Registry," which shall be capable of storing emergency contact information to be accessible by law enforcement officials for the purposes established in section 2 of P.L.2011, c.47 (C.39:4-134.3). Under the program, the holder of any

New Jersey State validated permit or probationary or basic driver's license may voluntarily submit the name and telephone number of two emergency contacts and the vehicle identification number of any vehicle owned, leased, or authorized to be used by the permit holder or licensee to the "Next-of-Kin Registry" either through the commission's website or by mail and the holder of any New Jersey non-driver identification card may voluntarily submit the name and telephone number of two emergency contacts to the "Next-of-Kin Registry" either through the commission's website or by mail.

b. In implementing this program, the chief administrator shall establish a process whereby the holder of any validated permit, probationary or basic driver's license, or non-driver identification card may:

(1) electronically sign onto the commission's web site using: (a) the holder's validated permit or probationary or basic driver's license number to submit the name and telephone number of up to two emergency contacts and the vehicle identification number of any vehicle owned, leased, or authorized to be used by the permit holder or licensee to be stored in the "Next-of-Kin Registry;" or (b) the holder's non-driver identification card number to submit the name and telephone number of up to two emergency contacts to be stored in the "Next-of-Kin Registry"; or

(2) (a) for the holder of any validated permit or probationary or basic driver's license, submit the name and telephone number of up to two emergency contacts and the vehicle identification number of any vehicle owned, leased, or authorized to be used by the permit holder or licensee to be stored in the "Next-of-Kin Registry" by mail using paper applications provided by the commission in the commission's customer service facilities or through commission mailings; or (b) for the holder of any non-driver identification card, submit the name and telephone number of up to two emergency contacts to be stored in the "Next-of-Kin Registry" by mail using paper applications provided by the commission in the commission's customer service facilities or through commission mailings.

A permit holder, licensee, or non-driver identification card holder who submits the name and telephone number of an emergency contact or vehicle identification number shall have the opportunity to revise or update the emergency contact and vehicle identification number information at any time.

c. Information in the "Next-of-Kin Registry" shall be available for the exclusive use of law enforcement officials, and employees of the commission who are designated by the chief administrator, for the purposes of discharging their duties pursuant to P.L.2011, c.47 (C.39:4-134.2 et al.). Any emergency contact or vehicle identification number information submitted to the commission shall not be considered a government record pursuant to

P.L.1963, c.73 (C.47:1A-1 et seq.), P.L.2001, c.404 (C.47:1A-5 et al.), or the common law concerning access to public records and shall not be discoverable as a government record by any person, entity, or governmental agency, except upon a subpoena issued by a grand jury or a court order in a criminal matter.

d. The chief administrator and employees of the commission who are designated by the chief administrator, for the purposes of discharging their duties pursuant to P.L.2011, c.47 (C.39:4-134.2 et al.), shall not be liable to any person for civil damages, or subject to criminal prosecution resulting from or caused by: (1) any disruption or failure in Internet service caused by any accident, malfunction, act of sabotage or God, or any other condition or circumstance that the commission has not, directly or indirectly, caused and which results in, or prevents, the holder of any New Jersey State validated permit, probationary or basic driver's license, or non-driver identification card from accessing, or inputting information into, the "Next-of-Kin Registry" or which results in, or prevents, the chief administrator and designated commission employees and law enforcement officers from accessing, establishing, or maintaining the "Next-of-Kin Registry"; (2) any misuse of, or the failure or omission to input accurate information, or the inputting of inaccurate or outdated information into the "Next-of-Kin Registry" by any holder of any New Jersey State validated permit, probationary or basic driver's license, or non-driver identification card; or (3) the inability of any law enforcement officer to make contact, in good faith, with any designated emergency contact person. This limitation of liability is inapplicable if such failure resulted from a malicious purpose or a wanton and willful disregard for the safety of persons or property.

e. For the purposes of P.L.2011, c.47 (C.39:4-134.2 et al.), "emergency contact person" or "emergency contact" means a person, eighteen years of age or older, whom the holder of any New Jersey State validated permit, probationary or basic driver's license, or non-driver identification card has designated to be contacted by law enforcement personnel when the permit holder, licensee, or non-driver identification card holder is rendered unable to communicate due to a motor vehicle accident resulting in the serious bodily injury, death, or incapacitation of the permit holder, licensee, or non-driver identification card holder. An "emergency contact person" or "emergency contact" may or may not be the next-of-kin of the permit holder, licensee, or non-driver identification card holder; except that if the permit holder, licensee, or card holder is under the age of eighteen and is not emancipated, the emergency contact person shall be the parent or guardian of that permit holder, licensee, or card holder.

2. This act shall take effect immediately but shall remain inoperative until the first day of the thirteenth month following enactment, but the chief administrator may take any such anticipatory administrative action as may be necessary for the timely implementation of this act.

Approved January 16, 2018.

CHAPTER 383

AN ACT concerning pharmacy benefits managers and amending P.L.1999, c.409 and supplementing P.L.2015, c.179 (C.17B:27F-1 et seq.).

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

1. Section 1 of P.L.1999, c.409 (C.17:48H-1) is amended to read as follows:

C.17:48H-1 Definitions relative to organized delivery systems for health care services benefits.

1. As used in this act:

"Affiliate" means a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the organized delivery system.

"Capitation" means a fixed per member, per month, payment or percentage of premium payment for which the provider assumes the risk for the cost of contracted services without regard to the type, value or frequency of the services provided.

"Carrier" means an insurer authorized to transact the business of health insurance as defined at N.J.S.17B:17-4, a hospital service corporation authorized to transact business in accordance with P.L.1938, c.366 (C.17:48-1 et seq.), a medical service corporation authorized to transact business in accordance with P.L.1940, c.74 (C.17:48A-1 et seq.), a health service corporation authorized to transact business in accordance with P.L.1985, c.236 (C.17:48E-1 et seq.) or a health maintenance organization authorized to transact business pursuant to P.L.1973, c.337 (C.26:2J-1 et seq.).

"Certified organized delivery system" means an organized delivery system that is compensated on a basis which does not entail the assumption of

financial risk by the organized delivery system and that is certified in accordance with this act.

"Comprehensive health care services" means the basic benefits provided under a health benefits plan, including medical and surgical services provided by licensed health care providers who may include, but are not limited to, family physicians, internists, cardiologists, psychiatrists, rheumatologists, dermatologists, orthopedists, obstetricians, gynecologists, neurologists, endocrinologists, radiologists, nephrologists, emergency services physicians, ophthalmologists, pediatricians, pathologists, general surgeons, osteopathic physicians, physical therapists and chiropractors. Basic benefits may also include inpatient or outpatient services rendered at a licensed hospital, covered services performed at an ambulatory surgical facility and ambulance services.

"Financial risk" means exposure to financial loss that is attributable to the liability of an organized delivery system for the payment of claims or other losses arising from covered benefits for treatment or services other than those performed directly by the person or organized delivery system liable for payment, including a loss sharing arrangement. A payment method wherein a provider accepts reimbursement in the form of a capitation payment for which it undertakes to provide health care services on a prepayment basis shall not be considered financial risk.

"Health benefits plan" means a hospital and medical expense insurance policy; health service corporation contract; hospital service corporation contract; medical service corporation contract; health maintenance organization subscriber contract; or other plan for medical care delivered or issued for delivery in this State. Health benefits plan shall not include one or more, or any combination of, the following: coverage only for accident, or disability income insurance, or any combination thereof; coverage issued as a supplement to liability insurance; liability insurance, including general liability insurance and automobile liability insurance; stop loss or excess risk insurance; workers' compensation or similar insurance; automobile medical payment insurance; credit-only insurance; coverage for on-site medical clinics; and other similar insurance coverage, as specified in federal regulations, under which benefits for medical care are secondary or incidental to other insurance benefits. Health benefits plans shall not include the following benefits if they are provided under a separate policy, certificate or contract of insurance or are otherwise not an integral part of the plan: limited scope dental or vision benefits; benefits for long-term care, nursing home care, home health care, community-based care, or any combination thereof; and such other similar, limited benefits as are specified in

Federal regulations. Health benefits plan shall not include hospital confinement indemnity coverage if the benefits are provided under a separate policy, certificate or contract of insurance, there is no coordination between the provision of the benefits and any exclusion of benefits under any group health benefits plan maintained by the same plan sponsor, and those benefits are paid with respect to an event without regard to whether benefits are provided with respect to such an event under any group health plan maintained by the same plan sponsor. Health benefits plan shall not include the following if it is offered as a separate policy, certificate or contract of insurance: Medicare supplemental health insurance as defined under section 1882(g)(1) of the Federal Social Security Act (42 U.S.C. s.1395ss(g)(1)); and coverage supplemental to the coverage provided under chapter 55 of Title 10, United States Code (10 U.S.C. s.1071 et seq.); and similar supplemental coverage provided to coverage under a group health plan.

"Licensed organized delivery system" means an organized delivery system that is compensated on a basis which entails the assumption of financial risk by the organized delivery system and that is licensed in accordance with this act.

"Limited health care services" means a health service or benefit which a carrier has elected to subcontract for as a separate service, which may include, but shall not be limited to, substance use disorder services, vision care services, mental health services, podiatric care services, chiropractic services, pharmaceutical services or rehabilitation services. Limited health care services shall not include case management services or employee assistance plan services.

"Organized delivery system" or "system" means an organization with defined governance that:

a. is organized for the purpose of and has the capability of contracting with a carrier to provide, or arrange to provide, under its own management substantially all or a substantial portion of the comprehensive health care services or benefits under the carrier's benefits plan on behalf of the carrier, which may or may not include the payment of hospital and ancillary benefits; or

b. is organized for the purpose of acting on behalf of a carrier to provide, or arrange to provide, limited health care services that the carrier elects to subcontract for as a separate category of benefits and services apart from its delivery of benefits under its comprehensive benefits plan, which limited services are provided on a separate contractual basis and under different terms and conditions than those governing the delivery of benefits and services under the carrier's comprehensive benefits plan.

An organized delivery system shall not include an entity otherwise authorized or licensed in this State to provide comprehensive or limited health care services on a prepayment or other basis in connection with a health benefits plan or a carrier.

"Provider" means a physician, health care professional, health care facility, or any other person who is licensed or otherwise authorized to provide health care services or other benefits in the state or jurisdiction in which they are furnished.

2. This act shall take effect on the 90th day next following enactment.

Approved January 16, 2018.

CHAPTER 384

AN ACT concerning the State Tuition Aid Grant Program and supplementing chapter 71B 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:71B-20.2 Certain information solicited from financial aid applicant.

1. The Higher Education Student Assistance Authority shall solicit from a financial aid applicant, information on whether he received an early withdrawal from a qualified retirement plan under the Internal Revenue Code of 1986, such as an individual retirement account or a 401(k) plan, and the amount thereof. If an early withdrawal was received, the amount of the early withdrawal, less the amount of any federal income tax credit claimed by the applicant for a tax penalty assessed on the early withdrawal, shall be deducted from the adjusted gross income utilized by the authority to determine the applicant's eligibility for, and the amount of, a State tuition aid grant. This exclusion shall only be permitted if the applicant provides documentation that the early withdrawal was taken due to an economic hardship, as determined by the authority.

2. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 385

AN ACT concerning membership of the State Agriculture Development Committee and amending P.L.1983, c.31.

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

1. Section 4 of P.L.1983, c.31 (C.4:1C-4) is amended to read as follows:

C.4:1C-4 State agriculture development committee; establishment; membership; terms; vacancies; meetings; minutes; staff.

4. a. In order that the State's regulatory action with respect to agricultural activities may be undertaken with a more complete understanding of the needs and difficulties of agriculture, there is established in the Executive Branch of the State Government a public body corporate and politic, with corporate succession, to be known as the State Agriculture Development Committee. For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the committee is allocated within the Department of Agriculture, but, notwithstanding that allocation, the committee shall be independent of any supervision or control by the State Board of Agriculture, by the department or by the secretary or any officer or employee thereof, except as otherwise expressly provided in this act. The committee shall constitute an instrumentality of the State, exercising public and essential governmental functions, and the exercise by the committee of the powers conferred by this or any other act shall be held to be an essential governmental function of the State.

b. The committee shall consist of 11 members, five of whom shall be the Secretary of Agriculture, who shall serve as chairman, the Commissioner of Environmental Protection, the Commissioner of Community Affairs, the State Treasurer and the Dean of Cook College, Rutgers University, or their designees, who shall serve ex officio, and six citizens of the State, to be appointed by the Governor with the advice and consent of the Senate, four of whom shall be actively engaged in farming, the majority of whom shall own a portion of the land that they farm, and two of whom shall represent the general public. With respect to the members actively engaged in farming, the State Board of Agriculture shall recommend to the Governor a list of potential candidates and their alternates to be considered for each appointment.

c. (1) Of the six members first to be appointed, two shall be appointed for terms of two years, two for terms of three years and two for terms of four years. Thereafter, all appointments shall be made for terms of four years. Each of these members shall hold office for the term of the appointment and until a successor shall have been appointed and qualified. A member shall be eligible for reappointment for no more than two consecutive terms. Any vacancy in the membership occurring other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only.

(2) When an appointed member actively engaged in farming notifies the chairman that the member is unable to attend a publicly noticed meeting, an alternate may be chosen to serve for that member at the meeting. The alternate member shall be chosen by the Governor, in consultation with the President and the Vice President of the State Board of Agriculture, with the advice and consent of the Senate. The alternate member shall be a past member of the State Board of Agriculture who served pursuant to R.S.4:1-4, provided, however, that in no case shall the alternate member have been removed from office pursuant to section 3 of P.L.1948, c.447 (C.4:1-4.1), or a past member of the State Agriculture Development Committee.

(3) When an appointed member representing the general public notifies the chairman that the member is unable to attend a publicly noticed meeting, an alternate may be chosen to serve for that member at the meeting. The alternate member shall be chosen by the Governor, with the advice and consent of the Senate.

d. Members of the committee shall receive no compensation but the appointed members may, subject to the limits of funds appropriated or otherwise made available for these purposes, be reimbursed for expenses actually incurred in attending meetings of the committee and in performance of their duties as members thereof.

e. The committee shall meet at the call of the chairman as soon as may be practicable following appointment of its members and shall establish procedures for the conduct of regular and special meetings, including procedures for the notification of departments of State regulating the activities of commercial agriculture, provided that all meetings are conducted in accordance with the provisions of the "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

f. A true copy of the minutes of every meeting of the committee shall be prepared and forthwith delivered to the Governor. No action taken at such meeting by the committee shall have force or effect until 15 days, exclusive of Saturdays, Sundays and public holidays, after such copy of the

minutes shall have been so delivered. If, in said 15-day period, the Governor returns such copy of the minutes with a veto of any action taken by the committee at such meeting, such action shall be null and void and of no force and effect.

g. The department shall provide any personnel that may be required as staff for the committee.

2. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 386

AN ACT concerning partial zero emission vehicle warranties and supplementing P.L.2003, c.266 (C.26:2C-8.15 et seq.).

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

C.26:2C-8.17a Extended warranty for partial zero emission vehicles.

1. In addition to any other law, rule, or regulation concerning warranty provisions, a partial zero emission vehicle sold in this State shall include an extended performance and defects warranty, which shall be, at a minimum, for a period of 15 years or 150,000 miles, whichever occurs first, except that the warranty period for a zero emission energy storage device used for traction power, including, but not limited to, a battery, ultracapacitor, or other electric storage device, shall be, at a minimum, 10 years.

2. This act shall take effect immediately.

Approved January 16, 2018.

CHAPTER 387

AN ACT concerning notification of summer meals program 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:33-23 Notification relative to summer meals program.

1. a. Each school district in the State shall notify each student enrolled in the school district and the student's parent or guardian of the availability of, and criteria of eligibility for, the summer meals program and the locations in the school district where the summer meals are available. The school district shall provide this notification by distributing flyers provided by the Department of Agriculture pursuant to subsection c. of this section. The school district may also provide electronic notice of the information through the usual means by which the school district communicates with parents and students electronically.

b. Each nonpublic school in the State shall notify each student enrolled in the school and the student's parent or guardian of the availability of, and criteria of eligibility for, the summer meals program and the locations in the local school district in which the nonpublic school is located or the nonpublic school student resides where the summer meals are available. Each nonpublic school shall provide this notification by distributing flyers provided by the Department of Agriculture pursuant to subsection c. of this section. The school may also provide electronic notice of the information through the usual means by which the school communicates with parents and students electronically.

c. The Department of Agriculture shall develop and distribute flyers, no later than June 1 of the school year, to each school district and nonpublic school in the State to implement the requirements of subsections a. and b. of this section.

2. This act shall take effect immediately.

Approved January 16, 2018.

JOINT RESOLUTIONS

(2425)

JOINT RESOLUTION NO. 1

A JOINT RESOLUTION designating February 3rd of each year as Senator Joseph Palaia Day in the State of New Jersey.

WHEREAS, Senator Joseph A. "Joe" Palaia, Sr., a distinguished State legislator from Monmouth County, was born on February 3, 1927 in Neptune, New Jersey and died on August 20, 2016; and

WHEREAS, "Senator Joe," as he was known to all, was a graduate of Rider College where he received a B.S. in Business Administration and of Rutgers University where he was awarded a M.Ed. in Administration; and

WHEREAS, Before serving in local or State public office, Senator Palaia was a teacher for many years and principal of the Wanamassa Elementary School in Ocean Township (Monmouth County); and

WHEREAS, Early in his political career, Senator Palaia served in several different local elected offices, including as a member of the Ocean Township Municipal Council, as Mayor of Ocean Township, and as a member of the Monmouth County Board of Chosen Freeholders from 1979 to 1981; and

WHEREAS, Senator Palaia was elected to the General Assembly in 1981 and served as an Assistant Minority Whip and as chair of the Education Committee, and drafted legislation that became law to allow for the State takeover of failing school districts and to require 11th grade high school students to pass a standardized test (the High School Proficiency Assessment) to graduate high school; and

WHEREAS, Senator Palaia was first elected to the Senate in 1989 where he served in many leadership roles, including Assistant Majority Whip, and from 1994 to 2003, he was President Pro Tempore, part of which time the Senate was evenly split with 20 Republican members and 20 Democratic members; and

WHEREAS, As a member of the Senate, Senator Palaia sought tirelessly to expand educational and medical services for children with disabilities, and he was also one of the sponsors of the New Jersey Childproof Handgun Law that was enacted in 2002; and

WHEREAS, Among his colleagues in the Senate, Senator Palaia was known for his kindness and decency, and for his willingness to employ bipartisanship to achieve his legislative goals and better serve the people of New Jersey; and

WHEREAS, Given his record of achievement and service to Monmouth County and to this State, it is fitting and proper that the State of New Jersey honor Senator Palaia by designating February 3rd of each year as Senator Joseph Palaia Day in New Jersey; now, therefore,

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

C.36:2-285 Senator Joseph Palaia Day, February 3rd; designated.

1. February 3rd of each year is designated as Senator Joseph Palaia Day in the State of New Jersey in recognition of his many outstanding contributions to this State.

C.36:2-286 Annual observance.

2. The Governor may annually issue a proclamation and call upon public officials, private organizations, and all citizens of this State to observe this celebration each year with appropriate events and activities.

3. This joint resolution shall take effect immediately.

Approved January 31, 2017.

JOINT RESOLUTION NO. 2

A JOINT RESOLUTION designating the third week in September of each year as "Go Gold for Kids with Cancer Awareness Week."

WHEREAS, Childhood cancer is rare, but it is still the leading cause of death from disease in American children under the age of 19; and

WHEREAS, Very little is known about the causes of childhood cancers but a small percent are known to be related to hereditary conditions or exposures to diagnostic or therapeutic radiation; and

WHEREAS, Childhood cancers have genomic drivers that are different from those that occur in adult cancers, which makes it challenging to target therapeutically and results in a smaller number of targeted therapies available; and

WHEREAS, The effects of childhood cancer therapy can have profound physical, emotional, and other consequences, including shortened life expectancy; and

WHEREAS, Surgery, radiation, and chemotherapy have increased survival rates for many childhood cancers, yet they also raise the risks for long-

term health problems. Some children may experience long-term problems such as seizures, weakness in the arms and legs, blindness, hearing loss, growth disorders, hormone-related problems, and impaired brain function; and

WHEREAS, It is difficult to develop treatments that are less toxic to the child and mitigate the adverse effects of current and previous therapies; and

WHEREAS, However, the progress made in treatment over the last five decades has increased the number of survivors of childhood cancers and in 2010 there were approximately 380,000 survivors of childhood cancer in the United States; and

WHEREAS, Many survivors and children battling the disease have difficulty in school and in social settings, experience anxiety, have concerns about their body image and social lives, and face increased risk of developing learning difficulties; and

WHEREAS, There is a need to increase understanding and awareness among youth about childhood cancers; and

WHEREAS, Public and private schools are in a position to encourage youth to develop a better understanding of childhood cancers, increase awareness of the issues surrounding childhood cancers, and build compassion for children battling cancer; and

WHEREAS, The gold ribbon is the international awareness symbol for childhood cancer and "Going Gold" means increasing public knowledge about what the gold ribbon symbolizes; now, therefore,

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

C.36:2-287 "Go Gold for Kids with Cancer Awareness Week," third week in September; designated.

1. The third week in September of each year is designated as "Go Gold for Kids with Cancer Awareness Week" in the State of New Jersey in order to encourage public and private schools to participate in activities that encourage youth to develop a better understanding of childhood cancers and build compassion for children battling cancer.

C.36:2-288 Annual observance.

2. The Governor is respectfully requested to annually issue a proclamation calling upon public officials and citizens of the State to observe "Go Gold for Kids with Cancer Awareness Week" with appropriate activities

and programs, and requesting public officials and citizens of the State to wear a gold ribbon, which is the international awareness symbol for childhood cancer.

3. This joint resolution shall take effect immediately.

Approved May 1, 2017.

JOINT RESOLUTION NO. 3

A JOINT RESOLUTION establishing the "Disparity in State Procurement Study Commission."

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

1. a. There is established the "Disparity in State Procurement Study Commission." The purpose of the commission is to assess the procurement of goods and services by State departments and agencies, including independent State authorities, and local government units to determine disparities, if any, between the availability and utilization of small, disadvantaged, and minority- and women-owned business enterprises in particular market areas. The commission shall recommend policies, practices, and programs that further this State's efforts to promote opportunities for small, disadvantaged, and minority- and women-owned business enterprises in purchasing and procurement by State departments and agencies, including independent State authorities, and local government units.

b. The commission shall consist of 15 members, to be appointed as follows:

(1) six members of the Senate, four members of the majority party to be appointed by the President of the Senate and two members of the minority party to be appointed by the Minority Leader of the Senate;

(2) six members of the General Assembly, four members of the majority party to be appointed by the Speaker of the General Assembly and two members of the minority party to be appointed by the Minority Leader of the General Assembly;

(3) one member to be appointed by the Governor;

(4) the Director of the Division of Purchase and Property in the Department of the Treasury, or his designee, who shall serve ex officio; and

(5) the Director of the Division of Local Government Services in the Department of Community Affairs, or his designee, who shall serve ex officio.

Any vacancy in the membership of the commission shall be filled in the same manner provided for the original appointments.

c. Members of the commission shall be appointed within 30 days after the effective date of this joint resolution, and shall hold their initial organizational meeting as soon as practicable, but no later than 30 days following the appointment of its members, and shall select a chairperson and vice-chairperson. The chairperson shall appoint a secretary who need not be a member of the commission. The presence of eight members of the commission shall constitute a quorum. The commission may conduct business without a quorum, but may only vote on recommendations when a quorum is present. The commission shall be entitled to call to its assistance and avail itself of the services of as many employees of the State as it may require and as may be available to it for its purposes. Members of the commission shall serve without compensation, but shall be entitled to employ stenographic and clerical assistance and incur traveling and other miscellaneous expenses as it may deem necessary in order to perform its duties, within the limits of funds appropriated or otherwise made available to it for its purposes. The commission may meet at the call of its chairperson at the times and in the places it may deem appropriate and necessary to fulfill its duties, and may conduct public hearings at such place or places as it shall designate.

d. The commission shall, within one year of its initial organizational meeting, issue a report of its findings and conclusions, together with any recommendations it may have for legislative or regulatory action, to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature. The commission shall expire on the 30th day after the date of the issuance of its report.

2. This joint resolution shall take effect immediately.

Approved May 1, 2017.

JOINT RESOLUTION NO. 4

A JOINT RESOLUTION permanently designating May as "Prader-Willi Syndrome Awareness Month" in New Jersey.

WHEREAS, Prader-Willi Syndrome (PWS) is a complex genetic disorder affecting appetite, growth, metabolism, cognitive function, and behavior; and

WHEREAS, Symptoms of PWS typically include low muscle tone, short stature, incomplete sexual development, cognitive disabilities, behavioral problems, and chronic feelings of insatiable hunger and slowed metabolism leading to excessive eating and life-threatening obesity; and

WHEREAS, It is estimated that one in 12,000 to 15,000 people have PWS; and

WHEREAS, Although considered a rare disorder, PWS is one of the most common conditions seen in genetic clinics and the most common cause of morbid obesity in children; and

WHEREAS, PWS is often misdiagnosed due to the medical community's unfamiliarity with the syndrome. It is sometimes misdiagnosed as Down syndrome because of the relative frequency of Down syndrome compared to PWS; and

WHEREAS, PWS is found in both men and women and is attributed to a spontaneous genetic error that occurs on chromosome 15, for unknown reasons, at or near the time of conception; and

WHEREAS, In a small percentage of cases of PWS, a genetic mutation that does not affect the parents can be passed onto a child, and in these families, more than one child may be affected; and

WHEREAS, PWS may also be acquired after birth if the hypothalamus portion of the brain becomes damaged through injury or surgery; and

WHEREAS, PWS has no cure. However, early diagnosis and treatment may help prevent or reduce the number of challenges that PWS sufferers may experience, and which may be more of a problem if diagnosis or treatment is delayed; and

WHEREAS, It is important to increase the public's awareness about PWS, its devastating impact on the lives of men, women, and children who suffer from the syndrome, and the fact that with early diagnosis and treatment, the effects of the syndrome can be reduced; now, therefore,

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

C.36:2-289 "Prader-Willi Syndrome Awareness Month," May; designated.

1. May of each year is designated as "Prader-Willi Syndrome Awareness Month" in New Jersey in order to increase the public's awareness about PWS, its devastating impact on the lives of men, women, and chil-

dren who suffer from the syndrome, and the fact that with early diagnosis and treatment, the effects of the syndrome can be reduced.

C.36:2-290 Annual observance.

2. The Governor is respectfully requested to annually issue a proclamation recognizing May as "Prader-Willi Syndrome Awareness Month" in New Jersey and calling upon public officials, the citizens of the State, and other interested groups to observe the month with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved May 8, 2017.

JOINT RESOLUTION NO. 5

A JOINT RESOLUTION designating September of each year as "Affordable Housing Awareness Month."

WHEREAS, In 2015, a family with one full-time worker earning the minimum wage cannot afford the local fair-market rent for a two-bedroom apartment anywhere in the United States; and

WHEREAS, It is estimated that at least 1.2 million households living in public housing units are managed by about 3,300 local housing authorities; and

WHEREAS, Affordable housing includes nonprofit rental housing projects, mixed-income nonprofit housing cooperatives, special-needs housing, and housing programs that provide assistance to senior citizens so that they can remain in their homes; and

WHEREAS, Programs which provide low- and moderate-income families the ability to live in affordable housing units also provide housing access to individuals with different needs, including access for the elderly and persons with disabilities to housing that allows for independent living; and

WHEREAS, It is appropriate that the State of New Jersey recognize each September as "Affordable Housing Awareness Month" in honor of the federal Housing Act of 1937, which was enacted September 1 of that year; and

WHEREAS, Formally known as the "United States Housing Act of 1937," and sometimes referred to as the Wagner-Steagall Act, the law provided for subsidies to be paid from the federal government to local public housing agencies to improve living conditions for low-income families; and

WHEREAS, Each September, "Affordable Housing Awareness Month" should be celebrated in New Jersey to promote, respect, protect, and fulfill the right to decent, quality, and affordable housing for all New Jersey residents; now, therefore,

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

C.36:2-291 "Affordable Housing Awareness Month," September; designated.

1. The month of September of each year is designated as "Affordable Housing Awareness Month" to promote public awareness about the importance of providing decent, quality, and affordable housing to all New Jersey residents and the need to allocate additional funds to help expand sustainable housing programs in the State of New Jersey.

C.36:2-292 Annual observance.

2. The Governor is requested to annually issue a proclamation calling upon public officials and citizens of this State to observe "Affordable Housing Awareness Month" with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved May 11, 2017.

JOINT RESOLUTION NO. 6

A JOINT RESOLUTION designating January 23 of each year as "Maternal Health Awareness Day" in New Jersey, in memory of Tara Hansen and all other women who die from causes related to childbirth.

WHEREAS, The number of pregnancy-related deaths in the United States (the number of women who die during pregnancy, or within one year after childbirth, from any cause that is related to, or aggravated by, the pregnancy) has continued to rise, despite recent advances in medical science and technology; and

WHEREAS, In 1986, the federal Centers for Disease Control and Prevention (CDC) implemented a Pregnancy Mortality Surveillance System to obtain information about the frequency and causes of pregnancy-related death in the United States; and

WHEREAS, Despite declines in maternal deaths in other parts of the world, the data collected under the Pregnancy Mortality Surveillance System has shown a steady increase in the number of reported pregnancy-related deaths in the United States, from a low of 7.2 deaths per 100,000 live births in 1987, to a high of 17.8 deaths per 100,000 live births in 2009 and 2011; and

WHEREAS, In 2012, the most recent year for which surveillance data is available, there were approximately 16 pregnancy-related deaths per every 100,000 live births in the United States; and

WHEREAS, The Pregnancy Mortality Surveillance System indicates that the rate of pregnancy-related deaths varies by race, ethnicity, and age, with the highest mortality rate being evidenced among black women, who suffered an average of 41 deaths per every 100,000 live births in 2012; and

WHEREAS, The most recent State-level data available on this issue indicates that, from 2006 to 2008, the average pregnancy-related mortality rate in New Jersey was 14.4 deaths per 100,000 births across all racial and ethnic subgroups, with a significantly higher rate of death for black women in the State, which is consistent with national statistics; and

WHEREAS, A number of initiatives have been developed over the years to address the issue of pregnancy-related mortality, and while most of these initiatives have failed to effectuate a reduction in the rate of pregnancy-related deaths, some more recently-developed initiatives in this area are showing promise; and

WHEREAS, These promising initiatives include the Safe Motherhood Initiative, which was developed by the American College of Obstetricians and Gynecologists (ACOG); the Postpartum Hemorrhage Project, which was developed by the Association of Women's Health, Obstetric, and Neonatal Nurses (AWHONN); the "Stop, Look, and Listen!" educational maternal safety campaign, which was developed by the Tara Hansen Foundation, the Rutgers Robert Wood Johnson Medical School, and Robert Wood Johnson University Hospital, and is supported and promoted by the Rutgers New Jersey Medical School; and the Alliance for Innovation on Maternal Health (AIM), which is a national partnership of organizations that is poised to reduce severe maternal morbidity through initiatives that are being implemented in New Jersey and other states; and

WHEREAS, On a Statewide basis, the New Jersey Section of ACOG, the New Jersey Obstetrical and Gynecological Society, the New Jersey Section of AWHONN, and the New Jersey Affiliate of the American College of Nurse Midwives, have each indicated their full support for these initiatives; and

WHEREAS, The mission of the Tara Hansen Foundation's "Stop, Look, and Listen!" campaign is to increase public and professional awareness of pregnancy-related deaths, empower and encourage women to more readily report pregnancy-related medical issues, and increase the awareness and responsiveness of health care practitioners and medical teams in association with potentially fatal pregnancy-related medical issues; and

WHEREAS, The Tara Hansen Foundation was established in 2012 in response to the death of Tara Hansen, a young special education teacher and citizen of New Jersey who died only six days after the birth of her first child as a result of undiagnosed pregnancy-related complications, despite having a low-risk pregnancy; and

WHEREAS, The "Stop, Look, and Listen!" campaign is specifically designed to educate patients and health care practitioners about the importance of using a deliberative stop, look, and listen approach in response to maternal health complaints or other indications of maternal distress, as a means to prevent maternal deaths like Tara's; and

WHEREAS, The AIM program, which is being implemented in New Jersey, is a four-year national program that is being funded through a cooperative agreement between the Maternal and Child Health Bureau and the Health Resources and Services Administration; and

WHEREAS, The stated goal of the AIM program is to reduce severe maternal morbidity by preventing 100,000 severe complications during labor and delivery, and preventing 1,000 maternal deaths, through the year 2018; and

WHEREAS, The AIM program aligns national, state, and local efforts to improve maternal health and safety; develops maternal safety bundles; and promotes the implementation of these bundles in all birth facilities, in order to better ensure consistency in maternal care; and

WHEREAS, The AIM program's maternal safety bundles address such issues as obstetric hemorrhage; severe hypertension/preeclampsia; maternal prevention of venous thromboembolism; the safe reduction of primary cesarean births and increase of support for intended vaginal births; the reduction of peripartum racial disparities; postpartum care basics for maternal safety; patient, family, and staff support after a severe maternal event; and obstetric management of women with opioid dependence; and

WHEREAS, The AIM Program facilitates multidisciplinary and interagency collaboration between states and hospitals; supports continuous and harmonized data-driven quality improvement processes; and provides evidence-based resources to streamline bundle implementation; and

WHEREAS, The core partners of the AIM Program in New Jersey include the New Jersey Section of ACOG, the New Jersey Obstetrical and Gynecological Society, the New Jersey Section of AWHONN, and the New Jersey Affiliate of the American College of Nurse Midwives; and

WHEREAS, In order to improve public and professional awareness of the issues related to maternal health and mortality, and promote the various promising initiatives that are being undertaken to reduce maternal mortality, it is both reasonable and appropriate to establish "Maternal Health Awareness Day" in the State and annually invite community members and health care professionals, on that day, to participate in appropriate activities relating to maternal health, safety, and mortality; now, therefore,

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

C.36:2-293 "Maternal Health Awareness Day," January 23; designated.

1. January 23 of each year shall be designated as "Maternal Health Awareness Day," in order to raise public and professional awareness about important maternal health, safety, and mortality issues; highlight obstetrical pathways that promote maternal safety; educate the citizens of New Jersey about promising maternal health initiatives, including public initiatives like the "Stop, Look, and Listen" campaign, and professional initiatives, like the AIM Program, which focus on improving patient safety and decreasing maternal mortality; and encourage the development of new programs and initiatives that are designed to proactively address issues of maternal health and mortality.

C.36:2-294 Annual observance.

2. The Governor shall annually issue a proclamation recognizing January 23 as "Maternal Health Awareness Day" in New Jersey, and calling upon public officials and citizens of the State to observe the day with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved May 11, 2017.

JOINT RESOLUTION NO. 7

A JOINT RESOLUTION designating June 27 of each year as "Post-Traumatic Stress Disorder Awareness Day."

WHEREAS, Post-traumatic stress can occur after a person experiences trauma including, but not limited to the stress of combat, rape, sexual assault, child abuse, bombings, accidents and natural disasters, and affects over approximately 8,500,000 adults in the United States annually; and

WHEREAS, Post-traumatic stress is associated with chemical changes in the body's hormonal system and autonomic nervous system, and is characterized by symptoms including flashbacks, nightmares, insomnia, avoidance, hypervigilance, anxiety, and depression; and

WHEREAS, The brave men and women of the United States Armed Forces, who proudly serve the nation and risk their lives to protect our freedom, deserve the investment of every possible resource to ensure their lasting physical, mental, and emotional well-being; and

WHEREAS, Combat-related post-traumatic stress among our men and women in the Armed Forces is significantly pronounced, given that they are often exposed to highly traumatic events for weeks, months, and even years; and

WHEREAS, Between 10 and 30 percent of service members will develop post-traumatic stress within a year of leaving combat, while others may not develop symptoms until years later; and

WHEREAS, Despite its treatability, many cases of post-traumatic stress remain undiagnosed and untreated due to a lack of awareness of this condition and the persistent stigma associated with mental health conditions; and

WHEREAS, Historically, post-traumatic stress was viewed as a mental illness caused by a preexisting flaw of character, ability, or both, and the term "post-traumatic stress disorder" or "PTSD" carries a stigma that further perpetuates this misconception; and

WHEREAS, Raising awareness of this condition is necessary to remove the stigma and to encourage those suffering to seek proper and timely treatment that may save their lives; and

WHEREAS, All citizens suffering from post-traumatic stress disorder deserve our consideration, and those who are affected by post-traumatic stress disorder from wounds received while protecting our freedom, deserve our respect and special honor; now, therefore,

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

C.36:2-295 "Post-Traumatic Stress Disorder Awareness Day," June 27; designated.

1. June 27 of each year is designated as "Post-Traumatic Stress Disorder Awareness Day" in the State of New Jersey to bring awareness to those suffering from post-traumatic stress disorder and to encourage people to reach out to their fellow citizens to provide support and remove the stigma associated with this disorder.

C.36:2-296 Annual observance.

2. The Governor is respectfully requested to annually issue a proclamation calling upon public officials and citizens of this State to observe "Post-Traumatic Stress Disorder Awareness Day" with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved June 9, 2017.

JOINT RESOLUTION NO. 8

A JOINT RESOLUTION designating the month of April of each year as "Genocide Awareness Month" in the State of New Jersey.

WHEREAS, During World War II, Raphael Lemkin, a Polish lawyer of Jewish descent, coined the term "genocide" to describe the systematic destruction of all or a significant part of a racial, ethnic, religious or national group by destroying a group's political and social institutions, culture, language, national feelings, religion and economic existence, and destroying the personal security, liberty, health, dignity and lives of individuals belonging to the group; and

WHEREAS, Following the Holocaust, on December 9, 1948, the United Nations General Assembly adopted Resolution 260 (III) A, the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, declaring genocide to be a crime under international law; and

WHEREAS, The convention defined genocide to include the commission of certain acts, including killing members of the group, causing serious bodily or mental harm to members of the group, deliberately inflicting conditions of life calculated to bring about a group's physical destruc-

tion, in whole or in part, imposing measures intended to prevent births within the group, and forcibly transferring children of the group to another group, with intent to destroy, in whole or in part, a national, ethnic, racial, or religious group; and

WHEREAS, In 2008, the Genocide Prevention Task Force, convened by the United States Holocaust Memorial Museum, the American Academy of Diplomacy, and the United States Institute of Peace, issued a report finding that to prevent future genocides and mass atrocities, effective prevention measures must be implemented before a crisis has erupted, and that educating the public can help protect individual rights and promote a culture of lawfulness that will help prevent future genocides; and

WHEREAS, In 2013, the month of April was designated as Genocide Awareness and Prevention Month in the state of Minnesota, in recognition of that state's desire to combat all acts of genocide and all human rights atrocities; and

WHEREAS, Since that time, California, Texas, and New Hampshire have enacted similar legislation; and

WHEREAS, There are many people living in New Jersey who have survived acts of genocide or were subjected to human rights atrocities in the country in which they were born; and

WHEREAS, It is fitting and proper for this State to condemn all past and future genocides and all human rights violations; and

WHEREAS, It is also fitting and proper that this State work to eliminate genocides by educating the people of this State about its evils and to recognize and commemorate the victims of genocide by setting aside the month of April each year as "Genocide Awareness Month" in the State of New Jersey; now, therefore,

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

C.36:2-297 "Genocide Awareness Month," April; designated.

1. The month of April each year is designated as "Genocide Awareness Month" in the State of New Jersey.

C.36:2-298 Annual observance.

2. The Governor may annually issue a proclamation calling upon public officials and citizens of this State to observe April of each year as "Genocide Awareness Month."

3. This joint resolution shall take effect immediately.

Approved July 13, 2017.

JOINT RESOLUTION NO. 9

A JOINT RESOLUTION designating the month of May as "Mental Health Awareness Month" in New Jersey.

WHEREAS, Approximately one in five adults in the nation, or 43.8 million persons, experience a diagnosable mental health condition such as depression, anxiety, bipolar disorder, schizophrenia, or post-traumatic stress disorder in a given year; and

WHEREAS, For approximately one in 25 adults in the nation, a serious mental illness dramatically affects the person's ability to perform major life activities; and

WHEREAS, Research for New Jersey indicates that approximately 242,000 adults, or 3.6 percent of adults, in 2013 to 2014 had a serious mental illness in the prior year; and

WHEREAS, Persons with serious mental illness face an increased risk of having chronic medical conditions and, on average, die 25 years earlier than others, due largely to treatable medical conditions; and

WHEREAS, An estimated 26 percent of homeless adults in the nation who stay in shelters live with serious mental illness, and a little more than 50 percent of adults who experience a substance use disorder also have a co-occurring mental illness; and

WHEREAS, Approximately one in five youths 13 to 18 years of age experience a severe mental disorder at some point in their life and, for children eight to 15 years of age, the estimate is that 13% will experience a severe mental disorder; and

WHEREAS, Mood disorders, including major depression, persistent depressive disorder, and bipolar disorder are the third most common cause of hospitalization in the nation for persons 18 to 44 years of age; and

WHEREAS, Despite the widespread existence of mental illness there is nonetheless a stigma attached to the illness; and

WHEREAS, Treatment can be effective and recovery possible for mental illness, yet millions of Americans still do not receive the mental health care they need, with only 41 percent of adults in the nation with a men-

tal health condition and just over half of children eight to 15 years of age receiving needed mental health services; and

WHEREAS, The month of May has been Mental Health Awareness Month in the nation since 1949, and raising this awareness in New Jersey will help to remove the stigma, fear, and misunderstanding about mental illness and thereby encourage treatment by ensuring that those persons in New Jersey who confront mental health issues know that they are not alone, that seeking mental health treatment is not a sign of weakness but a sign of strength, and that by seeking treatment they can recover and live long, healthier lives; now, therefore,

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

C.36:2-299 "Mental Health Awareness Month," May; designated.

1. The month of May of each year is designated as "Mental Health Awareness Month" in New Jersey to raise public awareness of mental illness to remove the stigma, fear, and misunderstanding about mental illness and thereby encourage treatment.

C.36:2-300 Annual observance.

2. The Governor is requested to annually issue a proclamation calling upon public officials and the citizens of this State to observe "Mental Health Awareness Month" with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved July 13, 2017.

JOINT RESOLUTION NO. 10

A JOINT RESOLUTION designating May of each year as "Asthma Awareness Month" in New Jersey.

WHEREAS, Asthma is a chronic disease characterized by inflammation of the airways of the lungs; this inflammation may be exacerbated during an attack, resulting in symptoms that include coughing, shortness of breath or trouble breathing, wheezing, and feelings of tightness or pain in the chest; and

WHEREAS, Asthma attacks, which may be mild, moderate, serious, or even life-threatening, can be triggered by exposure to pollen, dust, animal dander, smoke, cold air, exercise, air pollutants, household and industrial products, and infection; and

WHEREAS, It is not known what causes asthma, and the triggers and symptoms of the disease vary from person to person. Studies suggest that a combination of genetic and environmental factors, including workplace exposure to irritants and seasonal exposure to allergens, may play a role; and

WHEREAS, Asthma affects 18.7 million adults and 6.8 million children nationwide, and in New Jersey it is estimated that more than 572,000 adults and 174,000 children have the disease. Approximately nine people die from asthma each day in the U.S., and more than 3,000 Americans die from asthma each year; and

WHEREAS, African Americans are disproportionately impacted by asthma: the asthma prevalence rate is 35% higher for African Americans as compared with Caucasians, and the hospitalization and age-adjusted death rates are nearly three times as high. The cause of these disparities, which are evident at all age levels, is not known; and

WHEREAS, The annual cost associated with asthma in the U.S., which includes direct health care costs, missed work, missed school, and lost productivity, is estimated to be $56 billion; and

WHEREAS, Although there is no cure for asthma, the disease may be managed through an "asthma action plan," which often includes a combination of short-term medications, long-term medications, avoidance of triggers, and monitoring of symptoms. Because asthma can change over time, it is important for individuals to track their signs and symptoms and work closely with a doctor to adjust treatment as necessary; and

WHEREAS, Untreated asthma can result in severe, long-term lung damage, and people who do not follow an asthma action plan are more likely to seek treatment through repeated visits to hospital emergency departments; and

WHEREAS, Studies have identified a disparity among new immigrants and residents of inner cities, as well as in certain racial and ethnic populations, with regard to accessing treatment, following treatment protocols, monitoring symptoms, and routinely meeting with a physician. These disparities, which may be caused by cultural obstacles, lack of access to health care, or poverty, suggest that alternative strategies are necessary to better reach and improve treatment outcomes within these populations; and

WHEREAS, Enhanced awareness of asthma, including the importance of establishing a partnership with a physician to develop an asthma action

plan, will help improve access to treatment and treatment outcomes, and result in better health and a better quality of life for people living with the disease; now, therefore,

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

C.36:2-301 "Asthma Awareness Month," May; designated.

1. May of each year is designated as "Asthma Awareness Month" in New Jersey to increase public awareness of asthma, emphasize the importance of ongoing treatment and monitoring of the disease, and improve access to treatment throughout the State.

C.36:2-302 Annual observance.

2. The Governor shall annually issue a proclamation and call upon public officials, private organizations, and all citizens of this State to observe "Asthma Awareness Month" with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved July 13, 2017.

JOINT RESOLUTION NO. 11

A JOINT RESOLUTION designating August 29, 2017 as Governor James Florio Day in the State of New Jersey.

WHEREAS, The Honorable James J. Florio, the 49th Governor of this State, was born on August 29, 1937 in Brooklyn, the oldest of three sons to Vincenzo "Jim" and Lillian Florio, moved as a child to Flatbush near Ebbets Field, became a Dodger and Pete Reiser fan, and developed an interest in the sport of boxing; and

WHEREAS, At the age of 17, Governor Florio enlisted in the Navy, served from 1955 to 1958, and then served in the Naval Reserve until 1975 and retired with the rank of Lieutenant Commander; and

WHEREAS, While in the Navy, Governor Florio received his high school equivalency diploma, and boxed as a middleweight, compiling a 12–3 record before retiring, and was inducted into the New Jersey Boxing Hall of Fame in 1990; and

WHEREAS, Governor Florio enrolled at Trenton State College upon his discharge in 1958, graduating magna cum laude, went on to study public law and government at Columbia University after winning a Woodrow Wilson Fellowship, and received a law degree from Rutgers School of Law-Camden in 1967 and was admitted to the State bar; and

WHEREAS, Governor Florio began his career in public service as the assistant city attorney for the City of Camden, and was later solicitor for the towns of Runnemede, Woodlynne, and Summerdale; and

WHEREAS, Governor Florio was elected to the General Assembly in 1969 and twice re-elected, first from the First Legislative District then the Fifth Legislative District, which covered parts of Camden and Gloucester counties, and served on the State Government and the Federal and Interstate Relations Committees; and

WHEREAS, Governor Florio was elected to the United States House of Representatives from this State's First Congressional District in November 1974 and served until January 16, 1990; and

WHEREAS, In Congress, Governor Florio was best known as the author of the Superfund legislation, designed to clean up toxic waste sites and penalize those responsible for the pollution and require such responsible parties to pay for its cleanup, and he was the author of the Railroad Deregulation Law, which saved from bankruptcy the nation's freight railroads, including Conrail; and

WHEREAS, Mr. Florio was elected to the governorship on November 7, 1989, and made his first priority automobile insurance reform, calling a special session of the Legislature six days after his inauguration to consider a series of changes to existing law, and on March 12, 1990 he signed into law a program designed to reduce premiums for most drivers by 20 percent; and

WHEREAS, During his term in office, Governor Florio accomplished signing into law the Clean Water Enforcement Act (1990), which was the strongest environmental law of its type in the United States, the Quality Education Act, which provided greater equity in New Jersey's school finance system, a landmark welfare reform package, and the nation's toughest assault weapons ban; and

WHEREAS, After leaving office as Governor, Governor Florio, with his wife Lucinda, moved to Metuchen and went into private practice as an attorney, served as Chair of the New Jersey Pinelands Commission, became a Senior Fellow for Public Policy and Administration at the Edward J. Bloustein Graduate School of Public Policy at Rutgers University, was appointed to the board of directors of NJ Future, became Chairman of

the Board of Directors of the Federal Home Loan Bank in New York, and in 2014 was inducted into the New Jersey Hall of Fame; and

WHEREAS, Governor Florio holds numerous honorary degrees, was the 1993 recipient of the "Profile in Courage Award" bestowed by the John F. Kennedy Library Foundation, and in 2008, was designated a Lifetime Honoree Member of the New Jersey Short Line Railroad Association; and

WHEREAS, Through the years, Governor Florio has been blessed by the love and support of his children and grandchildren, including his son Christopher and daughter-in-law Helen, his daughter Catherine Pipas and son-in-law Marc and their daughters Stephanie and Victoria, his son Gregory and daughter-in-law Ann and their children Matthew, Alexandra, Chelsea, Elizabeth, and Peter, and by his wife Lucinda's son Mark Rowe and daughter-in-law Shelly and their sons Jack, Bret, and Troy; and

WHEREAS, Given his record of achievement and service to this State and to the nation, it is fitting and proper that the State of New Jersey honor Governor Florio by designating August 29, 2017 as Governor James Florio Day in New Jersey; now, therefore,

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

1. August 29, 2017 is designated as Governor James Florio Day in the State of New Jersey in recognition of his many outstanding contributions to this State and the nation.

2. This joint resolution shall take effect immediately.

Approved July 21, 2017.

JOINT RESOLUTION NO. 12

A JOINT RESOLUTION clarifying the intent of P.L.2015, c.64 (C.32:1-6.4 et al.).

WHEREAS, On June 5, 2014, Assemblywoman Valerie Vainieri Huttle introduced legislation in the New Jersey General Assembly making records of the Port Authority of New York and New Jersey (Port Authori-

ty) available to the public pursuant to the provisions of New York's Freedom of Information Law (NY FOIL) and New Jersey's open public records act (NJ OPRA) and on June 16, 2014, Senator Robert M. Gordon introduced substantively identical legislation in the New Jersey Senate; and

WHEREAS, The legislation provided that the records of the Port Authority were to be open to the public in accordance with NY FOIL and NJ OPRA and that a record of the Port Authority subject to disclosure under one set of laws but not the other was required to be made available by the Port Authority; and

WHEREAS, On June 18, 2014, the New York Legislature passed legislation making records of the Port Authority available to the public pursuant to the provisions of NY FOIL and NJ OPRA but provided a different mechanism in cases of inconsistencies between NY FOIL and NJ OPRA to determine whether a record would be made available; and

WHEREAS, Under the New York legislation, when there is an inconsistency between NY FOIL and NJ OPRA, the law of the state that provided the greatest rights of access on the date that the legislation became law would govern whether a record would be required to be made available by the Port Authority; and

WHEREAS, On October 27, 2014, the Assembly State and Local Government committee amended the New Jersey legislation to make it have an identical effect as the New York legislation concerning the applicable law when there is an inconsistency between NY FOIL and NJ OPRA, and on November 13, 2014, the New Jersey legislation was passed by the New Jersey Legislature; and

WHEREAS, On December 27, 2014, the Governor of New York approved the New York legislation with an understanding that the New York Legislature would provide chapter amendments to the legislation; and

WHEREAS, On that same date, the Governor of New Jersey conditionally vetoed the New Jersey legislation and recommended language to replace the provisions of the legislation, specifically recommending that the legislation be changed to provide that the Port Authority be deemed an "agency" and treated as such under NY FOIL and be deemed a "public agency" and treated as such under NJ OPRA; and

WHEREAS, In explaining his conditional veto, the Governor of New Jersey wrote that the bill presented to him "would result in unnecessary conflicts of law that would only frustrate disclosure without enhancing transparency" and that "[t]here is a far simpler approach"; and

WHEREAS, Under his recommendations, the Governor of New Jersey posited that "[i]f a requestor is denied access to a public record, he or she can sue the Port Authority in either State. If the plaintiff sues in New York, New York law applies; if the plaintiff sues in New Jersey, New Jersey law applies"; and

WHEREAS, On March 2, 2015, the New York Legislature passed legislation that included the changes recommended in the conditional veto message issued by the Governor of New Jersey and, on March 13, 2015, the Governor of New York signed the legislation into law, to become effective upon the enactment of legislation having an identical effect by the State of New Jersey; and

WHEREAS, On June 25, 2015, the New Jersey Legislature passed legislation having an identical effect to the legislation enacted in New York and, on June 26, 2015, the Governor of New Jersey signed the legislation into law as P.L.2015, c.64; and

WHEREAS, Recently, however, plaintiffs have had difficulty convincing the courts to apply NJ OPRA to the Port Authority based on concerns that the legislatures of New Jersey and New York have created a set of inconsistent laws for the Port Authority to follow; and

WHEREAS, Assertions have been made, contrary to the legislative history of the enactments, that the legislatures directed the Port Authority to comply with both NJ OPRA and NY FOIL simultaneously without taking into consideration the differences between the two laws; and

WHEREAS, It is altogether fitting and proper for the Legislature to clarify the intent of P.L.2015, c.64 (C.32:1-6.4 et al.), which subjects the Port Authority to NJ OPRA and NY FOIL, in order to further the proper implementation of the law; now, therefore,

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

1. a. P.L.2015, c.64 (C.32:1-6.4 et al.) expressly provides that the Port Authority of New York and New Jersey "shall be deemed a 'public agency' and treated as such under New Jersey, P.L.1963, c.73 (C.47:1A-1 et seq.), pertaining to the disclosure of government records."

b. Although P.L.2015, c.64 (C.32:1-6.4 et al.) also provides that the Port Authority "shall be deemed an 'agency' and treated as such under the laws of New York," and although the laws of New York are not identical to the laws of New Jersey pertaining to the disclosure of government records, the legislatures thoroughly considered the differences between NJ OPRA

and NY FOIL and intended to subject the Port Authority to the provisions of both laws.

c. The Governor of New Jersey, in his conditional veto message, provided one method by which the two laws can be reconciled, to wit: "[i]f a requestor is denied access to a public record, he or she can sue the Port Authority in either State. If the plaintiff sues in New York, New York law applies; if the plaintiff sues in New Jersey, New Jersey law applies."

d. Other methods are available by which the Port Authority can reconcile NJ OPRA and NY FOIL, including, for example, that the Port Authority can simply include a provision that allows the requestor to indicate whether the request is being made pursuant to NJ OPRA or NY FOIL, shifting the burden from the Port Authority to the requestor.

2. This joint resolution shall take effect immediately.

Approved July 21, 2017.

JOINT RESOLUTION NO. 13

A JOINT RESOLUTION designating June 21 of each year as "ASK (Asking Saves Kids) Day" to promote children's health and gun safety.

WHEREAS, In this country, one out of three homes with children has guns and 1.7 million children live in a home with an unlocked, loaded gun, according to the Brady Campaign to Prevent Gun Violence; and

WHEREAS, Three out of four children ages five to 14 know where firearms are kept in the home; and

WHEREAS, On average, 80 percent of unintentional firearm deaths of children under 15 years of age occurred in a home; and

WHEREAS, In this State, an estimated 7,710 children live in homes where there are unlocked, loaded firearms; and

WHEREAS, Access to guns can lead to tragic consequences for children; and

WHEREAS, The ASK (Asking Saves Kids) campaign encourages parents to add one more safety question to a conversation before their child visits other homes: "Is there an unlocked gun in your house?"; and

WHEREAS, The hope is that this will become a common health and safety question asked by citizens to help protect their families and children from death and injury; and

WHEREAS, The first day of summer, which is typically June 21, the season in which children typically spend more time at the homes of friends and family, is designated as "National ASK Day" to remind parents nationwide about the importance of asking if there are guns where their children play; and

WHEREAS, Across the country, this campaign has successfully inspired an estimated 19 million households to ask this question before sending a child to play at another home, potentially saving the child's life; and

WHEREAS, It is fitting and proper for the State of New Jersey to designate June 21 of each year as "ASK Day" to promote children's health and gun safety; now, therefore,

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

C.36:2-303 "ASK Day," June 21; designated.

1. June 21 of each year is designated as "ASK (Asking Saves Kids) Day" in New Jersey to promote children's health and gun safety.

C.36:2-304 Annual observance.

2. The Governor shall annually issue a proclamation calling upon public officials and the citizens of this State to observe the day with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved July 21, 2017.

JOINT RESOLUTION NO. 14

A JOINT RESOLUTION designating April 2nd of each year as "World Autism Awareness Day."

WHEREAS, Autism Spectrum Disorder (ASD) is a developmental disorder that impairs social interaction, communication, and behavior, and often requires extensive family and community support and specialized intervention to lessen the negative effects of these deficits; and

WHEREAS, Autism manifests uniquely in each individual and, as such, is a "spectrum" disorder ranging from severe to mild; and

WHEREAS, Behavioral recovery and significant improvement are often possible if an individual with autism receives an early diagnosis and evidence-based treatment; and

WHEREAS, According to the federal Centers for Disease Control and Prevention, autism affects one out of 68 children in the United States, and one out of 41 children in New Jersey – one of the highest rates in the nation; and

WHEREAS, Autism occurs regardless of race, religion, socio-economic status, or geography, and a child is diagnosed with autism every eleven minutes; and

WHEREAS, On December 18, 2007, the United Nations General Assembly unanimously adopted Resolution No. 62/139, designating April 2nd of each year as "World Autism Awareness Day" and encouraging all United Nations member states to take measures to raise awareness about autism, early diagnosis, and early behavioral intervention; and

WHEREAS, The aims for World Autism Awareness Day are to inform the general public about the global health crisis of autism, stress the importance of early diagnosis and early intervention, and celebrate the unique talents and abilities of individuals with autism; now, therefore,

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

C.36:2-305 "World Autism Awareness Day," April 2; designated.

1. The second day of April in each year is designated as "World Autism Awareness Day" to raise awareness of the widespread nature of autism, encourage early diagnosis and treatment, and celebrate the unique talents and abilities of individuals with autism.

C.36:2-306 Annual observance.

2. The Governor is respectfully requested to issue a proclamation recognizing April 2nd of each year as "World Autism Awareness Day" and calling upon pubic officials and the citizens of New Jersey to observe the day with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved July 21, 2017.

JOINT RESOLUTION NO. 15

A JOINT RESOLUTION designating September 17 through September 23 of each year as "Constitution Week."

WHEREAS, In the youth of this great nation, our forefathers sought to secure the principles expressed in the Declaration of Independence by establishing a government that derives its power from the consent of the American people; and

WHEREAS, In so doing, in order to form a more perfect union and to secure the blessings of liberty for themselves and their posterity, our Founding Fathers resolved to establish a constitution that would serve as the supreme law of the land; and

WHEREAS, To this end, on September 17, 1787, the United States Constitution was signed by 39 delegates to the Constitutional Convention in Philadelphia and thereafter sent to the states for ratification; and

WHEREAS, In receipt of the Constitution, delegates from across New Jersey, chosen by the people, met in Trenton to form the State's Constitutional Convention, where on December 18, 1787 they unanimously agreed to ratify the Constitution on behalf of the people of this State; and

WHEREAS, The Constitution sets forth the most fundamental and indispensable pillars of American government, including a separation of powers between coequal legislative, executive, and judicial branches of government, a system of federalism intended to limit central authority and preserve the sovereignty of the states and the people, and a protection from tyranny through the guarantee of certain sacred liberties and civil rights of the individual; and

WHEREAS, The Constitution's powerful framework for establishing and preserving liberty, justice, and opportunity has enabled us to prosper as a nation and thrive as a people through more than two centuries of political change, social transformation, and economic challenge; and

WHEREAS, In structuring the Constitution, the framers also recognized the potential for necessary change and included a constitutional amendment process, which has proven to be a vitally important mechanism for achieving equality and fairness for all American citizens; and

WHEREAS, Since its inception, the United States has stood as a beacon of democracy and liberty, and our Constitution has served as a true and tested model of government by and for the People, thereby inspiring other peoples across the ages and around the globe to pursue justice, freedom, and independence; and

WHEREAS, The Constitution is fundamentally predicated on governance by "We the People," thus demanding that all American citizens possess an understanding of the Constitution and its framework in order to preserve the civic health of our republic; and

WHEREAS, September 17, 2012, marks the 225th anniversary of the signing of the Constitution, providing an historic opportunity for all Americans to remember the achievements and vision of our Founding Fathers and the rights, privileges, and responsibilities the Constitution affords; and

WHEREAS, By joint resolution of Congress on August 2, 1956, the President is authorized to annually proclaim the week beginning September 17 and ending September 23 of each year as "Constitution Week"; now, therefore,

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

C.36:2-307 "Constitution Week," September 17 through September 23; designated.

1. The week of September 17 through September 23 of each year is designated "Constitution Week" in order to remember and honor the signing of the Constitution of the United States of America on September 17, 1787 and to raise public awareness of the important role the Constitution plays in the lives of American citizens.

C.36:2-308 Annual observance.

2. The Governor may issue each year a proclamation calling upon public officials and the citizens of this State to observe the week with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved July 21, 2017.

JOINT RESOLUTION NO. 16

A JOINT RESOLUTION designating the third Friday in September of every year as Concussion Awareness Day.

WHEREAS, A concussion is a traumatic brain injury that disrupts the normal functioning of the brain and can cause significant and sustained neuro-

psychological impairment affecting problem solving, planning, memory, attention, concentration, and behavior; and

WHEREAS, The symptoms of a concussion can last for days, weeks, or months, and may include prolonged headache, vision disturbance, dizziness, nausea or vomiting, impaired balance, confusion, memory loss, ringing in the ears, difficulty concentrating, sensitivity to light, and loss of smell or taste; and

WHEREAS, Young children and teenagers are more likely to get a concussion, and generally have a longer recovery time, than adults; and

WHEREAS, The most recent concussion-specific data from the federal Centers for Disease Control and Prevention indicates that 300,000 concussions are sustained nationwide during sports related activities, and that more than 62,000 concussions are sustained each year in high school contact sports; and

WHEREAS, According to the University of Pittsburgh's Brain Trauma Research Center, the likelihood of suffering a concussion while playing a contact sport is as high as 19 percent per season of play; and

WHEREAS, It has been estimated that 34 percent of college football players have experienced at least one concussion, and 20 percent of college football players have endured multiple concussions, while a study conducted by McGill University indicated that 60 percent of college soccer players had reported concussion symptoms at least once during a single season of play; and

WHEREAS, A 2013 report on pediatric sports injuries, which was released by the non-profit advocacy group Safe Kids Worldwide, found that in 2012, 12 percent of all pediatric sports-related emergency room visits (or 163,670 visits in total), involved a concussion, and nearly half of those visits (47 percent) involved concussions in children aged 12 to 15; and

WHEREAS, The Safe Kids Worldwide report likely underestimates the number and percentage of pediatric concussion cases, since it focuses on emergency room visits only, and does not account for the four out of five childhood concussion sufferers (82 percent of childhood concussion sufferers) who seek care at their primary care physician, at an urgent care center, or at a sports medicine clinic, rather than in a hospital emergency room; and

WHEREAS, It is important to properly identify and address a concussion when it occurs, and allow the brain to have adequate time to heal from the trauma, since the failure to do so may leave the victim vulnerable to repeat concussions and a resulting condition known as "second impact

syndrome," which can lead to severe mental impairment, brain swelling, permanent brain damage, and even death; and

WHEREAS, Despite the danger associated with concussions and second impact syndrome, the symptoms of a concussion are often ignored, particularly in the sporting activities where they are most common; and

WHEREAS, As many as seven in 10 young athletes report that they have continued to play sports even with concussion symptoms, and out of those, four in 10 reported that their coaches were unaware that they had a possible concussion; and

WHEREAS, Through the passage of P.L.2010, c.94 (C.18A:40-41.1 et seq.), New Jersey has already required schools, school districts, coaches, athletic trainers, school nurses, and school physicians to take certain specified actions to minimize the risk of concussion and better protect students who suffer a concussion while engaged in interscholastic sporting activities; and

WHEREAS, Medical knowledge surrounding concussions is continuously evolving, and it is important for parents, coaches, athletic trainers, and others to keep abreast of new information in this area, so that concussion response and care can continuously be improved; now, therefore,

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

C.36:2-309 "Concussion Awareness Day," third Friday in September; designated.

1. The third Friday in September of each year is designated as "Concussion Awareness Day" to raise awareness of the causes, dangerous effects, and signs and symptoms of concussion and second impact syndrome, particularly in young persons; to improve public understanding in regard to evolving concussion response standards and treatment methods; and to highlight the need for vigilance in recognizing and appropriately responding to the symptoms of a concussion, in order to prevent further serious injury.

C.36:2-310 Annual observance.

2. The Governor is respectfully requested to issue a proclamation recognizing "Concussion Awareness Day" in New Jersey, and calling upon public officials and the citizens of this State to observe the day with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved July 21, 2017.

JOINT RESOLUTION NO. 17

A JOINT RESOLUTION commemorating the establishment and service of the New Jersey State Police and celebrating the 95th anniversary of the first graduating class of State Troopers.

WHEREAS, On March 29, 1921, the New Jersey State Police were established by law and Senator Clarence I. Case, who sponsored the enabling legislation, is forever known as the "Father of the State Police"; and

WHEREAS, On July 1, 1921, Herbert Norman Schwarzkopf, a graduate of the United States Military Academy at West Point, was appointed as the first Superintendent of the State Police by Governor Edward I. Edwards; and

WHEREAS, Superintendent Schwarzkopf issued General Order #1, the foundation upon which the New Jersey State Police is organized, which provided the rules and regulations for the discipline and control of the New Jersey State Police, including directing members to: be police officers of the State, prevent crime, pursue and apprehend offenders, execute lawful warrants or orders of arrest issued for violations of the law, make arrests without a warrant for violations of the law committed in their presence, provide first aid and support to the injured, and give comfort to the helpless; and

WHEREAS, On December 1, 1921, eighty-one new troopers were administered the oath of office to adhere to General Order #1 and several days later, in a blinding snowstorm, set out on horseback and motorcycle to their posts throughout the State to begin their work as New Jersey State Troopers; and

WHEREAS, December 1, 2016 is the 95th anniversary of the first graduating class of New Jersey State Troopers; and

WHEREAS, Since its establishment, the New Jersey State Police have been guided by the precepts of honor, duty, and fidelity, signified by the stars located in the three corners of their badge, and continue to protect, preserve, and safeguard the constitutional and civil rights of all citizens through impartial and courteous law enforcement with integrity and professionalism; and

WHEREAS, The success of the New Jersey State Police may well be attributed to the vision of Superintendent Schwarzkopf who believed that the agency's mission was not only enforcement and apprehension, but also crime prevention and education, and service to the citizens of New Jersey; and

WHEREAS, the New Jersey State Police investigated the kidnapping of the Lindbergh baby in 1932, the infamous "Crime of the Century"; maintained order on the home front during World War II; provided riot control in 1967 in the violence-stricken cities of Newark and Plainfield; provided security for world class sporting events such as Super Bowl XLVIII and the World Cup of Soccer; provided security during the 2015 Papal visit; and have supported communities nation-wide during disaster relief efforts and civil unrest; and

WHEREAS, The 2,600 enlisted and sworn members and 1,200 professional staff of the New Jersey State Police share the distinction that, regardless of their rank or designation, they are members of one of the most prestigious law enforcement organizations in the world; and

WHEREAS, The New Jersey State Police's commitment to the highest ideals of law enforcement continues unabated as they celebrate 95 years of service to the State; now, therefore,

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

1. This joint resolution commemorates the establishment and service of the New Jersey State Police and celebrates the 95th anniversary of the first graduating class of New Jersey State troopers on December 1, 2016.

2. The Governor is respectfully requested to issue a proclamation commemorating the establishment of the New Jersey State Police and calling upon public officials and the citizens of New Jersey to celebrate the division's 95 years of dedicated service with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved July 21, 2017.

JOINT RESOLUTION NO. 18

A JOINT RESOLUTION urging United States President Donald Trump, members of President Trump's administration, and Congress to oppose measures and actions which would prohibit states from authorizing and conducting Internet gaming.

WHEREAS, Internet gaming was authorized by law in New Jersey in 2013 and has been lawfully implemented by several Atlantic City casinos in partnership with their Internet gaming affiliates under strict regulation and control by the State's Division of Gaming Enforcement; and

WHEREAS, Following its legalization in Nevada and Delaware, New Jersey's enactment and implementation of Internet gaming has begun to yield benefits for the State's economy, generating employment opportunities for the State's residents, and tax revenues for the State's coffers, and contributing to the revival of Atlantic City as a gaming hub; and

WHEREAS, In 2016, Internet gaming in New Jersey generated about $198 million in casino wins, resulting in approximately $29.5 million in gaming tax revenues for the State; and

WHEREAS, Recent federal measures, such as the "Restoration of America's Wire Act" introduced in the 114th Congress, if pursued by the 115th Congress and supported by President Trump and his administration, would prohibit the transmission by wire communication of any bet or wager or of information assisting in the placement of any bet or wager, including Internet gaming; and

WHEREAS, In his confirmation hearing as nominee for United States Attorney General, Senator Jeff Sessions indicated his desire to revisit the federal Justice Department ruling that currently allows the states to authorize Internet gaming; and

WHEREAS, A federal prohibition against Internet gaming would directly and negatively impact New Jersey by dismantling the investments that the State and the casinos have already made, taking away the economic and employment opportunities already realized by the State and its residents, and foreclosing the future potential of Internet gaming to generate tens of millions of dollars in tax revenue, create high-tech software jobs, and foster valuable business ventures for Atlantic City casinos; and

WHEREAS, The ability to conduct Internet gaming within each state under strict regulation and control by each state is fundamentally a matter of states' rights, and eliminating New Jersey's ability to continue to conduct Internet gaming would contradict the argument that states should be able to govern themselves; and

WHEREAS, Enactment and implementation of measures and taking of any actions that prohibit Internet gaming would be inimical to the interests of this State, which has been at the forefront of a well-regulated casino gaming industry since the 1970s and which recognizes the benefits of Internet gaming and the future potential thereof; now, therefore,

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

1. The Legislature of the State of New Jersey urges United States President Donald Trump, President Trump's administration, and Congress to oppose any federal measures and actions to prohibit the transmission by wire communication of any bet or wager or of information assisting in the placement of any bet or wager, including Internet gaming. A federal prohibition against Internet gaming would directly and negatively impact New Jersey by dismantling the investments that the State and Atlantic City casinos have already made to implement and regulate Internet gaming, taking away the economic and employment opportunities already realized by the State and its residents, and foreclosing the future potential of Internet gaming to generate tens of millions of dollars in tax revenue, create high-tech software jobs, and foster valuable business ventures for Atlantic City casinos in this State.

2. Copies of this resolution, as filed with the Secretary of State, shall be transmitted by the Clerk of the General Assembly or the Secretary of the Senate to President of the United States Donald Trump, the Attorney General of the United States, the Vice President of the United States, the Senate Majority Leader, the Senate Minority Leader, the Speaker of the House of Representatives, the House Majority Leader, the House Minority Leader, and to each member of Congress elected from this State.

3. This joint resolution shall take effect immediately.

Approved July 21, 2017.

JOINT RESOLUTION NO. 19

A JOINT RESOLUTION designating October of each year as "Dyslexia Awareness Month" in New Jersey and supplementing Title 36 of the Revised Statutes.

WHEREAS, Dyslexia is a learning disability that can hinder a person's ability to read, write, spell, and sometimes speak; and

WHEREAS, Dyslexia is the most common learning disability in children and persists throughout life with 10 percent of the population or one out of every 10 people in the United States suffering from dyslexia; and

WHEREAS, Dyslexia has affected some of the world's most famous artists, innovators, and leaders, including Thomas Edison who began his career as an inventor in Newark, New Jersey and opened the first industrial research lab in Menlo Park, New Jersey; and Woodrow Wilson who attended the College of New Jersey, now known as Princeton University, and who served as the President of Princeton University, as the Governor of New Jersey, and as the 28th President of the United States; and

WHEREAS, Dyslexia is identifiable with over 90 percent certainty in children ages five and one-half to six and one-half; and

WHEREAS, Children with dyslexia who are identified as dyslexic and provided with effective reading instruction in kindergarten and first grade, will have significantly fewer problems learning to read at grade-level than children who are not identified as dyslexic or provided help until third grade or later; and

WHEREAS, Children with untreated dyslexia suffer devastating personal consequences as it is the primary reason teenagers drop out of school, is a contributing factor to juvenile delinquency, and can lead to adults unable to achieve at their fullest capacity; and

WHEREAS, Proper diagnosis, early and appropriate intervention and support from family, teachers, and friends will greatly increase a child's academic success and self-esteem, however it is never too late for adults with dyslexia to learn to read, and to process and express information more efficiently; and

WHEREAS, October is National Dyslexia Awareness Month, reminding students and their parents that difficulties encountered in living with dyslexia can be overcome with early intervention and can lead to successes in adulthood; and

WHEREAS, During the month of October, conferences are held around the United States to promote awareness, research, and early identification of dyslexia; now, therefore,

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

C.36:2-311 "Dyslexia Awareness Month," October; designated.

1. October of each year is designated as "Dyslexia Awareness Month" in New Jersey.

C.36:2-312 Annual observance.

2. The Governor may annually issue a proclamation calling upon public officials and the citizens of New Jersey to observe the month with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved October 16, 2017.

JOINT RESOLUTION NO. 20

A JOINT RESOLUTION designating September 21 of each year as "Evans Syndrome Awareness Day."

WHEREAS, Evans Syndrome is a rare autoimmune disorder in which the immune system destroys the body's red blood cells, white blood cells, or platelets, or each simultaneously; and

WHEREAS, Evans Syndrome was first described in 1951 by Robert S. Evans and colleagues in the article "Primary Thrombocytopenic Purpura and Acquired Hemolytic Anemia: Evidence for a Common Etiology"; and

WHEREAS, Evans Syndrome resembles a combination of autoimmune hemolytic anemia, a condition in which red blood cells that normally carry oxygen and carbon dioxide are destroyed by an autoimmune process, and idiopathic thrombocytopenic purpura (ITP), a condition in which platelets, a component of blood that contribute to the formation of blood clots in the body to prevent bleeding, are destroyed by an autoimmune process; and

WHEREAS, It is estimated that one in every 80,000 United States residents has immune hemolytic anemia, but less than one percent of these individuals has it in conjunction with ITP; and

WHEREAS, Symptoms of Evans Syndrome may be similar in nature to leukemia and lymphoma, but for individuals with a low red blood cell count, symptoms may also include jaundice, dark brown urine, pale skin, weakness, fatigue, and shortness of breath; and

WHEREAS, Additional symptoms exhibited by individuals with a low platelet count may include increased bruising, tiny red dots under the skin, and increased bleeding symptoms; and

WHEREAS, The symptoms of Evans Syndrome, such as bloody noses and bruising, are often misdiagnosed as minor injuries; and

WHEREAS, Diagnosing Evans Syndrome can be accomplished by complete blood counts, a Coombs test, gene mutation studies, lupus antibodies, bone marrow aspirations, and additional laboratory studies; and

WHEREAS, Evans Syndrome has a chronic, relapsing, and sometimes fatal course, with some affected people experiencing periods of long remission and a mortality rate of seven percent; and

WHEREAS, The exact cause of Evans Syndrome is unknown, and the best treatment options for Evans Syndrome depend on many factors, including the severity of the condition, the signs and symptoms present, and each person's response to certain therapies, and may utilize blood transfusions and stem cell transplants; and

WHEREAS, September is ITP Awareness Month, which raises public awareness for part of the pathology of Evans Syndrome; and

WHEREAS, It is fitting and proper, as a matter of public health, to designate September 21 as "Evans Syndrome Awareness Day" in New Jersey; now, therefore,

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

C.36:2-313 "Evans Syndrome Awareness Day," September 21; designated.

1. September 21 of each year is designated as "Evans Syndrome Awareness Day" to promote awareness and improve diagnosis, treatment, and scientific research of this condition.

C.36:2-314 Annual Observance.

2. The Governor is respectfully requested to annually issue a proclamation recognizing "Evans Syndrome Awareness Day" in New Jersey and calling upon public officials and the people of this State to observe the day with appropriate programs and activities.

3. This joint resolution shall take effect immediately.

Approved January 8, 2018.

JOINT RESOLUTION NO. 21

A JOINT RESOLUTION designating April of each year as "Esophageal Cancer Awareness Month" in New Jersey.

WHEREAS, Esophageal cancer occurs when malignant (cancer) cells form in the tissues of the esophagus, a hollow tube-like structure that moves food and liquids from the throat to the stomach; and

WHEREAS, According to the American Cancer Society, it is estimated that about 17,000 new cases of esophageal cancer will be diagnosed in 2016, and about 16,000 Americans will die from the cancer in 2016, many due to late diagnosis; and

WHEREAS, Esophageal cancer is among the deadliest of cancers, killing one American every 33 minutes; and

WHEREAS, While esophageal cancer affects both men and women, men are about four times more likely to contract and die from esophageal cancer than women, and it usually affects men and women 55 years of age or older; and

WHEREAS, It is difficult to diagnose esophageal cancer at early stages because there are no early signs or symptoms. At later stages, esophageal cancer can be treated but rarely can be cured; and

WHEREAS, The symptoms of esophageal cancer include weight loss, painful or difficult swallowing, pain behind the breastbone, hoarseness and cough, and indigestion and heartburn; and

WHEREAS, Esophageal cancer deaths can be prevented by early diagnosis through routine physical exams to check for general signs of health, including checking for lumps, chest x-rays of the organs and bones inside the chest, and a series of x-rays of the esophagus and the stomach; and

WHEREAS, A person's risk for developing esophageal cancer can dramatically increase if the person smokes, has a history of heavy alcohol consumption, or is obese; and

WHEREAS, Individuals may reduce their risk of acquiring esophageal cancer by engaging in regular exercise, developing healthy eating habits, and avoiding risk factors such as smoking and heavy alcohol consumption; and

WHEREAS, The Governor and the Legislature of the State of New Jersey are dedicated to protecting the health of the residents of this State and supporting the fight against esophageal cancer; and

WHEREAS, Esophageal cancer awareness, along with improvements in prevention, early detection, and treatment strategies, will enhance the health and wellbeing of residents of the State of New Jersey and ultimately save more lives; and

WHEREAS, Designating April of each year as "Esophageal Cancer Awareness Month" honors the individuals and families whose lives have been affected by esophageal cancer, including Joseph McGrane, Jr., a resident

of Palmyra for more than 50 years who succumbed to the disease in November 2015; now, therefore,

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

C.36:2-315 "Esophageal Cancer Awareness Month," April; designated.

1. April of each year is designated as "Esophageal Cancer Awareness Month" in the State of New Jersey, in order to recognize the dangers of esophageal cancer and to promote prevention and early detection among residents of the State.

C.36:2-316 Annual observance.

2. The Governor is requested to annually issue a proclamation recognizing April of each year as "Esophageal Cancer Awareness Month" and shall call upon public officials and the residents of the State of New Jersey to observe the month with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved January 8, 2018.

JOINT RESOLUTION NO. 22

A JOINT RESOLUTION designating the week of November 14th through November 20th as "Transgender Awareness Week" in New Jersey.

WHEREAS, "Transgender Awareness Week," which runs from November 14th through November 20th, is a time for transgender persons and their allies to take action and bring attention to the community by educating the public and advancing advocacy around the issues of prejudice, discrimination, and violence that transgender persons face; and

WHEREAS, Individuals and organizations around the country annually participate in Transgender Awareness Week to help raise the visibility of transgender and gender non-conforming persons, and address the issues faced by these persons; and

WHEREAS, The term "transgender" is used to describe persons whose gender identity or gender expression differs from the sex they were assigned at birth, and transgender persons may or may not decide to alter their bodies hormonally or surgically; and

WHEREAS, During the awareness week, members of the public and organizations become informed about issues surrounding transgender persons and this awareness raises the distinct possibility that there will be a reduction in prejudice, discrimination, and violence toward transgender persons; and

WHEREAS, The final day of Transgender Awareness Week is November 20th and this day, which is known as "Transgender Day of Remembrance" and started as a vigil to honor the memory of a 34-year-old African-American woman who was the victim of an unsolved and brutal murder in Boston on November 28, 1998, is now an annual day of observance to honor the memory of all persons whose lives were tragically lost in acts of anti-transgender violence; and

WHEREAS, The designation of Transgender Awareness Week in New Jersey will help to increase awareness and understanding of the violence and injustice that many transgender persons face each day, to educate the community about transgender persons, and to help reduce the incidence of prejudice, discrimination, and violence toward transgender persons; now, therefore,

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

C.36:2-317 "Transgender Awareness Week," November 14th through November 20th; designated.

1. The week of November 14th through November 20th of each year is designated as "Transgender Awareness Week" in the State of New Jersey to increase awareness and understanding of the prejudice, discrimination, and violence that transgender persons face.

C.36:2-318 Annual observance.

2. The Governor is requested to annually issue a proclamation calling upon public officials and citizens of this State to observe "Transgender Awareness Week" with appropriate activities and programs.

3. This joint resolution shall take effect immediately

Approved January 8, 2018.

JOINT RESOLUTION NO. 23

A JOINT RESOLUTION designating November 20th of each year as "Transgender Day of Remembrance" in New Jersey.

WHEREAS, Transgender Day of Remembrance (TDOR) is an annual day of observance that is held on November 20th to honor the memory of those persons whose lives were lost in acts of anti-transgender violence; and

WHEREAS, TDOR started as a vigil by transgender advocate Gwendolyn Ann Smith to honor the memory of Rita Hester, a 34-year-old African-American who was a highly visible member of the transgender community and worked locally on education and transgender issues in her native Boston, before she was brutally murdered in her apartment on November 28, 1998, a murder that remains unsolved; and

WHEREAS, Although Rita Hester's murder was not the first time that a transgender person was the victim of transphobia and violence, her death became the catalyst for TDOR, held in San Francisco on the one-year anniversary of her death, and this vigil commemorated not only Rita, but all who were tragically lost in anti-transgender violence; and

WHEREAS, TDOR founder Gwendolyn Ann Smith explained that "with so many seeking to erase transgender people – sometimes in the most brutal ways possible – it is vitally important that those we lose are remembered, and that we continue to fight for justice"; and

WHEREAS, Gwendolyn Ann Smith also launched a TDOR website for the purpose of recognizing and remembering those persons whose lives have been lost to anti-transgender violence; and

WHEREAS, The Human Rights Campaign reports that in 2015 there were at least 21 murders of transgender persons in the United States, which is more than any previous year on record, and a disproportionate number of these victims were transgender women of color; and

WHEREAS, TDOR, now in its 18th year, is a time for the transgender community and allies to mourn those persons who have been victims of anti-transgender violence, to commit to ensure that their lives and deaths are not forgotten, and to call attention to the continued violence and injustice that many transgender persons face each day; now, therefore,

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

C.36:2-319 "Transgender Day of Remembrance," November 20th; designated.

1. November 20th of each year is designated as "Transgender Day of Remembrance" in the State of New Jersey to honor the memory of those persons whose lives were lost in acts of anti-transgender violence.

C.36:2-320 Annual observance.

2. The Governor is requested to annually issue a proclamation calling upon public officials and citizens of this State to observe "Transgender Day of Remembrance" with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved January 8, 2018.

JOINT RESOLUTION NO. 24

A JOINT RESOLUTION expressing the State's support for the strategies and core components of rapid rehousing programs as a way to combat homelessness, and urging their use by community-based programs.

WHEREAS, Homelessness remains a continuing and visible social problem that exacts indirect costs in productivity and dignity for the men, women, and children affected by it; and

WHEREAS, As a result of the day-to-day challenges faced by homeless persons and their heightened likelihood of facing hospitalization or imprisonment, homelessness remains a continuing expense for the State's taxpayers; and

WHEREAS, Rapid rehousing programs move individuals and families experiencing homelessness into permanent housing as quickly as possible, provide supportive services together with rental assistance, and are widely considered a particularly effective way to combat homelessness, especially when used as part of a comprehensive strategy that includes a strong emergency shelter system and transitional housing with supportive services for individuals and families with significant personal and economic barriers; and

WHEREAS, Federal agencies that fund homelessness assistance endorse the core components of rapid rehousing programs: housing identification, financial assistance, and case management services; and

WHEREAS, Rapid rehousing programs help individuals and families experiencing homelessness locate and secure housing by identifying available

affordable rental units, and by recruiting landlords who are willing to rent to individuals and families who are experiencing homelessness; and

WHEREAS, Rapid rehousing programs provide financial assistance to cover move-in costs and security deposits, and, on average, six months of rent and utility payments, to allow individuals and families to move immediately out of homelessness and stabilize in permanent housing; and

WHEREAS, Rapid rehousing programs help individuals and families experiencing homelessness identify and select among various permanent housing options based on the unique needs, preferences, and financial resources of the individual or family, thereby increasing the likelihood that households will remain stably housed once program assistance ends; now, therefore,

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

1. The State expresses its strong support for the strategies and core components of rapid rehousing services, and urges community-based programs to employ rapid rehousing methods in order to reduce and eventually eliminate homelessness.

2. Copies of this resolution, as filed with the Secretary of State, shall be transmitted by the Clerk of the General Assembly or the Secretary of the Senate to the Governor, the Commissioners of the Department of Children and Families, the Department of Community Affairs, the Department of Corrections, the Department of Education, the Department of Health, the Department of Human Services, and the Department of Labor and Workforce Development, the Executive Director of the New Jersey Housing and Mortgage Finance Agency, the Chair of the State Parole Board, the Adjutant General of the Department of Military and Veterans Affairs, and the public members of the Interagency Council on Homelessness.

3. This joint resolution shall take effect immediately.

Approved January 8, 2018.

JOINT RESOLUTION NO. 25

A JOINT RESOLUTION establishing a task force to study and make recommendations concerning the stabilization and growth of volunteer first responders.

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

1. a. There is hereby created a task force to be known as the "Special Task Force on Volunteer Retention and Recruitment." The task force shall study and make recommendations for short-term and long-term strategies, incentives, and policies for the retention and recruitment of volunteer first responders to ensure the State's volunteer first responder ranks stabilize and grow in order to be able to adequately service the communities in this State. Specifically, the task force's charge shall include, but not be limited to, the evaluation of incentives, training and recertification requirements, and the Length of Service Award Program (LOSAP) for volunteer first responders.

b. The task force shall consist of 15 members as follows:

(1) the Commissioner of Health or a designee, who shall serve ex-officio;

(2) the Director of the Office of Emergency Medical Services in the Department of Health or a designee, who shall serve ex-officio;

(3) the Director of the Division of Fire Safety in the Department of Community Affairs or a designee, who shall serve ex-officio;

(4) a representative of the New Jersey State First Aid Council, appointed by the President of the Senate;

(5) a representative of the New Jersey State Firemen's Association who is a member of an all volunteer fire company, appointed by the President of the Senate;

(6) a representative of the New Jersey State League of Municipalities, appointed by the Speaker of the General Assembly;

(7) a representative of the New Jersey Association of Counties, appointed by the Speaker of the General Assembly;

(8) two public members who are volunteer first responders, appointed by the President of the Senate;

(9) a public member who is a member of an all volunteer ambulance, first aid and rescue squad, appointed by the Speaker of the General Assembly;

(10) a public member who is a member of an all volunteer fire company, appointed by the Speaker of the General Assembly;

(11) two members of the Senate, who shall not be from the same political party, appointed by the President of the Senate; and

(12) two members of the General Assembly, who shall not be from the same political party, appointed by the Speaker of the General Assembly.

c. All appointments to the task force shall be made within 90 days of the effective date of this act. Vacancies shall be filled in the same manner as the original appointments. The task force shall select a chairperson from

among the members. The chairperson shall appoint a secretary who need not be a member of the task force. The members of the task force shall serve without compensation but may be reimbursed, within the limits of funds made available to the task force, for necessary travel expenses incurred in the performance of their duties.

d. The chairperson shall call an initial meeting of the task force within 30 days of the appointment of its members and hold hearings at the times and in the places it may deem appropriate and necessary to fulfill its charge. The chairperson shall hold at least one public hearing in each of the north, central, and southern regions of the State to meet with local volunteer first responders and solicit their input regarding recommendations for retaining and recruiting volunteers.

e. The task force 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 may be available to it for its purposes.

f. A report of the task force's findings and recommendations shall be submitted 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 Speaker of the General Assembly no later than 12 months following the date of the task force's initial meeting.

2. This joint resolution shall take effect immediately and shall expire upon submission of the task force's final report to the Governor and Legislature.

Approved January 16, 2018.

JOINT RESOLUTION NO. 26

A SENATE JOINT RESOLUTION recognizing the 100th anniversary of Fort Dix.

WHEREAS, Fort Dix has been a significant part of New Jersey history and has played a significant role in the support of this country and its community; and

WHEREAS, Fort Dix is located in central New Jersey, covering parts of Burlington and Ocean counties; and

WHEREAS, Fort Dix covers 31,000 acres and as many as 15,000 soldiers have trained at Fort Dix on weekends; and

WHEREAS, Fort Dix was established in 1917 and was named after Major General John Adams Dix, a veteran of the War of 1812 and the Civil War, and a former United States Senator, Secretary of the Treasury and Governor of New York; and

WHEREAS, Fort Dix was once known as Camp Dix and was used to train and stage soldiers during World War I, and shortly before World War II, Camp Dix was renamed Fort Dix and became a training center for basic techniques; and

WHEREAS, As a training center, Fort Dix played a vital role in several major operations, including Vietnam, Bosnia, Afghanistan and Iraq, and was utilized to train Kuwaiti civilians in basic military skills so they could take part in their country's liberation; and

WHEREAS, The Atlantic Strike Team of the United States Coast Guard, part of the Department of Homeland Security, is based at Fort Dix and is responsible for responding to oil pollution and incidents of hazardous material release to protect public health and the environment; and

WHEREAS, In the early 1990's, Fort Dix was a casualty of the federal Base Realignment and Closure Commission recommendations and ended its active army training mission; and

WHEREAS, In the early 2000's, the value of Fort Dix was recognized and it was consolidated with an adjoining United States Air Force and Navy facility to become part of Joint Base McGuire-Dix-Lakehurst; and

WHEREAS, The joint base was the first of its kind in the United States and is the only tri-service joint base in the Department of Defense; and

WHEREAS, Fort Dix continues to support and conduct Reserve training, mobilization and demobilization operations; now, therefore,

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

1. This House recognizes the 100th anniversary of Fort Dix.

2. Copies of this resolution, as filed with the Secretary of State, shall be transmitted by the Clerk of the General Assembly or the Secretary of the Senate to the Governor of this State, the Adjutant General of the New Jersey Department of Military and Veterans' Affairs, and every member of Congress elected from this State.

Approved January 16, 2018.

JOINT RESOLUTION NO. 27

A JOINT RESOLUTION permanently designating April 23 as "Fibrodysplasia Ossificans Progessiva Awareness Day" in New Jersey.

WHEREAS, Fibrodysplasia Ossificans Progressiva (FOP) is an extremely rare connective tissue disease in which a mutation of the body's repair mechanism causes fibrous tissue, including muscle, tendon, and ligament, to be ossified spontaneously or when damaged, causing joints to become permanently frozen and producing a "second skeleton"; and

WHEREAS, FOP causes loss of mobility to the affected areas of the body, including the inability to fully open the mouth, limiting speech and eating. Breathing complications can also occur when extra bone formations around the rib cage restrict the expansion of a person's lungs and diaphragm; and

WHEREAS, FOP is inherited in an autosomal dominant pattern, which means one copy of the altered gene in each cell is sufficient to cause the disorder, and most cases of FOP result from new mutations in the gene; and

WHEREAS, The symptoms of FOP usually appear in the first or second decade of life, with the majority of patients diagnosed by the age of 10, depriving children of normal development; and

WHEREAS, Most children born with FOP tend to have malformed toes or thumbs, which helps distinguish this disorder from other skeletal problems, and a child with FOP will typically develop bones at the neck and on the shoulders, arms, chest area, and feet; and

WHEREAS, FOP is so rare, it is considered an orphan disease. Since the disease affects so few people, its symptoms are often misdiagnosed as cancer or fibrosis; and

WHEREAS, Currently there are approximately 200 confirmed cases of FOP in the country, with 12 cases in New Jersey; and

WHEREAS, There is no cure or approved treatment for FOP. Activities that increase the risk of falling or soft tissue or joint injury should be avoided, as even minor trauma or surgical removal of extra bone growths may provoke additional bone formation; and

WHEREAS, As a result of limited treatment options, the median age of survival is 40 years with proper management. However, a delayed diagnosis and medical and surgical interventions can decrease life expectancy; and

WHEREAS, A number of pharmaceutical companies focused on rare disease are currently in varying stages of investigation into different therapeutic approaches for FOP; and

WHEREAS, Raising public awareness about FOP and the current research being conducted into its causes could encourage the medical community's continued search for a cure and development of treatment and prevention strategies for this rare genetic disease and other musculoskeletal disorders involving extra-skeletal bone formation; now, therefore,

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

C.36:2-321 "Fibrodysplasia Ossificans Progressive Awareness Day," April 23; designated.

1. April 23 shall be permanently designated as "Fibrodysplasia Ossificans Progressiva Awareness Day" in New Jersey in order to raise public awareness about Fibrodysplasia Ossificans Progressiva (FOP) and the current research being conducted into its causes and encourage the medical community's continued search for a cure and development of treatment and prevention strategies for FOP and other musculoskeletal disorders involving extra-skeletal bone formation.

C.36:2-322 Annual observance.

2. The Governor is respectively requested to annually issue a proclamation recognizing April 23 as "Fibrodysplasia Ossificans Progressiva Awareness Day" in New Jersey, and calling upon public officials and the citizens of this State to observe the day with appropriate activities and programs.

3. This joint resolution shall take effect immediately.

Approved January 16, 2018.

EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 219

WHEREAS, the abuse of opioids and other controlled dangerous substances is one of the greatest challenges facing this State; and

WHEREAS, between 2014 and 2015, drug-overdose deaths increased by nearly 22 percent in this State, with nearly 1,600 people losing their lives to narcotics in New Jersey alone in 2015; and

WHEREAS, nationally, it is estimated that an American dies every 19 minutes from an overdose of heroin or prescription opioids; and

WHEREAS, one cause of this increasing crisis is the overabundance of prescription opioids, with evidence showing that four out of five new heroin users began their addiction by misusing prescription pain killers; and

WHEREAS, current regulations permit medical providers to prescribe up to 30 days of powerful narcotics to their patients without the need specifically to evaluate whether a shorter prescription would be sufficient, or the need to explain to the patient the severe dangers involved with prescription opioids and substance abuse; and

WHEREAS, there is evidence indicating that addiction to opioid medication can occur within days of first use; and

WHEREAS, an estimated 20% of adolescents with currently prescribed opioid medications report using those medications intentionally to get high or increase the effects of alcohol or other drugs; and

WHEREAS, the indiscriminate over-prescribing of addictive controlled dangerous substances by certain medical providers is contributing to the increasing crisis, and the Attorney General has pursued, and will continue to pursue, actions against doctors who have improperly prescribed opioids; and

WHEREAS, another cause of this crisis is the early use by children of controlled dangerous substances and other illicit substances, with evidence showing that if a child tries any drug by the age of 13, he or she has a 70% probability of developing an addiction by the age of 20; and

WHEREAS, there are currently barriers in our State for those afflicted by addiction to seek the treatment and help that they need; and

WHEREAS, as one example, due to licensing barriers certain kinds of substance abuse treatment facilities providing services for those under the age of 18 are operating under capacity and with empty beds, while similar facilities are over capacity and with waiting lists of persons aged 18 and 19 years old; and

WHEREAS, on October 9, 2014, I signed Executive Order No. 163, creating the Facing Addiction Task Force, which task force consists of public and private members charged with studying the many issues surrounding substance abuse and addiction and making recommendations to the Governor; and

WHEREAS, the Facing Addiction Task Force has made great strides in developing a thorough understanding of the many issues surrounding substance abuse and control, and its many recommendations have proven valuable as the State continues to fight this epidemic; and

WHEREAS, the severity of the crisis requires that the advisory work of the Facing Addiction Task Force be supplemented by a new body comprised of State government actors specifically empowered to perform a broad range of actions in a multi-faceted approach to stem the epidemic; and

WHEREAS, while this newly-created body prepares to execute on comprehensive methods to stem the drug abuse crisis, there are certain actions that can be taken immediately by State actors to produce positive results in the near term;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby DECLARE, ORDER and DIRECT:

1. The abuse of and addiction to opioid drugs is a public health crisis in New Jersey, necessitating the marshalling of all appropriate resources to combat its harmful effects on the citizens of our State;

2. There is hereby created a "Governor's Task Force on Drug Abuse Control" (hereinafter "the Drug Abuse Task Force").

3.The Drug Abuse Task Force shall consist of eight (8) members, which shall consist of (i) the Attorney General, (ii) the Commissioner of the Department of Health, (iii) the Commissioner of the Department of Human Services, (iv) the Commissioner of the Department of Corrections, (v) the Commissioner of the Department of Education, (vi) the Commissioner of the Department of Children and Families, and (vii) the Commissioner of the Department of Banking and Insurance, each of whom shall serve ex officio and may appoint a designee, as well as (viii) a Chairperson who shall be appointed by the Governor and who shall serve at his pleasure.

4. All members of the Drug Abuse Task Force shall serve without compensation.

5. The Drug Abuse Task Force is charged with developing and executing on a comprehensive, coordinated strategy to combat the drug abuse epidemic by working with all areas of state government. The Drug Abuse Task Force shall further cooperate with local, federal, and private entities, as well as the Facing Addiction Task Force, as appropriate in carrying out its mission.

6. The Task Force shall review current statutes and regulations that present barriers to individuals suffering from addiction to receiving treatment and make recommendations to rescind or amend any such statutes or regulations to remove those barriers.

7. The Drug Abuse Task Force shall be authorized to call upon any department, office, division, or agency of this State to supply it with information, personnel, or other assistance available as the Drug Abuse Task Force deems necessary to discharge its duties under this Order. Each department, office, division, and agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the Drug Abuse Task Force within the limits of its statutory authority and to furnish the Drug Abuse Task Force with such assistance on as timely a basis as is necessary to accomplish the purposes of this Order. The Drug Abuse Task Force

may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission.

8. The Drug Abuse Task Force shall organize and meet as soon as practicable to begin performing the charges set forth in this Order.

9. The Drug Abuse Task Force shall routinely report to the Governor on its strategic plan and activities.

10. Exercising his authority under N.J.S.A. 45:1-17(b) and in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., the Attorney General is hereby directed to take all steps necessary to limit the initial prescription of opioids for acute pain. The Attorney General shall establish standards such that additional quantities of prescription pain killers may be prescribed only after further consultation with the patient and an evaluation of the need for such prescription, and such other standards as the Attorney General shall deem appropriate. The Attorney General shall coordinate with the Drug Abuse Task Force as appropriate in carrying out this mandate.

11. The Commissioner of the Department of Children and Families is instructed to take such steps as are necessary to ensure that residential substance use disorder treatment facilities and similar facilities are able to utilize their existing spaces effectively, including by taking such action as is necessary to ensure that 18 and 19 year-olds with substance abuse problems are able to take advantage of any vacancies in existing facilities wherever appropriate. The Commissioner shall coordinate with the Drug Abuse Task Force as appropriate in carrying out this mandate.

12. The Commissioner of the Department of Education is hereby directed to develop a new, comprehensive curriculum to educate children about the dangers of substance abuse. The curriculum shall be tailored to each specific grade and shall include such elements and requirements as the Commissioner deems most appropriate properly to educate New Jersey's students. The Commissioner shall coordinate with the Drug Abuse Task Force as appropriate in carrying out this mandate.

13. This Order shall take effect immediately.

Dated January 17, 2017.

EXECUTIVE ORDER NO. 220

WHEREAS, beginning on October 28, 2012, and continuing through October 30, 2012, Superstorm Sandy ("Sandy") struck the State of New Jersey; and

WHEREAS, Sandy destroyed entire communities and caused significant damage, or complete destruction, to thousands of homes across the State; and

WHEREAS, thanks to the efforts of first responders, private businesses, nonprofit organizations, State and local governmental leaders, and all citizens of New Jersey, our State continues to recover and rebuild; and

WHEREAS, since Sandy struck New Jersey, nonprofit organizations and volunteers have generously donated their resources, time, and talents to aid in the State's recovery; and

WHEREAS, some nonprofit groups that are organized primarily for the construction and reconstruction of residences for persons displaced by disasters have contributed volunteers and resources to assist in New Jersey's rebuilding; and

WHEREAS, these nonprofit organizations may recruit high school students, and other minor volunteers, to assist in the repair, construction, and rebuilding of homes damaged or destroyed by Sandy; and

WHEREAS, on October 27, 2012, in light of the dangers posed by Sandy, and pursuant to the authority provided under the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. App. A:9-33, et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4, and all amendments and supplements thereto, I declared a State of Emergency; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserved the right to utilize and employ all available resources of the State government, and of each and every political subdivision of the State, to protect against the emergency created by Sandy; and

WHEREAS, in accordance with N.J.S.A. App. A:9-40, I declared that, due to the State of Emergency, no municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution that will or might in any way conflict with any of the provisions of my Executive Orders, or that will in any way interfere with or impede their achievement; and

WHEREAS, on July 9, 2013, pursuant to Executive Order No. 137 (2013), I ordered that for the remainder of 2013, minors between fourteen and seventeen years of age would be permitted to work as volunteers for nonprofit organizations engaged in housing construction, provided that all other provisions of N.J.S.A. 34:2-21.17d, and any other applicable law, rule, or regulation concerning the employment and protection of minors remained in full force and effect; and

WHEREAS, on December 27, 2013, pursuant to Executive Order No. 144 (2013), I ordered that through, and including, December 31, 2014, minors between fourteen and seventeen years of age would continue to be permitted to work as volunteers for nonprofit organizations engaged in housing construction, subject to the same conditions as set forth in Executive Order No. 137 (2013); and

WHEREAS, on December 8, 2014, pursuant to Executive Order No. 169 (2014), I again extended an order that minors between fourteen and seventeen years of age would continue to be permitted to work as volunteers for nonprofit organizations engaged in housing construction, though, and including, December 31, 2016, subject to the same conditions as set forth in Executive Order No. 137 (2013); and

WHEREAS, since I signed Executive Order No. 137 (2013), more than 4,000 volunteers between fourteen and seventeen years of age have performed repair and

construction work on Sandy-damaged homes in coordination with various nonprofit organizations, to the benefit of many New Jerseyans; and

WHEREAS, continuing to permit available volunteers between fourteen and seventeen years of age to engage in such repair and construction work, while maintaining all other safeguards that protect minors engaged in construction, will help New Jerseyans return to their homes;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby ORDER and DIRECT:

1. Minors between fourteen and seventeen years of age shall continue to be permitted to work as volunteers for nonprofit organizations engaged in housing construction through, and including, January 16, 2018, provided that all other provisions of N.J.S.A. 34:2-21.17d, and any other applicable law, rule, or regulation concerning the employment and protection of minors, shall remain in full force and effect.

2. The Commissioner of Labor and Workforce Development shall take all appropriate steps to effectuate this Order.

3. No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution that will or might in any way conflict with the provisions of this Executive Order, or that will or might in any way interfere with or impede its achievement.

4. All other provisions of Executive Order No. 137 (2013), Executive Order No. 144 (2013), and Executive Order No. 169 (2014) which are not inconsistent with this Order shall remain in full force and effect.

5. This Order shall take effect immediately.

Date March 2, 2017.

EXECUTIVE ORDER NO. 221

WHEREAS, beginning in the evening on Monday, March 13, 2017, and continuing through the evening of Tuesday, March 14, 2017, the State of New Jersey is expected to experience a major winter storm causing severe weather conditions throughout the State, including blizzard conditions in a substantial portion of the State; and

WHEREAS, the National Weather Service has issued Winter Storm Warnings throughout the State, Blizzard Warnings for much of northern and eastern New Jersey, and a Coastal Flood Warning for the New Jersey Coast from Middlesex to Cumberland Counties; and

WHEREAS, this severe winter storm is expected to produce significant snow accumulations, strong winds gusting up to 60 miles per hour, and freezing tem-

peratures across the State, along with widespread minor to moderate coastal flooding, particularly during the high tide cycle on March 14; and

WHEREAS, this severe winter storm is predicted to produce hazardous travel conditions and make roads impassable throughout the State due to significant amounts of heavy, blowing, and drifting snow, low visibility and whiteout conditions, with the highest impact expected from late Monday night through Tuesday afternoon; and

WHEREAS, this severe winter storm may cause downed power lines and trees, resulting in power outages, and is expected to impede the normal operation of public and private entities; and

WHEREAS, the impending weather conditions may make it difficult or impossible for citizens to obtain the necessities of life, as well as essential services such as police, fire, and first aid; and

WHEREAS, the impending weather conditions constitute an imminent hazard that threatens and presently endangers the health, safety, and resources of the residents of one or more municipalities or counties of this State; and

WHEREAS, this situation may become too large in scope to be handled in its entirety by the normal county and municipal operating services in some parts of this State, and may spread to other parts of the State; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. App. A:9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4, and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey, do DECLARE AND PROCLAIM that a State of Emergency exists throughout the State of New Jersey, and I hereby ORDER AND DIRECT the following:

1. I authorize and empower the State Director of Emergency Management, who is the Superintendent of State Police, to implement the State Emergency Operations Plan and to direct the activation of county and municipal emergency operations plans as necessary, and to coordinate the preparation, response, and recovery efforts for this emergency with all governmental agencies, volunteer organizations, and the private sector.

2. I authorize and empower the State Director of Emergency Management, in accordance with N.J.S.A. App. A:9-33 et seq., as supplemented and amended, through the police agencies under his control, to determine and control the direction of the flow of such vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic and to prevent ingress or egress from any area, that, in the State Director's discretion, is deemed necessary for the protection of the health, safety, and wel-

fare of the public, and to remove parked or abandoned vehicles from such roadways as conditions warrant.

3. I authorize and empower the Attorney General, pursuant to the provisions of N.J.S.A. 39:4-213, acting through the Superintendent of State Police, to determine and control the direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic, and to prevent ingress or egress. I further authorize all law enforcement officers to enforce any such order of the Attorney General or Superintendent of State Police within their respective municipalities.

4. I authorize and empower the State Director of Emergency Management to order the evacuation of all persons, except for those emergency and governmental personnel whose presence the State Director deems necessary, from any area where their continued presence would present a danger to their health, safety, or welfare because of the conditions created by this emergency.

5. I authorize and empower the State Director of Emergency Management to utilize all facilities owned, rented, operated, and maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from a residence, dwelling, building, structure, or vehicle during the course of this emergency.

6. I authorize and empower the executive head of any agency or instrumentality of the State government with authority to promulgate rules to waive, suspend, or modify any existing rule, the enforcement of which would be detrimental to the public welfare during this emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

7. I authorize and empower the Adjutant General, in accordance with N.J.S.A. 38A:2-4 and N.J.S.A. 38A:3-6.1, to order to active duty such members of the New Jersey National Guard who, in the Adjutant General's judgment, are necessary to provide aid to those localities where there is a threat or danger to the public health, safety, and welfare and to authorize the employment of any supporting vehicles, equipment, communications, or supplies as may be necessary to support the members so ordered.

8. In accordance with N.J.S.A. App. A:9-34 and N.J.S.A. App. A:9-51, as supplemented and amended, I reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties, or instrumentalities, and to commandeer and utilize any personal services and any privately owned property necessary to protect against this emergency.

9. In accordance with N.J.S.A. App. A:9-40, no municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will in any way interfere with or impede the achievement of the purposes of this Order.

10. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully with the State Director of Emergency Management in all matters concerning this state of emergency.

11. In accordance with N.J.S.A. App. A:9-34, N.J.S.A. App. A:9-40.6, and N.J.S.A. 40A:14-156.4, no municipality or public or semipublic agency shall send public works, fire, police, emergency medical, or other personnel or equipment into any non-contiguous disaster-stricken municipality within this State, nor to any disaster-stricken municipality outside this State, unless and until such aid has been directed by the county emergency management coordinator or his deputies in consultation with the State Director of Emergency Management.

12. This Order shall take effect immediately and shall remain in effect until such time as it is determined by me that an emergency no longer exists.

Dated March 13, 2017.

EXECUTIVE ORDER NO. 222

WHEREAS, on February 3, 2010, I signed Executive Order No. 11 (2010) establishing a New Jersey Gaming, Sports, and Entertainment Advisory Commission, hereinafter referred to as the Commission, to develop recommendations to implement a comprehensive, statewide approach concerning the needs of the State's gaming, professional sports, and entertainment industries; and

WHEREAS, on July 21, 2010, after receiving the Commission's final report, I signed Executive Order No. 34 (2010) extending the Commission's existence until June 30, 2011, to support the implementation of the Commission's recommendations that I accepted; and

WHEREAS, on June 30, 2011, I signed Executive Order No. 69 (2011) extending the Commission's existence until June 30, 2012, to utilize the Commission's expertise in continuing to execute its recommendations; and

WHEREAS, on June 29, 2012, I signed Executive Order No. 97 (2012) again extending the Commission's existence until June 30, 2013, to, among other things, assist with the repositioning of the New Jersey Sports and Exposition Authority within the Department of State; and

WHEREAS, on June 30, 2013, I signed Executive Order No. 136 (2013) again extending the Commission's existence until December 31, 2013, to continue the Commission's critical mission and to support the essential role that gaming, sports, and entertainment play in this State; and

WHEREAS, on December 30, 2013, I signed Executive Order No. 145 (2013) again extending the Commission's existence until December 31, 2014, to con-

tinue the Commission's important role in enhancing our State's gaming, sports, and entertainment industries; and

WHEREAS, on December 8, 2014, I signed Executive Order No. 168 (2014) again extending the Commission's existence until December 31, 2015, in order to continue to support the implementation of its recommendations and to engage in other related matters; and

WHEREAS, on December 18, 2015, I signed Executive Order No. 197 (2015) further extending the Commission's existence until December 31, 2016, to maintain oversight of the Commission's recommendations concerning the economic and budgetary crisis that Atlantic City was and still is facing; and

WHEREAS, New Jersey's gaming, sports, and entertainment industries continue to be in a state of transition and are vitally important to the health of the State's economy and to enhancing the quality of life of our citizens; and

WHEREAS, New Jersey's tourism industry is equally important to the State's economy and faces many of the same challenges confronting the gaming, sports, and entertainment industries; and

WHEREAS, it is therefore appropriate to extend the Commission's existence for an additional period to continue its invaluable contributions to the State's gaming, sports, entertainment, and tourism industries;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Executive Orders Nos. 34, 69, 97, 136, 145, 168, and 197 are hereby superseded and Paragraph 6 of Executive Order No. 11 (2010) is amended to provide that the Commission shall not expire upon the issuance of its final report, but rather shall continue in existence until January 16, 2018, or such other date as I shall establish, in order to continue to support the implementation of its recommendations and to provide advice concerning the gaming, sports, and entertainment industries and engage in any other related matters that are referred to the Commission by me or that meet with my approval.

2. This Order shall take effect immediately.

Dated March 20, 2017.

EXECUTIVE ORDER NO. 223

WHEREAS, Judge Frederick Bernard Lacey made many valuable contributions to the State of New Jersey during his distinguished career of public service spanning more than six decades; and

WHEREAS, Judge Lacey was born in Newark and resided in Sea Girt and Glen Ridge; and

WHEREAS, in 1942, Judge Lacey joined the United States Naval Reserve and served for four years, reaching the rank of Lieutenant Commander; and

WHEREAS, Judge Lacey received his undergraduate degree from Rutgers University and graduated from Cornell Law School, practicing law in state and federal courts in New Jersey; and

WHEREAS, Judge Lacey served as an Assistant United States Attorney, then as the United States Attorney for the District of New Jersey where he directed the prosecution of corrupt, high-profile figures in politics and organized crime; and

WHEREAS, Judge Lacey was appointed as a judge to the United States District Court of New Jersey, serving for fourteen years, and receiving special appointments to the Temporary Emergency Court of Appeals and the Foreign Intelligence Surveillance Court, and as the chair of the Supreme Court Advisory Committee on the Federal Rules of Criminal Procedure; and

WHEREAS, throughout New Jersey, Judge Lacey will be remembered for his knowledge, intelligence, determination, pragmatism, and tenacity; and

WHEREAS, Judge Lacey was a trusted advisor, friend, and mentor to many at all levels of government; and

WHEREAS, it is with deep sadness that we mourn the loss of Judge Lacey, and extend our sincere sympathy to his seven children, twenty-two grandchildren, twenty-two great-grandchildren, extended family, and friends; and

WHEREAS, in recognition of his achievements and service to New Jersey, it is fitting and appropriate to honor the memory and passing of Judge Lacey;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, April 19, 2017, in recognition and mourning of the passing of Judge Frederick Bernard Lacey.

2. This Order shall take effect immediately.

Dated April 17, 2017.

EXECUTIVE ORDER NO. 224

WHEREAS, on May 22, 2017, horrific acts of terrorism were committed at an arena in Manchester, England; and

WHEREAS, the evil perpetrators of these atrocities callously took the lives of more than twenty innocent people and injured dozens of others, including many defenseless children and young people; and

WHEREAS, this act of terrorism, like the terrorist attacks of September 11, 2001, represents an assault on civilized people throughout the world, and must be condemned in the strongest possible terms; and

WHEREAS, it is imperative that leaders in the United States, England, and other countries around the globe take decisive action to deliver justice to those responsible for this attack, and to ensure the safety of innocent people in the future; and

WHEREAS, it is with profound sadness that we mourn the loss of all the victims of the terrorist attack in Manchester, especially the children and young people, and we pause to offer our deepest sympathies to their families, friends, and loved ones; and

WHEREAS, it is appropriate to recognize the victims, to honor their memories, and to mark their passing;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, May 24, 2017, in recognition of the lives of and in mourning for the passing of the victims of the terrorist attacks in Manchester, England.

2. This Order shall take effect immediately.

Dated May 23, 2017.

EXECUTIVE ORDER NO. 225

WHEREAS, the Office of Information Technology ("OIT") was established by, and granted powers through, Executive Order No. 84 (1984), Executive Order No. 87 (1998), and Executive Order No. 42 (2006); and

WHEREAS, all functions, powers, and duties from those prior executive orders were codified in OIT through the Office of Information Technology Reorganization Act of 2007, N.J.S.A. 52:18A-224 et seq.; and

WHEREAS, since its inception, OIT has served an integral role in providing essential State services, developing the State's information technology infrastructure, and working to improve the efficiency of State government; and

WHEREAS, OIT is statutorily responsible for providing and maintaining the information technology infrastructure of the Executive Branch, including all ancillary departments and agencies of the Executive Branch; and

WHEREAS, the Chief Technology Officer ("CTO"), as the head of OIT, is required to coordinate and conduct all information technology operations in the Executive Branch, including agency technology operations; and

WHEREAS, all Executive Branch departments and State agencies are required to cooperate fully with OIT and the CTO to ensure effective use of information technology within the Executive Branch; and

WHEREAS, the advancements in computer technology during the past several decades have fundamentally and rapidly changed, and continue to change, how businesses and private citizens carry out their daily activities, as well as how departments and agencies conduct the business of State Government to serve the citizens of New Jersey; and

WHEREAS, it is the responsibility of the Governor to define and establish the overall direction, standards, and priorities for the information technology community in the Executive Branch; and

WHEREAS, advancements in technology present innovative opportunities to combat emerging and evolving cyber threats and enhance the delivery of public services in a manner that is efficient, secure, and responsive to citizens' needs; and

WHEREAS, maintaining robust cybersecurity and preventing cyberattacks against the State's network infrastructure is critical to ensuring the safety, privacy, and confidence of the citizens of our State; and

WHEREAS, my Administration has invested and continues to invest in upgrading OIT data centers to meet industry-grade standards for security and reliability; and

WHEREAS, aligning the State's core information technology infrastructure footprint through server virtualization and the consolidation of dozens of server rooms into shared, enterprise-class data centers would enhance the efficiency, security, and reliability of State data and information technology services and ensure the protection of the State's information across the Executive Branch in a consistent and uniform manner, thereby enabling the State to better carry out its essential governmental functions and protect against cyber threats; and

WHEREAS, modernizing the Executive Branch's hundreds of legacy applications would eliminate obsolete code and accommodate the delivery of new online services at a pace commensurate with demand; and

WHEREAS, the CTO has undertaken a thorough review of the State's software development and maintenance functions and operations and has identified opportunities for decentralizing software development and maintenance functions and operations for agency-specific applications that do not serve shared business requirements across the Executive Branch; and

WHEREAS, the CTO's decentralization plan for software development and maintenance functions and operations, and related human resources and assets,

will enable seamless institutional connectivity between unique business requirements and the application development life cycle, which is in the best interest of the State and the constituents of the Executive Branch; and

WHEREAS, the CTO's decentralization plan sets forth its conformance with the Office of Information Technology Reorganization Act, N.J.S.A. 52:18A-224 et seq., the State Agency Transfer Act, N.J.S.A. 52:14D-1 et seq., and the Civil Service Act, N.J.S.A. 11A:1-1 et seq., as well all other applicable state or federal requirements;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The CTO shall take any actions as are necessary and appropriate to accomplish the plan to decentralize software development and maintenance functions and operations for agency-specific applications that do not serve shared business requirements across the Executive Branch.

2. The CTO is hereby directed to undertake a thorough review of the State's information technology infrastructure, defined as computer, storage, network, and data center assets, to identify opportunities for centralizing common information technology functions and operations.

3. In carrying out this Order, the CTO shall be specifically authorized to ask department and agency heads to submit an inventory of all information technology infrastructure assets within a department's or agency's server room(s) or otherwise under the management of department or agency staff to the CTO within 30 days in a manner prescribed by the CTO. The CTO shall be authorized to transfer the ownership and management of any information technology infrastructure assets included in the aforementioned inventory submission.

4. The CTO shall be specifically authorized to ask department and agency heads to submit a roster of all staff performing information technology infrastructure functions and operations to the CTO within 30 days in a manner prescribed by the CTO.

5. The CTO shall inform the Governor of his plan for consolidating information technology infrastructure assets and functions pursuant to this Order no later than 180 days following the issuance of this Order.

6. The aforementioned recommendations from the CTO shall conform to the applicable provisions of the Office of Information Technology Reorganization Act, N.J.S.A.52:18A-224 et seq., the State Agency Transfer Act, N.J.S.A.52:14D-1 et seq., and the Civil Service Act, N.J.S.A.11A:1-1 et seq., as well any other applicable state or federal requirements.

7. The CTO shall be specifically authorized to ask department and agency heads to submit to the CTO a roster of legacy applications in need of modernization within 60 days, as well as proposals for the modernization or decommissioning of such applications within 180 days, in a manner prescribed by the CTO.

8. The CTO shall enter into Service Level Agreements, Memoranda of Understanding, or such other arrangements, as well as take such other actions, as are necessary and appropriate in the judgment of the CTO, to accomplish the recommendations contained in the aforementioned report and to carry out this Order.

9. This Order shall take effect immediately.

Dated June 1, 2017.

EXECUTIVE ORDER NO. 226

WHEREAS, Summit Police Detective Matthew Tarentino was raised and resided in Somerville, New Jersey; and

WHEREAS, Detective Tarentino attended Immaculate Conception School and graduated from Immaculata High School, both in Somerville; and

WHEREAS, Detective Tarentino earned a Bachelor's Degree in Communications with a minor in Spanish from Rutgers University; and

WHEREAS, Detective Tarentino joined the Summit Police Department in 2012, having previously served as an officer in the Rutgers Police Department and the Bound Brook Police Department; and

WHEREAS, Detective Tarentino was assigned to the Community Policing Unit, served as the Summit Police Department's D.A.R.E. Program Officer, and was posthumously promoted to the rank of Detective; and

WHEREAS, along with the Summit Police Department, Detective Tarentino was recently honored by the New Jersey Attorney General as the 2017 recipient of the Attorney General's Outstanding Community Policing Award; and

WHEREAS, on May 30, 2017, Detective Tarentino tragically passed away following a motor vehicle accident; and

WHEREAS, Detective Tarentino was a loving husband, father, son, and brother, whose memory will live in the hearts of his family, friends, community, and fellow members of the Summit Police Department; and

WHEREAS, Detective Tarentino served his State with courage, professionalism, and commitment to the finest ideals and traditions of the Summit Police Department; and

WHEREAS, it is with deep sadness that we mourn the loss of Detective Tarentino, and we extend our sincerest sympathy to his wife, children, family, friends, and fellow members of the Summit Police Department; and

WHEREAS, it is appropriate and fitting for the State of New Jersey to mark Detective Tarentino's passing and to honor his memory;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Monday, June 5, 2017, in recognition of the life of and in mourning for the passing of a brave and loyal hero, Summit Police Detective Matthew Tarentino, Badge No. 121.

2. This Order shall take effect immediately.

Dated June 1, 2017.

EXECUTIVE ORDER NO. 227

WHEREAS, on January 17, 2014, I signed legislation to amend the Administrative Procedure Act to cut red tape, streamline agency rulemaking and comment procedures, and increase transparency by requiring administrative agencies to greater employ various technologies including the Internet, listservs, and e-mail to better disseminate information to the public; and

WHEREAS, N.J.S.A. 52:14B-3(3) requires every State agency, including each of the principle departments in the Executive Branch of the State Government, and all boards, divisions, commissions, agencies, departments, councils, authorities, and offices within any such departments (hereinafter "agency"), to make available for public viewing, through publication on the agency's Internet website, and through any other means, all final agency orders, decisions, and opinions, in accordance with the provisions of N.J.S.A. 47:1A-1 et seq.; and

WHEREAS, transparency and accessibility of agency decisions provides accountability of State government and the entities with which it contracts for goods and services; and

WHEREAS, transparency and accessibility of agency decisions promotes consistency of administrative decision-making; and

WHEREAS, transparency and accessibility of agency decisions is in the public's interest where the decisions concern the expenditure of public money; and

WHEREAS, transparency and accessibility of agency decisions is in the public's interest where the conduct at issue concerns matters of public health, safety, and welfare;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Every agency shall ensure that all final agency orders, decisions, and opinions are properly posted on its Internet website as required by law.

2. Every agency shall post on its Internet website interim agency orders, decisions, and opinions, including, but not limited to, notices of contract violations or

sanctions, enforcement actions, and fines, where disclosure of this information is in the best interest of public health, safety, or welfare.

3. As soon as practicable, every agency shall post on its Internet website interim agency orders, decisions, and opinions that pre-date this Executive Order, including, but not limited to, notices of contract violations or sanctions, enforcement actions, and fines, where disclosure of this information is in the best interest of public health, safety, or welfare.

4. Any posting of agency orders, decisions, and opinions pursuant to this Executive Order shall be in conformance with, and not contrary to, all applicable law and other requirements, and any such postings shall redact, as appropriate, non-disclosable information.

5. The prospective posting of final or interim agency orders, decisions, and opinions shall be within one business day of the issuance of the final or interim order, decision, or opinion, or as soon as practicable.

6. A hyperlink directing users to the orders, decisions, and opinions posted on an agency's Internet website shall be placed on the agency website's homepage.

7. The Office of Information Technology shall assist agencies in implementing this Executive Order to the extent necessary and appropriate.

8. This order shall take effect immediately.

Dated June 23, 2017.

EXECUTIVE ORDER NO. 228

WHEREAS, the New Jersey State Legislature has failed to fulfill its most basic constitutional obligation by failing to pass a General Appropriations Law for Fiscal Year 2018 in a timely manner; and

WHEREAS, Article VIII, Section 2, Paragraph 2 of the New Jersey Constitution prohibits the withdrawal of any funds from the State Treasury except for "appropriations made by law;" and

WHEREAS, Article VIII, Section 2, Paragraph 2 of the New Jersey Constitution requires that all monies for the support of State government and for all other State purposes, as far as can be ascertained or reasonably foreseen, shall be provided for in a single General Appropriations Law covering one and the same fiscal year; and

WHEREAS, consistent with the provisions of N.J.S.A. 52:27B-20, as amended, I presented my Fiscal Year 2018 budget message to a joint session of the New Jersey Legislature on February 28, 2017, detailing my requests for a responsible and balanced State budget for Fiscal Year 2018; and

WHEREAS, the authority of the General Appropriations Law for Fiscal Year 2017 will expire at 12:01 a.m. on July 1, 2017; and

WHEREAS, no General Appropriations Law will be enacted before Fiscal Year 2018 commences on July 1, 2017; and

WHEREAS, New Jersey's constitutionally mandated budget system does not provide for partial or interim budgets, temporary spending authorizations, continuing resolutions, or other devices pursuant to which the State might lawfully continue its operations in the absence of a unitary annual General Appropriations Law; and

WHEREAS, it is not known when a General Appropriations Law will be enacted for Fiscal Year 2018; and

WHEREAS, the legislative prerogative over appropriations must be respected and preserved; and

WHEREAS, the New Jersey State Constitution requires the Governor to take care that the laws of this State be faithfully executed, N.J.Const. (1947) Article V, Section 1, Paragraph 11; and

WHEREAS, the Governor of the State of New Jersey is entrusted with the responsibility to protect the health, safety, and welfare of the people of this State, as well as the responsibility to aid in the prevention of damage, loss, or destruction of property in the event of emergency affecting the State; and

WHEREAS, the disruption of essential State services caused by the absence of a General Appropriations Law for Fiscal Year 2018 will result in significant and irreparable harm to the health, safety, and welfare of the people of the State; and

WHEREAS, in order to protect the health, safety, and welfare of the people of this State, it is necessary that the State continue to provide essential services without interruption and effectuate the cessation of services that are not essential in a safe, effective, and orderly manner; and

WHEREAS, the Constitution and the health, safety, and welfare of the people of New Jersey require that a State budget be adopted; and

WHEREAS, certain State employees must remain available in order to deliver services essential to the health, safety, and welfare of the people of the State and to protect against damage to and destruction of property; and

WHEREAS, certain essential services and functions can continue only if the State is able to obligate funds for those essential services and functions; and

WHEREAS, the health, safety, and welfare of the people of the State clearly require that measures be taken immediately to cope with the damaging conditions that would imminently arise in the absence of legal authorization to incur such obligations; and

WHEREAS, protecting the people and the critical assets of the State of New Jersey is the highest priority for the State of New Jersey and its Governor; and

WHEREAS, the management and control of the affairs of the State are beyond the capabilities of local authorities; and

WHEREAS, the Constitution and Statutes of the State of New Jersey, particularly the provisions of the Laws of 1942, Chapter 251, N.J.S.A. App. A:9-33, et seq., as amended and supplemented, confer certain emergency powers upon the Governor of the State of New Jersey;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, including the provisions of N.J.S.A. App. A:9-33 et seq., do hereby DECLARE, ORDER, and DIRECT:

1. A state of emergency exists in the State of New Jersey by reason of the facts and circumstances set forth above.

2. I invoke the emergency powers conferred upon me by N.J.S.A. App. A:9-33 et seq., and all amendments and supplements thereto, and such other powers as may be conferred upon me by the Constitution and the Statutes of the State of New Jersey.

3. Until such time as there is enacted a General Appropriations Law for Fiscal Year 2018, I reserve the right to take such actions and issue such orders or directives as may be necessary to meet the various problems presented by this emergency, to protect the health, safety, and welfare of the people of this State, and to ensure the continued provision of essential State services. The exercise of these emergency powers shall, when required, be subject to future payment of the reasonable value of goods and services, subject to appropriation, and as provided by law.

4. Services and functions of State government directly related to the preservation and protection of human life and safety; the protection of property, including State property; the adoption of the State General Appropriations Law; and such functions of the Judicial Branch as determined by the Chief Justice, shall be deemed essential and shall continue without interruption during the period in which there is no General Appropriations Law for Fiscal Year 2018. More specifically, but not by way of limitation, the following services and functions of State government are hereby deemed essential:

a. Activities required to protect life, health, safety, and property;

b. Care of all prisoners, patients, and other residents in the care or custody of the State at correctional facilities, developmental centers, juvenile detention centers, veterans' homes, psychiatric hospitals, and State-operated residential facilities;

c. Activities essential to ensure continued public health and safety, including, but not limited to, disease prevention and control, health maintenance, and the safe use of food, drugs, and hazardous materials;

d. Protection of State lands, buildings, equipment, and other property owned, leased, or operated by the State;

e. Child welfare involving the Department of Children and Families;

f. Continuation of transportation safety functions and the protection of transport property;

g. Environmental emergency response and enforcement;

h. Activities necessary to preserve and protect the State's financial assets and resources;

i. Emergency and disaster response activities;

j. Services to process payments that can be made without a General Appropriations Law;

k. Information technology, accounting, and payroll services necessary to support essential functions as described in this Order;

l. Court-mandated activities and appearances, as required; and

m. Supervisory and oversight functions necessary to ensure the provision of essential services as described in this Order.

5. The head of each department or agency shall designate those employees whose services are considered essential to the health, safety, and welfare of the people of New Jersey in accordance with criteria provided by the Office of the Governor. Employees so designated shall report to work and perform such duties and responsibilities as the respective department or agency heads shall direct. In addition, such other activities and personnel as the Governor may determine to be essential to the health, safety, and welfare of the people of New Jersey are deemed essential for purposes of this Order.

6. The State Treasurer shall take all actions necessary to prevent the State from defaulting on any of its general obligation bonds, including the payment of principal and interest with funds in the State Treasury, and shall take all actions that are essential to protect the State's funds and investments.

7. In accordance with N.J.S.A. 38A:2-4 and N.J.S.A. 38A:3-6.1, I hereby authorize the Adjutant General to order to active duty such members of the New Jersey National Guard who are necessary to assist the State in providing essential services during the present state of emergency. The Adjutant General may authorize the use of any supporting vehicles, equipment, communications, or supplies as may be necessary to support the members so ordered.

8. It is ordered that the statutory and regulatory provisions governing layoffs in State government, N.J.S.A. 11A:8-1 et seq. and N.J.A.C. 4A:8-1 et seq., are hereby suspended and of no force or effect while this Order is in effect.

9. All employees whose services are not deemed essential pursuant to this Order shall be deemed furloughed pursuant to N.J.S.A. 11A:6-1.1 and shall be governed by the rules implementing that program, except as may be prohibited by law. The provisions of this paragraph shall apply to any such employees who are necessary to implement the orderly shut down of programs and functions as provided in paragraph 16 of this Order upon the completion of such shut down, as determined and documented by the head of the department or agency.

10. The State Treasurer and the Director of the Office of Management and Budget are hereby authorized to obligate funds for the purpose of paying employees who have been designated as essential pursuant to this Order or who are necessary to implement the orderly shut down of programs and functions as provided in paragraph 16 of this Order. However, no such funds shall be disbursed except as provided by law.

11. The State Treasurer is directed to continue to make payments where such payments are required by federal law.

12. The time within which any action must be taken by a member of the public or by any State officer or agency including, but not limited to, rejection, approval, or modification of initial decisions pursuant to N.J.S.A. 52:14B-10 and approval or

denial of filings or other applications pursuant to Titles 17 and 17B of the Revised Statutes, in connection with the filing of any document or the transaction of any business by or with the State or its agencies, departments, divisions, commissions, or boards shall be tolled by each day on which State offices are closed for regular business. The foregoing shall not apply to: (1) the payment of any fees or taxes due and owing to the State; or (2) payments to the State under any contractual agreements.

13. It shall be the duty of every person in this State or doing business in this State, and the members of the governing body, and of each and every official, agent, or employee of every political subdivision in this State, and of each member of and all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, fully to cooperate in all matters concerning this emergency.

14. All State officials and agencies shall cooperate fully in the implementation of this Order.

15. Any person who shall violate any of the provisions of this Order or shall impede or interfere with any action ordered or taken pursuant to this Order shall be subject to the penalties provided by law.

16. Each department head and the head of each agency allocated to, but independent of, a department affected by the failure to enact a General Appropriations Law for Fiscal Year 2018 is directed to begin immediately an orderly shut down of all services and functions funded through the General Appropriations Law and not deemed essential under this Order.

17. The executive head of any agency or instrumentality of the State government with authority to promulgate rules may, for the duration of this Order, and subject to prior approval of, and in consultation with, the State Director of Emergency Management, waive, suspend, or modify any existing rule, the enforcement of which would be detrimental to the public health, safety, or welfare during this emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

18. This Order shall remain in effect until such time as a General Appropriations Law is enacted for Fiscal Year 2018.

19. This Order shall take effect immediately.

Dated June 30, 2017.

EXECUTIVE ORDER NO. 229

WHEREAS, on July 10, 2017, a United States Marine Corps plane crashed in Mississippi; and

WHEREAS, fifteen United States Marines and one United States Navy Sailor lost their lives in this tragedy, namely, United States Marine Corporal Daniel I. Baldassare, Staff Sergeant Robert H. Cox, Captain Sean E. Elliott, Major Caine

M. Goyette, Gunnery Sergeant Mark A. Hopkins, Sergeant Chad E. Jenson, Gunnery Sergeant Brendan C. Johnson, Sergeant Julian M. Kevianne, Staff Sergeant Willian J. Kundrat, Sergeant Talon R. Leach, Sergeant Owen J. Lennon, Sergeant Joseph J. Murray, Corporal Collin J. Schaaff, Sergeant Dietrich A. Schmieman, Staff Sergeant Joshua Snowden, and Petty Officer Second Class Ryan Lohrey; and

WHEREAS, Corporal Baldassare was raised in Colts Neck, New Jersey, graduated from Colts Neck High School in 2015, and enlisted in the United States Marine Corps that same year; and

WHEREAS, Corporal Baldassare served honorably in the 2nd Marine Special Operations Battalion, Camp Lejeune, North Carolina; and

WHEREAS, Corporal Baldassare was a brave and dedicated Marine, and was the recipient of the Global War on Terrorism Service Medal as well as the National Service Defense Medal; and

WHEREAS, Corporal Baldassare was a loving son and brother, whose memory will live in the hearts of his family, friends, and fellow Marines; and

WHEREAS, it is appropriate and fitting for the State of New Jersey to remember Corporal Baldassare and all the victims of this terrible incident, to mark their passing, and to honor their memories;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Tuesday, July 25, 2017, in recognition of the life of and in mourning for the passing of a brave and loyal United States Marine, Corporal Daniel I. Baldassare, and all the heroic servicemembers who lost their lives as a result of this tragedy.

2. This Order shall take effect immediately.

Dated July 21, 2017.

EXECUTIVE ORDER NO. 230

WHEREAS, Senator Jim Whelan was born in Philadelphia in 1948, and earned his Bachelor's and Master's degrees from Temple University, where he was a nationally-ranked swimmer; and

WHEREAS, Senator Whelan began his extraordinary career in public service as a teenager, serving as a lifeguard with the Atlantic City Beach Patrol; and

WHEREAS, Senator Whelan was a teacher in the Atlantic City School District from 1977 to 1990, and then again from 2002 through 2014, where he helped shape the minds of Atlantic City's youth; and

WHEREAS, in 1981, Senator Whelan was elected to the Atlantic City Council, and in 1989, he was elected mayor of Atlantic City, and served three consecutive terms; and

WHEREAS, as mayor of Atlantic City, Senator Whelan was a tireless advocate for the City, attracting thousands of jobs and billions of dollars in development; and

WHEREAS, Senator Whelan was elected to the New Jersey General Assembly in 2005, and to the State Senate in 2007, representing Legislative District 2, which includes Atlantic City; and

WHEREAS, during his years in the Legislature, Senator Whelan became especially known for his commitment to promoting tourism both in Atlantic City and across the State through his service as Chairman of the Senate State Government, Wagering, Tourism, and Historic Preservation Committee, and his authorship of critical legislation, including the law creating the Atlantic City Tourism District; and

WHEREAS, Senator Whelan was also known for his advocacy on behalf of New Jersey's veterans and active duty military, and notably sponsored legislation creating a program to encourage veterans to join his beloved career of teaching; and

WHEREAS, Senator Whelan was well known by his colleagues, both in the Legislature and beyond, as a man of the highest integrity and intellect, and as a respected mentor with a devotion to public service; and

WHEREAS, Senator Whelan was a loving husband and father, and he will be sorely missed by his family, friends, and colleagues; and

WHEREAS, it is with profound sadness that we mourn the passing of Senator Jim Whelan, and we extend our deepest sympathy to his family, friends, and colleagues;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Thursday, September 14, 2017 in recognition and mourning of the passing of Senator Jim Whelan.

2. This Order shall take effect immediately.

Dated August 25, 2017.

EXECUTIVE ORDER NO. 231

WHEREAS, on September 11, 2001, unprecedented acts of terrorism were committed in New York, Washington, D.C., and Pennsylvania; and

WHEREAS, these barbaric attacks took the lives of almost 3,000 innocent people, nearly 700 of whom were residents of New Jersey; and

WHEREAS, these attacks caused a tremendous loss of life, and further inflicted incalculable pain and anguish on the survivors of the attacks and the families who lost loved ones that day; and

WHEREAS, sixteen years later, many New Jerseyans continue to endure the devastating loss of a parent, spouse, child, or other loved one; and

WHEREAS, September 11, 2001 will be remembered by New Jerseyans across the State, both privately and at public remembrances and memorials, as we continue to display the patriotism and compassion that defines us as Americans and as New Jerseyans; and

WHEREAS, we remain grateful to our law enforcement officers and Armed Forces for their extraordinary sacrifices in the protection of our country and our State; and

WHEREAS, on this sixteenth anniversary of September 11, 2001, it is appropriate and fitting that this day be observed with full solemnity, in honor of the victims of the attacks;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, instrumentalities, and all public buildings during appropriate hours on Monday, September 11, 2017, in recognition and in mourning of the victims of the attacks of September 11, 2001, including those from our home State.

2. This Order shall take effect immediately.

Dated September 7, 2017.

EXECUTIVE ORDER NO. 232

WHEREAS, on August 21, 2017, a United States Navy ship, the U.S.S. John S. McCain, was involved in a collision near Singapore; and

WHEREAS, ten United States Navy sailors lost their lives in this tragedy, namely, United States Navy Petty Officer Second Class Kenneth Smith, Petty Officer First Class Kevin Bushell, Petty Officer Second Class Dustin Doyon, Petty Officer Second Class Jacob Drake, Petty Officer Second Class Timothy Eckels,

Chief Petty Officer Charles Findley, Petty Officer Second Class John Hoagland III, Petty Officer First Class Corey Ingram, Chief Petty Officer Abraham Lopez, and Petty Officer Second Class Logan Palmer; and

WHEREAS, Petty Officer Smith resided in Cherry Hill, New Jersey, and graduated from Cherry Hill High School East in 2013; and

WHEREAS, Petty Officer Smith served honorably in the United States 7th Fleet, and was the recipient of the National Defense Service Medal, the Sea Service Deployment Ribbon, and the Navy Marine Corps Overseas Service Ribbon; and

WHEREAS, Petty Officer Smith was a brave and dedicated third-generation sailor, following in the footsteps of his father and grandfather in the Navy; and

WHEREAS, Petty Officer Smith was a loving son, whose memory will live in the hearts of his family, friends, and fellow sailors; and

WHEREAS, it is appropriate and fitting for the State of New Jersey to remember Petty Officer Smith and all the victims of this tragedy, to mark their passing, and to honor their memories;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Saturday, September 16, 2017, in recognition of the life of and in mourning for the passing of a brave and loyal United States Navy sailor, Petty Officer Second Class Kenneth Smith, and all the heroic sailors who lost their lives as a result of this terrible incident.

2. This Order shall take effect immediately.

Dated September 13, 2017.

EXECUTIVE ORDER NO. 233

WHEREAS, on September 10, 2017, the President of the United States issued a Major Disaster Declaration for the Commonwealth of Puerto Rico due to the impact of Hurricane Irma; and

WHEREAS, on September 21, 2017, the President of the United States issued a Major Disaster Declaration for the Commonwealth of Puerto Rico due to the impact of Hurricane Maria; and

WHEREAS, the Commonwealth of Puerto Rico along with the State of New Jersey are members of the Emergency Management Assistance Compact ("EMAC"), N.J.S.A. 38A:20-4, which requires New Jersey to provide assistance to any other Compact member that has suffered a disaster and requests such aid; and

WHEREAS, the Commonwealth of Puerto Rico has declared that an emergency exists and has requested aid from New Jersey under the provisions of EMAC; and

WHEREAS, in order to respond to such requests it may be necessary to employ the resources of State, county, and local government and the private sector; and

WHEREAS, the aforesaid circumstances may result in the uncoordinated deployment of emergency personnel and delivery of emergency resources, and may endanger the health, safety, and resources of the citizens of New Jersey by dangerously depleting the supply of essential materials and services; and

WHEREAS, the Constitution and Statutes of the State of New Jersey, particularly the provisions N.J.S.A. App. A:9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4, and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, in order to protect the health, safety, and welfare of the people of the State of New Jersey, do DECLARE AND PROCLAIM that a State of Emergency presently exists for the specific purpose of activating the Emergency Management Assistance Compact to coordinate multi-state mutual aid to the Commonwealth of Puerto Rico, and I hereby ORDER AND DIRECT:

1. The State Director of Emergency Management shall implement the State Emergency Operations Plan and shall direct the activation of county and municipal emergency operations plans as necessary to identify resources that are available for response to EMAC requests as authorized by and coordinated through the State Director of Emergency Management.

2. In accordance with N.J.S.A. App. A:9-34, I reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties, or instrumentalities, and to commandeer and utilize any personal services and any privately owned property necessary to provide a full, prompt, and effective utilization of resources to respond to requests from disaster-stricken areas and protect against this emergency.

3. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully with the State Director of Emergency Management in all matters concerning this State of Emergency.

4. All persons participating in a response authorized by the State Director of Emergency Management to an EMAC request shall be considered State emergency forces for the purposes of EMAC. All deployed personnel shall be under the operational direction and control of the State Director of Emergency Management for the duration of the deployment.

5. Pursuant to N.J.S.A. App. A:9-40, no municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance or resolution that will or might in any way conflict with any of the provisions of this Order, or that will in any way interfere with or impede the achievement of the purposes of this Order.

6. This Order shall take effect immediately and shall remain in effect until such time as it is determined by me that an emergency no longer exists.

Dated September 29, 2017.

EXECUTIVE ORDER NO. 234

WHEREAS, on October 1, 2017, a horrifying mass shooting was carried out at an outdoor concert in Las Vegas, Nevada; and

WHEREAS, this atrocity took the lives of at least fifty-eight innocent people and injured over five hundred others; and

WHEREAS, countless families throughout our nation have been devastated by this shocking and senseless act of violence; and

WHEREAS, it is with profound sadness that we mourn the loss of the victims of this mass murder in Las Vegas, and we pause to offer our deepest sympathies to their families, friends, and loved ones; and

WHEREAS, it is appropriate to recognize the victims, to honor their memories, and to mark their passing;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, October 6, 2017, in recognition of the lives of and in mourning for the passing of the victims of the mass shooting in Las Vegas, Nevada.

2. This Order shall take effect immediately.

Dated October 4, 2017.

EXECUTIVE ORDER NO. 235

WHEREAS, on October 31, 2017, a barbaric act of terrorism was committed in Lower Manhattan, taking the lives of eight innocent people, and severely injuring several others; and

WHEREAS, among the deceased was Darren Drake, a resident of New Milford, New Jersey, who earned his bachelor's degree from Rutgers University and a master's degree from Fairleigh Dickinson University, and who had previously served as the president of the New Milford School Board; and

WHEREAS, this horrific act also claimed the lives of Nicholas Cleves, a New York resident, Ann-Laure Decadt, a visitor from Belgium, as well as Diego Enrique Angelini, Ariel Erlij, Hernán Ferruchi, Hernán Diego Mendoza, and Alejandro Damián Pagnucco, all of whom were visitors from Argentina; and

WHEREAS, this atrocity took place near the site of the September 11, 2001 attacks on the World Trade Center, and serves as a grim reminder that our struggle against terrorism continues; and

WHEREAS, while we mourn the victims of this attack, we are also grateful to the members of our law enforcement agencies, and especially the New York City Police Department, whose heroic efforts helped to prevent the further loss of life in this incident; and

WHEREAS, it is with profound sadness that we mourn the loss of the victims of this terrorist attack, and we pause to offer our deepest sympathies to their families, friends, and loved ones; and

WHEREAS, it is appropriate to recognize the victims, to honor their memories, and to mark their passing;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Monday, November 6, 2017, in recognition of the lives of and in mourning for the passing of the victims of the terrorist attack in New York City.

2. This Order shall take effect immediately.

Dated November 3, 2017.

EXECUTIVE ORDER NO. 236

WHEREAS, on November 5, 2017, a shocking and senseless act of violence was carried out at the First Baptist Church in Sutherland Springs, Texas; and

WHEREAS, this atrocity took the lives of twenty-six innocent people, and injured twenty others; and

WHEREAS, this attack, horrifically perpetrated at a house of worship, has devastated the small Sutherland Springs community; and

WHEREAS, it is with profound sadness that we mourn the loss of the victims in Sutherland Springs, and we pause to offer our deepest sympathies to their families, friends, and loved ones; and

WHEREAS, it is appropriate to recognize the victims, to honor their memories, and to mark their passing;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Tuesday, November 14, 2017, in recognition of the lives of and in mourning for the passing of the victims of the mass shooting in Sutherland Springs, Texas.

2. This Order shall take effect immediately.

Dated November 13, 2017.

EXECUTIVE ORDER NO. 237

WHEREAS, on December 22, 2017, the federal Tax Cuts and Jobs Act ("Act") was signed into law, thereby amending the federal Internal Revenue Code; and

WHEREAS, among other various changes to the Internal Revenue Code, the Act changes the allowable deduction for State and local income, sales, and property taxes; and

WHEREAS, one practical effect of the Act is, in the future, to disallow a significant portion of the property taxes that many New Jersey homeowners had been otherwise allowed to deduct on their federal income taxes; and

WHEREAS, New Jersey law, specifically N.J.S.A. 54:4-66(e) and N.J.S.A. 54:4-66.1(f), permits taxes to be received and credited from property owners, their agents, or lienholders, even prior to the dates otherwise fixed for payment; and

WHEREAS, while some municipalities in this State are in the process of ensuring that prepayments received in 2017 are properly credited in accordance with New Jersey law, not all municipalities have committed to assisting their resident taxpayers who might desire to prepay their 2018 property taxes in 2017; and

WHEREAS, it is appropriate to coordinate these activities on the local level to ensure that New Jersey residents are receiving equal treatment throughout the State; and

WHEREAS, it is the responsibility of the Director of the Division of Local Government Services to, among other things, provide technical assistance to New Jersey's municipalities;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The Director of the Division of Local Government Services shall immediately issue a notice to municipalities requiring them to accept payments for 2018 property taxes in calendar year 2017.
2. The notice shall require municipalities to credit those payments as received in calendar year 2017 if the payment is postmarked on or before December 31, 2017, or as required by law.
3. This order shall take effect immediately.

Dated December 27, 2017.

EXECUTIVE ORDER NO. 238

WHEREAS, the State of New Jersey is experiencing a major winter storm causing severe weather conditions in a substantial portion of the State, including blizzard conditions in Atlantic, Burlington, Cape May, Monmouth, and Ocean Counties; and

WHEREAS, the National Weather Service has issued storm warnings for a substantial portion of the State, including Blizzard Warnings in Atlantic, Burlington, Cape May, Monmouth, and Ocean Counties, and a Coastal Flood Advisory for the coastal areas in southern New Jersey; and

WHEREAS, this major winter storm is expected to produce heavy snow accumulations, strong winds with gusts as high as 45 to 55 miles per hour, and coastal flooding; and

WHEREAS, this major winter storm is expected to produce hazardous travel conditions due to significant amounts of blowing and drifting snow, low-visibility, and whiteout conditions; and

WHEREAS, this major winter storm may cause downed power lines and trees, resulting in power outages, and is expected to impede the normal operation of public and private entities; and

WHEREAS, these severe weather conditions may make it difficult or impossible for citizens to obtain the necessities of life, as well as essential services such as police, fire, and first aid; and

WHEREAS, these severe weather conditions constitute an imminent hazard that threatens and presently endangers the health, safety, and resources of the residents of the State, specifically including Atlantic, Burlington, Cape May, Monmouth, and Ocean Counties; and

WHEREAS, this situation may become too large in scope to be handled in its entirety by the normal county and municipal operating services, including in At-

lantic, Burlington, Cape May, Monmouth, and Ocean Counties, and may spread to other parts of the State; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A.App.A:9-33 et seq., N.J.S.A.38A:3-6.1, and N.J.S.A.38A:2-4, and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, in order to protect the health, safety, and welfare of the people of the State of New Jersey, do DECLARE AND PROCLAIM that a State of Emergency exists in the State, specifically including Atlantic, Burlington, Cape May, Monmouth, and Ocean Counties, and I hereby ORDER AND DIRECT the following:

1. I authorize and empower the State Director of Emergency Management, who is the Acting Superintendent of State Police, to implement the State Emergency Operations Plan and to direct the activation of county and municipal emergency operations plans as necessary, and to coordinate the preparation, response, and recovery efforts for this emergency with all governmental agencies, volunteer organizations, and the private sector.

2. I authorize and empower the State Director of Emergency Management, in accordance with N.J.S.A.App.A:9-33 et seq., as supplemented and amended, through the police agencies under his control, to determine the control and direction of the flow of such vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic and to prevent ingress or egress from any area, that, in the State Director's discretion, is deemed necessary for the protection of the health, safety, and welfare of the public, and to remove parked or abandoned vehicles from such roadways as conditions warrant.

3. I authorize and empower the Attorney General, pursuant to the provisions of N.J.S.A.39:4-213, through the Acting Superintendent of State Police, to determine the control and direction of the flow of vehicular traffic on any State or interstate highway, municipal or county road, and any access road, including the right to detour, reroute, or divert any or all traffic, and to prevent ingress or egress. I further authorize all law enforcement officers to enforce any such order of the Attorney General or Acting Superintendent of State Police within their respective municipalities.

4. I authorize and empower the State Director of Emergency Management to order the evacuation of all persons, except for those emergency and governmental personnel whose presence the State Director deems necessary, from any area where their continued presence would present a danger to their health, safety, or welfare because of the conditions created by this emergency.

5. I authorize and empower the State Director of Emergency Management to utilize all facilities owned, rented, operated, and maintained by the State of New Jersey

to house and shelter persons who may need to be evacuated from a residence, dwelling, building, structure, or vehicle during the course of this emergency.

6. I authorize and empower the executive head of any agency or instrumentality of the State government with authority to promulgate rules to waive, suspend, or modify any existing rule, the enforcement of which would be detrimental to the public welfare during this emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A.App.A:9-45.

7. I authorize and empower the Adjutant General, in accordance with N.J.S.A.38A:2-4 and N.J.S.A.38A:3-6.1, to order to active duty such members of the New Jersey National Guard who, in the Adjutant General's judgment, are necessary to provide aid to those localities where there is a threat or danger to the public health, safety, and welfare and to authorize the employment of any supporting vehicles, equipment, communications, or supplies as may be necessary to support the members so ordered.

8. In accordance with N.J.S.A.App.A:9-34 and N.J.S.A.App. A:9-51, as supplemented and amended, I reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties, or instrumentalities, and to commandeer and utilize any personal services and any privately owned property necessary to protect against this emergency.

9. In accordance with N.J.S.A. App. A:9-40, no municipality, county or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will in any way interfere with or impede the achievement of the purposes of this Order.

10. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully with the State Director of Emergency Management in all matters concerning this state of emergency.

11. In accordance with N.J.S.A.App.A:9-34, N.J.S.A.App.A:9-40.6, and N.J.S.A.40A:14-156.4, no municipality or public or semipublic agency shall send public works, fire, police, emergency medical, or other personnel or equipment into any non-contiguous disaster-stricken municipality within this State, nor to any disaster-stricken municipality outside this State, unless and until such aid has been directed by the county emergency management coordinator or his deputies in consultation with the State Director of Emergency Management.

12. This Order shall take effect immediately and shall remain in effect until such time as it is determined by me that an emergency no longer exists.

Dated January 4, 2018.

EXECUTIVE ORDER NO. 239

WHEREAS, Brendan Thomas Byrne dedicated his life to serving the people of New Jersey, most recognizably through his two terms as Governor, and the citizens of this State shall be forever grateful for his steadfast governance and the enduring contributions he made to our State; and

WHEREAS, Governor Byrne was born in 1924 in West Orange, and graduated from West Orange High School in 1942, where he was president of his senior class and president of the debate club, exhibiting his passion for leadership and service even at a young age; and

WHEREAS, Governor Byrne postponed his college education to courageously serve his country in the United States Army Air Corps during World War II, earning several medals for his bravery and distinguished service; and

WHEREAS, after being honorably discharged from the Army Air Corps as a Lieutenant, Governor Byrne graduated from Princeton University in 1949, and thereafter received his law degree from Harvard Law School in 1951; and

WHEREAS, Governor Byrne began his illustrious career in New Jersey public service in 1955, when he was appointed Assistant Counsel to Governor Robert B. Meyner; and

WHEREAS, in 1958, Governor Byrne was appointed Deputy Attorney General for the Essex County Prosecutor's Office, and in the following year, he was appointed Essex County Prosecutor, a position he held for two five-year terms; and

WHEREAS, in further recognition of his diverse talents, Governor Byrne was appointed President of the Board of Public Utilities in 1968; and

WHEREAS, in 1970, Governor Byrne was appointed to the Superior Court of New Jersey by Governor William T. Cahill, where he served as Assignment Judge until he began his run for Governor in 1973; and

WHEREAS, Governor Byrne won the 1973 gubernatorial race by a wide margin, and during his first term, he made sweeping changes to state government, including establishing governmental spending limits; and

WHEREAS, in 1977, Governor Byrne was reelected by the people of New Jersey, and during his second term, he worked to develop large-scale tourism and entertainment projects in the State, including the Meadowlands Sports Complex and the establishment of casinos in Atlantic City; and

WHEREAS, also during his second term, Governor Byrne signed the Pinelands Preservation Act into law, preserving this pristine area of the State for future generations, and where a State Forest has been named in his honor; and

WHEREAS, while Governor Byrne shall be remembered for his many lasting achievements and contributions to the State, his universally recognized strong moral and ethical code will continue to serve as a shining example for all those who pursue a career in public service; and

WHEREAS, Governor Byrne was a devoted husband to his wife of 24 years, Ruth, and a loving father and grandfather, and his presence will be sorely missed by his family, his many friends, colleagues, and admirers, and by the people of New Jersey overall; and

WHEREAS, it is with profound sorrow and deep sadness that we mourn the loss of Governor Byrne, and we extend our sincerest sympathies to his family, friends, and colleagues; and

WHEREAS, it is appropriate to honor and to mark the passing of Governor Byrne, an extraordinary public servant and a man of unimpeachable character, whose memory will live on for generations to come;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Monday, January 8, 2018, in recognition and mourning of the passing of Governor Brendan T. Byrne.

2. This Order shall take effect immediately.

Dated January 5, 2018.

EXECUTIVE ORDER NO. 240

WHEREAS, Lieutenant Christopher Robateau, of the Jersey City Police Department, was a resident of Carteret, New Jersey; and

WHEREAS, Lieutenant Robateau joined the Jersey City Police Department in 1994 and served in the east district in downtown Jersey City; and

WHEREAS, in recognition of his service, Lieutenant Robateau was promoted to the rank of Lieutenant in October 2014; and

WHEREAS, Lieutenant Robateau tragically died while assisting a motorist on the New Jersey Turnpike on January 5, 2018; and

WHEREAS, Lieutenant Robateau was a loving husband and father of three, whose memory will live on in the hearts of his family, friends, and fellow members of the Jersey City Police Department; and

WHEREAS, Lieutenant Robateau's selfless devotion to public service and the protection of others makes him a role model for all New Jerseyans; and

WHEREAS, it is with profound sadness that we mourn the loss of Lieutenant Robateau, and we extend our deepest sympathies to his family, friends, and fellow officers; and

WHEREAS, it is appropriate and fitting for the State of New Jersey to mark Lieutenant Robateau's passing and to honor his memory;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Thursday, January 11, 2018, in recognition of the life and in mourning of the passing of Jersey City Police Department Lieutenant Christopher Robateau.

2. Furthermore, pursuant to N.J.S.A. 52:3-12, the flag of the United States of America and the flag of New Jersey shall be flown at half-staff at the State House during appropriate hours in recognition of the life and in mourning of the passing of Lieutenant Christopher Robateau.

3. This Order shall take effect immediately.

Dated January 10, 2018.

EXECUTIVE ORDER NO. 241

WHEREAS, United States Army Sergeant First Class Mihail Golin had been a resident of Fort Lee, New Jersey; and

WHEREAS, Sergeant Golin enlisted in the Army in 2005 and served as an infantryman until volunteering to become a Green Beret, for which he completed training in 2014; and

WHEREAS, Sergeant Golin served honorably in the United States Army as a Special Forces weapons sergeant for the Green Berets in B Company, 2nd Battalion, 10th Special Forces Group, based in Fort Carson, Colorado; and

WHEREAS, Sergeant Golin was deployed by the United States Army four times, once to Iraq during Operation Iraqi Freedom, and three times to Afghanistan in support of Operation Enduring Freedom; and

WHEREAS, Sergeant Golin tragically lost his life in combat on January 1, 2018 while deployed in Afghanistan; and

WHEREAS, Sergeant Golin was a loving son and father, who will be deeply missed by his family, friends, and fellow soldiers; and

WHEREAS, Sergeant Golin was a brave and dedicated soldier, whose awards include the Purple Heart Medal, Army Commendation Medal, National Defense Service Medal, Global War on Terrorism Service Medal, Valorous Unit Award,

Army Service Ribbon, Overseas Service Ribbon, NATO Metal, Special Forces Tab, Ranger Tab, Combat Infantryman Badge, Expert Infantryman Badge, and the Parachutist Badge; and

WHEREAS, Sergeant Golin's heroism and commitment to service and country make it appropriate and fitting for the State of New Jersey to remember Sergeant Golin, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, January 12, 2018, in recognition and mourning of a courageous and loyal American soldier, United States Army Sergeant First Class Mihail Golin.

2. This Order shall take effect immediately.

Dated January 11, 2018.

AMENDMENT ADOPTED IN 2017 TO THE 1947 CONSTITUTION

AMENDMENT ADOPTED IN 2017 TO THE 1947 CONSTITUTION

ARTICLE VIII, SECTION II, PARAGRAPH 9

Amend Article VIII, Section II by adding paragraph 9 to read as follows:

9. There shall be credited annually to a special account in the General Fund an amount equivalent to the revenue annually derived from all settlements and judicial and administrative awards relating to natural resource damages collected by the State in connection with claims based on environmental contamination.

The amount annually credited pursuant to this paragraph shall be dedicated, and shall be appropriated from time to time by the Legislature, for paying for costs incurred by the State to repair, restore, or replace damaged or lost natural resources of the State, or permanently protect the natural resources of the State, or for paying the legal or other costs incurred by the State to pursue settlements and judicial and administrative awards relating to natural resource damages. The first priority for the use of any moneys by the State to repair, restore, or replace damaged or lost natural resources of the State, or permanently protect the natural resources of the State, pursuant to this paragraph shall be in the immediate area in which the damage to the natural resources occurred in connection with the claim for which the moneys were recovered. If no reasonable project is available to satisfy the first priority for the use of the moneys, or there are moneys available after satisfying the first priority for their use, the second priority for the use of any moneys by the State to repair, restore, or replace damaged or lost natural resources of the State, or permanently protect the natural resources of the State, pursuant to this paragraph shall be in the same water region in which the damage to the natural resources occurred in connection with the claim for which the moneys were recovered. If no reasonable project is available to satisfy the first or second priority for the use of the moneys, or there are moneys available after satisfying the first or second priority for their use, the moneys may be used by the State to repair, restore, or replace damaged or lost natural resources of the State, or permanently protect the natural resources of the State, pursuant to this paragraph without geographic constraints. Up to 10 percent of the moneys appropriated pursuant to this paragraph may be expended for administrative costs of the State or its de-

partments, agencies, or authorities for the purposes authorized in this paragraph.

Adopted November 7, 2017.
Effective December 7, 2017.

REORGANIZATION PLAN

(2517)

REORGANIZATION PLAN NO.001-2017

A PLAN FOR THE TRANSFER OF MENTAL HEALTH AND ADDICTION FUNCTIONS FROM THE DEPARTMENT OF HUMAN SERVICES TO THE DEPARTMENT OF HEALTH

PLEASE TAKE NOTICE that on June 29, 2017, Governor Chris Christie hereby issues the following Reorganization Plan, No.001-2017 ("the Plan"), to provide for the increased efficiency, coordination and integration of the State's mental health and addiction prevention and treatment functions by the transfer of those functions, powers, and duties of the Department of Human Services ("DHS"), including the Division of Mental Health and Addiction Services ("DMHAS" or "Division"), from DHS to the Department of Health ("DOH"). Transferring the provision of mental health and addiction services to DOH is necessary to improve health care, remove bureaucratic obstacles to the integration of physical and behavioral health care, and effectively address substance use disorder as the public health crisis that it is.

GENERAL STATEMENT OF PURPOSE

DHS is responsible for coordinating and implementing the State's mental health and addiction-related services and programs, which are largely distinct and separate from the public health programs and providers that treat physical health conditions. The Division is the unit in DHS functionally charged with such responsibility. Additionally, DMHAS is the State mental health authority and the Single State Authority on Substance Abuse. Along with DHS, the Division's mission is to plan, monitor, evaluate, and regulate New Jersey's mental health and substance abuse prevention, early intervention, treatment, and recovery providers and programs.

The Division oversees New Jersey's system of community-based behavioral health services for adults. Through contracts with and payments to private non-profit agencies and governmental entities, this system provides a full array of services, including substance abuse prevention and early intervention, emergency screening, outpatient and intensive outpatient mental health and addiction services, partial care and partial hospitalization, case management, medication assisted treatment for substance use disorder, and long- and short-term mental health and substance use disorder residential services. It also utilizes other evidence-based practices such as the Program for Assertive Community Treatment, supported employment and education, and supportive housing. In addition, DHS licenses mental health and substance use disorder treatment providers.

The Division also:

Coordinates and manages substance use disorder treatment delivery for criminal justice programs through collaboration with other State entities, including the Administrative Office of the Courts (Drug Court), Department of Corrections and State Parole Board.

Operates three regional adult psychiatric hospitals (Ancora Psychiatric Hospital, Greystone Park Psychiatric Hospital and Trenton Psychiatric Hospital) and one specialized facility providing maximum security (Ann Klein Forensic Center).

Is responsible for the treatment of civilly committed sexually violent predators at the Special Treatment Unit, in coordination with the Department of Corrections, which is responsible for the security of the facility.

Contains a specialized Disaster and Terrorism Branch responsible for activating the State's mental health disaster response plan in coordination with the New Jersey Office of Emergency Management.

DOH, the State's public health agency, recently achieved accreditation from the Public Health Accreditation Board. DOH's focus is on improving population health, which involves helping healthy New Jerseyans stay well, preventing those individuals at risk from getting sick, and keeping those individuals with chronic health conditions from becoming sicker. It accomplishes these goals through the coordinated work of its four branches – Public Health Services, Health Systems, the Office of Population Health, and the Office of Policy & Strategic Planning - as well as through the Population Health Action Team, which brings together eight departments of State government and is chaired by the Commissioner of Health.

Given DOH's overarching responsibility for the health of all New Jerseyans, its powers and resources as currently constituted are inadequate to that task, as they are limited to the facilities providing physical health care, including acute care hospitals, ambulatory care facilities such as Federally Qualified Health Centers, Nursing Homes, Home Health Agencies, and medical day care facilities, and do not include the provision of either mental health or addiction services.

THE RATIONALE FOR RELOCATING MENTAL HEALTH AND ADDICTION SERVICES IN THE DEPARTMENT OF HEALTH

A substantial body of research demonstrates that integrating physical and behavioral health care is the most effective way to treat the "whole person"; yet for historical reasons, health care is too often fragmented into separate components: physical; mental; and substance use disorder. As has been noted elsewhere, "[a] solid clinical consensus has existed for decades that behavioral and physical health care should not be separated. The health regulatory and finance system nationally, however, has lagged behind this clinical judgment." John V. Jacobi, J.D., Tara Adams Ragone, J.D. and Kate Greenwood, J.D., *Integration of Behavioral and Physical Health Care: Licensing and Reimbursement Barriers and Opportunities in New Jersey,* Seton Hall Law Center for Health & Pharmaceutical Law & Policy (Mar. 31, 2016), available at https://thenicholsonfoundation.org/sites/default/files/Integration_Healthcare_Seton_Hall_report.pdf.

An April 2016 report by the federal Substance Abuse and Mental Health Services Administration found that "adults in poor physical health with behavioral health conditions had higher physical health care expenditures compared to adults in poor physical health with no behavioral health conditions. Carter Roeber, Ph.D., Chan-

dler McClellan, Ph.D. and Albert Woodward, Ph.D., M.B.A., Adults in Poor Physical Health Reporting Behavioral Health Conditions Have Higher Health Costs, Substance Abuse and Mental Health Services Administration Center for Behavioral Health Statistics and Quality, The CBHSQ Report (April 26, 2016), available at https:// www.samhsa.gov/data/sites/default/files/report_2107/ShortReport-2107.pdf. In the absence of integrated health care, persons with serious mental illness often suffer from physical health conditions that go unaddressed. Mental illness and addictions often correlate with health risk behaviors such as tobacco use and physical inactivity and are risk factors for chronic illnesses such as hypertension, cardiovascular disease, and diabetes; yet behavioral health treatment providers are often unable to provide basic primary care services on-site due to licensing restrictions. The effects of mental illness and addictions, especially opioid addiction, are evident across the life span and among all ethnic, racial, and cultural groups at every socioeconomic level.

Conversely, persons suffering mild behavioral health conditions such as depression often go undiagnosed by the health care provider whom they are most likely to visit: a primary care physician or nurse. Jacobi, Ragone and Greenwood, supra. Without diagnosis and treatment, depression can progress to attempted or actual suicide. Persons with any degree of behavioral health problems would therefore benefit from greater integration of physical and behavioral health care. Incorporating the provision of mental health and addiction programs and services into DOH would help to eliminate the currently fragmented delivery system (for example, conflicting and duplicative licensing statutes) and facilitate the integration of primary, acute, mental health, and addiction care.

A substantial and growing body of literature also finds that integrating behavioral and physical health care can be cost-effective, producing net savings over the course of several years. One study found that enrolling depressed geriatric patients into a collaborative care model cost an additional $522 per patient during the first year but saved $3,363 per patient by the fourth year - a return on investment of $6.44 for every $1 invested. Jurgen Unutzer, M.D., M.P.H., Henry Harbin, M.D., Michael Schoenbaum, Ph.D., Benjamin Druss, M.D., M.P.H., The Collaborative Care Model: An Approach for Integrating Physical and Mental Health Care in Medicaid Health Homes, prepared for the Centers for Medicare & Medicaid Services by the Center for Health Care Strategies and Mathematica Policy Research (May 2013), cited by Jacobi, Ragone and Greenwood, supra, and available at http://www.chcs.org/media/HH_IRC_Collaborative_Care_Model_052113_2.pdf.

Finally, behavioral health problems in general, and opioid addiction in particular, need to be treated as illnesses no different than infectious diseases such as Zika virus or chronic conditions such as hypertension - all are best addressed by preventive measures. Only through such a public health approach can we overcome the stigma that for too long has characterized efforts to treat addiction as something that must be cordoned off from the rest of health care. In January of this year, Executive Order No. 219 declared the abuse of and addiction to opioid drugs "a public health crisis in New Jersey." DOH, as the State's public health agency, can and should

play the leading role in addressing that crisis. The opioid epidemic is one example of patients being harmed by the disconnect between behavioral health and physical health; physicians continue to overprescribe opioids to patients with chronic pain without first screening for substance use disorders and without a thorough understanding of how the ongoing use of opioids can lead to an addiction.

SOME PERTINENT DATA:

The Rutgers Biomedical and Health Sciences Working Group on Medicaid High Utilizers analyzed 2013 New Jersey Medicaid data and found that among patients in the top 1% in terms of expenditures, 86.2% had a mental health and/or substance use diagnosis. *Analysis and Recommendations for Medicaid High Utilizers in New Jersey* (Jan. 2016), available at http://www.cshp.rutgers.edu/Downloads/10890.pdf. The Working Group called this "one of the most striking findings" of its analysis and recommended, among other things, locating behavioral health services in primary care settings.

Among the uninsured, an estimated 50% of adults who reported behavioral health care treatment also reported being in poor physical health, more than double the rate (22%) for those not in behavioral health treatment. Roeber, McClellan and Woodward, supra.

A meta-analysis of 40 studies of suicide victims found that during the month before their suicide, on average, 45% had had contact with a primary care provider while only one in five had received mental health services. Jason B. Luoma, M.A., Catherine E. Martin, M.A., Jane L. Pearson, Ph.D, *Contact with Mental Health and Primary Care Providers Before Suicide: A Review of the Evidence*, Am. J. Psychiatry 159:909 916 (June 2002), available at http://www.ncbi.nlm.nih.gov/pmc/articles/PMC5072576/. The authors concluded that if those trends continue, "suicide prevention efforts involving primary care may be most effective in preventing suicide among older adults and possibly women."

A random survey of primary care providers in New Jersey conducted in 2015 by the Rutgers Center for State Health Policy asked whether they agreed or disagreed with the proposition that it is easy to secure mental health services for their patients. Of the respondents, 47.2% disagreed strongly and another 28.1% disagreed somewhat.

People with severe mental illness die, on average, 25 years earlier than the general population. In general, these early deaths are due not to suicide or mental illness but rather to treatable chronic conditions such as heart and lung disease for which they often receive little or no treatment. Joseph P. McEvoy et al., *Prevalence of the Metabolic Syndrome of Patients with Schizophrenia,* Schizophrenia Research at 19-32, (Dec. 2005), cited by Jacobi, Ragone and Greenwood, supra.

As the State's public health agency, DOH is best positioned to identify risk factors for addiction and mental health problems (which include physical health diagnoses), increase awareness about prevention and treatment, remove the stigma associated with receiving behavioral health treatment, address health disparities, and

improve access to mental health and addiction services for all persons. DOH is also able to incorporate these areas into its ongoing efforts to promote physical health and wellness and to prevent chronic disease, in part by leveraging its partnerships with local health authorities, employers, faith-based organizations, and the many others involved in promoting community health.

Both DOH and DMHAS conduct epidemiological surveys within their respective areas of responsibility, which sometimes overlap. For example, DOH's Behavioral Risk Factor Surveillance System Questionnaire inquires mainly about factors affecting physical health (diet, exercise, cigarette use) but also contains questions on emotional health and alcohol consumption. DMHAS conducts its own surveys on substance use, including alcohol consumption. Combining the expertise of the two entities will lead to a stronger body of epidemiological data and inform the analysis of how behavioral health conditions affect physical health and vice-versa. In turn, this will facilitate the development of policies and interventions that improve the health of individual patients and the population at large. This is not only a smarter use of State resources, but it may also lead to reduced health care spending in the State.

As the clinical expertise regarding behavioral health will be moving from DHS to DOH, it is necessary for all aspects of behavioral health to transition to DOH. This includes the commitment of individuals to inpatient programs, the inpatient programs themselves (including at State-run psychiatric hospitals and secure facilities), and the community-based care (including supportive housing programs) that together maintain the continuum of care for a very vulnerable and at-risk population. As noted above, these patients are also more likely to have substantial physical health needs. This transition will ensure an effective and efficient administration of a full range of health treatment and will ultimately help the citizens of New Jersey receive more integrated, comprehensive health care.

Finally, moving both the responsibility for mental health and addiction services and the employees who carry out that responsibility from DHS to DOH will better balance the size and duties of both departments. With more than 11,000 State- and non-State-funded positions and myriad responsibilities, DHS is the largest department of State government. With fewer than 1,100 State- and non-State-funded positions, DOH is one of the smaller departments and one-tenth the size of DHS. Transferring responsibility for mental health and addiction-related functions to DOH will allow DHS to better focus on its remaining core functions while giving DOH both the powers and resources to focus on the vitally important tasks of integrating physical and behavioral health care, improving access to both types of care, and confronting opioid addiction as the public health crisis that it is.

NOW, THEREFORE, in accordance with the provisions of the Executive Reorganization Act of 1969, P.L. 1969, c.203, (C. 52:14C-1 et seq.), I find, with respect to the transfer and reorganization provided for in this Plan, that they are necessary to accomplish the purposes set forth in Section 2 of that Act and will do the following:

1. Promote the better execution of the laws, the more effective management of the Executive Branch and of its agencies and functions, and the expeditious administration of the public business;

2. Reduce expenditures and promote economy consistent with the efficiency operation of the Executive Branch;

3. Increase the efficiency of the operations of the Executive Branch;

4. Group, coordinate, and consolidate functions of the Executive Branch according to major purposes; and

5. Eliminate overlapping and duplication of effort.

PROVISIONS OF THE REORGANIZATION PLAN

THEREFORE, I hereby order the following reorganization:

1. The Division of Mental Health and Addiction Services in the Department of Human Services is continued and transferred from the Department of Human Services to the Department of Health.

2. All of the functions, powers, and duties of the Commissioner of Human Services, the Department of Human Services, and the Division of Mental Health and Addiction Services, including, but not limited to, the functions, powers and duties under:

(a)	L.1952, c.157, s.3	as amended	(C.12:7-46)
(b)	L.1986, c.39, s.9	as amended	(C.12:7-57)
(c)	L.1975, c.305,	as amended	(C.26:2B-7 et seq.)
(d)	L.1984, c.243		(C.26:2B-9.1)
(e)	L.2001, c.48		(C.26:2B-9.2)
(f)	L.1983, c.531		(C.26:2B-32 et seq.)
(g)	L.1995, c. 318		(C.26:2B-36 et seq.)
(h)	L.1989, c.51		(C.26:2BB-1 et seq.)
(i)	L.1969, c.152		(C.26:2G-1 et seq.)
(j)	L.1970, c.334		(C.26:2G-21)
(k)	L.2015, c.293		(C.26:2G-25.1 et seq.)
(l)	L.1971, c.128		(C.26:2G-31 et seq.)
(m)	L.2015, c.9		(C.26:2G-38)
(n)	L.1996, c.29, s.4		(C.26:2H-18.58a)
(o)	R.S.39:4-50,	as amended	(C.39:4-50)
(p)	L.1998, c.111		(C.30:1-2.4)
(q)	L.1948, c.60; L.1952, c.64	as amended	(C.30:1-7; C.30:4-160)
(r)	L.1997, c.68		(C.30:1-12a et seq.)
(s)	L.1997, c.69		(C.30:4-3.12 et seq.)
(t)	L.1997, c.70		(C.30:4-3.15 et seq.)
(u)	L.2009, c161		(C.30:4-3.23 et seq.)
(v)	L.1997, c.361		(C.30:4-7.7 et seq.)
(w)	L.1987, c.116; L. 1991, c.233	as amended	(C.30:4-27.1 et seq.)

(x) L.1998, c.71		(C.30:4-27.24 et seq.)
(y) L.1996, c.150		(C.30:1-7.4)
(z) L.1965, c.59	as amended	(C.30:1-12; C.30:4-24 et seq)
(aa) L.2011, c.145		(C.30:4-7.10)
(bb) L.1978, c.95	as amended	(C.2C:4-1 et seq.)
(cc) L.1973, c.101		(C.30:1-12.1)
(dd) L.1971, c.384		(C.30:1-13 et seq)
(ee) L.1947, c.83		(C.30:1-19)
(ff) L.2007, c.76		(C.30:1A-13)
(dd) L.1988, c.45	as amended	(C.30:4-3.4 et seq.)
(gg) L.2009, c.220		(C.30:4-3.27)
(hh) L.1973, c.93		(C.30:4-16.1)
(ii) L.1953, c.29	as amended	(C.30:4-60 et seq.)
(jj) L.1962, c.207	as amended	(C.30:4-75.1)
(kk) L.1938, c.239	as amended	(C.30:4-80.6, -80.6a)
(ll) L.1919, c.139		(C.30:4-129 et seq.)

are continued, transferred to, and vested in the Commissioner of Health and the Department of Health. These functions, powers, and duties shall be organized and implemented within the Department of Health as determined by the Commissioner of Health. To the extent the functions, powers, and duties under these statutes are necessary or convenient for the Commissioner of Human Services to carry out the functions, powers, and duties remaining with the Commissioner of Human Services or the Department of Human Services, such functions, powers and duties are continued in the Commissioner of Human Services and the Department of Human Services. A proportionate share of personnel, support services, or funds to purchase such services utilized for support of the Division of Mental Health and Addiction Services in the Department of Human Services shall be transferred to the Department of Health. Such transfers shall be made as determined by agreement between the Commissioner of Human Services and the Commissioner of Health after considering the number and type of positions presently utilized for the support of mental health and addiction services and the appropriateness of transferring personnel, positions, funding or equipment.

3. The functions, powers, and duties of the Department of Human Services exercised through the Office of Program Integrity and Accountability that pertains to the licensure and inspection of mental health programs and providers, and addiction services programs and providers are continued and are transferred to the Department of Health. These functions, powers, and duties shall be organized and implemented within the Department of Health as determined by the Commissioner of Health. These transfers shall be made as determined by agreement between the Commissioner of Health and the Commissioner of Human Services after considering the number and type of positions presently utilized for support of mental health and addiction services and the appropriateness of transferring personnel, positions, funding, or equipment.

4. The functions, powers, duties, and personnel of Trenton Psychiatric Hospital, Ancora Psychiatric Hospital, Greystone Park Psychiatric Hospital, Ann Klein Forensic Center, and the Special Treatment Unit are continued and transferred from the Department of Human Services to the Department of Health.

5. All functions, powers, and duties of the Commissioner of Human Services and the Department of Human Services not transferred to the Commissioner of Health and the Department of Health, including, but not limited to, those functions, powers, and duties of the Division of Developmental Disabilities, including oversight of the State's developmental centers and the moderate security unit, shall remain with the Commissioner of Human Services and the Department of Human Services.

6. This Plan is not intended in any way to amend or alter the functions, powers, and duties of the Commissioner of Corrections or the Department of Corrections as they relate to the Commissioner of Corrections' or the Department of Corrections' authority and obligations under the Sexually Violent Predator Act, P.L. 1998, c. 71 (as amended) or to the Special Treatment Unit.

7. All files, books, papers, records, equipment, and other property including real property held by the Commissioner of Human Services or the Department of Human Services, including the Division of Mental Health and Addiction Services, in connection with the mental health and addiction services functions identified herein including, without limitation, funds and other resources and any such property or funds received after the effective date of this Plan, and personnel are transferred to the Department of Health, pursuant to the "State Agency Transfer Act," P.L. 1971, c.375 (C. 52:14D-1 et seq.). Funds shall be deposited in such accounts as may be required by law.

8. The Commissioners of the Department of Human Services and the Department of Health may enter into interagency agreements, as necessary and appropriate, to effectuate the provisions of this Plan.

9. Whenever, in any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding, or agreement otherwise relating to the functions or authority of the Commissioner of Human Services or the Department of Human Services regarding mental health or addiction services as described herein, or the Division of Mental Health and Addiction Services, the same shall mean the Commissioner of Health or the Department of Health, as appropriate.

GENERAL PROVISIONS

1. I find that this reorganization is necessary to accomplish the purposes set forth in Section 2 of P.L. 1969, c.203. Specifically, this reorganization will promote the more effective management of the Executive Branch and its agencies, and it will promote economy to the fullest extent consistent with the efficient operation of the Executive Branch according to major purposes. It will group, coordinate, and consolidate functions in a more consistent and practical manner and eliminate overlapping and duplication of functions.

2. Any section or part of this Plan that conflicts with federal law or regulation shall be considered null and void unless and until addressed and corrected through an interagency agreement, federal waiver, or other means.

3. All acts and parts of acts and reorganization plans or parts of reorganization plans inconsistent with any of the provisions of this Plan are superseded to the extent of such inconsistencies.

4. If any provision of this Plan or the application thereof to any person or circumstance or the exercise of any power or authority hereunder is held invalid or contrary to law, such holding shall not affect other provisions or applications of the Plan, or affect other exercises of power or authority under such provisions not contrary to law. To this end, the provisions of the Plan are declared to be severable.

5. This Plan is intended to protect and promote the public health, safety, and welfare and shall be liberally construed to attain the objectives and effect the purposes thereof.

6. All transfers directed by this Plan shall be effected pursuant to the "State Agency Transfer Act," P.L. 1971, c.375 (C. 52:14D-1 et seq.).

7. A copy of this Reorganization Plan was filed on June 29, 2017 with the Secretary of State and the Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective at the end of a period of 60 calendar days after the date of filing, unless disapproved by each House of the Legislature by the passage of a concurrent resolution stating in substance that the Legislature does not favor this Reorganization Plan, or at a date later than the end of such 60-calendar day period after the date of filing, should the Governor establish such a later date for the effective date of the Plan, or any part thereof, by Executive Order.

PLEASE TAKE NOTICE that this Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the Public Laws and in the New Jersey Register under the heading of "Reorganization Plans."

Filed June 29, 2017.
Effective August 28, 2017.

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